

National Park Authority Planning & Access Committee Meeting



Final Minutes of Meeting held on 31st August 2015, 13:30hrs
The Village Hall, Kinlochard, Stirling, FK8 3TL

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

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)
Craig Jardine, Development Management Planner (CJ)
Fiona Stewart, Natural Heritage Planning Officer (FS)
Amanda Aikman, Governance & Legal Manager (AAik)
Sharon McIntyre, Committee Officer (SMcl) – Clerk

Speakers
Paul Roberts (PR)
Martin Middleton (MM)
Neil Burke (NB)

Apologies: Hazel Sorrell (HS)

Item	Title / Discussion	Action by
1	<p>Welcome and Apologies</p> <p>The Chair welcomed those present to the meeting. The Chair advised that for continuity GF would chair agenda item 5 as this agenda item was initially presented at the Monday 27th July 2015 Planning and Access Committee meeting when GF chaired this meeting.</p> <p>The Chair advised that apologies had been received from HS.</p>	
2	<p>Declarations of Interest</p> <p>While not a declaration of interest, DMcC advised that he owns a holiday let and self-catering business at Arden, Argyll and Bute.</p> <p>The Chair explained that during this meeting in public the case officers and speakers will present although other members of the public are unable to speak during the meeting.</p>	

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3	<p>Draft minutes of meeting held on Monday 27th July 2015</p> <p>The minute was proposed by GF and seconded by CB.</p>	
4	<p>Matters Arising</p> <p>The Chair noted one open action remains on the matters arising, in relation to commuted sums, from the Monday 27th July Planning & Access Committee meeting.</p>	
5	<p>2015/0134/DET - Stronachlachar Cottage, Stronachlachar Conversion of outbuilding and cottage to form 7 No. dwellinghouses; Erection of 4 No. holiday accommodation units</p> <p>The Chair handed over to the Depute Chair to chair this agenda item who invited the case officer to present their report.</p> <p>EG advised that in advance of the meeting a letter and report, relating to the presence of bats within the proposed development site, had been received from PR. EG advised that both of these documents had been circulated to the committee along with officer's response to these and that the points raised in this letter and accompanying report have been responded to in the report for this meeting.</p> <p>EG advised that this application was presented to the Planning and Access Committee on Monday 27th July 2015 as a result of a formal objection submitted by Strathard Community Council. The decision was taken at this committee meeting to defer the application to allow members to visit the site before determining this application.</p> <p>EG advised that a site visit to the proposed development site had taken place prior to this meeting. EG provided information on the location of the site and the proposed development through a series of photographs.</p> <p>EG advised that the report produced for this meeting focusses on the key areas of concern highlighted at the Planning and Access Committee meeting on Monday 27th July 2015:</p> <ul style="list-style-type: none"> - Vehicular access to the site, - The ability for prospective users of the development to access the north road round Loch Katrine, and - Visibility at the north east corner of the proposed development site. <p>EG noted that in response to the concerns raised in relation to an increase in traffic and visibility, advice was sought from Stirling Council as the Roads Authority on access to the north shore road and at the north east corner of</p>	

