



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 29th October 2018

SUBMITTED BY:	Director of Rural Development and Planning
APPLICATION NUMBER:	2016/0155/DET
APPLICANTS:	Loch Lomond & The Trossachs National Park
LOCATION:	Land adjacent to Gart Lodge, Callander
PROPOSAL:	Erection of 6 Holiday Chalets

NATIONAL PARK WARD:	Ward 7 (Trossachs and Teith)
COMMUNITY COUNCIL AREA:	Callander Community Council
CASE OFFICER:	Name: Vivien Emery Tel: 01389 722619 E-mail: vivien.emery@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 The application site is located approximately 250 metres east of the settlement of Callander to the south of the A84. It comprises an area of woodland (which is covered by a Tree Preservation Order) and is bordered on three sides by a glacial feature known as the Auchenlaich/Callander terminal Moraine. It is proposed to erect 6 holiday chalets and associated access and infrastructure within the site.

- 1.2 In accordance with the agreed Scheme of Delegation, this application is being presented to the Committee as a significant level of representation has been received.

2 RECOMMENDATION

That Members:

APPROVE the application subject to the imposition of the conditions set out in Appendix 1 of the report.

3 BACKGROUND

Site Description

- 3.1 The site is located to the south of the A84 and is accessed off a short section of private road that runs along the east side of Gart Caravan Park. It extends to approximately 1.1 hectares and comprises an area of woodland. The woodland is covered by a Tree Preservation Order and is recorded (by Scottish Natural Heritage on the Ancient Woodland Inventory) as Long Established Plantation Origin (LEPO) dating from 1860. The site is surrounded by woodland on all sides with part of the northern boundary also having a common boundary with a nearby dwelling known as Gart Lodge. A terminal moraine is located within the site, to the south and east of the proposed chalets giving the site a distinctive topography (a moraine is a mass of rock and sediment carried down and deposited by a glacier – terminal moraines are found at the furthest end point reached by a glacier).

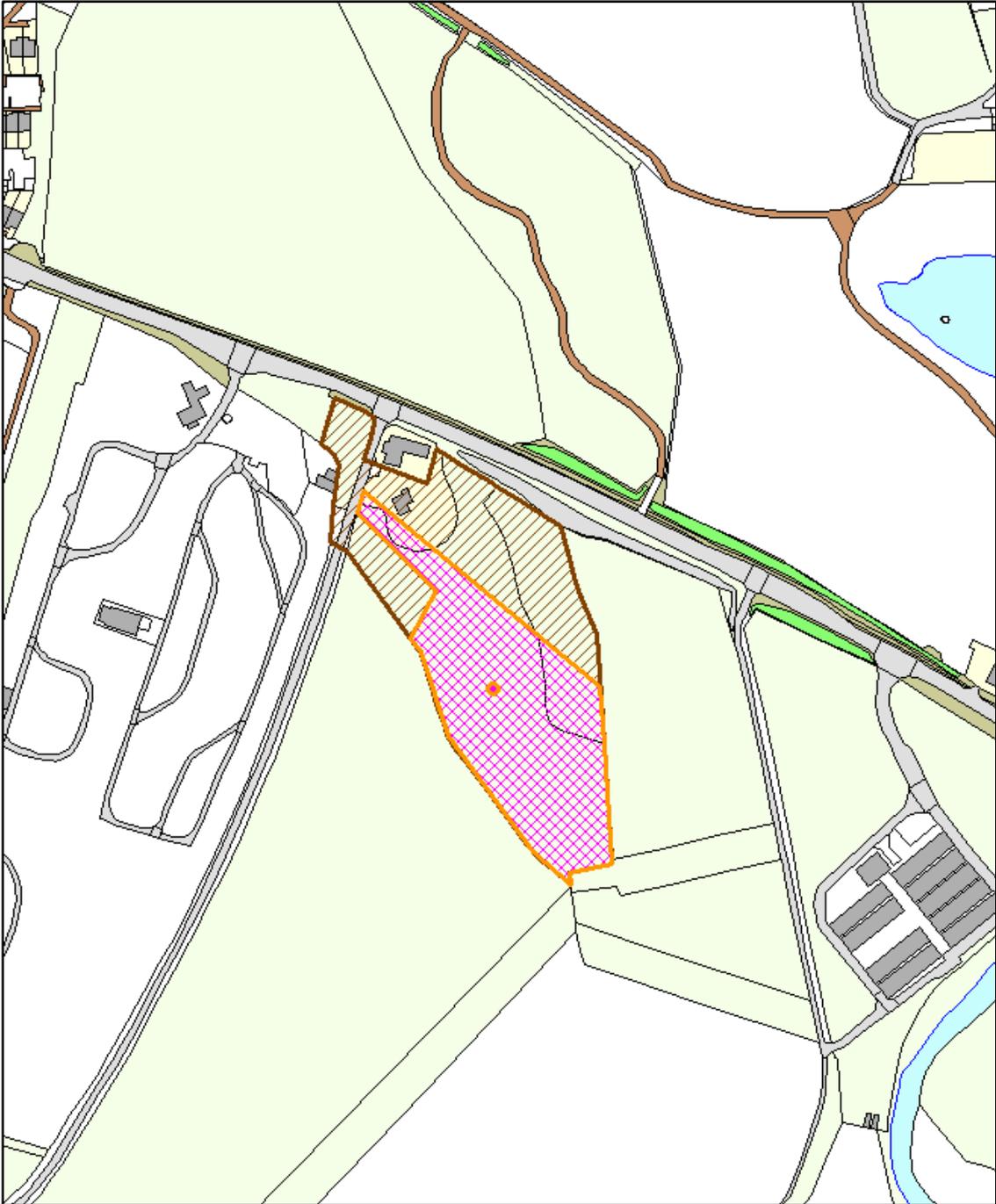
3.2 Environmental Impact Assessment (EIA)

