



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 28th September 2015

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2015/0250/DET
APPLICANT:	Mr Ian Allison
LOCATION:	Rowardennan Hotel
PROPOSAL:	Erection of 5 lodges

NATIONAL PARK WARD:	National Park Ward 4 (South-East Loch Lomond)
COMMUNITY COUNCIL AREA:	Buchanan 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 It is proposed to erect five timber chalets within an existing chalet park at Rowardennan. The application is being presented to Committee because an objection has been received from Buchanan Community Council and a significant number of objections have been received.

2 RECOMMENDATION

That Members:

1. **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 application site is located on the east side of Loch Lomond and comprises the Rowardennan Hotel and associated chalet park. The site is located within the National Scenic Area and is located some 45 metres west of the Rowardennan Woodlands Site of Special Scientific Interest (SSSI) and the Loch Lomond Woods Special Area of Conservation (SAC). A location plan is outlined below (Figure 1).



Figure 1: Location Plan

Environmental Impact Assessment (EIA):

- 3.2 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.

The proposal falls under Schedule 2 12(c): Tourism & Leisure of the Environmental Impact Assessment Regulations 2011. A screening opinion was adopted and in this particular instance it has been determined that an EIA is not required. The screening opinion is available to view on our website within the casefile on our online planning system.

Description of Proposal:

- 3.3 The development proposed is to erect a further 5 timber holiday lodges within the established chalet park. The chalet park comprises 38 lodges at present. The siting of the proposed chalets are as follows:
- One chalet (Chalet 1) on the north eastern shore that will replace an existing boathouse/store building;
 - A group of 4 chalets (Chalets 2-5) within an existing boat storage area. It is proposed to re-locate the storage of boats to another area within the wider site (to the north of the existing boat storage area);

A site plan is located below (Figure 2).

