

National Park Authority Planning & Access Committee Meeting



Final Minutes of Hearing held on 2nd December 2015, 12:30hrs
Alexandria Parish Church Hall, 1 Lomond Road, Balloch,
Alexandria, West Dumbarton, G838SJ

Present: Petra Biberbach (PB) – Chair
George Freeman (GF) – Depute Chair
Colin Bayes (CB)
David McKenzie (DMcK)
David Warnock (DW)
Willie Nisbet (WN)
Hazel Sorrell (HS)
Angus Allan (AA)
Fergus Wood (FW)
David McCowan (DMcC)

In Attendance: Park Authority Staff
Stuart Mearns, Head of Planning & Rural Development (SM)
Bob Cook, Development & Implementation Manager (BC)
Erin Goldie, Development Management Planner (EG)
Amanda Aikman, Governance & Legal Manager (AAik)
Sharon McIntyre, Committee Officer (SMcl) – Clerk
Sara Melville, Landscape Adviser (SMel)

Speakers

Katherine Sneedden (KS)
Ross Wilkie (RW)
Angela MacVicar (AM)
William Roxburgh (WR)
James N Macrae (JM)
Sheila Cronin (SC)
Robert Shand (RS)
Laura Boyd (LB)
Alison Evans (AE)
Rev Ian Miller (IM)
Anne Hughes (AH)
James Fagan (JF)

Apologies: None

Item	Title / Discussion	Action by
1	<p>Welcome and Apologies</p> <p>The Chair welcomed those present to the meeting and advised that the hearing is being held in the Hall rather than in the Park Authority building to allow for a greater number of people to attend the meeting. The Chair informed members of the public that for their reference a public hearing advice note and speaker list has been provided.</p> <p>The Chair advised that the hearing is to allow for the committee to hear from those in support of and objection to the application for Planning Permission in</p>	

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	<p>Principle for the erection of 3 dwellinghouses and a building comprising therapy centre and short term accommodation (Class 8 - Residential Institution) on land to the Rear of Gartocharn Church, Gartocharn. The Chair noted that this application was submitted in June 2015 and has been open to public comment since 19th June 2015. The Park Authority's officers have made a recommendation that will be heard today.</p> <p>The Chair asked AAik to advise of the fire safety information for the building and this was provided.</p> <p>The Chair explained that during this meeting in public, the planning case officers and pre-confirmed speakers will present but that other members of the public are unable to contribute.</p> <p>The Chair requested that mobile phones were turned to silent and that no recording devices including cameras are permitted in accordance with the Local Government (Scotland) Act 1973.</p> <p>The Chair, the Planning & Access Committee and officers introduced themselves.</p> <p>The Chair advised that all officers of the Planning team are bound by a Code of Professional Conduct which requires them to act with competence, honesty and integrity and to exercise independent professional judgement at all times.</p> <p>The Chair outlined the format the meeting would take and explained that a site visit had taken place. The Chair noted that the basis for any decision would be on planning grounds and that the Park Authority must work within the relevant legislative requirements. Decisions must therefore accord with the Local Plan and only depart from this where material planning considerations justify this. The Chair confirmed with all in attendance that the meeting process was understood.</p> <p>SMcl advised that no apologies had been received.</p>	
2	<p>Declarations of Interest</p> <p>No declarations of interest were made.</p>	
3	<p>2015/0209/PPP - Land to the Rear of Gartocharn Church, Gartocharn Erection of 3 dwellinghouses and a building comprising therapy centre and short term accommodation (Class 8 - Residential Institution)</p> <p>The Chair introduced the application and asked the planning officer to</p>	