For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required.

3.3 Description of Proposal

It is proposed to erect a total of 6 chalets within the site. They would be developed as a cluster of single storey chalets within a level area to the centre of the site. Access into the site would be from the private road to the west and would comprise a new internal road leading from an existing private access road. The chalets would be of contemporary design with mono-pitched roofs and would be constructed in a combination of timber and glass. It should be noted that the application originally proposed 10 chalets however this was considered to be an over-development of the site and the number of chalets was subsequently reduced to 6. The chalets would be served by an existing public water supply and proposed new private waste water treatment plant.

 **Figure 1: Application Site**



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Figure 2: Site Layout



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Photograph 1: Access at Trunk Road



Photograph 2: Access to Site (at right of photograph)



Photograph 3: Gart Lodge and Rear Garden

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Photograph 4: Central Area of Site



Photograph 5: Southern Section of Moraine



Photograph 6: Southern Section of Moraine

4 CONSULTATIONS AND REPRESENTATIONS

Summary of Responses to Consultations

Full responses are available on the National Park Authority's Public Access Website.

4.1 Stirling Council – Roads

No objection and no roads conditions recommended.

4.2 Transport Scotland

Recommends a condition that the width of the access shall be 5.5 metres wide for a distance of 10 metres from the nearest edge of the trunk road (to ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict).

4.3 Scottish Water

No objection

4.4 British Geological Society (BGS)

The Auchenlaich Moraine was included in the Quaternary Research Association list of Top Quaternary Sites in the UK published in 2015. This included 105 sites throughout the UK. The report outlining the list of sites describes the Auchenlaich Moraine as:

“one of several exceptionally preserved landforms present in and around the town of Callander, Perthshire. Other landforms present include eskers, kame terraces and kettleholes. When viewed together these features allow for the interpretation of the nature, timing and extent of ice at the southern limit of the Loch Lomond Re-advance. This suite of easily accessible landforms is perhaps unique in the UK, offering visitors and locals alike the chance to experience a landscape where the presence of ice is tangible and easily understood”.

The recent removal of the southern section of the Auchenlaich Moraine in the northwards workings of the Cambusmore Quarry has diminished the opportunities for research on the feature as a whole, now leaving the moraine underlying the applicant's site as the only remaining section of the Auchenlaich Moraine south of the A84. Although the cover letter from the agent indicates that the chalets will be built on stilts above the forest floor and no excavation of the moraine is proposed, the development would appear to effect appreciation of the morphology of the moraine (although the reduction in the number of chalets have somewhat reduced the impacts to the site their position remains the same). The development is also likely to hinder future investigation of the moraine and restrict the application of developing techniques, or those that have only recently become more efficient, thus impeding better understanding of the precise operation of climatological, glaciological and sedimentary processes in the region, at a dramatic and critical stage in recent Earth History. BGS welcomes the statement from the applicant to allow access to the site for thorough scientific surveys prior to the commencement of any development. There is however no detail of this access or improved access. Their view on the appreciation of the moraine and the hindering of future research are considered more important given the application to SNH to designate the site as a Geological Conservation Review site. If the LLTNPA were to approve the development, BGS would carry out a walkover

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survey and an aerial survey. If these surveys indicated potential for further investigation, we would propose that a trial pit is dug to obtain further samples for geoscientific research.

4.5 Scottish Natural Heritage Stirling

This site is nationally and internationally recognised for its geological significance and has been proposed as a Geological Conservation Review (GCR) site. The site is a well-preserved glacial landform, which provides evidence for the interpretation of the nature, timing and extent of an ice margin at the southern limit of the main icefield that occupied the Western Highlands during the Loch Lomond re-advance.

Scottish Natural Heritage focuses their advice on the potential impact from disturbance of the sediment and boulders from site preparation and landscaping, principally from excavation during construction of the chalets and associated infrastructure to the nationally important Auchenlaich/Callander moraine. The supporting information provided gives clarity that the proposal will avoid excavating or altering the moraine. Based on the information provided the proposal does not pose a risk to the moraine.