Agenda Item 5

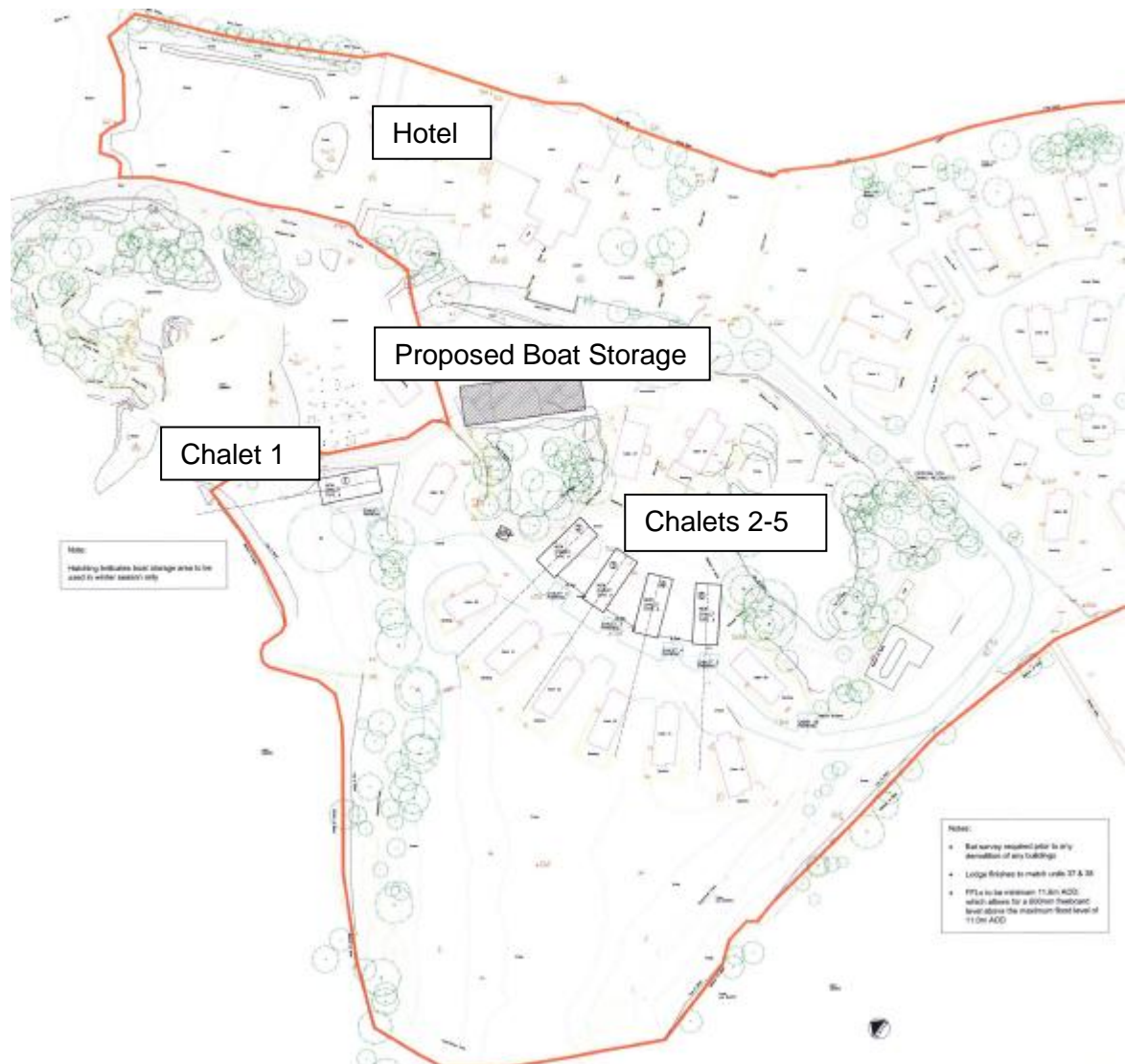


Figure 2: Site Plan

- 3.4 The chalets would measure 14.5 metres by 6 metres and be of timber-clad construction, with a dark grey steel powder coated roof system.

Planning History:

- 3.5 Detailed planning permission for the erection of 36 chalets, on the former Rowardennan Caravan Park, was approved by Stirling Council in April 1991. This planning permission was subject to a number of conditions, relating to materials, landscaping, water supply and drainage, and also to the prior conclusion of a Legal Agreement (then known as a Section 50 Agreement).
- 3.6 The purpose of the agreement (which was recorded on 29 April 1991) was to manage the transition of the site from a static caravan park to a chalet park and included the following burdens;
1. *All use of the development subjects for siting of caravans shall cease no later than a date 5 years after the date of recording of this Agreement;*

Agenda Item 5

2. *In respect that there will be a transitional period during which both the caravans and chalets will be sited on the development subject, at no time during such period shall the total number of caravans and chalets together exceed 36;*
 3. *The portion of the development subjects shown coloured blue on the said plan shall at no time be used for storage of boats or other equipment or materials relating to the business of the second party or their successors.*
- 3.7 Planning permission was approved by the National Park for a further two chalets within the site on 17th August 2005. This consent has since been implemented. The National Park has also approved planning consent, in 2009, for a substantial extension to the hotel incorporating additional bedrooms and function conference facilities. This planning permission was not implemented and has now expired.
- 3.8 At the Planning and Access Committee of 16th September 2013 members refused planning permission (Ref: 2012/0373/DET) for the erection of 6 lodges within the site for the following reasons “the proposed development is contrary to Policy Tour 1 (b) as the proposal would result in the over-development of the site and loss of amenity.” Members also requested that a report on enforcement issues at this site to be presented to committee at a future date. This new application includes a revised proposal, the only change from the 2012 application is that one lodge (lodge 6 on the previous proposal) has been removed and 5 lodges are now proposed.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 4.1 Buchanan Community Council – Objects to the proposed development. As the original number of lodges considered to be the maximum by Stirling Council was 32, and this was supported by the Community Council, the Community Council object to any more lodges on this site. The criteria used to determine the original 32 are still valid and supported by the Community Council.

Note: the consultee responses outlined below were those received in relation to application 2012/0373/DET. Given there are no material changes to the new proposals no new consultations (apart from the Community Council) were undertaken.

- 4.2 Stirling Council Roads – has no objection to the proposal subject to the imposition of conditions requiring the submission of a construction traffic management plan and parking requirements.
- 4.3 Stirling Council, Flooding Authority - The proposed development site is located partly within SEPA’s Indicative River and Coastal Flood Map and therefore suggests the site may be at risk of flooding. They recommend that Chalet 1 be removed from the proposals. Drawing P074-02 suggests the predicted flood level is 11mAOD and finished floor level (FFL) would be set a minimum of 600mm above this level to provide adequate freeboard. It is unclear how this level of 11mAOD has been determined but if details of this can be provided it may be that Chalet 1 may not be within an area of flood risk.
- 4.4 SEPA – It is noted that the site lies on the banks of Loch Lomond. There does however

Agenda Item 5

appear to be sufficient level difference between the banks of Loch Lomond and the development site and the potential flood risk to the site from Loch Lomond is thought to be low.