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	<p>present the report.</p> <p>EG introduced the report by advising that the application for Planning Permission in Principle is for the erection of three houses and a therapy centre including short term accommodation for use by patients and their families/carers.</p> <p>EG informed the committee that 1548 representations have been received as of the 1st December 2015. This comprised 1350 in support and 198 in objection of the application. EG noted that a further 50 representations were received prior to the meeting this morning although these are not included in the report as there has not been time to review these representations.</p> <p>EG explained that as this application is Permission in Principle this does not include details of the buildings proposed to be erected but seeks to establish the acceptability of the potential new use of a site. Should the Permission in Principle be granted, a subsequent planning application would be required to seek approval of the detail of the development proposal.</p> <p>EG informed the committee 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. Mr Methven has stated he will facilitate an offer of land to Rainbow Valley to enable construction of the therapy centre, however this proposal is linked with a Permission in Principle being granted for the 3 houses that he is seeking to build. A single application for Planning Permission in Principle has been submitted and the proposals must be considered together.</p> <p>EG provided information on the location of the site and the proposed application through a series of maps and photographs. EG informed the committee that Gartocharn has two housing sites identified in the Proposed Local Development Plan. France Farm, located directly west of the application site has an estimated capacity for delivering 6 house units and Burnbrae Farm has capacity for 10 house units.</p> <p>EG outlined the reasons why the application has been recommended for refusal as outlined in Section 8: Planning Assessment of the report. These reasons included:</p> <ul style="list-style-type: none"> - Contrary to policy HOUS3 of the Adopted Local Plan. - The housing element of the proposal is not consistent with the development plan. - The housing proposal does not enable the land to be developed for a therapy centre but rather it is a condition of a proposed land transfer. This is a single application encompassing two interlinked proposals 	

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	<p>that are required to be considered together.</p> <ul style="list-style-type: none"> - The site for the proposed therapy centre is outwith the settlement boundary of Gartocharn, the proposal is contrary with Community Facilities Policy 1. - The proposed development would erode an ancient and distinctive rural field system and adversely affect the setting of the linear village. These impacts would potentially be exacerbated by street lighting. For these reasons, the proposal is at odds with policy L1 of the Adopted Local Plan. - It is considered that the proposal does not collectively meet the National Park's four statutory aims. <p>EG concluded the presentation outlining that the officer recommendation was to refuse the application for the reasons set out in Appendix 1 of the report.</p> <p>The Chair invited questions from the committee. Members enquired as to the use of the word 'enabling' as it is detailed by Mr Methven that 'he will facilitate an offer of land to Rainbow Valley to enable construction of the therapy centre'.</p> <p>Referring to paragraph 8.18 of the report, BC advised that the housing proposal does not enable the land to be developed for a therapy centre but rather it is a condition of a proposed land transfer. This is because the revenue from the houses would not be used in the development of the therapy centre.</p> <p>Members discussed the refusal of the previous application at this site. BC confirmed that the appeal to Scottish Ministers relating to this proposal was dismissed by notice on 7th December 2012. Members queried if any local or national policy changes in this time would have led to an alternative view of this previous application. SM confirmed that there was no change which would result in an alternative view. Members confirmed that the site history is a material consideration.</p> <p>Members discussed the varying forms that this application could take as outlined in section 8.50 of the report.</p> <p>The Chair advised that each of the twelve speakers would have five minutes to speak and would be timed. The Chair invited KS to speak on behalf of the applicants, Rainbow Valley and Mr Methven in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - The applicants acknowledge the proposal is contrary to policy HOUS3. 	

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	<ul style="list-style-type: none"> - The location within the site has been chosen for landscape reasons and will suit the corner of the site. There have been no objections from statutory consultees and shared access would be available to the Aber path. - The building will be one or one and a half storeys in height, and a class 8 building, as a Planning Permission in Principle there are no current plans for additional street lighting. - Concerns that this would set a precedent are noted. - KS advised Mr Methven's offer of land to Rainbow Valley enables this facility to be built. KS noted that a section 75 agreement or the phasing of this development could be used. <p>The Chair invited questions from members. Members again discussed the use of the terminology 'enabling' and that Mr Methven has not gifted the land to Rainbow Valley and that this is unfortunately linked to the proposal for the erection of three dwellinghouses. KS clarified that Mr Methven and Rainbow Valley are aware that this application does not comply with current policy.</p> <p>Members advised that the Community Council has objected to this application and they are a consultee.</p> <p>Members discussed the value of the land, estimated at £300,000. KS advised that by this land being available now to Rainbow Valley the charity can focus on fundraising for the centre itself instead of for the land as well. Members discussed whether Rainbow Valley had looked into other options of free land. KS advised Rainbow Valley had not. SM and the Chair advised that the cost of the land was not a relevant consideration to the planning decision. Members discussed whether Mr Methven had made clear to Rainbow Valley the restrictions of their application being linked to the application for three dwellinghouses, KS confirmed that he had.</p> <p>The Chair invited RW to speak, on behalf of the applicants, Rainbow Valley and Mr Methven in support of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - This application will not affect the landscape value of the site. - The proposed development will be modelled to the site and will have a minimal effect on the view from the Millennium Hall, Ross Loan and Dumgoyne. - The suggestion of trees and hedgerows to screen the development is an appropriate suggestion for this site. <p>The Chair invited questions from members. Members discussed the impact of screening the site. RW advised that this would visually integrate the site</p>	

