

# National Park Authority

## Planning & Access Committee Meeting



Approved Minutes of Meeting held on 26<sup>th</sup> June 2017, 13:30hrs  
John Muir Suite, Carrochan, Carrochan Road, Balloch

Present: George Freeman – Depute Chair  
Hazel Sorrell (HS)  
David McKenzie (DMcK)  
David Warnock (DW)  
Willie Nisbet (WN)  
David McCowan (DMcC)  
Fergus Wood (FW)

In Attendance: Park Authority Staff  
Stuart Mearns, Head of Rural Development and Planning (SM)  
Catherine Stewart, Development Management Planner (CS)  
Simon Franks, Woodland Adviser (SF)  
Susan Brooks, Development Planning & Communities Manager (SB)  
Amanda Aikman, Governance & Legal Manager (AAik)  
Sharon McIntyre, Committee Officer (SMcl) – Clerk

Speakers  
Laura Wray (LW)  
Kerri McGuire (KM)  
Quintin Glen (QG)  
Keith Graham (KG)

Available for questions  
Brian Fotheringham, SEPA, Senior Planning Officer (BF)  
Jill Gillard, SEPA, Environment Protection Officer (JG)  
Stephen Boyle, Stirling Council Roads Authority (SB)  
Craig Thomson, Applicant's Architect (CT)

Apologies: Petra Biberbach (PB) – Chair  
Colin Bayes (CB)  
Billy Ronald (BR)

Item	Title / Discussion	Action by
1	<b>Welcome and Apologies</b>  The Chair welcomed those present to the meeting. The Chair and SMcl advised that apologies had been received from BR, CB and PB.	
2	<b>Declarations of Interest</b>  DW declared an interest in agenda item 4 and 5 as a result of being acquainted with Jane Baron and Stephen Baron, objectors to these applications.  DMcC declared a potential interest as an owner of holiday let business within the National Park.	

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	FW declared a potential interest as a local councillor for the last ten years.	
<b>3</b>	<p><b>Draft minute of meeting held on 22<sup>nd</sup> May 2017</b></p> <p>The minute was proposed by DW and seconded by FW.</p> <p><i>DW left the meeting.</i></p> <p>Prior to hearing agenda items 4 and 5, the Chair provided clarity on the speaker list. The Chair confirmed that the following speakers would be speaking for agenda item 4:</p> <p>Laura Wray on behalf of herself as applicant, Kerri McGuire on behalf of Jane Baron, Stephen Baron and Mrs D Makgill-Crichton and Quintin Glen on behalf of Port of Menteith Fisheries.</p> <p>The Chair confirmed that the following speakers would be speaking for agenda item 5:</p> <p>Laura Wray on behalf of herself as applicant, Keith Graham on behalf of Port of Menteith Community Council and Kerri McGuire on behalf of Jane Baron, Stephen Baron, Mrs D Makgill-Crichton and Port of Menteith Fisheries.</p> <p>AAik advised that for agenda items 4 and 5, one of the further representations was received later than two clear working days prior to the Committee meeting therefore this representation will not be reported to the Committee.</p> <p>The Chair advised the committee that representatives from SEPA, Stirling Council Roads Authority, and the applicant's architect are present should there be a requirement to answer any technical questions.</p> <p>The Chair advised members that although there are two applications on the agenda regarding Mondhui Farm, Port Of Menteith, Stirling each of these applications should be considered as separate applications.</p>	
<b>4</b>	<p><b>2017/0020/DET - Mondhui Farm, Port Of Menteith, Stirling</b></p> <p>The Chair invited CS to introduce the application. CS outlined that this application is for the erection of 3 holiday chalets at Mondhui Farm, to the northwest of the Port of Menteith. This application is being presented to the Planning and Access Committee as a result of a formal objection being submitted by Port of Menteith Community Council and also as the application has been subject to a significant level of objection via letters of representation, as required by the Scheme of Delegation.</p>	