Provided the existing sewage treatment facility has sufficient capacity and that the final effluent complies with the terms of its 'CAR' authorisation there are no concerns in respect of foul drainage. It is requested that the surface water runoff from the site is treated sustainably perhaps by the use of localised soakaway arrangements.

- 4.5 SNH - There are natural heritage interests of international importance on the site (otter), but they advise these will not be adversely affected by the proposal. Pre-construction otter surveys should be undertaken as well as a further bat survey.

Representations Received:

- 4.6 A total of 28 representations have been received in relation to the new application. One has been received from FLORRA (Rowardennan Residents Association) with the others received from existing lodge owners. The issues raised have been summarised under the following categories and a response to the range of concerns is provided within the text on the Planning Assessment (Section7):

Contrary to Development Plan

- The proposal is contrary to Policy TOUR1 of the adopted Local Plan and Policy RD2 of the National Park Partnership Plan.
- The Local Plan states that new tourism development north of Balmaha will not be allowed.
- There are no material differences between the previous application for 6 lodges that was refused and the current application.

Over-Development/Amenity

- In 1990 the planning authority considered that 32 chalets was the absolute maximum tolerable limit given amenity and traffic considerations. There are now 38 chalets to which 5 are proposed to be added;
- The hotel owner has not addressed the objections previously raised;
- The proposal would result in over-development of the site;
- The chalets would be erected on common ground – to grant planning permission would deny the rights of existing owners;
- The development will result in overcrowding/overshadowing and loss of privacy;
- Concerns regarding providing a public viewpoint within a private secure complex. The public viewpoint will overlook existing and proposed chalets. It will encourage members of the public into the site.
- The site of proposed lodge 1 would be very visible from the loch;
- The tree management plan is confusing as it refers to three lodges being erected along the loch shore frontage, not 1 as is shown on the other plans;
- The electricity supply is contained within the toilet block. Permission should be sought if it is to be demolished and another electrical building erected.
- The position of Lodge No.5 and its parking would prevent vehicular access to the parking area for Lodge 29. As owners of Lodge 29 we would not consider moving the parking area to the south of their lodge as is shown in the plans.

Agenda Item 5

- The lodges will be let out to hotel guests who, as has occurred in the past, may cause noise and disturbance to lodge owners.

Boat Storage

- The proposed new boat storage area is not of an adequate size to meet demand. It is on an elevated and exposed site;
- The plan refers to winter boat storage however boats are stored all year round.
- The proposed boat storage area is not easily accessible.

Roads

- The road to Rowardennan is already inadequate and additional traffic will increase the problem;

Drainage

- The sewage plant will be unable to cope.
- The owners of the lodges will not give permission for the new lodges to be connected to the sewage plant which is partly owned by them.

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:

5.3 National Park Local Plan (Adopted 2011): Relevant Policies:

National Park Aims

NP1 Development in the National Park

Sustainable Tourism and Recreation

TOUR1 New Tourism Development

TOUR2 Supporting and Retaining a Range of Quality Tourism Accommodation

TOUR3 Enhancing and Safeguarding Existing Tourism Sites

Agenda Item 5

Transport and Access

TRAN3 Impact of New Development on the Road Network

Landscape

L1 Conserving and Enhancing the Diversity and Quality of the Park's Landscapes

Design Quality

D1 Design Quality

Sustainable Development

SUSDEV1 Sustainable Development

Natural Environment

ENV1 European Sites (SACs and SPAs)

ENV2 Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

ENV4 Legally Protected Species

ENV9 Development Impacts on Trees and Woodlands

ENV16 Development in Medium to High Flood Risk Areas

Open Space

ENV30 Protecting Other Important Open space

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan/menu-id-904.html>

Other Material Considerations:

5.4 National Park Proposed Local Development Plan

The 'Proposed Local Development Plan' (LDP) was approved by the National Park Board on 27th April 2015. The 'Proposed Plan' has since been through a six-week period of public consultation which is now closed. At this time the 'Proposed Plan' is a material consideration in the assessment of planning applications, depending on the policies that would be applied and the proposal.

The proposed Plan provides an update in current planning policy. In this respect, the following policies are relevant:

- Overarching Policy 1: OP1 – Strategic Principles
- Overarching Policy 2: OP2 – Development Requirements
- Natural Environment Policy 4: NEP4 - Legally Protected Species
- Visitor Experience Policy 1: VEP1 - Location and Scale of new development
- Visitor Experience Policy 2: VEP2 - Delivering a World Class Visitor Experience
- Natural Environment Policy 1: NEP1 - National Park Landscapes, seascape and visual impact
- Natural Environment Policy 2: Special Areas of Conservation
- Natural Environment Policy 3: Site of Special Scientific Interest

In addition Draft Planning Guidance: Visitor Experience is also relevant.

Agenda Item 5

The above do not raise any new policy considerations relative to the proposed development.

National Park Partnership Plan (2012-2017)

- 5.5 All planning decisions within the National Park require to be guided by the policies of 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 policies are relevant:
RD Policy 2: Spatial Development Strategy
RD Policy 7: Sustainable Design and Construction
Con Policy 2: Natural Heritage

6 SUMMARY OF SUPPORTING INFORMATION

A design statement was submitted in support of the application. An otter survey and two bat surveys were submitted in support of the previous 2013 application.

Design Statement: Design Principles: the holiday lodges have been positioned to have a minimal impact upon the site. They have been designed and finished to blend into the site.

Sustainability: Largest areas of glazing on south facing elevations, where possible, and glazing minimized to north facing elevations with thermal mass of solid floor & underfloor heating. The applicant has stated there will be responsible sourcing of materials.

Environment: No changes in levels required. No trees required to be felled (scrub removal only). Where necessary, foundations will be hand dug to guarantee that tree root systems will not be damaged.

Otter Survey: No impacts to otters are predicted as a result of the works. Given the already disturbed and well used nature of the site it is not considered that the works as a result of the chalet construction would caused any additional disturbance to the otter resting up site that is over 150 metres from the proposed areas of works. Best practice guidance should be followed.

Bat Survey: The survey dated February 2013 stated that a bat roost was suspected in the toilet block a summer survey should be carried out. A further survey was carried out in June 2013. This concludes that there was no evidence of bat roosting within the toilet block but as a precautionary approach the roof tiles should be removed by hand.

7 PLANNING ASSESSMENT

- 7.1 For clarification, the provisions of a Section 50 or Section 75 Agreement do not prevent a planning authority from granting planning permission for a development that accords with the provisions of the current development plan. Any permission so granted would not be capable of implementation however, if prevented by the terms of the Agreement. In this particular instance the second burden of the Section 50 Agreement (see paragraph 3.6) is not considered to prevent the erection of additional chalets on the approved chalet park. This burden clearly states that it is only applicable during the transitional period during which time the then existing caravans were being replaced with the approved chalets. All caravans have long since been replaced and this burden is no longer applicable. As with any planning application, the current application therefore falls to be determined with regard to the provisions of the development plan, and taking into account any other material considerations.

Agenda Item 5

- 7.2 The principal issues to be considered in the determination of this application are the principle of the development, siting, design, flooding, access, ecology and outstanding enforcement matters. These are now discussed in detail:

Principle of Development

- 7.3 Policy TOUR1 of the Adopted Local Plan requires the proposal to be assessed against the Visitor Destination Strategy set out in Schedule 5. Schedule 5 focuses on wider opportunities within the sub-destination areas and states that proposals must demonstrate that:
- (a) they contribute towards the management strategy for the relevant sub-destination area;
 - (b) that the proposal consolidates and enhances the quality and range of tourist accommodation; and
 - (c) that the proposed site is within an appropriate landscape setting.

- 7.4 The site is located within the East Loch Lomond sub-destination area. The management strategy for this area is to “*Develop and manage the east shore as an area of quiet recreation and where traffic pressures are effectively managed to reduce visitor pressure at peak times, reducing impact on the roads infrastructure, quality of life for residents, the special qualities and the visitor experience*”. Furthermore tourism/opportunities/constraints identified for this sub-destination area include resisting proposals for new tourism development north of Balmaha. Whilst Schedule 6 of the Local Plan, relates more specifically to recreation activity within the Park, it does identify East Loch Lomond as an area of intense activity and states that development proposals that would result in increased visitor pressure and recreational activity on land will not be supported. The primary focus of these strategies is the management of the east shore for new tourism development. Whilst the proposal would result in the siting of 5 additional chalets north of Balmaha, the proposal does not relate to a new development site but instead the expansion within an existing site (and Policy TOUR3 therefore also applies – see below). Furthermore, given the relative modest scale of the development, it is not considered that it would have a material impact upon traffic pressures or recreational activity on land or have an adverse impact upon the special qualities or visitor experience. This is discussed in more detail later within the report. The proposal would consolidate and enhance the quality and range of accommodation within the site (in accordance with Schedule 5 (b) above) and overall is not considered to be inconsistent with Schedule 5.

