

**FINAL MINUTE OF MEETING 03/2014
OF THE PLANNING & ACCESS COMMITTEE
HELD ON MONDAY 26th MAY 2014 AT 1PM
JOHN MUIR SUITE, CARROCHAN, CARROCHAN ROAD, BALLOCH**

Present: Owen McKee (Chairman)
Petra Biberbach (Depute Chairperson)
David McCowan
Willie Nisbet
David Warnock
Kate Sankey
George Freeman
David McKenzie.

In Attendance: Iain Nicolson, Head of Planning
Bob Cook, Development and Implementation Manager
Diana Worthy, Planning Officer
Peter Stevenson, Governance Manager
Nicola Arnott, Committee Officer
Stuart Mearns, Forward Planning Manager (part)

The Chairman opened the meeting and welcomed those present at the meeting.

1. Apologies

Apologies were received from Fergus Wood and Colin Bayes.

2. Minutes of previous meeting

The minutes of the meeting on 31st March were agreed as an accurate record of the meeting. They were proposed by Willie Nisbet and seconded by David Warnock.

3. Matters arising

Iain Nicolson gave an update on open actions.

Actions from meeting on 27th January

Colin Bayes has given apologies for this meeting but will provide a verbal update on his recent meeting with SEPA at the next Planning & Access Committee meeting.

Actions from meeting on 31st March

Iain Nicolson reported that presentations from Transport Scotland and Digital Scotland would be arranged at a later date in Autumn.

4. Declarations of interest

Petra Biberbach declared a non-pecuniary interest in Item 5 of the agenda, as she knows Tony Kettle (architect) in a personal capacity but has had no involvement in the application.

George Freeman declared an interest in item 6 of the agenda due to Argyll and Bute Council's role in facilitating the housing site in Succoth. However, he advised that he has neither supported or opposed the application publicly and had acted within the Code of Conduct.

5. 2014/0007/DET – Land to the North East of West Dullater, Callander Erection of a 'respite house' including access and associated landscaping

Diana Worthy introduced the report and gave a presentation of slides that illustrated the site location and setting of the proposed 'respite house' in relation to the loch. She explained that the land had been gifted by the landowner to the charity 'It's Good to Give' for the purpose of providing respite accommodation for short stays by families of young persons with cancer. She described the proposed materials and the design of the development. She advised that no comments were received by neighbours and that Callander Community Council have not objected to the proposal. She explained that the stays would be for a maximum of seven days and it is not intended that anyone would live at the 'respite house' on a permanent basis. She noted that in 2009 an application for a house for special needs nearby to this site was refused at appeal due to the adverse impact on 'the rural character and visual amenity' of the site and further noted that the site is not allocated for tourism development in the Local Plan. She advised that policy TOUR1 is the most appropriate policy to consider the proposal against due to the bespoke nature of the development and stated that significant weight has been applied to the special circumstances of the proposal and exemplary standard of design. She drew Members' attention to the proposed occupancy condition and she tabled a revised occupancy condition to allow a caretaker to occupy accommodation on a short term basis. She invited questions and comments from Members.

- Members asked whether the special circumstances of the proposed use was the main factor in the justification for the recommendation to approve. Diana Worthy confirmed that significant weight has been attached to the special circumstances as a material consideration and that the same proposal for a different use would not necessarily be supported.
- Members expressed concern about the potential precedent that could be set if the planning permission were to be granted. David McCowan

asked Peter Stevenson to explain the difference between an exception and a precedent. He explained that planning applications are assessed on their own merits and the rules of precedent wouldn't apply as they do to court proceedings.

- Kate Sankey expressed disappointment that the drawings and plans illustrated in the presentation did not contain sufficient detail for Members to assess a development of this nature and significance.
- The potential volume and frequency of traffic that would be generated by the proposal was noted.

The Chairman invited Tony Kettle to make his representation. Tony Kettle made a verbal representation and highlighted the following points:

- The special location and orientation of the building allows sunrise and sunset to be viewed.
- The willingness of the landowner to gift the land for charity.
- The unique design of the proposal which is inspired by the location of the site.
- The internal layout of the proposal which will provide a special experience for families.
- The building is sustainable as it will be heated by ground source heat pump.
- 90% of the funding is in place to deliver the project.