Summary of Representations Received

- 4.6 Representation was received from 22 individuals objecting to the application in writing. Their concerns are summarised below and grouped under headings for clarity. The full content of the representations is available to view on the National Park Authority's Public Access website (<http://www.lochlomond-trossachs.org/planning/> Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0155/DET').

Access/Road Safety

- Concerns regarding any alterations i.e. road widening to the existing private access road.
- The access road is severely limited and is only capable of serving the existing 6 houses and one farm. Concerned that no road widening or improvements to visibility are proposed.

Officers Response: See Paragraph 7.6 of the Report

Trees

- The trees are covered by a Tree Preservation Order and they are surprised to note that the proposal involves the felling of some of these trees.

Officers Response: See Paragraph 7.4 of the Report

Ecology

- Red squirrels frequent the woodland. The proposal will result in the loss of habitat for bats and herons.

Officers Response: See Paragraph 7.4 of the Report

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Policy

- It is considered that the site across the Road, identified as a “Rural Activity Area” in the Local Development Plan, would be more suitable for this type of development.
- One of the outcomes from the Callander Charrette was that linear development in Callander along the A84 Trunk Road should no longer be acceptable. Unfortunately, the present Planning Application would appear to be extending the linear development of Callander towards the east.

Officers Response: *Each application must be considered on its own merits. The principle of the development is assessed against relevant Local Development Polices within Paragraph 7.2 of the Report.*

Landscape

- Concern is expressed regarding the change to the visual aspect of the eastern boundary of the existing caravan park and the existing caravan park becoming overlooked as trees are removed and a new road created.

Officers Response: *See Paragraph 7.3 of the Report*

Impact on Moraine

- The Callander moraine has been selected by members of the Quaternary Research Association QRA as one of its Top 50 Quaternary sites in the UK, one of only three within the Loch Lomond and the Trossachs National Park. The Auchenlaich Moraine has been reduced substantially through quarrying. It is expected that the LLTNP would make more effort to conserve the sections that remain. The building of chalets on this remaining section of the moraine will detract significantly from any visual interpretation on the shape and form of the feature. A development such as this will also lead to restricted public access to the site.
- Writing on behalf of the QRA, a professional organisation comprising individuals interested in research into the problems of the Quaternary. Learning from the past has an essential part to play in understanding and dealing with the challenges faced by society today, such as climate change adaptation, loss of biodiversity, sea-level rise, and sustainable economic development. The QRA requests that the National Park consider fully the scientific and wider values of the Callander moraine and to retain intact the remaining undisturbed parts for study, public engagement and the opportunities they provide for people to experience and be inspired about Scotland’s natural landscape.
- LLTNP is a partner in the Scottish Geodiversity Charter, by allowing this development to go ahead LLTNP would fail to live up to the commitments they made when they signed up to the charter.
- The moraine feature consists not only of the high bank of debris formed at the glacier’s snout. It also includes the sediments behind the curve of the bank, and the outwash plain made of progressively smaller, lighter sediments deposited by glacial meltwater beyond the terminus.
- There are compelling scientific reasons why the moraine should be left intact, because there are many unanswered questions about its genesis, age and environmental significance.
- Concerns about the lack of specific detail in the proposal about the *actual* scale

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of impacts of the proposed building works on the ground surface and subsurface of the moraine, and on the status of the offers of access and supporting educational material that are referred to.

- The National Park should exercise its statutory responsibility to conserve the natural environment and defend a precious and unique asset whose significance goes well beyond the local.
- the National Park should provide information signs of the significance of the moraine and how it should be preserved & protected by chalet visitors.

Officers Response: *See Paragraph 7.5 of the Report*

Other Issues

- the existence the proposed chalets would cause on-going noise and light pollution.

Officers Response: *See Paragraph 7.6 of the Report*

- There is no economic need for the development within Callander.

Officers Response: *The principle of the development would be supported by the Local Development Plan (see paragraph 7.2) and no economic case is required to justify the proposal.*

- Concerns regarding the proposed new access road going over a soakaway from the septic tank of the neighbouring property.

Officers Response: *This is a civil matter between the parties concerned.*

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.

Development Plan:

Local Development Plan (Adopted 2016)

Relevant Policies:

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Overarching Policy 1: Strategic Principles

Overarching Policy 2: Development Requirements

Visitor Experience Policy 1: Location and scale of new development.

Natural Environment Policy 1 (Landscapes), 4 (Legally Protected Species), 5 (Species and Habitats), 7 (Protecting Geological Conservation Review Sites), and 8 (Trees)

Other Material Considerations

National Park Aims

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. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.

Supplementary Guidance (draft)

Design and Placemaking

Planning Guidance

Visitor Experience

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

Other Material Considerations:

5.3 National Park Partnership Plan (2018-2023)

All planning decisions within the National Park require to be guided by the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following outcomes of the Partnership Plan are relevant.

