



PLANNING AND ACCESS COMMITTEE

MEETING: Tuesday 27th October 2015

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2015/0209/PPP
APPLICANT:	Rainbow Valley and Mr Iain Methven
LOCATION:	Land to the Rear of Gartocharn Church, Gartocharn
PROPOSAL:	Erection of 3 No. dwellinghouses and a building comprising therapy centre and short term accommodation (Class 8 - Residential Institution)

NATIONAL PARK WARD:	5
COMMUNITY COUNCIL AREA:	Kilmarnock Community Council
CASE OFFICER:	Name: Erin Goldie Tel: 01389 722137 E-mail: erin.goldie@lochlomond-trossachs.org

1. SUMMARY AND REASON FOR PRESENTATION

- 1.1 The National Park Authority's Scheme of Delegation relative to planning requires applications subject to a significant level of representation to be referred to the Planning and Access Committee.
- 1.2 The purpose of this paper is solely to agree the process to be followed by the Committee to determine the above application; to seek agreement from the Committee for a further meeting in the form of a hearing given the level of public interest in the development proposal. **No consideration of the merits of this case can take place at this time.** The remaining content of this paper simply seeks to set out the context of the development proposal, the current status of the application and the next steps for a decision to be taken.
- 1.3 Hearings are aimed at making the planning system more inclusive as there is an opportunity for applicants and those who submitted representation to request to be heard before a planning decision is taken. A site visit is a matter of course in the case of a hearing and would provide the best opportunity for members to fully understand the context and characteristics of the site. This would take place before the hearing.

2. RECOMMENDATION

That Members:

Agree to a special meeting in the form of a hearing before a decision is made on the application.

3. CONTEXT OF PROPOSAL

- 3.1 Planning Permission in principle is sought for a therapy centre including short term accommodation and the construction of 3 residential dwellings.
- 3.2 A Permission in Principle application, as the title suggests, does not include details of the buildings proposed to be erected. It seeks to establish the acceptability of a potential new use of a site. The application site requires to be outlined in red, and in this case, an indicative site layout has also been provided. (See figure 1).
- 3.3 Should permission be granted in principle for developing the site for a therapy centre and 3 dwellings, a subsequent planning application (known as 'Matters Specified in Conditions') would be required to be submitted. This would seek approval of the detail of the development proposal. This would be considered as a separate application for Planning Permission. No development could take place until both stages were concluded.
- 3.4 It is worth noting that this application has been submitted jointly by two applicants:
- Rainbow Valley - a charity seeking Permission in Principle for a therapy centre for use by cancer patients and;
- Mr Iain Methven - the land owner of the application site. Mr Methven has stated he will gift land to Rainbow Valley to enable construction of the therapy centre, at the indicated location on figure 1 overleaf, provided Permission in Principle is granted for the 3 dwellings that he is proposing.
- 3.5 Notwithstanding the two applicants in this case and the two aspects to the proposal, members are reminded that a **single** application for Planning Permission in Principle has been submitted and the proposals must be considered together, as a whole, and not separately. The applicants' supporting submission emphasises the interlinked nature of the therapy centre and housing elements of the proposal.

4. *The Application Site*

- 4.1 The site pertains to an undeveloped part of a field to the north (rear) of Gartocharn Church and Millennium Hall and to the east of France Farm. It is located outwith, but adjacent to, the settlement boundary of Gartocharn. The site is within the Loch Lomond National Scenic Area. Access to the field is currently from the lane to the east of the Millennium Hall via Church Road.

The existing access is proposed to be used to serve the development site with speed reduction measures proposed on Church Road. The lane to the east of Millennium Hall is also part of the 'Aber Path,' a core footpath and claimed right of way that travels north to the Loch Lomond National Nature Reserve and Special Protection Area (approx. 1 kilometre north of the site).