- 7.5 Policy TOUR3 of the Local Plan states that proposals which enhance and improve existing tourism developments will be supported, including small-scale expansion where appropriate (similarly RD Policy 2 of the Partnership Plan supports improving or extending existing facilities). The siting of 5 chalets, in addition to the 38 already located within the site would enhance the existing site and comply with the provisions of this policy. Furthermore, whilst limited weight can be given to the Local Development Plan, it should be noted that Visitor Experience Policy 1 supports the improvement or expansion of existing tourism businesses. It is acknowledged that the site has already supported small scale expansion in recent years and cumulative development within the site is considered further at paragraph 7.10.

Siting/Landscape

- 7.6 The chalets would be located within two separate areas within the existing chalet park. Each site has been considered separately:
- 7.7 Chalets 2-5: These four chalets would be located within an area currently occupied by an old toilet block and used for boat storage (See Figure 3). Concerns have been raised regarding

Agenda Item 5

the number of chalets proposed within this area and the impact upon the privacy and amenity of adjacent chalets. The proposed lodges are located up to 9 metres apart at the front and between 4 and 6 metres to the rear. Unlike the existing chalets, no areas of side decking are proposed. It is considered that these distances would allow for an acceptable level of privacy and amenity to be enjoyed by occupiers of the new and existing chalets. The chalets would be viewed in the context of existing built development within the chalet park, against a backdrop of trees, and would have no adverse landscape impact. It is not clear from the plans submitted whether the parking area for proposed lodge 5 would impinge on the access to the parking area for an existing lodge (Lodge 29). There is however ample space to re-locate the proposed parking area and a condition requiring a parking plan for Lodge 5 is therefore recommended.



Figure 3: Eastern Area of Site of Chalets 2-5

7.8 The development of proposed chalets 2-5 would displace the existing boat storage area. This facility is now indicated to be re-located on a more elevated site to the north. Whilst this site will be visible from the loch, the boats would be viewed in the context of the existing chalet park and associated buildings and partially screened by trees. The siting of boats in the proposed location is not therefore considered to have adverse impact upon the landscape. Concerns have been raised regarding the limited size of the proposed boat storage area and its access which is up a short steep hill. The applicant has indicated that the proposed site was used for the storage of boats many years ago and that recently 30ft caravans have been removed from site via the access route. He has also indicated that winter boat storage had reduced to 2 boats last winter (as most owners store under cover off site) and that in the summer there has been a maximum of 5 owners storing their boats or trailers. It is acknowledged that the proposed area is smaller than the existing storage area however it is considered to be of a reasonable size (for the storage of boats in winter months when boats are out of the water) and is located adjacent to an area of undeveloped land that could provide more space if necessary (it is noted that the number of boats stored within the existing storage area has reduced since the officer’s site visit in 2013). Whilst the location of

Agenda Item 5

the new storage area may not be as easy to access as the existing area, it is noted that large vehicles and caravans have accessed and egressed the site in the past.

- 7.9 Chalet 1: This chalet would be located to the north west of the site and replace a dilapidated storage building (see Figure4). This site is visually prominent when viewed from the loch shore and loch itself. The development would however improve the overall visual amenity of this part of the site as a result of the removal of the existing storage building and general tidy up of materials. A single unit would provide an overall improvement relative to the current use of the site. Existing trees would also assist in providing an established landscape setting to this proposal. It will be important that the development does not impact upon roots of these nearby trees and a condition is recommended in this regard.



Figure 4: Site of Chalet 1

- 7.10 Concerns have been raised by some existing chalets owners regarding the cumulative impact of the additional chalets. The proposed density of the development would be in keeping with that of the existing chalets and they would all be located within areas of the chalet park where development already exists (i.e. boat storage and boat shed). The proposed development is not considered to constitute an over development of the site and the development would have no adverse impact upon the amenity of users of the site or on the wider landscape character.

Design

- 7.11 Each chalet would be of timber construction with large areas of glazing to the front. A small covered decked area would be located at the front. This design would be similar to the two existing (more recent) chalets located within the site and is considered to be of an acceptable standard. The design of these two existing chalets is shown below in Figure 5.

Agenda Item 5



Figure 5: Existing Chalets

Flooding/Drainage

- 7.12 Chalet 1 is proposed to be located within an area of indicated Flood Risk. Stirling Council Flood Officer is however unclear how the predicted flood level has been determined. No additional information was however sought as there is a clear a substantial difference in levels between the loch and the site. Furthermore, SEPA has indicated that the potential flood risk to the site from Loch Lomond is low given the difference in levels.
- 7.13 Foul drainage would be connected to an existing private wastewater treatment facility (with a condition recommend in this regard for the avoidance of doubt) and an informative relating to surface water drainage is recommended.

Access

- 7.14 The chalets would be accessed via the public road between Balmaha and Rowardennan. It is acknowledged that this road is substandard however this proposal relates to a modest expansion of an existing site and the roads authority has raised no objection to the proposal. They do however recommend the submission of a management plan relating to construction traffic and a condition is recommended in this regard.

Ecology

- 7.15 The proposed development is located adjacent to the Loch Lomond Woods Special Area of Conservation (SAC) (the site boundary is outlined in the location plan contained within Appendix 2 of the Report). An SAC is also known as a European (Natura) site and is covered by the requirements of the Habitats Regulations. The qualifying interests of this SAC are oak woodland and otter.
- 7.16 SNH has advised that the proposal is likely to have a significant effect on the qualifying interests of the SAC. However, they have appraised the actual impacts of the development and, in their view, there will be no impact on the site conservation objectives, and therefore site integrity.

Agenda Item 5

7.17 Under the Habitat Regulations, the NPA is required to carry out an appropriate assessment where a proposal is likely to have a significant effect on the European site. **A planning authority must not approve a project unless they can ascertain – by means of the appropriate assessment – that it will not adversely effect the integrity of the Natura site.** This process focuses on the qualifying interests of the Natura site and must consider any impacts on the conservation objectives of the site.

7.18 The proposal will have no impact upon oak woodland but is considered to have **the following likely significant effects on otters, a qualifying feature of the SAC:**

- Noise and increased activity during demolition and construction of the buildings.
- Habitation of lodges and the consequent increase in noise and activity from people, dogs and boats within the proposed development area.
- Increased recreational activity in the area surrounding the development.

7.19 An appropriate assessment has been prepared and concludes that the **mitigation measures** relating to emergency procedures, hours of working, control of shining lights and provision of ramps within larger trenches will ensure that there is no adverse effect on the integrity of the site. In summary, the identified effects on the SAC can be mitigated by the conditions attached to the planning application.

7.20 An initial bat survey carried out for the 2013 application stated that a bat roost was suspected in the toilet block which is to be demolished. A further summer survey was then carried out and this concluded that there was no evidence of bats roosting within the toilet block. It is however recommended that a precautionary approach be taken in the demolition of the building and that the removal of the roof tiles should be undertaken manually. A condition is recommended in this regard.

7.21 Enforcement Matters

Members of the Planning and Access Committee carried out a site visit in relation to the 2012 application in September 2013. Members noted on the site visit that a number of areas within the site were in a poor condition, resulting principally from the storage of materials, container buildings and caravans. The containers and caravans were not authorised and the owner was advised that they be removed. Furthermore, to improve the overall amenity of the site it was recommended that untidy storage areas be cleared or improved. As a result the following has been carried out:

- At the lochshore location (where the wakeboarding school previously operated from) the metal container / portacabin, the lpg tanks and surrounding clutter has been removed. To the west of this the large ropes, mooring remnants, etc. that were lying on the shoreline have been removed.

Agenda Item 5



Figure 6: Site adjacent to proposed chalet 1: 2013



Figure 7: Site adjacent to proposed chalet 1: 2015

- The two caravans sitting on the higher ground behind the hotel building have been removed and this area generally tidied (where in the ownership of the site owner).



Figure 8: Boat Storage Area 2013

Boat Storage Area 2015

- A plan has been provided in relation to informal landscaping proposals on the hilltop area within the centre of the site where trees were removed a number of years ago by the previous site owner. A landscape architect has been engaged and a landscape design proposing an informal walking/picnic/viewing point has been

Agenda Item 5

submitted.

- Details of some short-term woodland management of important loch-shore wooded areas have been submitted (removal of broom to encourage re-generation and some additional planting).

7.22 The works carried out on the site have improved the overall amenity and character of the site. There remain some areas of debris adjacent to the boat storage area and adjacent to the former boat shed. The applicant has indicated that some of this debris relates to works currently being undertaken on the nearby West Highland Way and shall be removed once these works are complete. It is also intended that the existing logs and stone shall be removed prior to the re-location of the boat storage area. The amenity of the site will be further improved by the woodland management and landscaping proposals and a condition relating to the timing of these works is recommended (the woodland management plan submitted refers to 3 chalets being erected next to the loch shore instead of the one proposed (Chalet 1) – this is an error in the plans). The National Park Authority's Landscape Advisor is satisfied that the works proposed will result in appropriate enhancements to the site taking external and internal landscape and visitor experience into consideration. The hilltop is an important feature of the wider landscape setting for the chalet park and hotel and its enhancement will be of considerable benefit to the wider landscape character. A number of lodge owners have raised concerns that members of the public will access the new landscaped hilltop area and that this conflicts with the current management of the site as a private development. This is a civil matter between the parties concerned and is not a relevant planning consideration.

8 CONCLUSION

- 8.1 The proposal is not considered to be inconsistent with policy TOUR1 of the National Park Local Plan as it does not relate to “new” tourism development and the siting of 5 further chalets within an existing site is not considered to have a material increase in traffic using the road infrastructure or have an adverse impact upon the special qualities and visitor experience. The proposal accords with Policy TOUR3 as it relates to the small-scale expansion of an existing site. The new chalets would make efficient use of the capacity of land within the existing site whilst also ensuring an acceptable level of amenity is maintained (the large area shared open space will remain).
- 8.2 The proposal accords with policy L1 as development of the chalets, within an existing chalet park and adjacent to existing built development would not erode local distinctiveness and quality of the Park's landscape character. A high quality area of open space exists within the chalet park. The proposal would not result in an over-development of the site and it is considered that the amenity of existing residents would be maintained and that future occupiers of the chalets would enjoy an acceptable level of privacy and amenity. In addition, substantial tidying of the site has been undertaken resulting in an overall improvement in the amenity of the site and outstanding enforcement matters have been adequately addressed (subject to the implementation of the proposed landscaping).
- 8.3 The proposed development presents low risk of any adverse impact on legally protected species or nationally protected species and habitats and would therefore comply with Policy ENV4 and ENV5.
- 8.4 The one chalet located within the flood risk area is considered to be at low risk of flooding due to existing topography and would therefore comply with Local Plan Policy ENV16.

Agenda Item 5

- 8.5 The expected volume of traffic movements generated by the development would not have a significant impact on the existing road network and would not result in any road safety issues. Furthermore the proposed development would be satisfactorily serviced by the required infrastructure (drainage and water) without any risk of harm to the environment.
- 8.6 Additionally, other material considerations have been taken into account, such as the significant level of objection and the issues raised in these objections. These matters have been addressed under their relevant sections in this report. There are no other objections from statutory consultees or non-statutory consultees.
- 8.7 In conclusion, the proposal accords with the principles of the Development Plan and other material considerations do not outweigh the conclusion. Therefore, the proposal is recommended for approval subject to the conditions recommended within 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 '2015/00250/DET. The previous application for 6 lodges can be viewed under reference 2012/0373/DET.

List of Appendices: Appendix 1 Conditions and Informatives

Appendix 1 Conditions and Informatives

1. **Short term Holiday Accommodation:** The units hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The units shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupants details (names and dates of stay) shall be kept and shall be made available to the Planning 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

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

2. **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 chalets, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that the construction of any walls and fences should be subject to formal planning control to safeguard the visual amenities of this sensitive area within the National Scenic Area.

3. **Permitted Development:** Notwithstanding the provisions of Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), the approval of the Planning Authority shall be obtained for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure other than those detailed in the approved plans.

REASON: The Planning Authority considers that the construction of any walls and fences should be subject to formal planning control to safeguard the visual amenities of this sensitive area within the National Scenic Area.

4. **Protection of Existing Trees:** No tree on the site of the development hereby approved shall be topped, lopped or felled without prior written approval by the Planning Authority and all such trees shall be protected throughout the course of the development by a revised scheme of tree protection which shall first be agreed and approved in writing by the Planning Authority. The revised approved tree protection plan shall then be carried out in accordance with the agreed scheme during the entire construction period. For the avoidance of doubt, no storage of building materials or piling of soil or engineering operations shall take place within the protected areas established pursuant to this condition and all methods of tree protection shall be in accordance with BS5837:2005.