- Outcome 1: Natural Capital
- Outcome 2: Landscape Qualities
- Outcome 5: Recreation Opportunities
- Outcome 7: Visitor Economy
- Outcome 11: Sustainable Growth

6 SUMMARY OF SUPPORTING INFORMATION

A summary of the documents that have been submitted in support of the application now follows under their respective titles:

6.1 Design Statement

The design statement provides details of the site layout, design, landscaping and materials of proposed buildings. The main points from the applicant, in support of their layout and design are:

- There is no major excavation or earth moving proposed as the chalets will be built on stilts above the forest floor. Where possible much of the original forest floor will be retained;
- The access road will be constructed using Cellweb tree root protection.

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- A reed bed will form part of the sewage treatment plant;
- The chalet design will be contemporary however all finishes will be natural and sustainable.
- Management of the woodland is proposed.

6.2 Ecological Appraisal

An Ecological Appraisal was prepared by a consultant on behalf of the applicant. The report makes a number of recommendations with regard to ecology and protected species including:

- Pollution prevention guidelines must be adhered to on site;
- As there are bat boxes and mature trees on site that may hold potential for roosting bats, further survey of these features is recommended. Trees with potential for roosting bats will need either ground, or where applicable aerial, inspections on all features of bat roosting potential if works are to occur on or within 30m of the tree.
- Further pre-construction survey for otter, badger, breeding birds, red-squirrels and otter should be undertaken.

6.3 Tree Survey

A Tree Survey was prepared by a consultant on behalf of the applicant. This incorporated a Tree Protection Plan, an Arboricultural Method Statement and details of Woodland Management. The site is characterised by deciduous and coniferous trees. The surveys concluded the following:

- A total of 25 trees would require to be removed. The majority of these would be within the lower central area of the site.
- The new access road will be constructed using suitable root protection and no-dig construction, and requires minimal tree removal.
- Chalets are to be constructed using pad foundations to minimise intrusion into the Root Protection Area (RPA) of retained trees.

6.4 Bat and Red Squirrel Habitat Assessment

- A survey has identified all trees within the site that have potential for a bat roost or signs of use by squirrel. These trees should be avoided however if this unavoidable further survey will be required to confirm if they do have a bat roost or active red squirrel drey and if necessary a licence sought from Scottish Natural Heritage.

7 **PLANNING ASSESSMENT**

7.1 In determining this application the key issues to consider are deemed to be as follows:

- Principle of the Development
- Site Layout, Scale and Design
- Impact on Trees and Ecology
- Geology: Impact on Moraine
- Road Access and Safety
- Amenity

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Principle of Development

Adopted Local Development Plan (LDP)

- 7.2 Visitor Experience Policy 1 gives support to new visitor accommodation where the proposal would be located within a safe walking distance from a town or village. The site is located approximately 250 metres from the western edge of Callander and there is a footpath that runs along the north side of the A84 into the town. This is considered to be a safe walking distance from the town and the principle is supported by the aforementioned Policy.

Site Layout, Scale and Design

- 7.3 The development comprises a new internal access road and a total of 6 chalets with associated parking and infrastructure. The chalets would be located within a cluster within the central area of the site. Each chalet would have an adjacent parking space with additional visitor parking being provided off the access road. Landscape impacts would be very localised given the topography and wooded nature of the site and its immediate surroundings. Whilst up to 25 trees are proposed to be removed, the majority of these are within the central area of the site and retained trees would adequately screen the proposed chalets (from both the Trunk Road and from the open farmland and caravan park to the south and west). Proposed compensatory tree planting will also assist with screening in the long term.

The chalets would be of contemporary design with mono-pitched roofs and would be constructed in a combination of timber and glass (see image below).



Figure 3: Image of Proposed Detached Chalet

The design and finishes of the proposed chalets would complement the woodland setting and comply with the Supplementary Guidance on Design. The landscape and visual impact of the proposal will be localised and the development will sensitively integrate into the surrounding landscape. Overall the proposal is therefore considered to comply with Natural Environment Policy 1 of the Adopted Local Development Plan.

Implications on Trees and Ecology

- 7.4 The woodland is recorded as Long Established Plantation Origin (LEPO) dating from 1860 which is developing native ground flora. The dominant mature/over mature tree species are oak, beech and yew with early mature/ pole stage spruce, larch, scots pine

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and occasional broadleaves. The age classes of the species suggest an earlier phase of planting (possibly associated with Cambusmore estate) and a later phase of infill planting with the younger conifers. The trees are currently protected by a Tree Preservation Order (TPO). The TPO was served by Stirling Council in 1989 on the grounds that they made “an important contribution to the amenity of the area and ... approach to Callander from the east” and that they were under threat from an application by a Felling License. The extent of the Tree Preservation Order can be seen in the map below.

