

National Park Authority

Planning & Access Committee Meeting



Approved Minutes of Meeting held on 28th November 2016,
13:30hrs, John Muir Suite, Carrochan, Carrochan Road, Balloch

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

In Attendance: Park Authority Staff
Stuart Mearns, Head of Planning & Rural Development (SM)
Bob Cook, Development & Implementation Manager (BC)
Kirsty Sweeney, Development Management Planner (KS)
Sue Laverge, Development Management Planner (SL)
Amanda Aikman, Governance & Legal Manager (AAik)
Sharon McIntyre, Committee Officer (SMcl) – Clerk

Speakers

David Morris (DM) Liam Cayless (LC)
Anne Lee (AL)

Apologies: George Freeman – Depute Chair Hazel Sorrell (HS)
David McKenzie (DMcK) Billy Ronald (BR)

Item	Title / Discussion	Action by
1	<p>Welcome and Apologies</p> <p>The Chair welcomed those present to the meeting.</p> <p>The Chair explained that during this meeting in public, the planning case officers and pre-confirmed speakers will address the Committee but that other members of the public are unable to contribute. The Chair advised of the protocols of the meeting.</p> <p>The Chair, the Planning & Access Committee and officers introduced themselves.</p> <p>The Chair advised that apologies had been received from GF, HS, DMcK and BR. SMcl confirmed.</p>	
2	<p>Declarations of Interest</p> <p>No declarations of interest were made.</p>	
3	<p>Draft minute of meeting held on 31st October 2016</p> <p>The minute was proposed by DMcC and seconded by CB.</p>	

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4	<p>Matters Arising</p> <p>AAik introduced the matters arising and advised that the previous minutes have been updated.</p>	
5	<p>2016/0139/HAE – Castle House, Drymen</p> <p>The Chair invited KS to introduce the application. KS outlined that this application is for the conversion of a garage to form separate living accommodation in the grounds of Castle House, Buchanan Castle Estate. This application is being presented to the Planning and Access Committee as a result of a formal objection being submitted by Buchanan Community Council.</p> <p>KS explained through a series of maps, photographs and plans the application site and development proposals.</p> <p>The Chair invited questions/discussion from Members.</p> <p>Members discussed the relevant policies applicable to this application. KS confirmed that HOUS7 is the most relevant policy, although it does not specifically mention outbuildings but refers to alterations and extensions to dwellings. KS noted that section 7.4 of the report outlines the assessment made against the Design and Placemaking Guidance on Outbuildings associated with the Local Development Plan.</p> <p>The Chair invited DM to speak on behalf of Buchanan 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 has been actively involved in the creation of the Buchanan South Rural Framework draft Planning Guidance and is keen that the character of the Buchanan Castle Estate is conserved with subdivision of property restricted. - The development of this ancillary building would not be subservient in scale and would be considered as a dwelling. <p>Members discussed the use of the outbuilding and the conditions proposed to be applied. BC confirmed that condition one would be enforceable.</p> <p>DM advised that a planning permission was previously refused within the estate in 2013. Members noted that, notwithstanding, this application requires to be decided on its own planning merits.</p> <p>The Chair invited AL to speak on behalf of herself in objection of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> - This development poses a threat to the character of the Buchanan 	

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	<p>Castle Estate and will result in a second dwelling on the same site.</p> <ul style="list-style-type: none"> - The risk of future change of use to this proposed development should be recognised. <p>Members discussed the proposed development and noted concerns in relation to the change of use. BC advised that condition one addresses that the annexed accommodation cannot be used as a separate dwelling and that this also excludes commercial letting.</p> <p>Members discussed the design proposed. BC and KS advised that alternative designs had been discussed with the applicant, including removing the extension to the rear of the conversion, nevertheless this was the preferred application. Members discussed whether the proposal would result in a development that is contrary to the Design and Placemaking guidance, as this design would provide additional living space that would appear residential in character and look like a separate dwelling house with separate outdoor space.</p> <p>Following discussion, the Chair invited Members to advise if they agreed, as per the officer recommendation to approve the application subject to the conditions contained in Appendix 1.</p> <p>CB moved an amendment to refuse the application as the proposed ancillary building would create a detached self-contained residential dwelling contrary to guidance. FW seconded this amendment.</p> <p>The Chair invited Members to indicate their support for the motion and for the amendment by a show of hands. All members voted unanimously for the amendment.</p> <p>BC clarified that the guidance referred to Overarching Policy 2 – Development Requirements of the Proposed Local Development Plan and the draft supplementary guidance on Design and Placemaking (section 3.3 on outbuildings) as the proposed ancillary building would create a detached self-contained residential dwelling contrary to the criteria within the guidance which states that proposals “<i>if providing additional accommodation, should not appear residential in character i.e. look like a separate dwelling house with separate outdoor space</i>”.</p> <p>DECISION: Members agreed to refuse the application.</p>	
6	<p>2016/0228/DET – Land Rear of Village Store, St Fillans</p> <p>The Chair invited SL to introduce the application. SL outlined that this application is for the replacement of a flat roofed, single storey garage building with a self-contained one and a half storey holiday apartment.</p>	

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	<p>SL advised that this application has been brought to Planning & Access Committee for determination as a result of Transport Scotland's objection.</p> <p>SL explained through a series of maps and photographs the location, the site layout and appearance of the proposal.</p> <p>SL provided a summary of the responses received through consultation and representations, as outlined in section four of the report. SL advised that four representations had been received in objection to this development proposal. A late representation was received from the owner of Craigen House following the publication of the meeting papers. SL provided a summary of the points raised for members which included:</p> <ul style="list-style-type: none"> - Road safety concerns - Transport Scotland has recommended this application for refusal. - The development will exacerbate current car parking issues. - Amenity concerns. <p>SL advised that the officer recommendation is to approve the application subject to the imposition of the conditions set out in Appendix 1 of the report.</p> <p>The Chair invited questions/discussion from Members.</p> <p>Members discussed issues relating to car parking and noted that only 'keep clear' markings are present and not double yellow lines.</p> <p>Members discussed the presence of bats at the development site. SL advised that a condition is proposed because there was some evidence of previous transitory bat usage.</p> <p>The Chair invited LC to speak on behalf of himself in support of the application, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> - This development will increase the amenity of the area. - He is the owner of the nearby car park and already allows visitors to make use of this car park. - This development will bring visitors to this area of the National Park. <p>Members discussed the proposed design of the development.</p> <p>Following discussion, the Chair advised that the officer recommendation is to approve the application subject to the conditions contained in Appendix 1. The motion was proposed by CB and seconded by FW.</p> <p>DECISION: Members agreed to approve the application subject to the conditions contained in Appendix 1.</p>	

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	BC advised that this application will be referred to Scottish Ministers as required by regulation taking account of the objection by Transport Scotland.	
7	<p>Enforcement Charter Update</p> <p>BC introduced the report advising that it is a statutory duty to review the Enforcement Charter every two years.</p> <p>Members discussed the time limits on taking enforcement action and the categories of breach. Members discussed a recent case relating to tree felling and requested that the Enforcement Charter is issued to relevant partner organisations for reference.</p> <p>ACTION: BC to provide a copy of the Enforcement Charter to relevant partner organisations.</p> <p>DECISION: Members agreed the updated Enforcement Charter.</p>	BC
8	<p>Any Other Business</p> <p>None.</p>	
9	<p>Date of Next Meeting</p> <p>The next meeting of the Planning & Access Committee will take place on Monday 19th December 2016.</p> <p>Afternote: This meeting was cancelled.</p>	

Signed _____
Petra Biberbach, Chair