REASON: To protect established trees against accidental damage during the course of the development.

Agenda Item 5

5. **Agreement of Materials and Specifications:** Unless otherwise agreed in writing by the Planning Authority, the external wall, roof and decking materials of the chalets shall match that of the existing chalets approved under application 2005/0138/DET.

REASON: To ensure a high quality design finish in keeping with the character of the designs approved.

6. **Details of Landscaping:** 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 commencement 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: The proposed development and its location require 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.

7. **Hard Landscaping:** Prior to work commencing, full details of a scheme of hard landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include:

- details of proposed means of boundary treatment enclosures (including height, location and materials), retaining walls and fences. This shall include a screen fence along the western boundary;
- details of a screen fence (or other suitable alternative), including height and materials, to be erected between the principal rear building line of the flats and the south west corner of the site. This screen fence shall be erected prior to the occupation of the flats and shall thereafter be retained in situ in perpetuity;
- details of access road, footpaths, parking areas, paving and hard landscaping;
- details of external lighting;
- details of the refuse enclosures.

REASON: The proposed development and its location require 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.

8. **Hours of Construction:** Unless otherwise agreed in writing by the Planning Authority, no machinery shall be operated, no activity carried out, and no deliveries received at, or despatched from the site, outwith the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays or a recognised Scottish Bank Holiday. This condition shall not apply to works internal to the proposed buildings which are not audible at the boundary of the site.

REASON: To protect the occupants of nearby dwellings, adjacent commercial businesses and visitors to the area from excessive noise/disturbance associated with the implementation of this permission.

9. **Sustainable Urban Drainage System (SUDS):** Prior to commencement of the development hereby permitted, details of a Sustainable Urban Drainage System designed in accordance with Planning Advice Note 61 (Planning and Sustainable Urban Drainage), shall be submitted to, and approved in writing by, the Planning Authority.

Agenda Item 5

REASON: To avoid surface water drainage causing a hazard on the adjacent road and to minimise pollution of adjacent water courses.

10. **Foul Drainage:** For the avoidance of doubt foul drainage for the development hereby approved shall be served by the existing sewage treatment facility located within the site.

REASON: To ensure that the development, once occupied, conforms with the appropriate standards and does not result on any adverse impacts on neighbouring properties and the amenity of the area.

11. **Otter re-survey:** Prior to commencement of the development hereby approved pre-construction checks for any new otter holts along the construction corridor and 200m either side will be carried out by the Ecological Clerk of Works. The results of the survey shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: Initial surveys have identified that otters are in the area. Otters are very mobile mammals and the otter survey information submitted will require to be updated prior to construction starting. Otters are a European Protected Species and developers must take reasonable steps to avoid their disturbance and would require a protected species license to disturb them, for example if a holt or couch was discovered within the construction corridor.

12. **Bat and Otter Mitigation:** All works shall be carried out in accordance with the otter mitigation outlined within Section 5.5 of the Otter Survey dated February 2013 and all demolition works shall be carried out in accordance with the bat mitigation/demolition advice outlined within Section 7. of the Bat Survey dated June 2013 (submitted in relation to application Ref. 2012/0373/DET).

REASON: To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

13. **Construction Traffic Management Plan:** A Construction Traffic Management Plan shall be submitted to and agreed by this Service prior to commencement of construction work. This should cover the following elements:

- Time restrictions on large vehicle movements and details of how they will negotiate pinch points;
- Traffic management measures during construction

REASON: In the interests of road safety.

14. **Sub-station Details:** Prior to its erection on site details of the location, design and materials (including colour) of the proposed sub-station shall be submitted to, and agreed in writing by the Planning Authority.

REASON: To ensure a high quality design finish in keeping with the character of the locality.

15. **Lodge 5 Parking Area:** Prior to the commencement of development relating to Lodge No.5, a plan outlining the location of two parking spaces associated with Lodge 5 shall be submitted to and approved in writing by the Planning Authority.

REASON: In the interests of amenity and to ensure that the parking associated with Lodge No.5 does not impact upon the access to the parking area of Lodge No.29.

Agenda Item 5

Informatives

1. 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.
2. 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.
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. 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.
5. 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.