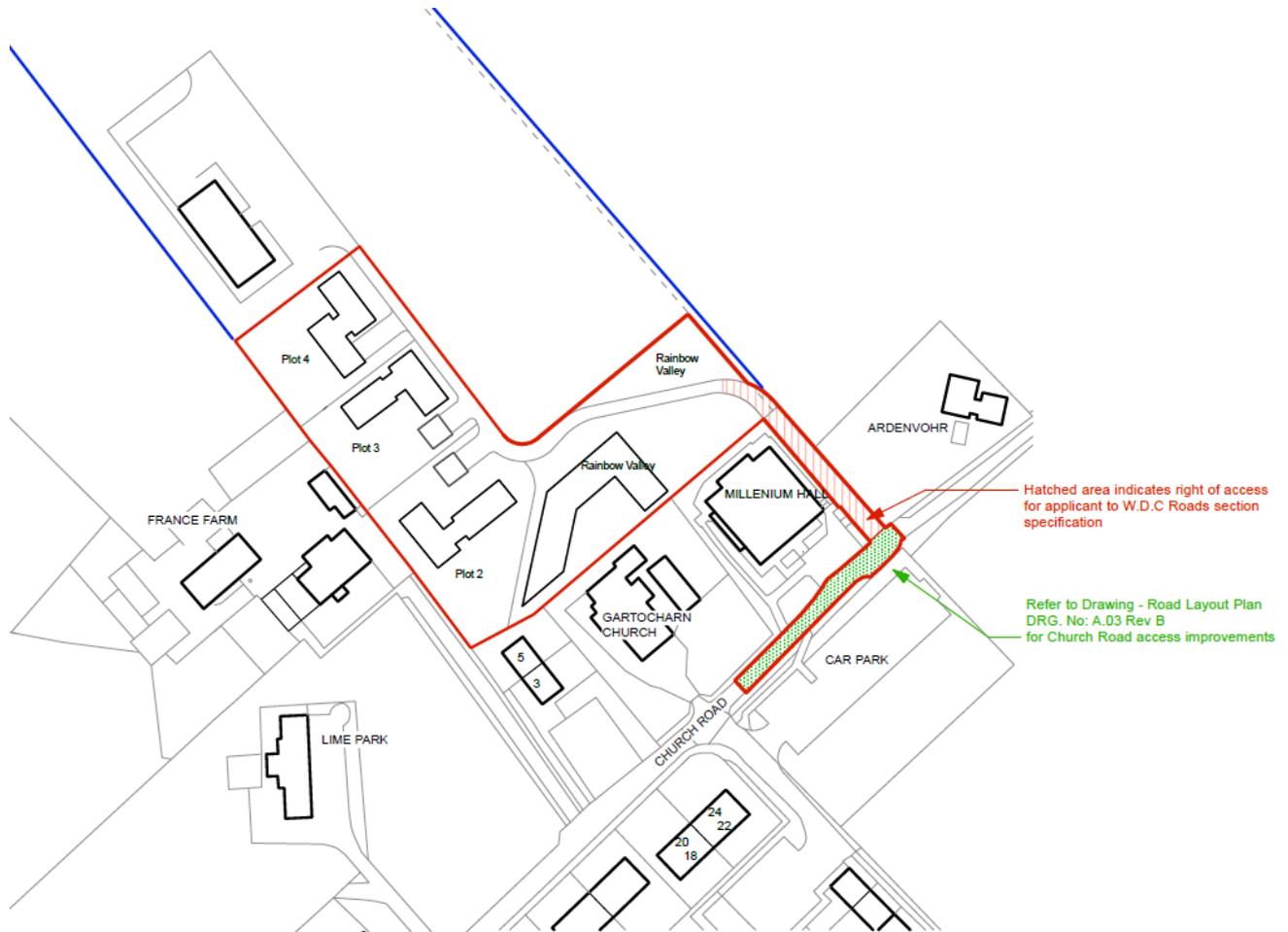


Fig.1. Extent of application site outlined in red. Other land owned by the applicant is outlined in blue.

5. Key Planning Considerations

5.1 In accordance with section 25 of the Town and Country Planning (Scotland) Act 1997 as amended, the decision on the application must be made in accordance with the Adopted Local Development Plan unless material considerations indicate otherwise. It will therefore be for Members to consider the proposal against the range of policies contained within the Plan and then in terms of material considerations when determining this application at the proposed special meeting.

5.2 The range of considerations which might be considered 'material' in planning terms is very wide but can be determined in the context of the case, and so, material considerations in this case may include, but are not limited to:

- Proposed Local Development Plan
- Views of statutory and other consultees
- Planning history of the site

- Legitimate public concern and support expressed on relevant planning matters
- Vehicular and pedestrian access and provision of infrastructure
- Landscape capacity and impact, and,
- Environmental impacts

6. REPRESENTATIONS

6.1 1321 representations comprising 1123 in support and 198 in objection to the application have been received to date. These figures are subject to change as any further representations will be accepted and considered up until the recommendation report is being prepared by the case officer in accordance with our adopted practice. The Committee members will be provided with an update on the final number of representations on the date of the special meeting.

6.2 Members are reminded that anyone can comment on an application for planning permission. This not only means neighbours and people who may be most directly affected by a proposal, but also the wider community and even those who may not be directly affected but have views on a proposal which might constitute a material consideration.

7. *Media interest*

7.1 In addition to the significant volume of representations received, as noted above, the case has attracted widespread local and national media interest having featured in newspaper articles, televised news and social media.

8. *Recommendation*

8.1 Considering the public interest in this case, it is recommended that members agree that a special meeting of the Planning and Access Committee be convened and that this should be held on Wednesday 2nd December 2015 to consider the application comprising a site visit followed by a planning hearing.

For the avoidance of doubt, the hearing would be constituted to enable a decision to be taken at that time.