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	<p>and replicate the field boundaries which surround this site.</p> <p>The Chair invited AM to speak, on behalf of the applicant Rainbow Valley in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - That this would be more than a therapy centre and would allow individuals to educate and self-manage their condition. - With increasing pressure on the NHS this type of facility is required. - Other sites have been considered although it is felt that this is the perfect site for this facility as it is suitable, viable and available. This is a dual application and Mr Methven did not seek out the charity. - 1300 people have taken the time to show their support for this facility and this should be taken into consideration in a democracy. - People should be put before policy and life before land. <p>The Chair invited questions from members. Members discussed the siting of the proposed development and advised that a location next to a busy village hall would not offer peace and tranquillity. AM advised that this will not be a hospice and individuals would be attending for two nights at the most.</p> <p>Members advised that this is a very democratic process and that through the Local Plan the community has been involved in identifying areas of land within their communities where development would be welcomed. Unfortunately the location of this site is not one of these areas. Members asked whether using an empty property had been considered, as this would not result in the cost implications of purchasing land. AM advised that this was considered although Rainbow Valley wishes to create a bespoke facility and not incur the costs of an older building.</p> <p>The Chair invited WR to speak, on behalf of Kilmaronock Community Council in objection of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - The Community Council are in agreement with the recommendation and the report reflects the view of the local community. - This proposed development would destroy the character of the village, result in a loss of amenity and set a precedent. - There are very strong local feelings towards this proposed development. At a Community Council meeting held in July 2015, 121 attendees objected to the application and 0 were in support of the application. Approximately 25% of the local electorate have written in objection to the proposals. - In all of the written representations in support of Rainbow Valley only 	

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	<p>six of these mention the erection of the houses linked to the proposed application.</p> <ul style="list-style-type: none"> - The Community Council is not against development within the local area, 19 planning applications were reviewed at the September Community Council meeting and no objections were noted. Additionally the development of two properties in Gartocharn was approved at the last Planning & Access Committee meeting. <p>The Chair invited questions from members. Members noted that other areas of land had been suggested by the local community in correspondence. Members queried whether the concern was that this proposal was located at the centre of the village. WR advised that this was not a concern but that the community had worked with the Park Authority in the creation of the Local Development Plan, and established that this area was not a suitable site for development.</p> <p>Members clarified the attendance at the July Community Council meeting. WR confirmed that of those in attendance at the meeting 115 were members of the public and six were councillors.</p> <p>The Chair invited JM to speak, on behalf of the Millennium Hall and other immediate neighbours in objection of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - The view from the Millennium Hall attracts users of this facility and this will be impaired by this proposal. - The amenity is already affected by the pigs present on the land and this has degraded this landscape. - This proposal will result in an increase in traffic, adversely block the view, additional lighting and noise will be an issue. - Access to the site is already difficult and it is surprising that there is no objection by the Roads Authority. - The Millennium Hall and other immediate neighbours are not against the facility of the therapy centre but against the three dwellinghouses, when development at this site has already been appealed and refused. <p>Members discussed that the recommendation of the Roads Authority requires to be followed.</p> <p>The Chair invited SC to speak, on behalf of Kilmarnock Community Trust in objection of the application, and she outlined a number of points which</p>	

