



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Tuesday 27<sup>th</sup> October 2015**

<b>SUBMITTED BY:</b>	Head of Planning & Rural Development
<b>APPLICATION NUMBER:</b>	2015/0124/DET
<b>APPLICANT:</b>	Pelham Olive
<b>LOCATION:</b>	Land to the South Of Cuilimuich, Carrick Castle, Lochgoilhead
<b>PROPOSAL:</b>	Erection of lodge building comprising a mixed use of guest house/hostel (Class 7), estate business office space (Class 4) and residential and non-residential research and learning facility (Class 8 & 10); Erection of estate manager's dwellinghouse/office; Erection of ancillary services and meeting facilities building; and formation of associated parking, yard and landscaping.

<b>NATIONAL PARK WARD:</b>	Cowal Ward
<b>COMMUNITY COUNCIL AREA:</b>	Loch Goil Community Council
<b>CASE OFFICER:</b>	Name: Craig Jardine Tel: 01389 722020 E-mail: <a href="mailto:craig.jardine@lochlomond-trossachs.org">craig.jardine@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

1.1 This application is for the erection of a multi-purpose estate lodge and estate manager's dwellinghouse (linked with a service block) situated close to the eastern entrance to Carrick Estate, at Carrick Castle, as shown in figure 1. Carrick Estate is a relatively recently formed estate which comprises of combined land from three adjacent estates between Loch Goil and Loch Eck in Cowal and amounts to a total of 3,446 hectares (shown in figure 2) which comprises predominantly of open hill with existing and newly planted commercial forest. The estate has no existing buildings.

1.2 There has been a significant level of objection to the proposal from this small

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community, comprising of 32 representations. The Loch Goil Community Council for the area has also lodged an objection to the proposal. In accordance with the National Park Authority's Scheme of Delegation, it is considered that this application should be determined by the Planning and Access Committee. This paper presents the officer's assessment of the planning application and the officer's recommendation.

### 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 shown in figure 1 and plates 1-3 below and is located outwith, and to the rear of, the settlement boundary of Carrick Castle, situated on the shore of Loch Goil. The site comprises of an existing access from the C06 public road, leading to a level site at an elevated position from the road and loch shoreline.
- 3.2 The proposed development area is on undeveloped improved grassland with an existing field boundary stone dyke forming the rear boundary of the site. To the south of the site is the Carrick Burn.
- 3.3 To the western boundary of the application site is an extensive area allocated for approx. 700 hectares of woodland creation, approved by Forestry Commission Scotland, and partly underway. An existing track provides access for the forestry and would be used as the main access from the public road to the proposed development site.
- 3.4 Residential properties, situated within the settlement boundary, extend to the north-east and to the south-east of the application site.

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**Figure 1. Location Plan. Application Site**



**Plate 1. View from Loch Goil. Site highlighted approximately with red star.**

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**Plate 2.** View from beach. Site highlighted approximately with red star.

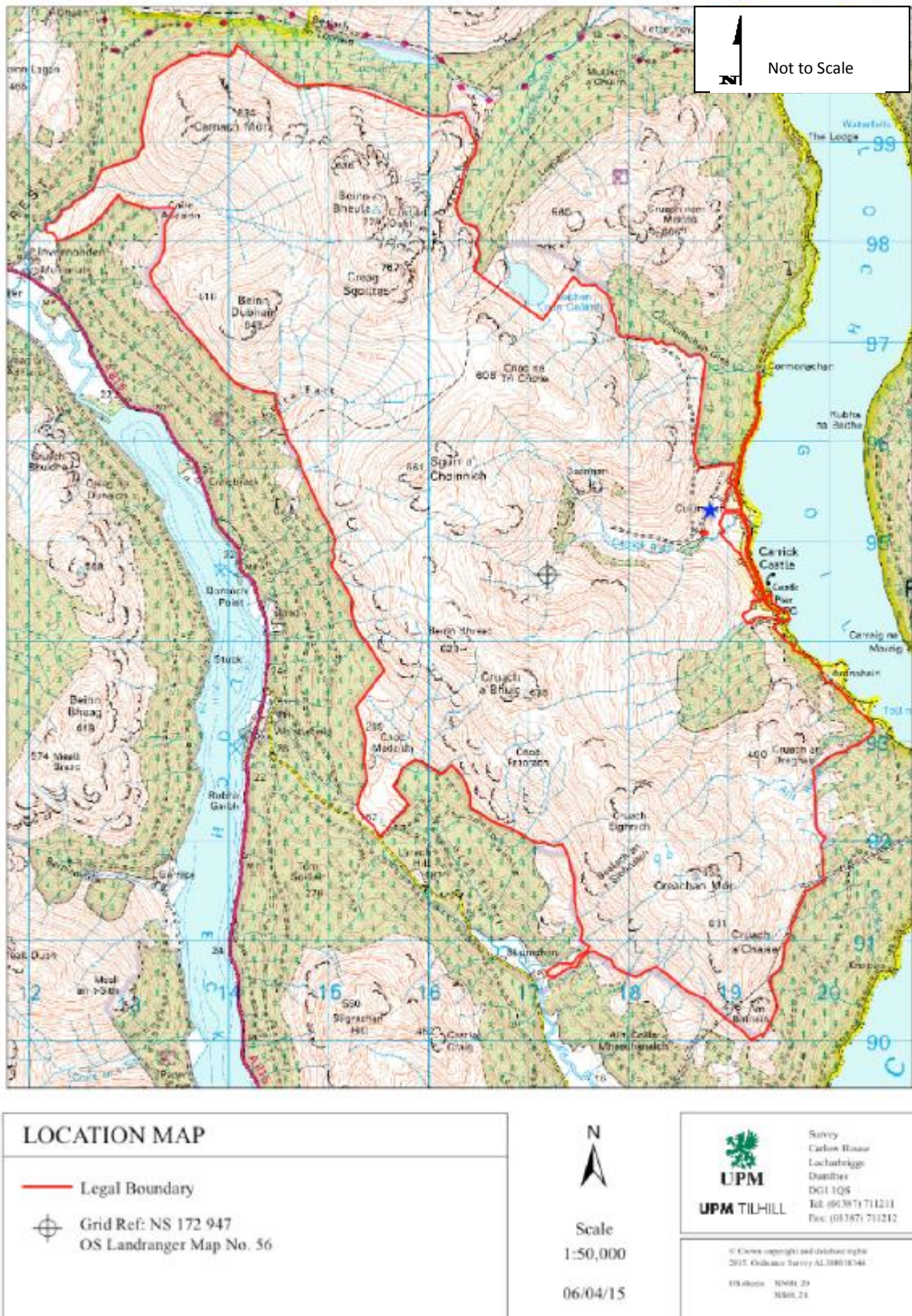


**Plate 3.** View from hill. Site highlighted approximately with red star.

3.5 The applicant’s ownership comprises Carrick Estate (3,446 hectares) which was formed from the adjacent estates of Invernoaden, Glenfinart and Carrick Farm and also includes the existing Carrick Wood, as shown in figure 2 below.



## CARRICK ESTATE



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**Figure 2. Applicant's Ownership Plan – Carrick Estate**

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- 3.6 The entrance to the application site lies within SEPAs indicative medium coastal and fluvial flood risk areas, whereas the development site is outwith these potential risk areas. The site is within an archaeological area of interest and is close to the National Park Core Path network.

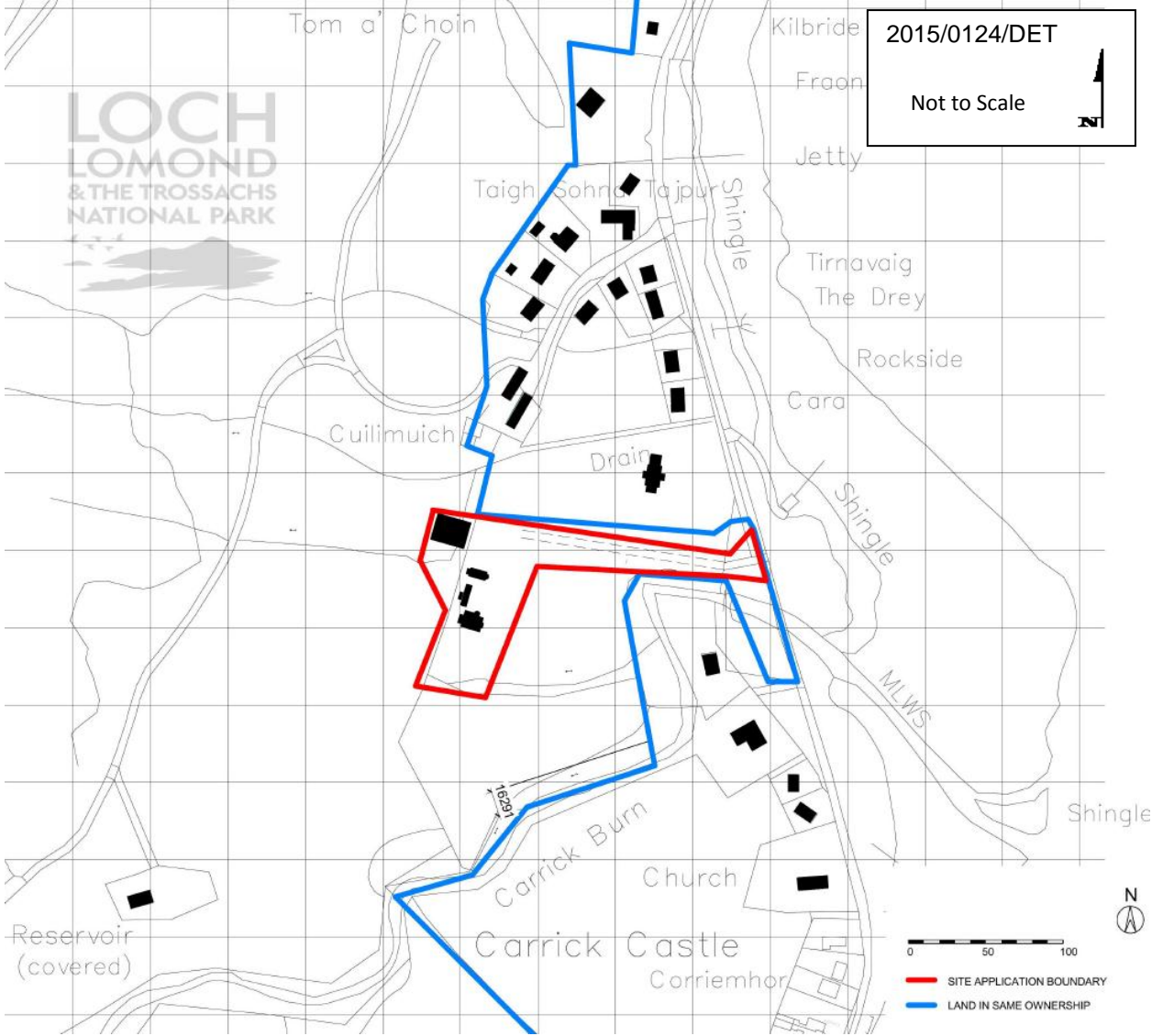
### ***Environmental Impact Assessment (EIA):***

- 3.7 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 of Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion was adopted and in this particular instance it has been determined that there would be unlikely 'significant' environmental effects as a result of the proposed development and therefore an EIA is not required. The screening opinion is available to view on our website.

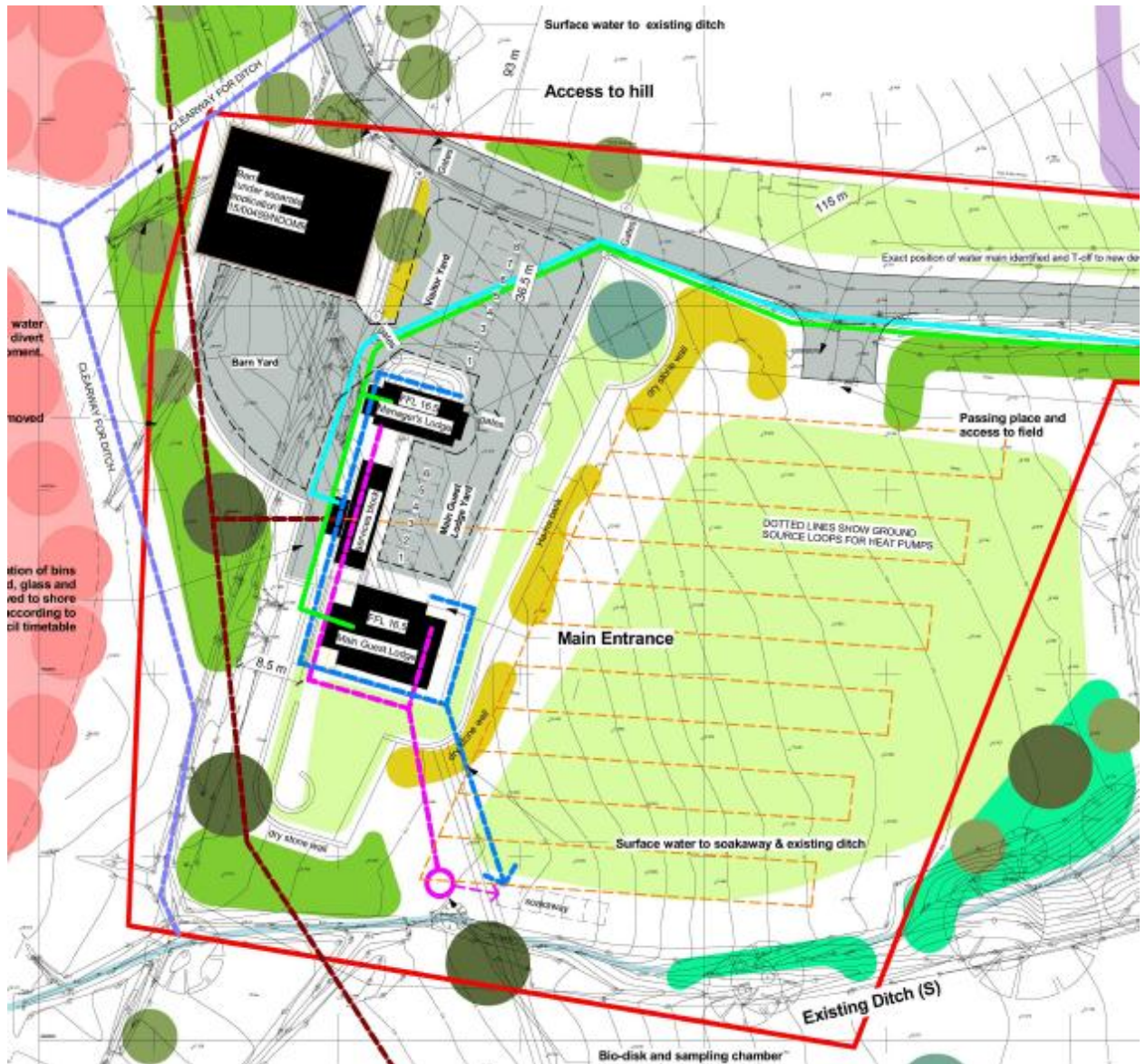
### ***Description of Proposal:***

- 3.8 The development proposed is for a new operational base for this combined Carrick Estate and a tourism/business venture to assist with supporting the management and running of the operational base.
- 3.9 The wider estate activities (existing and proposed), referred to in this report, provide background to this planning application but, in themselves do not constitute 'development' and therefore are not subject to planning permission. Therefore, this report focuses on the built elements that require planning permission.
- 3.10 Planning permission is sought for three buildings clustered around a courtyard and located towards the western boundary of the application site as shown in figures 3 and 4 below. The proposals comprise of the following:
- Estate Lodge (two and a half storeys);
  - Estate Manager's dwellinghouse (two storeys);
  - Service building (single storey, linking lodge and manager's house);
  - Widened and re-surfaced vehicle access providing access from public road to buildings;
  - Yard and parking areas adjacent to the buildings.
  - New drystone walling and hard/soft landscaping.
  - Private foul drainage treatment plant.



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**Figure 3. Site Location Plan. Application site delineated in red.**





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**Figure 4. Site Layout.** Application site delineated in red.

3.11 The proposed external materials for the buildings detailed in the application comprise of the following:

- Main buildings – natural slate roofs, natural stone and larch walls;
- Single storey service building – black metal profiled roofing, larch cladding;
- Aluminium faced timber windows and oak timber doors;
- Aluminium rainwater goods;
- Lead or aluminium flashings; and
- Grasscrete hardstanding areas and paving in courtyard area.

Plates 4-6 below provide an indication of the proposed appearance and finish of the buildings.



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East Elevation



*Plate 4. East Elevation, 3D image of east elevation and visualisation from east*



*Plate 5. 3D image from north*



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**Plate 6.** *Visualisations from west and south*

3.12 The development would be serviced by the following:

- Public water supply;
- Private foul drainage treatment plant with ground soakaway;
- Ground source heat pump system;
- Solar photovoltaic and solar thermal panels; and
- SUDS surface water drainage and grasscrete hardstanding areas.

3.13 A shed for forestry purposes, situated to the north-west of the proposed buildings, was previously granted prior approval (application ref: 2015/0114/NOT). Although it is shown on the submitted drawings it has been previously approved and does not form part of this application. The barn is yet to be constructed but is to be finished in complementary external material finishes.

3.14 The supporting information and drawings describe the intended uses of the buildings as follows:

- Estate Manager's dwellinghouse – 3-bedroom house to provide living accommodation and office space for the manager and their family on-site, located at the entrance to the estate to provide a full-time presence on the estate and fulfil the needs of the estate;
- Estate Lodge – comprising of 7-bedrooms with bathrooms on ground floor, kitchen/dining/living area on first floor, and research/study area on upper mezzanine. Offering flexible accommodation to provide a multi-purpose facility of tourism accommodation, research space and business office space to support visitors to the estate, for the following purposes:
  - Eco-tourism. e.g. landscape and wildlife appreciation;
  - Research scientists undertaking monitoring and assessment work on the estate;
  - Deer Stalking guests;

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- Visiting school groups to the estate;
  - Day guests;
  - Occasional accommodation for the owner, his family and his guests; and
  - The submitted documentation also extends the offer that the lodge (and specifically the meeting space within the service building) would provide a venue for community meetings.
- Service building – contains the service plant room, laundry facilities, field lounge/meeting point;
  - