



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 29<sup>th</sup> October 2018**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development &amp; Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2018/0099/DET</b>
<b>APPLICANT:</b>	<b>Mr Iain Williamson</b>
<b>LOCATION:</b>	<b>Land East Of Grianan, Balquhidder Stirling</b>
<b>PROPOSAL:</b>	<b>Erection of holiday let unit</b>
<b>NATIONAL PARK WARD:</b>	NPW2 - NP Ward 2 (northern (central) area)
<b>COMMUNITY COUNCIL AREA:</b>	Balquhidder, Lochearnhead and Strathyre Community Council
<b>CASE OFFICER:</b>	Name: Nicola Arnott Tel: 01389 722661 E-mail: <a href="mailto:nicola.arnott@lochlomond-trossachs.org">nicola.arnott@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This is an application for the erection of a holiday lodge for short term letting.
- 1.2 In accordance with section 5.8 of the National Park Authority’s Scheme of Delegation, this application must be determined by the Planning and Access Committee as Balquhidder, Lochearnhead and Strathyre Community Council have formally objected and the officer recommendation is to approve.

**2 RECOMMENDATION**

- 2.1 **That Members:**
  - 1. **APPROVE** the application subject to the conditions contained in Appendix 1 of the report.

### 3 BACKGROUND

#### **Site Description:**

- 3.1 The application site is located to the west of Balquhidder to the north of Loch Voil. The application site is located on the south side of the road; the site slopes steeply from north to south and is set down from the road. It is proposed to erect a single storey lodge for holiday letting purposes. The site is a gap site which sits between two residential properties, 'Tigh na Voil' to the east and 'Grianan' to the west. There is no development currently on the site and the site had previously been cleared of vegetation prior to the previous application by a different applicant for planning permission in 2010 (ref. 2010/0192/DET).



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**Figure 1. Location Plan (wider context).**



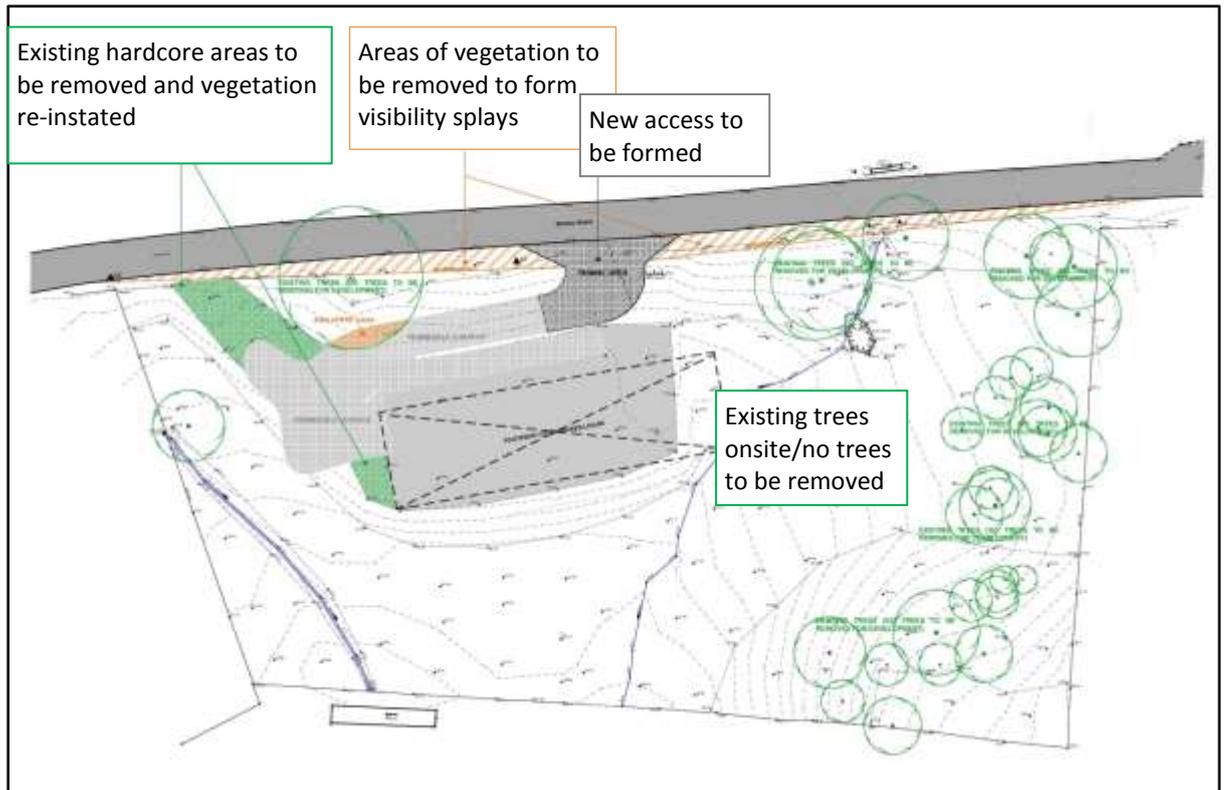
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**Figure 2. Location Plan (close context).**

**Description of Proposal:**

- 3.2 The proposal is for a single storey holiday lodge with three en-suite bedrooms, one living/dining area and a timber decked area to the rear elevation (facing Loch Voil). The design of the proposed holiday let is contemporary and is a simple uncomplicated structure to be constructed of natural materials, predominantly timber and incorporating a 'green roof'. The proposal will utilise sustainable materials and methods of insulation and heating; sheep's wool insulation and an air source heat pump are proposed.
- 3.3 The proposed holiday let property will be accessed via a new access to be formed off the single track road which runs along the north of Loch Voil. This access has been revised following an objection from Stirling Council Roads as this was initially proposed towards the east of the site (in the vicinity of the area shaded green in the plan below). This is discussed in more detail in the Consultations section of the report (see section 4.1).
- 3.4 The building is of a modest scale for a single unit and is proposed to be sited on a compacted hardcore area. It is noted that this area of hardcore aggregate was laid by a previous site owner, presumably in conjunction with the previous tree/vegetation clearance. Notwithstanding the above, the area is identified as being appropriate for siting the holiday let proposal as it is at the centre of the site and is a relatively level part of the site. The proposal also includes further planting to re-establish the woodland setting.
- 3.5 A private system of foul drainage is proposed. The proposed sewage treatment tank is an industry standard 'BioDisc' active sewage treatment plant. A 'BioDisc' is designed to meet the British Standards Code of practice BS6297 for the design of domestic sewage treatment works. There will be no discharge to the Loch and all percolation of treated water will be to ground Infiltration (soakaway).

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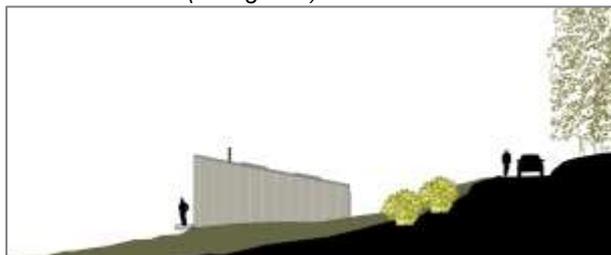
**Figure 3. Site Plan (access)**



*Rear elevation (facing loch)*



*West elevation*



*East elevation*



*Front elevation*

**Figure 4. Elevations**

### 3.6 **Environmental Impact Assessment (EIA):**

The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

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### ***Habitat Regulations Appraisal***

- 3.7 The application site is approximately 60 metres from the edge of Loch Voil which is part of the River Teith Special Area of Conservation (SAC). The qualifying interests of the river Teith SAC are Atlantic salmon, brook lamprey, river lamprey and sea lamprey. A small watercourse runs through the site and this is hydrologically connected to the River Teith SAC via Loch Voil. The proposal includes construction works 60 metres from the loch. As a result, there is a small potential for pollution from the development site to enter the River Teith SAC via this watercourse and for this to impact on the qualifying interests of the SAC during construction (e.g. silt or fuel oil).
- 3.8 Although the proposal lies entirely outwith the boundary of the SAC and will not directly impact on the site, salmon and lamprey both require high quality water and any reduction in water quality as a result of the proposal could be significant. There is also a possible risk of contamination of the watercourses from the fuel and chemicals used on site.
- 3.9 It is considered that there will be no adverse effect on the integrity of the SAC if the following mitigation measures below are applied. These conditions will ensure that adequate pollution control measures are implemented during the construction of the development. Provided the mitigation is secured via appropriately worded planning conditions, the proposal will not have an adverse effect on the integrity of the River Teith SAC.
- 1) A Construction Method Statement is to be produced and adhered to during works on site. All works in proximity must follow SEPA guidance to ensure their complete protection against pollution, silting and erosion. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: *Works and maintenance in or near water* (February 2018) or such replacement guidance.
  - 2) Drainage: No development shall take place until full details of the proposed means of foul drainage and soakaway treatment have been submitted to and approved for use in writing by the Planning Authority. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 4: *Treatment and disposal of wastewater where there is no connection to the public foul sewer* (November 2017) or such replacement guidance.
  - 3) Otters - Any exposed pipe systems are capped when contractors are off site and exit ramps are provided from any exposed trenches or holes (to prevent otters entering and becoming trapped).

### ***Planning History:***

- 3.10 There have been three previous refusals on the site, all of which were for single dwelling houses.
- 94/00081/OUT/S – Refused. This application precedes the National Park.
- 2002/0156/DET – Refused. This application for a 1.5 storey dwelling house was refused on grounds of landscape impact, highway safety and was contrary to the policy framework in place at that time (Clackmannanshire and Stirling Structure Plan 2002).
- 2010/0192/DET – Refused. This application was for a single storey dwelling and was refused on grounds of being contrary to housing policy in the Clackmannanshire and Stirling Structure Plan 2002 and also National Park Local Plan 2010 policy as it did not meet the policy criteria for

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housing in this location.

Further detail on the planning history has been included as an appendix to the report and sets out a summary of the policy reasons for the previous refusals. Please see appendix 2.

### 4 CONSULTATIONS AND REPRESENTATIONS

#### ***Responses to Consultations:***

#### 4.1 STC Roads (Stirling):

##### **No objection**

Stirling Council Roads were consulted on the application and initially objected to the application due to visibility sightlines. They recommended that the site access be re-aligned. The objection was subsequently removed following submission of revised plans in which the access was re-aligned to a central location with improved visibility sightlines. A number of conditions were recommended to control visibility splays, parking provision and waste management.

#### 4.2 Balquhidder, Lochearnhead and Strathyre Community Council

##### **Objection**

The approval of this planning application would set a precedent for similar applications in Balquhidder Glen. More holiday lets in the area would change the distinctive character of the area. Road safety issues have not been resolved and these were the reasons for previous refusals. There is a risk of pollution from sewage system and there is also a flood risk. If holiday units are economically unviable they could potentially change the use to residential in areas where residential use would not be approved.

#### 4.3 Scottish Water (Glasgow)

##### **No objection**

Advised that capacity cannot be confirmed for a water connection and that a full application should be made directly to Scottish Water. Advised that there is no waste water infrastructure in the vicinity and that private options should be investigated. Surface water drainage connection is not normally available.

#### 4.4 West of Scotland Archaeology Service

##### **No objection**

#### ***Representations Received:***

4.5 At the date of the preparation of this report five neighbour representations had been received. All of these are in objection to the development. A summary of the material concerns raised and officer response/ comments are set out below and a copy of the representations are available for viewing in the public access website. The objections covered are a range of different matters and these matters have been grouped for clarity and officer response. Matters raised by Balquhidder, Lochearnhead and Strathyre Community Council are also included in this section of the report.

#### 4.6 Road access/visibility and impact on the single track road

- Safe visibility sightlines cannot be achieved and ongoing development works would make the site hazardous.
- The increase of car traffic as a result of the development will be significant.

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*Officer response: Stirling Council Roads were consulted on the application and objected to the initial proposal. The access was re-aligned to their satisfaction and their objection was subsequently removed. As the proposal is for a single unit, it is anticipated that the increase in traffic will be minimal.*

### 4.7 Impact on hydrology/wetland habitats, impact on the Special Area of Conservation, impact on wildlife habitats and populations

- Development is detrimental to the hydrology of the site.
- The proposal will damage wetland habitat of the Special Area of Conservation due to the excavations and engineering works.
- The development will cause the destruction of wildlife habitats.
- There will be a risk of pollution from the construction and also from the septic tank.

*Officer response: Consultation with the National Park's Natural Heritage Officer took place and the outcome of this consultation and the various processes, conditions and best practice measures that resulted are explained in detail in paragraphs 3.7-3.9 Habitats Regulations Appraisal. These matters are also addressed at paragraph 7.6-7.9 Impact on protected species and the River Teith SAC section of the Planning Assessment.*

### 4.8 Risk of flooding

*Officer response: The site is outwith SEPA's medium risk flood zones and the proposal did not fall within any of the thresholds for statutory consultation with SEPA.*

### 4.9 Loss of Views/ loss of privacy and safety

- Privacy of the neighbouring properties will be severely impacted by presence of a holiday let.
- Views will be spoilt and the area will become less safe with different parties of people coming and going.
- The holiday lodge will attract undesirable people to the area.
- The safety and serenity of the area will be destroyed.

*Officer response: The privacy of neighbouring properties is fundamental to any planning assessment on a site with neighbouring properties. Privacy and amenity of neighbouring properties is discussed in paragraphs 7.8-7.11 of the Planning Assessment. In terms of the area becoming less safe as a result of the holiday let, there is no evidence to suggest that the residents of holiday lets present a threat to the safety of local residents. Loss of views is not a material planning consideration.*

### 4.10 Conflict with the National Park Aims/ Loss of tranquillity/wildness and dark skies

- The construction of the lodge will spoil the tranquillity of the glen.
- The presence of the lodge will ruin the special qualities of the glen, namely, tranquillity, wildness and dark skies.
- There would be a conflict with the first aim of the National Park to 'conserve or enhance the natural or cultural heritage of the area' as it would change the unique character of the area.

*Officer response: The development is for a single holiday lodge within a 'gap site' in Balquhiddy. There are other holiday let units in Balquhiddy and it is not anticipated that the construction and addition of a single unit on this site would affect the qualities of tranquillity, wildness and dark skies to a detrimental degree. Nevertheless, these qualities are recognised as being fundamental to the enjoyment of residents of this area of the National Park and it is important*

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*that these qualities are protected, not only for residents but for all who experience the National Park. The unique character referred to is recognised and appreciated, however, it is not anticipated that the addition of a single unit on this site would have detrimental impact on the natural and cultural heritage of the area.*

*In terms of construction noise, there will inevitably be noise from the construction phase but this will be temporary for the duration of the construction and when the unit is operational it is not anticipated that the unit will generate noise to a greater extent than an average residential property. A condition to control the hours of construction has been added to help protect the residential amenity of nearby residents and avoid construction noise at unsociable times.*

*Likewise, the unit is not anticipated to emit more light than a standard residential property, however, a condition has been added to require external lighting details to be agreed with the Planning Authority in order that the development does not contribute to a cumulative impact on dark skies.*

### 4.11 Setting a precedent for further development and for ribbon development

- The proposal will set a precedent for ribbon development in Balquhidder Glen.
- The proposal is outwith the village boundary.
- The proposal will set a precedent for further unnecessary development in the area.

*Officer response: Balquhidder is categorised as a 'small rural community' within the Local Development Plan. There is no defined boundary to the settlement in the current Local Development Plan nor was there a defined boundary in the previous Local Plan. There is a somewhat denser development pattern to the east of the site at what could be described as 'the centre' of Balquhidder and this is some 200 metres from the site. From here as in most rural settlements, development does become more dispersed to the east and west of this centre. This site has residential properties bordering the east and west boundaries and these neighbouring properties are still considered part of the small rural community. Development on this site would consolidate the development pattern rather than create 'ribbon development'. It would more accurately be described as a 'gap site'.*

*Setting a precedent for future development is not a material consideration and is not a reason for refusal. The current policy framework supports tourism uses in specific locations, however, each proposal is considered on its own merits and without prejudice. The granting of one single holiday unit does not equate to a future proliferation of such development in Balquhidder Glen. Further detail on the policy consideration is included in the planning assessment below in paragraph 7.2 and 7.3.*

### 4.12 Design

- The design is out of keeping with the other buildings in the glen and will be blight on the landscape.

*Officer response: It is acknowledged that the design of the holiday let is different from the neighbouring properties and the local vernacular associated with this area of the National Park; rather it is of a contemporary appearance which has been designed to sit discreetly in the landscape and the use of natural materials is intended to harmonise with the landscape setting.*

### 4.13 Housing policy

- The proposal is not in accordance with housing policy.

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*Officer response: The proposal is not assessed against housing policy as the proposal is not for a residential dwelling. The proposal has been assessed against Visitor Experience policies. Further detail on this point is included in the planning assessment below.*

### 5 POLICY CONTEXT

#### ***National Park Aims:***

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
  - (b) to promote sustainable use of the natural resources of the area;
  - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - (d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

#### ***Local Development Plan:***

- 5.3 OP1 – Overarching Policy 1: Strategic Principles  
OP2 – Overarching Policy 2: Development Requirements  
Visitor Experience Policy 1: Location and Scale of New Development  
Visitor Experience Policy 2: Delivering a World Class Visitor Experience  
Transport Policy 3: Impact Assessment and Design Standards of New Development  
Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact  
Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR sites  
Natural Environment Policy 4: Legally Protected Species  
Natural Environment Policy 12: Surface Water and Waste Water Management
- 5.4 National Park Partnership Plan (2012-2017)  
Relevant Policies:  
RD Policy 2 – Spatial Development Strategy  
VE Policy 3 – Recreation and Access

#### ***Other Material Considerations***

- 5.5 Supplementary Guidance  
Design and Placemaking
- 5.6 Planning Guidance  
Visitor Experience

### 6 SUMMARY OF SUPPORTING INFORMATION

- 6.1 A Design Report was received with the initial planning application submission and this sets out the use of sustainable construction materials, energy efficiency measures, sedum roof and how the building will harmonise with the landscape, topography and woodland.
- 6.2 A Business and Management Plan was received with the initial planning application. This was

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subsequently revised to include further detail at the officer's request. This includes the background to the business, the aims of the business to deliver 'high end' tourism accommodation and the economic benefits the proposal will bring to the area in terms of visitor spend in the local economy.

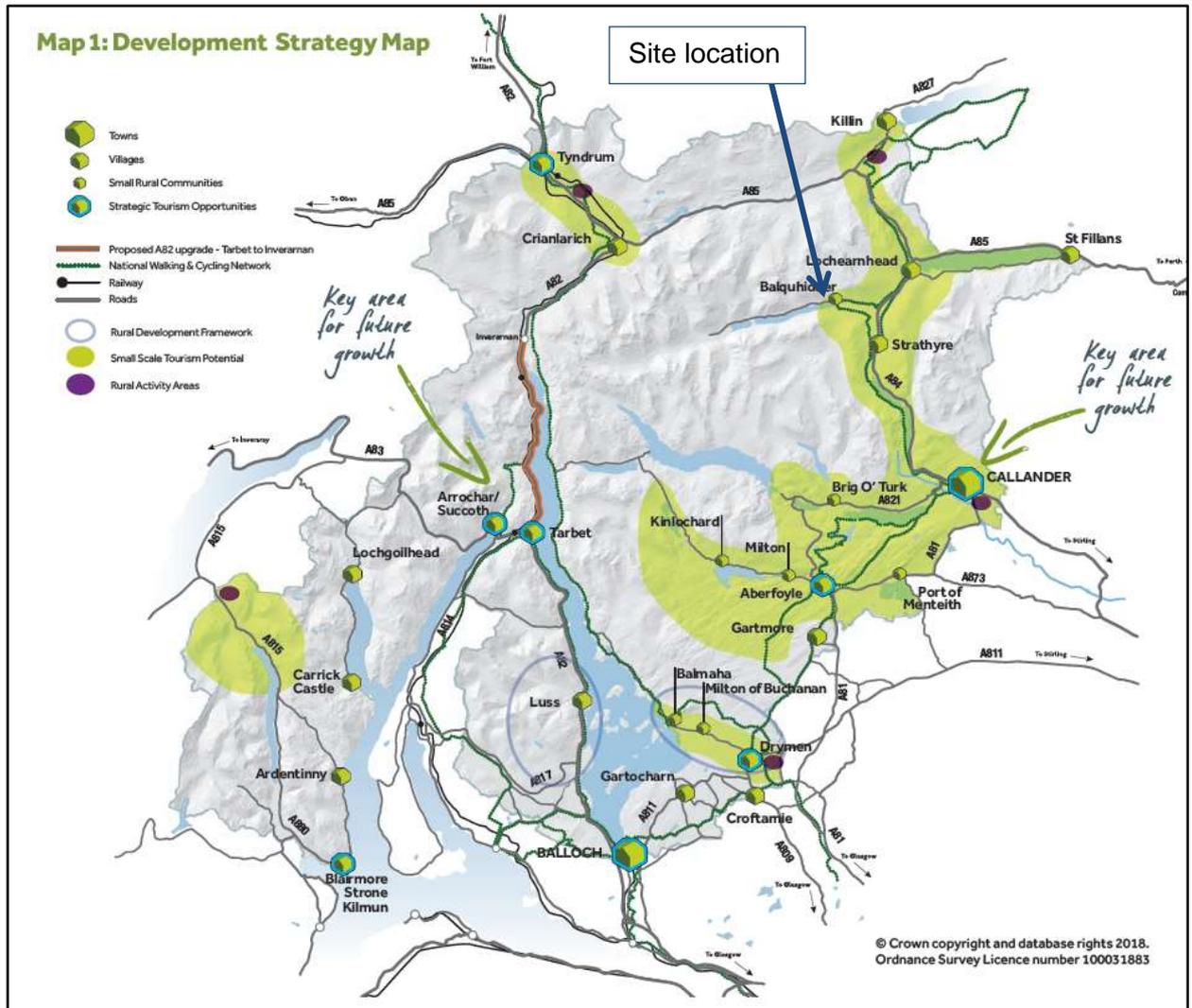
- 6.3 An email dated 8<sup>th</sup> June 2018 was received that set out a list of responses to a range of planning assessment queries made by the officer. These included further information on trees on the site, sewerage treatment, compacted hardcore onsite, noise abatement, access, watercourses and air source heat pump. Further detail on these responses is included in the planning assessment below.
- 6.4 An otter survey was received on 26<sup>th</sup> September 2018. The survey area included up to 250 metres east and 250 metres west of the proposed development footprint area and up to 30 metres of the shoreline edge. No evidence of otter holts were found within the survey area. The report stated that there is likely frequent disturbance from adjacent houses and from frequent recreational users of the shoreline including dog walkers and boat users. It concluded that it is unlikely that the proposed development will have an impact on local otter populations.

## 7 PLANNING ASSESSMENT

- 7.1 The key issues for consideration for this application are the principle of development, siting, scale and design, impact on the SAC and protected species and impact on neighbouring properties. The planning assessment focusses on these main areas and other matters which arose during the processing of the application.

### **Principle of Development**

- 7.2 The principle of development at this location is supported by Local Development Plan policy. There is a spatial strategy in place which promotes small scale tourism development opportunities in Balquhidder. Visitor Experience policy 1: Location and Scale of New Development supports small scale development in the areas identified on the Development Strategy Map; Balquhidder is identified as having potential for small scale tourism development.
- 7.3 This proposal is for a single holiday lodge and meets the policy criteria by virtue of its location in the shaded area for Balquhidder (see map below). It is important to note that the centre area and limited areas just outwith the centre to the east, south and west are shaded but that the rest of Balquhidder Glen area is not. Therefore support for tourism uses within the green shaded area cannot then lead to a proliferation of holiday lodges throughout the whole of the glen as there is no support for tourism uses beyond that of the shaded area.



**Siting scale and design**

- 7.4 There is a compacted area of hardcore at the centre of the site which was laid by the previous site owner. The siting of the holiday let is proposed to be in the same footprint as the compacted area. The scale of the lodge is single storey and is of relatively modest proportions relative to whole site. The majority of the site will remain undeveloped and the proposed lodge is of an appropriate scale.
- 7.5 The design is contemporary and utilises natural materials. The structure and cladding will be of Scottish sourced timber and the design incorporates a 'green roof'. A condition will require the species of sedum/grass to be agreed in order that native plants can be used. The natural materials are intended to harmonise with the surrounding landscape and minimise potential visual impact.



**Figure 6. Photomontage of the holiday let lodge within the site**

### **Impact on protected species and the River Teith SAC**

- 7.6 A key consideration for this planning application is the potential impact on protected species and the River Teith Special Area of Conservation (SAC). The SAC is approximately 60 metres from the southern boundary of the site and the proposal is approximately 125 metres from the Stronvar Marshes Site of Special Scientific Interest (SSSI). Due to this proximity to the River Teith SAC a Habitat Regulations Appraisal (HRA) was carried out and an Appropriate Assessment was undertaken as part of this process. This has been detailed in paragraphs 3.7 - 3.9. In summary, the lamprey and salmon require a high quality water habitat and the risk of sedimentation was identified as having potential to affect the integrity of the site. The assessment concluded that an appropriately worded planning condition to require a Construction Method Statement (CMS) would be sufficient mitigation to prevent potential adverse impact. The Construction Method Statement required by condition will ensure that appropriate measures are in place for the potential for silt run off from the construction phase and ensure other best practice construction methods are implemented in relation to wildlife and ecology.
- 7.7 It was also necessary to request an otter survey due to the proximity to the River Teith SAC. The survey was undertaken by Rowan Ecology & Education Support in September 2018 and this survey reported that the shore area did not have suitable holt habitat, there were no holts or resting places in surrounding areas within the survey radius and that the general habitat for otter holts/rest-ups is poor within the survey area. The survey concluded that the development will not impact on local otter populations. Notwithstanding this conclusion, a comprehensive Construction Method Statement (CMS) is required by condition to prevent silt entering the loch and to ensure that best practice is followed in relation to wildlife and ecology. The CMS will require an otter protection plan to be produced which will set out the additional best practice precautionary measures for working in areas where otters may be present. It also will require best practice techniques and methods to be employed in relation to pollution control, control of dust and dirt during construction, method of controlling pollution and sediment release to the water environment and the method of controlling surface water during construction. Details of the requirements of the CMS can be found in Appendix 1 of the report.
- 7.8 Freshwater pearl mussels are present in the River Teith system and are protected under the Wildlife and Countryside Act 1981 (as amended). Freshwater pearl mussels are vulnerable to water pollution but any impacts are fully addressed by the mitigation identified for the River Teith SAC.
- 7.9 The impact on red squirrel populations as a result of the development was raised by objectors and this was addressed in the NP Ecology internal advice as follows:

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*Whilst red squirrels are present in the wider area, no trees are to be felled as part of this proposal and the adjacent areas of woodland will be unaffected. As a consequence, the proposal will not have direct impacts on any red squirrel dreys present in the area. The proposed development is situated immediately south of the single track road that services the area and between two existing houses. Given the location of the development and the existing level of disturbance from the road and adjacent houses, the construction and operation of the proposed holiday let is unlikely to significantly increase the baseline level of disturbance for any red squirrel dreys present in the wider area. As a consequence, no further assessment or mitigation is required for red squirrel.*

### **Impact on the privacy of neighbouring properties**

- 7.10 The potential impact on the privacy of the neighbouring properties is mitigated by the design of the holiday let; the majority of the timber decked area is formed in a recess on the rear elevation and is enclosed by timber screening.
- 7.11 Additional planting will also take place to create a 'buffer' for noise mitigation and add an element of visual screening. Additional planting is proposed to the western area of the site in order to re-establish a 'woodland setting'. Further details on the planting will be required and a landscape plan condition has been proposed to ensure that the density and species are appropriate for the site. The topography and the existing vegetation and tree cover at the eastern edge of the site will provide noise mitigation to the property 'Tigh na Voil'.
- 7.12 Part of the site was previously cleared of tree cover (as mentioned in the planning report from 2010) and it is not confirmed whether there was originally more tree cover at the western edge of the site. A landscaping plan was submitted and this specifies additional tree planting at the western edge of the site. It is proposed to eradicate the bracken cover on the site and re-establish the woodland setting. Over time this will provide additional screening and noise mitigation for the property 'Grianan'.
- 7.13 Additionally, there is no intention to develop any 'curtilage' for the holiday let and instead it is proposed to have a natural woodland setting as opposed to the defined curtilage that is normally associated with residential properties. This should also help to integrate the lodge to its surroundings and also ensure that any noise and activity is more contained within the lodge itself.

### **Trees and vegetation**

- 7.14 The centre of the site has been previously cleared of vegetation. The submitted landscape plan states that there is 6-7 years of growth and vegetation on the site and that this has resulted in a dense cover of bracken at the centre area of the site. It is proposed to eradicate the bracken and re-establish the native planting typical of that which was previously cleared.
- 7.15 The National Park's Trees and Woodland Advisor was consulted as part of the application and they advised that there is an area of native woodland adjacent the site. They noted no trees are proposed to be removed and recommended one condition for 1 no. tree which is in close proximity to the revised access location to mitigate potential impact on its root protection area.
- 7.16 It was noted that the tree cover at the eastern part of the site does not appear to have been affected. This part of the site still has a woodland appearance but the western edge of the site has no tree coverage. Historical maps have been reviewed to establish the extent of the previous vegetation clearance and these show that an area to the immediate east of Grianan was cleared between 2010 and 2011.



**Figure 7: Vegetation clearance at the centre of the site and no tree coverage at the western boundary**

- 7.17 A landscape plan was submitted that confirms no existing trees will be removed and that tree works comprise of the 'crown lift' of 1 no. existing downy birch tree. As there is very sparse coverage of vegetation and trees between the proposed holiday let building and the property to the west 'Grianan' a further landscaping plan will be required by condition so that an appropriate scheme of proposed planting can be agreed that will address the eradication of bracken and the supplementary planting that will be required to both re-establish a 'woodland setting' and also to provide an appropriate level of screening for the property 'Grianan' to the west of the site.
- 7.18 It is noted that Japanese Knotweed was recorded in the Otter Survey which was conducted in September 2017 and a separate condition will be used to agree a programme of eradication prior to commencement of development.

### **Access**

- 7.19 Balquhiddar Glen is served by a single track road with passing places which runs the entire length of Loch Voil. Contributors have raised the impact of the development on the road and safety of the road as grounds for objection and the access from the road has been re-aligned following an initial objection from Stirling Council Roads. As noted in the site description, the site slopes steeply at this area and a number of conditions have been recommended by Stirling Council Roads to address gradient and visibility splays. Stirling Council Roads removed their objection following receipt of the re-aligned road access proposal. A condition will be used to ensure that any retaining features that may be required in the construction of the access track are designed sensitively and do not result in excessive groundworks or an overly engineered solution.

### **Other matters**

- 7.20 Contributors also raised the issue that the proposal is contrary to housing policy and also that there has been a less than favourable planning history on the site. As the proposal is for a

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holiday let and not a residential dwelling house it has been assessed against tourism policies and, if approved, occupancy restrictions would apply to the unit in perpetuity.

- 7.21 Due to the lengthy history of refusals on the site dating from 1994 for a single house, it is worth noting that there was provision, albeit limited, for housing on the site but that none of the previous proposals met the specific policy criteria at that time for a house in this location. The principle of a residential dwelling house in this location could be supported under the current policy framework provided it would be an affordable house delivered onsite or to be in connection with an established local business. Further detail on the previous refusals is included as Appendix 2 to give some background on the policy basis for the previous refusals.
- 7.22 An air source heat pump is proposed for heating and this is located to the front of the holiday let and be partially enclosed by a timber screen. This form of heating is supported by Overarching Policy 2: Climate Friendly Design as it incorporates low carbon generating technology.

## 8 CONCLUSION

- 8.1 The principle of the development is supported by Local Development Plan policies by virtue of its location within the Development Strategy Map. The proposal is of a small scale and comprises of a single holiday let lodge. The site is a gap site which sits between two residential properties and has been previously undeveloped. The holiday lodge will bring economic benefits to the area in terms of visitor spend in the local economy. The design is contemporary and is appropriate to the landscape setting due to being a single storey design and also by the use of natural materials. The proposal meets the policy criteria and the use of conditions will ensure that the build is carried out in accordance with mitigation measures to preserve the integrity of the SAC and best practice methods are implemented for ecology and wildlife. Additional planting is proposed to strengthen the boundary and create a buffer between the site and the neighbouring property to the west. It is recommended that the planning application is approved with conditions.

**Background** <http://www.lochlomond-trossachs.org/planning/>

**Documents:** Click on view applications, accept the terms and conditions then enter the search criteria as "2018/0099/DET".

**List of** Appendix 1 Conditions and Informatives

**Appendices:** Appendix 2 Planning history summary

Appendix 3 Floor Plans

## APPENDIX 1: Conditions and Informatives

### Conditions:

1. **Construction Method Statement:** Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to, and approved in writing by, the Planning Authority. The CMS shall detail the following:
  - a) Method of working and mitigation measures to control pollution, dust and vibration and measures to control the emission of dust and dirt during construction;
  - b) Method of controlling pollution and sediment release to the water environment including Loch Voil and the River Teith Special Area of Conservation. All works in proximity (50 metres) to waterbodies or watercourses must follow SEPA guidance to ensure their complete protection against pollution, silting and erosion. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: *Works and maintenance in or near water* (February 2018) or such replacement guidance;
  - c) Method of controlling surface water runoff during construction;
  - d) The location of the site compound and the parking area for vehicles of site operatives and visitors and loading and unloading of plant and materials. The location of the storage area for plant and materials used in constructing the development;
  - e) Details of all ecological, tree and landscape mitigation measures that must be complied with by site operatives including the following:
    - i) Otter protection plan – this plan should set out the methods which will be followed to ensure that an offence is not committed during construction. This should include times of construction to avoid the times when otters may be foraging for food and the covering of wide pipes and deep ditches to prevent animals getting trapped; and
    - ii) Tree Method Statement - detailing measures to be taken during construction to protect the health of the existing trees.
  - f) The erection and maintenance of security hoarding as required;
  - g) Details of wheel washing facilities for vehicles joining the public road;
  - h) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - i) Arrangements for responding to complaints including contact details.

Thereafter all works shall be carried out in accordance with the agreed Construction Method Statement.

REASON: To safeguard protected species and nature conservation interests in accordance with adopted local development plan Natural Environment Policy 4: Legally Protected Species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

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- 2. Short Term Holiday Accommodation:** The unit hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The unit shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupant's details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

REASON: The proposal has been assessed as a tourism development and the approval of a permanent residence would be subject to a different policy assessment.

- 3. Removal of Permitted Development Rights**

Notwithstanding the provisions of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order with or without modification) no extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, be built within the curtilage of the building hereby approved, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that such development should be subject to formal control in order to safeguard the amenities of the area.

- 4. Access:** Prior to the commencement of development, the access should be constructed at right angles to the public road, with a bellmouth formed comprising 6 metres radii, leading to an entrance throat width of 3 metres. The new driveway should not exceed a gradient of 1:10 and should be fully surfaced and suitably drained to ensure no surface water or loose material is discharged from it out onto the public road. Any access gates should be set back a minimum of 6 metres measured from the edge of the adjacent public road and open inwards only. The initial 2 metres length of the access driveway shall be constructed to Stirling Council's "Development Roads Guidelines and Specifications".

REASON: To ensure a minimum standard of provision following the commencement of the approved use and thereafter.

- 5. Visibility Sightlines:** Prior to the commencement of development, visibility shall be provided and maintained by forming visibility splays of 2.0 metres x 40 metres in either direction from the centre of the proposed access, within which there should be no obstruction to visibility more than 1.05 metres above carriageway level, thus allowing vehicles exiting the development to see and be seen by vehicles on the carriageway and join the traffic stream safely.

REASON: To ensure a minimum standard of provision following the commencement of the approved use and thereafter.

- 6. Parking provision:** Parking spaces for 2 no. parking spaces shall be provided within the curtilage prior to the operation of the holiday lodge.

REASON: To ensure adequate parking provision is provided for the development hereby permitted.

- 7. Refuse and Recycling Facilities:** Prior to commencement of the development hereby permitted details of facilities to be provided for the storage of refuse, recycling and waste materials, shall be submitted to, and approved in writing by, the Planning Authority. Such facilities as maybe approved shall be constructed and made operational within 1 month of the date of the substantial completion of the

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development, and shall be maintained as such thereafter. Note: this collection point should be outwith the required visibility splay sightlines.

REASON: Collection vehicles will not enter private driveways to collect domestic waste and provision should be made for a properly designed collection point at the roadside for bins awaiting collection. To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality and to accord with adopted local development plan Waste Management Policy 1: Waste Management Requirement for New Developments.

- 8. Japanese Knotweed Management Plan:** Prior to commencement of the development hereby permitted, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to, and approved in writing by, the Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

REASON: To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works.

- 9. Implementation of Invasive Species Management Plan:** The invasive species management plan agreed under condition 8 shall be implemented in full and a validation report confirming the remediation treatment has been carried out and that the site is free of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority.

REASON: To ensure that non-native invasive plant management is undertaken to enhance and protect the environment.

- 10. Details of Landscaping:** Prior to the commencement of construction works within the development site, a landscape scheme/plan shall be submitted to and approved in writing by the Planning Authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:
- a) proposed finished levels or contours;
  - b) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths;
  - c) any new walls, fences, hedges, gates;
  - d) any minor structures (refuse or other storage units);
  - e) existing trees and hedgerows to be integrated into the scheme; and
  - f) planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.

- 11. Implementation of Landscaping:** Within the planting season following the date of this development hereby permitted the landscaping shall be undertaken in accordance with the approved landscape scheme (condition 10). Any trees or plants forming part of the approved landscape scheme which, die are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation.

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REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan

**12. Agreement of Materials and Specifications:** Prior to the commencement of the building on site, a further detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall thereafter be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use:

- a) vertical larch cladding;
- b) aluminium windows;
- c) sedum roof; and
- d) railing/balustrade details (if subsequently required following advice from Building Standards).

REASON: To ensure that the external appearance of the development complements the rural character of the area and the appearance of the existing house and to ensure the implementation of the development in accordance with the further details as may be approved in compliance with the conditions attached to this permission.

**13. Sewage Treatment Plant:** The holiday let unit hereby permitted shall not be occupied until works for the disposal of sewage (a Klargest BA BioDisc active sewage treatment plant) shall be provided and thereafter maintained in perpetuity, to the satisfaction of the Planning Authority, in accordance with the Landscape Plan and the approved document 'Planning query responses' received by the Planning Authority on 08.06.2018 unless otherwise authorised in writing by the planning authority. This shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 4: *Treatment and disposal of wastewater where there is no connection to the public foul sewer* (November 2017) or such replacement guidance.

REASON: To ensure that the development, once occupied, conforms with the appropriate standards and to avoid pollution of adjacent water courses in order that the River Teith SAC is not adversely affected by the development.

**14. External Lighting:** No external lighting should be installed on site unless with prior written agreement from the Planning Authority. Prior to their installation full details to include the location, type, angle of direction and wattage [degree of illumination as expressed by Ev and Eh] of the lighting shall be submitted to and agreed in writing by, the Planning Authority.

REASON: To allow for consideration of the proposed specifications and potential glare in order to safeguard the night sky experience and prevent inadvertent light pollution.

**15. Hours of Construction:** Unless otherwise agreed in writing by the Planning Authority no construction shall take place outwith these hours:

- Monday to Friday 8.00 am - 6.00 pm
- Saturday 8.00 am - 1.00 pm
- Sundays and Public Holidays – no construction permitted.

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REASON: To protect the occupants of nearby dwellings from excessive noise and disturbance associated with construction works.

### List of Plans

<b>Title</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	BQ_1801	04/04/18
Proposed Floor Plans	BQ_PL08	04/04/18
Plan Roof Plan	BQ_PL09	04/04/18
Plan	BQ_PL11	04/04/18
Plan Existing site plan	BQ_PL02a	08/06/18
Plan Road elevation	BQ_PL07a	08/06/18
Plan Side elevation 2	BQ_PL06a	08/06/18
Plan Side elevation	BQ_PL05a	08/06/18
Plan Front (loch) elevation	BQ_PL04a	08/06/18
Sections	BQ_PL10a	08/06/18
Plan Proposed site access plan	BQ_PL17	27/07/18
Landscaping		08/06/18
Plan Business and Management Plan		08/06/18
Plan Design Report		27/07/18
Document Planning query responses		08/06/18
Document Design Report		08/06/18

### Informatives

1. Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2. Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments,

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a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

4. Scottish Water recommend that a Pre-Development Enquiry (PDE) Form is completed and submitted directly to Scottish Water. A copy of their PDE Application Form, and other useful guides can be downloaded from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)

5. Protected species in vicinity - Otters are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places.

6. Surface Water - Disposal of surface water from the site must comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPA's website or from SEPA's Perth Environmental Protection and Improvement Team on 01738 627989.

7. Foul drainage – Foul drainage works must comply with SEPA's GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer.

8. SEPA Pollution Prevention Guidance - Works near water should comply with SEPA's Pollution Prevention Guidelines: PPG1 July 2013 and SEPA's Guidance for Pollution Prevention Works and maintenance in or near water: GPP 5 February 2018.

**Appendix 2 – Planning History Summary**

94/00081/OUT/S – Refused. This application for a single dwelling house was refused due to being contrary to policy at that time with specific reference to local needs housing policy. The applicant didn't meet the criteria for a local needs house. Loss of tree cover and road safety issues were also reasons for refusal.

2002/0156/DET – Refused. This application for a 1.5 storey dwelling house was refused on grounds of landscape impact, highway safety and was also contrary to the policy framework in place (Clackmannanshire and Stirling Structure Plan 2002). The area was designated as an Area of Great Landscape Value at that time and the engineering works associated with the proposal were deemed to be detrimental to the site.

2010/0192/DET – Refused. This application was for a single storey dwelling and was refused on grounds of being contrary to housing policy in the Clackmannanshire and Stirling Structure Plan 2002 and also National Park Local Plan 2010 policy as it did not meet the policy criteria for housing in this location.

The policy framework at the time of the previous refusals was more restrictive in terms of any development in areas designated for their landscape qualities and in particular in rural areas. Housing policies at that time, albeit restrictive, did allow for a degree of housing in the rural areas if there was a 'local need'. This local need could be through family or employment but in the case of the previous refusals none of the cases put forward met the policy criteria in place at that time.

With comparison to the current policy framework, there is currently a spatial strategy in place and housing policy in the smaller settlements and rural areas is still subject to specific criteria being met. For comparison, housing proposals in these areas must now either meet an affordable need or be in connection with an established rural business.

**Appendix 3 – Floor Plans**