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	<p>CS explained through a series of maps, photographs and plans the application site and development proposals.</p> <p>CS outlined the five key issues relating to this application: principle of development, landscape impact: siting and design, roads and parking, natural environment and water quality sensitivities, and waste management provision.</p> <p>CS advised that at the time of publication of the report 9 representations of objection had been received from 5 adjacent and nearby residents and 1 local business, Lake of Menteith Fisheries. Responses to the representations received are detailed under section 4.11 to 4.24 of the report. Following the publication of the report, one further representation of support was received from the applicant. This representation included a submission in support of the application, a letter of support from VisitScotland, a copy of a tourism award and some excerpts from guests published in REVOO, Air BNB and Trip Advisor Rentals who had stayed at the Mews and the Stable.</p> <p>CS provided further information on the five key issues to note in relation to this application. The Chair invited questions/discussion from Members.</p> <p>Members discussed the use of the private road. CS explained that the roads authority has no objection and the creation of two passing places has been agreed with the applicant.</p> <p>Members enquired if the treatment of sewage from the existing properties would improve as a result of the proposed development. CS advised that SEPA's recommendation of the new purpose built sewage treatment plant, capable of delivering secondary treatment would produce a better quality effluent.</p> <p>The Chair invited LW to speak on behalf of herself as the applicant in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- The original holiday let business at this site is a successful business which provides high quality accommodation.</li> <li>- The proposed development is a high quality design which will continue to attract tourists to this area of the National Park.</li> <li>- The development is in accordance with the Local Development Plan and National Park policies.</li> </ul> <p>Members enquired as to the ownership of the land surrounding the proposed development. LW clarified this position.</p> <p>The Chair invited KM to speak on behalf of Jane Baron, Stephen Baron and Mrs D Makgill-Crichton, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- Planning permission was refused in 2002.</li> <li>- Road safety is a key concern:</li> </ul>	

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	<ul style="list-style-type: none"> <li>There would be an increase in traffic on this single track road which has sharp and blind bends.</li> <li>Roads guidelines suggest that private roads should only serve 5 dwellings, this development would increase the number of dwellings accessed by this private road from 8 to 11.</li> <li>An increase in the amount of refuse to be collected at the end of this road would increase the collection time required and therefore the likelihood of an accident.</li> <li>There would be potential difficulties with access for emergency vehicles.</li> <li>There are no passing places on this road.</li> </ul> <p>Members discussed the road safety concerns raised and the recommendation of the statutory consultee.</p> <p>The Chair invited QG to speak on behalf of Port of Menteith Fisheries, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- Diffuse pollution to the lake results in algal blooms which threatens the water quality of the lake. Diffuse pollution is implicated as causing algal blooms at the lake in 2014 and in 2015.</li> <li>- SEPA and SNH recognise diffuse pollution as a priority. SNH have advised that the River Forth catchment is a diffuse pollution priority and that the only pressure on the lake is water quality from rural diffuse pollution.</li> <li>- The impact of the secondary treatment plants has been questioned in recent findings by CREW (Centre of Expertise for Waters).</li> <li>- Highlighting the risk of increased pollution to the Lake of Menteith, a Site of Special Scientific Interest, from the treatment plant of the proposed self-catering holiday lets.</li> <li>- The water quality of the lake is paramount to angling tourism and the jobs that this tourism sustains.</li> </ul> <p>Members discussed the new purpose built sewage treatment plant capable of delivering secondary treatment, which would serve the existing farmhouse and existing self-catering units as well as the proposed three chalets.</p> <p>Following discussion, the Chair invited BF and JG from SEPA to assist with member questions. BF advised that the treatment plant would produce a better effluent although there would be an increase in the volume of effluent.</p> <p>Members returned to discuss road safety concerns. CS advised the creation of two passing places has been agreed with the applicant. Following discussion, the Chair invited SB from Stirling Council Roads Authority to assist with member questions. SB advised that as a private road Stirling Council do not have ownership of the road and cannot advise of conditions.</p> <p>The Chair moved the officer's recommendation to approve the application</p>	

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	<p>subject to the imposition of the conditions set in Appendix 1 of the report. DMcK seconded the motion.</p> <p>FW moved an amendment proposing a site visit, WN seconded this amendment.</p> <p>The Chair invited Members to indicate their support for the amendment and for the motion. FW, HS and WN were in support of the amendment. The Chair, DMcK and DMcC were in support of the motion. In the case of an equality of votes the Chair has a casting vote, in accordance with the Planning &amp; Access Committee's standing orders. The Chair used his casting vote.</p> <p><b>DECISION:</b> The application was agreed subject to the imposition of the conditions set out in Appendix 1 of the report.</p>	
5	<p><b>2016/0396/DET – Mondhui Farm, Port Of Menteith, Stirling</b></p> <p>The Chair invited CS to introduce the application. CS outlined that this application is for a change of use of part of an existing building to form an additional self-catering unit at Mondhui Farm (retrospective). This application is being presented to the Planning and Access Committee as a result of a formal objection being submitted by Port of Menteith Community Council.</p> <p>CS explained through a series of maps, photographs and plans the application site and development.</p> <p>CS advised that in 2016 a small side extension was added to the building and the former garage space was converted into an additional self-catering unit. Whilst the side extension was carried out under Permitted Development rights, the change of use was a breach of planning control as the original permission was only for one self-catering unit and the creation of a second unit (which involved extending the property under permitted development regulations) is an intensification of use. A retrospective planning application was requested by the Planning Authority, and this application, which seeks to regularise the use, was submitted on 22 December 2016.</p> <p>CS advised that at the time of publication of the report 7 representations of objection had been received from 5 local residents and 2 from a local business – the Lake of Menteith Fisheries. Responses to the representations received are detailed under section 4.9 to 4.18 of the report. Following the publication of the report, one further representation was received in objection to the application from Lake of Menteith Fisheries and the one further representation was received from the applicant in support; This representation included a submission in support of the application, a letter of support from VisitScotland, a copy of a tourism award and some excerpts from guests published in REVOO, Air BNB and Trip Advisor Rentals who had</p>	

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	<p>stayed at the Mews and the Stable.</p> <p>CS outlined the five key issues relating to this development: principle of development, design, access, water and drainage and waste management provision. CS provided further information on the five key issues.</p> <p>The Chair invited questions/discussion from Members.</p> <p>Members discussed the retrospective nature of this application.</p> <p>The Chair invited LW to speak on behalf of herself as the applicant in support of the application, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- Providing a background to the establishment of her business.</li> <li>- The original holiday let business at this site is a successful business which provides high quality accommodation.</li> <li>- There are no objections to this application from statutory consultees.</li> </ul> <p>Members asked questions about the retrospective nature of the application.</p> <p>The Chair invited KG to speak on behalf of Port of Menteith Community Council, and he outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- The risk posed to damaging a major attraction in the National Park, the businesses that are dependent upon the lake and visitor numbers.</li> <li>- The risk to the water quality at this Site of Special Scientific Interest.</li> <li>- SNH and SEPA have advised of the risk posed to the water quality at the Lake of Menteith.</li> </ul> <p>Members discussed development within this area of the National Park in relation to the current Local Development Plan.</p> <p>The Chair invited KM to speak on behalf of Jane Baron, Stephen Baron, Mrs D Makgill-Crichton and Port of Menteith Fisheries, and she outlined a number of points which included:</p> <ul style="list-style-type: none"> <li>- Road safety concerns relating to access by the private road, blind bends, accidents having previously occurred on the road and concerns raised by a roads engineer.</li> <li>- Roads guidelines suggest that private roads should only serve 5 dwellings, this development would increase the number of dwellings accessed by this private road from 8 to 11.</li> <li>- This application should be refused on the grounds of roads safety.</li> </ul> <p>Members discussed the maintenance of private roads.</p> <p>The Chair moved the officer's recommendation to approve the application subject to the imposition of the conditions set in Appendix 1 of the report. DMcK seconded the motion. All members were in agreement with the motion.</p>	

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	<p><b>DECISION:</b> The application was agreed subject to the imposition of the conditions set out in Appendix 1 of the report.</p> <p><i>DW returned to the meeting.</i></p>	
6	<p><b>Tree Preservation Order Recommendation:</b> 2017/0001/TPO to 2017/0004/TPO</p> <p>The Chair invited SF to introduce the application. SF advised that the recommendation is to revoke 3 existing adjacent Tree Preservation Orders (TPOs) and replace with a single amended TPO. No representations were received in relation to these TPOs.</p> <p><i>DW left the meeting.</i></p> <p>SF explained through a series of maps and photographs the location of the Tree Preservation Orders (TPOs) outlined in the report.</p> <p>Following discussion, the Chair moved the officer's recommendation to:</p> <ul style="list-style-type: none"> <li>- Note the making of the following TPOs on the 24th March 2017 – issued with the approval of the Chair of the Planning &amp; Access Committee: <ul style="list-style-type: none"> <li>• 2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar</li> <li>• 2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar</li> <li>• 2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)</li> <li>• 2017/0004/TPO - Arrochar South</li> </ul> </li> <li>- Confirm the following revocation TPOs without amendment: <ul style="list-style-type: none"> <li>• 2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar</li> <li>• 2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar</li> <li>• 2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)</li> </ul> </li> <li>- Confirm with modification <ul style="list-style-type: none"> <li>• 2017/0004/TPO Arrochar South</li> </ul> </li> </ul> <p>FW seconded the motion. The motion was unanimously supported.</p> <p><b>DECISION:</b> Members agreed to:</p> <ul style="list-style-type: none"> <li>- Note the making of the following TPOs on the 24th March 2017 – issued with the approval of the Chair of the Planning &amp; Access Committee: <ul style="list-style-type: none"> <li>• 2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar</li> <li>• 2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar</li> <li>• 2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)</li> </ul> </li> </ul>	

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	<ul style="list-style-type: none"> <li>2017/0004/TPO - Arrochar South</li> <li>Confirm the following revocation TPOs without amendment:               <ul style="list-style-type: none"> <li>2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar</li> <li>2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar</li> <li>2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)</li> </ul> </li> <li>Confirm with modification               <ul style="list-style-type: none"> <li>2017/0004/TPO Arrochar South</li> </ul> </li> </ul>	
7	<p><b>Local Development Plan: Design and Placemaking Supplementary Guidance</b></p> <p>The Chair invited SB to introduce the application. SB outlined that the report outlines the proposed amendments to the Draft Supplementary Guidance on Design and Placemaking, which was issued for consultation in 2015 with the Proposed Local Development Plan. SB advised of the main changes to the report as outlined in section 4.1 to 4.3 of the report.</p> <p>Members discussed the use of renewable energy within the National Park. Following discussion, the Chair moved the officer's recommendation to:</p> <ol style="list-style-type: none"> <li>Adopt the amended Supplementary Guidance on Design and Placemaking.</li> <li>Agree to delegate responsibility to the Head of Planning and Rural Development for making any final design and minor editorial amendments to the Design and Placemaking Guidance.</li> </ol> <p>FW seconded the motion. The motion was unanimously supported.</p> <p><b>DECISION:</b> Members agreed to:</p> <ol style="list-style-type: none"> <li>Adopt the amended Supplementary Guidance on Design and Placemaking.</li> <li>Agree to delegate responsibility to the Head of Planning and Rural Development for making any final design and minor editorial amendments to the Design and Placemaking Guidance.</li> </ol>	
8	<p><b>Development Plan Scheme</b></p> <p>The Chair invited SB to introduce the report. SB outlined that this report provides members with an overview of the updated Development Plan Scheme for 2017/18. SB advised of the timeline for the production of the next Local Development Plan as outlined in section 3.4 of the report.</p> <p>Members discussed the timeline for the Development Plan Scheme. Following discussion, the Chair moved the officer's recommendation to:</p>	

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	<ul style="list-style-type: none"><li>a) Adopt the Development Plan Scheme June 2017 (Appendix 1)</li><li>b) Agree to delegate responsibility to the Head of Planning and Rural Development for making any final design and minor editorial amendments to the Development Plan Scheme.</li></ul> <p>WN seconded the motion. The motion was unanimously supported.</p> <p><b>DECISION:</b> Members agreed to:</p> <ul style="list-style-type: none"><li>b) Adopt the Development Plan Scheme June 2017 (Appendix 1)</li><li>b) Agree to delegate responsibility to the Head of Planning and Rural Development for making any final design and minor editorial amendments to the Development Plan Scheme.</li></ul>	
9	<p><b>Any Other Business</b></p> <p>Members wished to note with thanks Angus Allan's contribution to the Planning and Access Committee as he has now been appointed as a member of the Audit Committee.</p> <p>Members discussed water quality within water bodies of the National Park and broadband connectivity.</p>	
10	<p><b>Date of Next Meeting</b></p> <p>The next meeting of the Planning &amp; Access Committee will take place on Monday 28<sup>th</sup> August 2017.</p>	

Signed \_\_\_\_\_  
**George Freeman, Chair**