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	<p>the proposed site. Stirling Council confirmed that only Scottish Water as the owner of the private road network can manage vehicular access from the proposed development site via the north road.</p> <p>EG advised that a site meeting had taken place between the planning officer and the Roads Authority regarding visibility at the north east corner of the proposed development site. A suggestion of 'give way' road markings and signage was made by the Roads Authority although it was reconfirmed that the siting and positioning of the proposed building to the north eastern corner is acceptable and would not create adverse road safety issues.</p> <p>In response to the new information presented by PR in relation to the presence of bats at the site. EG advised that FS, the Park Authority's Natural Heritage Planning Officer is present at the meeting to address any questions.</p> <p>EG noted that Stirling Council Environmental Health, are confident that the recommended condition relating to noise attenuation measures for the 'pump house' can be achieved.</p> <p>EG advised that discussions are ongoing between the applicant and Scottish Water regarding connecting to their infrastructure.</p> <p>EG concluded the presentation outlining that the officer recommendation was to approve the application subject to the imposition of the conditions set out in appendix one of the report.</p> <p>The Depute Chair outlined that there were two speakers in objection to the application PR and MM.</p> <p>The Depute Chair noted that PR was speaking on behalf of himself, Allan and Rosie Fail, George Stirling, Richard Willis, Robert and Gill Forrester, Ian and Sheila Gordon, Jan and Gordon Young.</p> <p>MM was speaking on behalf of himself, Mike and Britta Pearson, Derek and Katrina Smith.</p> <p>The Depute Chair advised that NB was speaking in support of the application on behalf of himself and Jasen Burke.</p> <p>The Depute Chair invited discussion by Members.</p> <p>Members discussed the new information in relation to the presence of bats at the proposed development site. Considering the new information, FS advised that a pre-construction resurvey of bats take place and if any evidence of a roost is found then mitigation would require to be agreed and put in place prior to the commencement of development. Members asked FS to clarify the</p>	

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	<p>point that, even if bats were present at the site, this would not prevent development from taking place. FS confirmed that this is correct, however, a licence would require to be obtained from Scottish Natural Heritage. Members confirmed with EG that in relation to the roads safety issue no formal objection had been received from the statutory consultee. EG confirmed that this was the case.</p> <p>Members discussed the artists' impressions of the development. EG confirmed that the ridge height of the proposed tourist units would not exceed that of the principal building and that a flat roof would be present on the extension to Milk Cottage.</p> <p>Following discussion by Members, the Depute Chair invited PR to speak in objection to the application. PR raised concerns, which included, the size of this development in Stronachlachar, he noted that the community does not object to the redevelopment of the principal building but to holiday lets to the north east of the proposed development site. PR noted that their road safety concerns for these holiday lets still stand. PR noted that more consideration had been given to Stirling Council's responses than Scottish Water who is responsible for the road safety at this area of the site. PR brought to members' attention the bat survey, carried out by John Haddow, chairman of the Central Scotland Bat Group which showed a presence of bats at the proposed development site. PR stated that the financial viability of this development would be unsustainable.</p> <p>The Depute Chair invited discussion from Members.</p> <p>Members were understanding that the community were not opposed to the redevelopment of the principal building and the holiday lets to the north west of the site but to the holiday lets to the north east of the site. The Depute Chair confirmed that members were only able to consider the application in front of them in its entirety.</p> <p>Members discussed the road safety issues raised at the proposed development site and the jurisdiction of Stirling Council and Scottish Water. The Depute Chair confirmed that no objections have been received from either Stirling Council or Scottish Water.</p> <p>Following discussion by Members, the Depute Chair invited MM to speak in objection to the application. MM raised concerns, which included, in relation to the size of the development and the effect that this would have on the infrastructure of the area. MM referred to policy ENV28 of the Park Authority Local Plan and raised concerns that this was not being adhered to for this proposed development in terms of restoration, TRAN3 for parking and TRAN6 for impact on the roads system. MM raised concern in relation to sewage resulting from this development and that this development would set</p>	