Figure 4: Tree Preservation Order



A total of 25 trees are proposed for felling. The area requiring to be felled for the proposal has only the younger trees present (a combination of Scots Pine, Norway

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Spruce and Sycamore) and there will be no direct impact upon the larger mature trees within the site. With regard to indirect impacts from construction works, the proposed construction methods would sufficiently minimise the impact of the development on retained trees. For example the use of mini pile/pad foundations for the chalets would minimise the impact and permit natural flora to establish under the chalets. In addition the proposed “cell web” road construction will also minimise impacts on tree roots (cell web is a no dig construction solution that prevents damage to the root protection area). The reduction in the proposed number of chalets from 10 to 6 has also reduced the impacts on existing trees. Appropriate tree planting to compensate for the loss of trees will be necessary, as well as a wider woodland management plan to ensure that the biodiversity of the woodland is maintained and enhanced. Subject to the imposition of conditions in this regard the National Park Tree and Woodlands Adviser has no objections to the proposal. Overall impact on trees will not be significant and the proposal would comply with Natural Environment Policy 8 of the Local Development Plan.

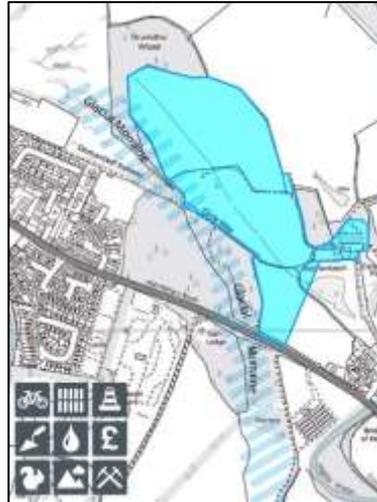
A Bat and Red Squirrel Habitat Assessment has been submitted in support of the application. All trees were surveyed for bat roost potential and/or squirrel drey and trees to be removed identified. The majority of trees (all but one) requiring to be felled were identified as not being suitable for bats or squirrel dreys however there are a few inconsistencies in the tree tag numbers within the tree survey and bat/squirrel survey. The National Park Ecology Adviser has indicated that a no works should commence until a further pre-commencement survey is carried out and a condition (Condition No. 4 is recommended in this regard). This will ensure that if necessary, appropriate mitigation is put in place and/or a bat licence issued, prior to the commencement of any works.

Geology

- 7.5 As outlined above the site is bordered on three sides by the Auchenlaich/Callander terminal Moraine. The Auchenlaich Moraine forms a ridge which runs from north to south (across the A84). The extent of the moraine can be seen on indicative plan in Figure 5 below which is an extract from the Local Development Plan. Part of the moraine to the south has previously been destroyed by sand and gravel quarrying at Cambusmore. The moraine in its current form is however still considered to be a rarely preserved example of a glacial limit from an important part of Scotland’s geological history.

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Figure 5: Indicative Plan highlighting the location of the Auchenlaich Moraine (hatched in blue)



The National Park is a signatory of the Scottish Geodiversity Charter. The Charter encourages the promotion and management of Scotland's geodiversity and better integration of geodiversity into policy and guidance. In recognising the importance of geodiversity the Local Development has a specific policy, Natural Environment Policy 7 (NEP7), relating to the Protection of Geological Review Sites (GCR). A GCR sites contains features of national and international importance that are considered to qualify for designation as Sites of Special Scientific Interest (SSSIs). Although not currently formally established as a GCR, Scottish Natural Heritage has advised that it is a Proposed GCR (i.e. one that may be established as a GCR at a later date). NEP7 has specific criteria that relate to GCR sites however these are not applicable in this instance as the site, to date, has not achieved that status. The policy does however also state that sites of geological importance in the Park will be recognised and appropriately protected from any significant adverse effects. The impact of the proposal on the moraine (both direct and indirect) therefore has to be considered.

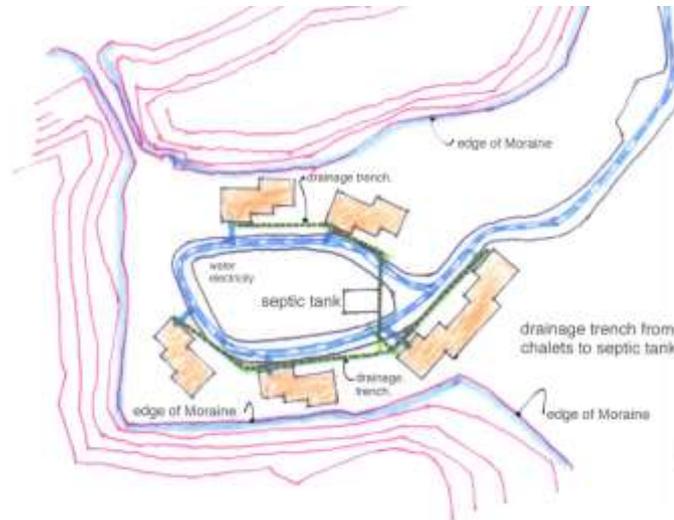
Direct Impacts

The original application submitted was for a total of 10 chalets, a number of which were located on the edge of the moraine. The total number has now been reduced to 6 and none of the chalets would be sited on the moraine itself (see indicative plan below). Impacts can also result from disturbance of excavation works during construction. The proposal as presented emphasis that construction impacts will however be low impact, with the chalets constructed on pile foundations and excavation works being kept to a minimum. A significant feature of the moraine is the boulders as they can yield important information on the age of the moraine. The agent has indicated that if they come across any boulders they will either micro-site the foundation piles to avoid disturbing them or remove them and lay them aside next to the moraine. There will be no direct impact upon the moraine itself and in this regard SNH are of the view that the proposal does not pose a risk to the moraine. A condition requiring the submission of a Construction Method Statement (to be agreed prior to any works taking place) and the fencing of an "exclusion zone" (during construction

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works) along the edge of the Moraine is recommended (Condition No.2 of Appendix 1).

Figure 6: Indicative Layout of Chalets in Relation to Moraine



Indirect Impacts

Whilst the British Geological Society also recognises that no excavation to the moraine is proposed, they have advised that the development would appear to affect the appreciation of the morphology of the moraine. Given the wooded character of the site, the section of the moraine located within the application site is only easily recognisable from within the site itself (other parts of the moraine to the north of the site are more recognisable within the landscape). It is however acknowledged that the siting of the chalets would change the character of the site and, in particular, of how this part of the moraine would be viewed within the central area of the site. From these locations the moraine would be seen within the context of the chalet development and the siting of the chalets would have some impact on how the form and shape is currently viewed. It should however be noted that the moraine is currently covered in trees and generally surrounded by woodland. The wooded character of the site therefore, to a degree, already impacts upon the appreciation of this section of the moraine within the landscape. The moraine will remain intact, and whilst the chalets will have some impact upon how it is viewed within its current landscape context, it is not considered that this will have a significant impact on the appreciation of the moraine.

BGS and a number of the contributors have also raised concerns with regard to the proposal hindering the future investigation of the moraine and restricting the application of developing techniques. Whilst the chalets will be located in close proximity to the moraine, they will not completely surround it and access to the moraine, from some sides, will remain unhindered. Furthermore the applicant has indicated that they would allow access to the site for any survey/investigation work prior to the commencement of works, as well as continuing to provide access to the site post completion. Whilst a condition can be imposed to ensure access is given to BGS to allow surveys to take place, allowing such access in the long term would have to be covered by a Legal Agreement rather than a condition. It should however be noted that the Land Reform (Scotland) Act 2003 gives access rights for the purposes of carrying on a relevant educational activity (this is defined as "an activity which is carried out for the purpose of furthering the person's understanding of natural or

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cultural heritage, or enabling or assisting any other persons to further their understanding of the natural or cultural heritage". This legislation will ensure that responsible access rights to the moraine will continue and a legal agreement regarding public access is not therefore considered necessary. It should be noted that the same access rights do not apply with the curtilage of a building. Whilst no formal curtilage for each chalet is proposed, a condition removing permitted development rights to ensure "private" curtilages are not established on the moraine is recommended (Condition No.13 of Appendix 1).

For the reasons outlined above, it is not considered that the impacts on the moraine would be significant and the proposal is therefore considered to comply with the provisions of Policy NEP7.

7.6 **Other Matters**

Impact on Amenity

There is one dwellinghouse, Gart Lodge, within the vicinity of the proposed development. The garden of this dwellinghouse is extensive and would share a common boundary with part of the site. The nearest lodge would be located some 100 metres from the house. Part of the access road would be sited along the boundary of the garden with the house however screen planting along this boundary is proposed. Whilst the proposal will result in an increase in activity and associated noise from cars and residents, it is not considered that, subject to appropriate conditions regarding additional planting, that this would have a significant impact upon the privacy and amenity of the existing dwelling.

Access

The site would be accessed via a short section (approximately 40 metres) of private road that joins the A84 Trunk Road. Transport Scotland has recommended that the first 10 metres of the access be widened to 5.5 metres to ensure the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict. The applicant does not have ownership of land at either side of the access road. The access point at the Trunk Road is however wide enough for two vehicles to pass. Furthermore there is good intervisibility between the access point to the Trunk Road and the access point to the site. There are already a number of properties served by this access, and as the site can be safely accessed without any conflict on the Trunk Road, no road widening is considered necessary.

8 CONCLUSION

- 8.1 In conclusion, it is considered that the proposal, by nature of the location within a safe walking distance of Callander, would comply with relevant tourism/visitor experience policies of the Local Development Plan. The visual and physical impact of the development will not be significant. The landscape and visual impact of the proposal will be localised and the development will sensitively integrate into the surrounding landscape. The larger mature trees within the site will remain unaffected by the development and the loss of trees proposed, subject to compensatory planting, is considered to be acceptable. Overall there will be no adverse impact upon landscape, trees or ecology and in this regard the proposal would comply with the landscape and ecology natural environment policies of the Local Development Plan as well as assist in achieving the first statutory aim of the Park to conserve and enhance the natural

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heritage.

With regards to geology, there will be no direct impact upon the Auchenlaich Moraine. The form and shape of the moraine is distinctive from within the central wooded part of the site however it is viewed within the context of the existing woodland. The shape and form of the moraine itself will not be altered by the proposal and it is not considered that the indirect impacts, i.e. the appreciation of the moraine, would be significant enough to justify refusal of the application. Furthermore, access to the moraine will remain and the approval of the application does not alter the public access rights that already exist.

Additionally, all other material considerations have been taken into account, such as the responses from the contributors. These matters have been addressed under the relevant sections of this report and there has been no justification found to indicate sufficient weight can be given to a contrary position to the support provided by the relevant local development plan policies. A number of modifications have been incorporated into the proposal during the process of considering the application (most notably the reduction in the number of chalets from 10 to 6) and the recommended planning conditions (as proposed and set out in Appendix 1 to this report) also seek to address concerns and ensure a high quality development will be delivered.

In conclusion, the proposal is considered to be in accordance with the Local Development Plan and other material considerations do not outweigh this conclusion. Therefore, the proposal is recommended for approval, subject to imposition of conditions (detailed in Appendix 1).

Background Documents: <http://www.lochlomond-trossachs.org/planning/>
Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0155/DET'

List of Appendices: **Appendix 1 Conditions and List of Plans**

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Appendix 1

Conditions

1. Agreement of Materials and Specifications: Prior to the construction of the lodges, details of the colour/treatment/finish of all external walls and roofs shall be submitted to, and agreed in writing by, the Local 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.

REASON: To ensure that the external appearance of the development complements the rural character of the area 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.

2. Construction Method Statement (CMS): Prior to commencement of construction of the development hereby approved, a detailed Construction Method Statement (CMS), which sets out how the construction phases of the development will be managed, shall be submitted to, and approved in writing by, the Local Planning Authority). In particular, the final CMS shall cover the following:

- a) Pollution prevention safeguards and sedimentation safeguards around all areas of construction, development and where surface run-off could carry suspended soils into the loch.
- b) Location of storage and disposal of materials.
- c) Landscape mitigation and construction/restoration techniques (including detailed drawings) relating to parking areas, footpaths and any other areas of construction (including details of hydrology).
- d) Micrositing: this should ensure attention to detail through on-site localised design such as; varying the widths and microsite stretches of road to enable it to weave in a naturalistic manner. Roads and associated servicing should be micro-sited to minimise impact on trees;
- e) Protected species mitigation for Bats and Red Squirrels (see also condition 4)
- f) Mitigation for working close to trees.
- g) Displacement of any boulders encountered during construction works. For the avoidance of doubt boulders shall not be removed from the site.

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

REASON: To ensure the construction phase is carefully managed to minimise landscape impacts and to mitigate adverse impacts on ecology.

3. Breeding Bird Protection: No tree felling or route clearance shall take place within woodland areas between 1 April and 31 July unless a breeding bird protection plan has been first submitted to, and approved in writing by, the Local Planning Authority. All tree felling or route clearance carried out between 1 April and 31 July shall be implemented in accordance with the agreed Breeding Bird Protection Plan.

REASON: To avoid disturbing nesting birds during bird-breeding season and to ensure the proposed works do not contravene Nature Conservation laws relating to the protection of any wild bird nest while in use or being built.

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4. Protected Species Survey: Prior to the commencement of the development hereby approved a detailed re-survey for bats and red squirrels relating to all trees identified for felling within the Tree Survey dated 19th March 2018 shall be undertaken and the results, together with a scheme of protection/mitigation measures, shall be submitted to, and approved in writing by, the Planning Authority. The scheme of measures shall be implemented in full accordance with a time-scale to be agreed in writing with the Planning Authority.

REASON: To safeguard protected species and nature conservation interests and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

5. Details of Landscaping and Tree Planting Plan: Prior to the commencement of the development hereby permitted full details of both hard and soft landscaping works shall have been submitted to, and approved in writing by, the Planning Authority. These details shall include car parking layouts, hard surfacing materials and all site infrastructure including bin storage. Soft landscape works shall include landscaping mitigation works, including replacement tree planting, details of species, nursery stock size and density of planting and protection and shall include new planting along the boundary of the new internal access road and Gart Lodge. The species choice, design and layout shall be tailored to reflect the existing vegetation and soil types.

REASON: To minimise the visual impact of the development and to enable it to best fit in with its surroundings and to enhance the local area.