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	<p>included:</p> <ul style="list-style-type: none"> - The Kilmarnock community worked in conjunction with the Park Authority in the creation of the Local Development Plan and this application is contrary to the plan. - This development is outwith the village envelope and could set a precedent. The sites of France Farm and Burnbrae Farm have been identified within the proposed Local Development Plan. - An application approved on this site would nullify the consultation process. - Previous applications for this site have been refused. - The viability of Millennium Hall will be affected as many users of this facility are drawn to this facility as a result of its views. <p>The Chair invited questions from members, there were no questions. The Chair invited RS to speak in objection of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - He chose to live in this area as a result of the landscape of the area and the compact village. - The use of the Millenium Hall by many groups is a result of the spectacular view. - The amenity of the Aber path will be directly affected by the proposal. - There will be an increase in the level of traffic to the site. - The first aim of the National Park will be breached if approved. <p>The Chair invited questions from members, there were no questions. The Chair invited LB to speak in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - As a cancer patient, the location of this site is perfect as this would offer a facility out with hospital grounds and is a much needed resource. - Similar facilities are difficult to access locally. - Professor Hollyoake, Clinical and Research Professor of Haematology at Gartnavel has cited the benefits of such a facility. <p>The Chair invited questions from members, there were no questions. The Chair invited AE to speak in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - As a psychologist, the benefits that this facility would bring outweigh the planning considerations. Cancer is affecting a greater number of our population and assistance is required to aid the physical and psychological challenge this disease brings. 	

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	<ul style="list-style-type: none"> - Access to nature is highly therapeutic. - The benefits of participation in the Rainbow Valley courses for patients. These courses are currently held at Ardoch House. - This site is the perfect location and is not a hospital site. <p>Members discussed that they were aware of the great benefits that such a facility would offer however highlighted that the proposal for the therapy centre cannot be considered in isolation, as this proposal is also linked to the erection of three dwellinghouses and planning law must be duly followed.</p> <p>The Chair invited Reverend IM to speak in support of the application and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - The National Park is for the benefit of all, including the wider community. - Rainbow Valley provides support and education for those suffering from cancer. - The local community has users who have directly benefitted from the services that Rainbow Valley provides. - Reference to the 2002 Robin House application where the recommendation to refuse was overturned by the Planning & Access Committee. - Amanda Reid, Chaplain from Robin House has advised of the benefits of such a facility. <p>Members discussed the Robin House application and BC advised that this was a different type of application and was not linked to a housing proposal. Members again addressed that a single application for Planning Permission in Principle has been submitted and the proposals must be considered together.</p> <p>The Chair invited AH to speak in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - The benefits of a therapy centre to those suffering from cancer and the increasing number of people now impacted by cancer. - The erection of the three houses is a small development and Rainbow Valley will make use of the Millennium Hall. - The National Park is for everyone, users of the Rainbow Valley facility will benefit from the landscape. <p>The Chair invited questions from members, members again highlighted that this is not solely a proposal for a cancer therapy centre and that the erection</p>	

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	<p>of the three houses cannot be ignored.</p> <p>The Chair invited JF to speak in support of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - As a cancer patient for the last ten years understands the benefits such a facility could provide to cancer patients. - Is aware that this proposal is linked to the erection of three dwellinghouses. - Traffic issues are not currently a problem at Ardoch House where Rainbow Valley currently meets. <p>The Chair invited questions from members, there were no questions. The Chair asked speakers to confirm that they had received a fair hearing. All speakers confirmed that they had received a fair hearing.</p> <p>DMcK proposed the motion to refuse the application. The Chair seconded the motion and invited Members to indicate their support for the motion to refuse the application for the reasons set out in Appendix 1 of the report.</p> <p>DECISION: Members agreed to refuse the application for the reasons set out in Appendix 1 of the report.</p> <p>The Chair thanked all of those involved in the meeting for their respect for each other during this moving and challenging proposal.</p> <p>There was no other business and the date of the next Planning & Access Committee meeting was not determined.</p>	

Signed _____
Petra Biberbach, Chair