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	<p>a precedent for future development within the area. MM noted that the build time is not realistic and that this would have a detrimental impact on the community and visitors.</p> <p>The Depute Chair invited discussion from Members.</p> <p>Members noted the concern raised in relation to sewage. EG confirmed that no objections were received from Scottish Water in relation to infrastructure connections.</p> <p>Members discussed the previous use of the site as offices and accommodation for Scottish Water employees and the impact that this use would have had on the local area. The number of car parking spaces detailed in the proposed development was discussed and EG confirmed there was an over provision proposed in relation to Stirling Council's parking standards. BC advised that Stirling Council as Roads Authority considered the proposals and confirmed no objection.</p> <p>The Depute Chair invited NB to speak in support of the application.</p> <p>NB advised that as the applicant throughout this process he has acted with due diligence and will continue to do so. NB noted that access to the proposed development site is restricted by two barriers, each of which are controlled by Scottish Water and that payment to Scottish Water for the upkeep of the roads to the proposed development site has been agreed. NB highlighted that he believes this to be a feasible and sustainable development. NB advised that on completion first refusal of the properties will be offered to local residents. NB recognised the points raised in relation to road safety for the holiday lets to the north east of the proposed development site and advised that the hedge located in this area will be removed to provide a further two metres of visibility. NB acknowledged that, should there be a presence of bats at the proposed development site, the appropriate procedures will be followed to ensure that they are unaffected by the development. NB detailed that this development is intended to enhance the local area and provide desirable properties. NB noted that he engaged in a detailed pre-application process with the Planning Authority and responded to any concerns and requests for changes.</p> <p>The Depute Chair asked the speakers to confirm if they had received a fair hearing. PR, MM and NB confirmed that they had.</p> <p>Members discussed the road safety issues at the site. BC advised the Planning Authority could include an advisory note with the permission requesting that the applicant seek permission from Scottish Water, in liaison with Stirling Council as Roads Authority, to delineate 'give way' road markings at the junction to the north east of the site.</p>	

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	<p>Members discussed the desirability of this proposed development taking into consideration local house prices and infrastructure such as the availability of broadband.</p> <p>In light of the new information regarding the presence of bats at the proposed development site members discussed applying a condition to ensure that a bat resurvey, in accordance with FS's recommendations, was carried out prior to any development taking place.</p> <p>The Depute Chair proposed an amendment to the officer's recommendation to approve the application subject to the imposition of the conditions set out in Appendix 1 of the report, and that:</p> <ul style="list-style-type: none"> - The Park Authority will attach a note to the decision notice requesting the applicant seek permission from Scottish Water regarding providing road markings at the junction to the north east of the proposed development site. - A condition will be imposed to ensure that 'No development shall commence prior to the completion of a bat report and the implementation of any actions identified in this report' <p>DMcK seconded the amendment to the officer's recommendation.</p> <p>FW proposed an amendment to refuse the application on the grounds of massing and road safety. No seconder for this amendment was received. FW requested his dissent to be recorded.</p> <p>The Planning & Access Committee therefore approved the application subject to the imposition of the conditions set out in Appendix 1 of the report, and that:</p> <ul style="list-style-type: none"> - The Park Authority will attach a note to the decision notice requesting the applicant seek permission from Scottish Water regarding providing road markings at the junction to the north east of the proposed development site. - A condition will be imposed to ensure that 'No development shall commence prior to the completion of a bat report and the implementation of any actions identified in this report'. <p><i>A comfort break took place from 3pm until 3:10pm and members of the public left the meeting at this point. On the meeting commencing the Depute Chair handed back to the Chair for the remaining agenda items.</i></p>	
6	<p>Core Path Stopping Up & Diversion update – Land east of Ardvreck, Arrochar</p> <p>CJ introduced this report outlining that it provides an update to Members on the progress and updated process for the proposed Core Path Stopping Up</p>	

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	<p>& Diversion that was previously presented to Members on the 30th June 2014.</p> <p>DECISION: Members noted the content of the report as an update on the legislative process, prior to the Head of Planning & Rural Development undertaking a public consultation under delegated authority, as previously agreed by Members.</p>	
7	<p>Scottish Government Planning Performance Framework</p> <p>Members discussed the findings of the PPF Report and welcomed the findings of this report. WN noted that it would be beneficial to annotate the pictures in the document.</p> <p>DECISION: Members noted the content of the report and the Planning Performance Framework document as appended.</p>	
8	<p>Any Other Business</p> <p>No business was proposed.</p>	
9	<p>Date of Next Meeting</p> <p>The next meeting of the Planning & Access Committee will take place on Monday 28th September 2015.</p>	

Signed _____
Petra Biberbach, Chair