Members asked how the ongoing costs would be met in the long term and Tony Kettle advised that the facility would be free for families to use. The gifting of the land was discussed and Tony Kettle advised that the legal agreement relating to the land is currently being drawn up. The unique design and worthwhile purpose of the proposal were noted by Members, however, they expressed a level of concern about the potential precedent that could be set by the proposal and highlighted the importance of robust conditions.

DECISION: Members unanimously **approved** the application subject to the imposition of conditions as set out in Appendix 1 of the report and the amended condition as tabled to enable short term occupancy by a caretaker.

6. 2014/0027/DET – Land to the West of forestry houses, Succoth Residential development for 26 units including new access road and site infrastructure

Diana Worthy introduced the report and gave a presentation of slides that illustrated the application site and the design and layout of the proposal. She advised that the steading/courtyard design is a response to the case study for the Arrochar and Succoth area in the Sustainable Design Supplementary Planning Guidance and is considered appropriate for this site. She explained that the mixed unit size of the development meets the housing demand by Dunbritton Housing Association and consists of a mix of semi-detached and terraced properties. She highlighted that the layout and design do not utilise the whole site and that there is potential for a further phase of development should housing demand and funding exist in future. She advised that there have been no objections from statutory consultees but that there have been nine letters of

objection from local residents and the objections include issues around access, foul drainage, Japanese knotweed and flooding.

She gave an overview of the history of the site and explained that the access road to the site was the subject of scrutiny by the Reporter in the Local Plan Examination as the site was included in the Finalised Draft Local Plan and was subsequently not included in the National Park Local Plan due to issues with the access road. She advised that following successful facilitation of discussions between Dunbritton Housing Association and Argyll & Bute Council, the principles of an upgraded road scheme have been agreed. She advised that conditions are included to control the spread of Japanese knotweed. She explained that in terms of objections regarding foul drainage, SEPA and Scottish Water have agreed to the installation of a temporary treatment facility on site until a connection can be made to the upgraded public system. She advised that the proposal will be of significant benefit to Succoth as it will meet housing needs and is recommended for approval. She invited questions and comments from Members.

- David McKenzie asked about whether the heating system is affordable and whether a condition could secure affordable heating. Diana Worthy advised that the houses are built to RSL standards and that as heating is not a planning matter, it could not be secured by condition.
- George Freeman expressed concern about the footway and asked if it would be possible to secure the building of the path prior to the construction of the development to base course standard so that additional infrastructure could be added with minimal disruption to pedestrian access. He proposed that a note to the developer be added to ask if the building of the pedestrian path to base course level.
- The design and layout were discussed; Kate Sankey expressed disappointment with the quality of the design and landscaping and Bob Cook advised that the courtyard/steading arrangement was inspired by one of the case studies in the Sustainable Design Supplementary Planning Guidance.

DECISION: Members **approved** the application subject to the imposition of conditions contained in Appendix 1 of the report and recommended a note to the developer to recommend that the pedestrian footway be constructed to base course level prior to construction of the rest of the development.

7. Updated Development Plan Scheme

Stuart Mearns introduced the report and advised that the Appendix includes an up to date forward programme of dates for the progress of the Local Development Plan and the process that is followed. He advised that the timetable has slipped by two months since the last Development Plan Scheme which was published in December 2012 and this is due to various factors such as the timing of the publication of census data.

He advised that the current timescales are for the adoption of the Local Development Plan in Spring 2017 and the current Local Plan is from 2010 – 2017.

- Petra Biberbach commended the team on the quality of the Main Issues Report and commented that the document is very well laid out, accessible, interesting and should be nominated for a planning award.
- Timescales were discussed in terms of whether the Planning Authority could be open to challenge during the period in which the Local Plan is out of date. Stuart Mearns advised that there is a possibility if there were major changes proposed to the Local Plan. It was noted that if no major issues or changes are identified that the examination stage could be shorter.
- Members commended the team on the success of the consultation events to date and David McKenzie commented that the meetings that have been held in Cowal have been particularly successful.

DECISION: Members **noted** the report.

8. A.O. B.

Bob Cook advised that the Luss Smokery application that was referred to Scottish Ministers has not been called in for decision, therefore, the application has been granted.

9. Date of next meeting: 30th June

Signed _____
O. McKee, Chairman