6. Tree Removal/Tree Protection Plan: Unless otherwise agreed in writing only those trees shown identified for removal within the Tree Survey dated 19 March 2018 shall be topped, lopped or felled. For the avoidance of doubt no trees shall be lopped, topped or felled prior to the discharge of Condition No.4 (Protected Species Survey). Before the development is commenced, a tree protection plan detailing measures to be taken during construction to protect the health of the existing trees within and adjacent to development areas shall be submitted to, and approved in writing by, the Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase.

REASON: To prevent damage to trees in the interests of the visual amenity of the area

7. Woodland Management Plan: Prior to the commencement of development a Woodland Management Plan shall be submitted to, and agreed in writing by, the Planning Authority. This shall include a plan to eradicate invasive species within the site and a plan for the future management of the approved tree/shrub planting. The woodland shall thereafter be managed in accordance with the approved Woodland Management Plan. Unless otherwise agreed in writing with the Planning Authority, all landscaping works as approved shall be carried out during the first planting season following the commissioning of development and any trees or plants that, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species.

REASON: To maintain and enhance the native woodland due to the change of use proposed for the site and to ensure the long term future of the landscaped setting for the development that integrates it with its surroundings and safeguards the visual amenities of the area.

8. Landscape Clerk of Works/ On-site Landscape Architect: No development shall commence on site until a suitably qualified Landscape Clerk of Works (LCoW) or On-site Landscape Architect has been appointed to oversee the setting out, construction and

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restoration of all project elements likely to have a landscape impact.

REASON: To ensure that the proposed landscape mitigation is followed during construction and to minimise landscape and visual intrusion from the development.

9. **Scope of works to be carried out by the Landscape Clerk of Works:** Prior to appointing the LCoW in accordance with Condition 8. above, the scope of works and responsibilities for that person shall be submitted to, and approved in writing by, the Local Planning Authority. As a minimum, the LCoW shall:

- Attend a pre-start meeting;
- Give toolbox talks to contractor;
- Have a watching brief over key stages within the construction schedule of the development and monitor implementation of the construction method statements with regard to landscape integration; oversee site clearance and earthworks, siting of structures and paths and minimise working corridors required;
- oversee the location of the site compound and all materials storage; ensure the micro-siting of buildings and of paths alignment; ensure attention to detail through on-site localised design such as; Servicing should be micro-sited to minimise impact on trees and the moraine;
- oversee landscape reinstatement works including turf and soil management;
- oversee the landscaping ; planting, seeding of reinstated areas, mitigation and enhancement planting as required.

REASON: To ensure that the landscape mitigation agreed in the detailed Construction Method Statement is followed during construction and to minimise the landscape and visual intrusion from the development.

10. **Construction Exclusion Zone:** Prior to the commencement of development a fenced “construction exclusion zone” shall be erected along the edge of the moraine located within the site. Details of the location and type of fencing shall be approved in writing by the Planning Authority prior to its erection and the fencing shall be retained on site in accordance with these details during the duration of construction works.

REASON: To ensure that construction works do not disturb the Auchenlaich Moraine.

11. **Investigation of Moraine:** Prior to the commencement of development the British Geological Society shall be afforded access and shall be permitted to carry out survey work and/or investigation works relating to that part of the Auchenlaich Moraine that is located within the site.

REASON: To facilitate geoscientific research of the Auchenlaich Moraine as necessary for the benefit of the nation.

12. **Short Term Holiday Accommodation:** The unit(s) hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The unit(s) 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.

[Note: This condition does not prohibit the letting of the units by a management company or other management arrangement on behalf of the owner]

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REASON: The proposal has been assessed as a tourism development and the approval of permanent residence(s) would be contrary to the policies contained in the adopted local development plan.

13. **Permitted Development:** 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 material alterations or extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, or satellite antenna provided within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Planning Authority.

REASON: To ensure the development, as originally approved, is not materially altered over time in ways uncondusive to safeguarding the rural setting, woodland character and general amenity of the site and surrounds and to ensure that the holiday nature and character of the house is safeguarded.

14. **Bin Storage:** Prior to the commencement of development details of the storage arrangements for general waste and recycling boxes/bins shall be submitted to, and agreed in writing by, the Planning Authority in consultation with Stirling Council, Environment Services.

REASON: To ensure that there is adequate storage within communal areas for bins, in the interests of amenity.

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.

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

16. **Interpretation Panel:** Prior to the occupation of the chalets hereby approved an interpretation panel containing information relating to Callander/Auchenlaich Terminal moraine (to be drafted in consultation with the British Geological Society) shall be displayed at the entrance to the site (or at an alternative location agreed with the Planning Authority).

REASON: To promote the understanding of geodiversity within the National Park.

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 Surface Water - Disposal of surface water from the site should 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 SEPAs website or from SEPAs Perth Environmental Protection and Improvement Team on 01738 627989.

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3 Protected species in vicinity - 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.

4 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.

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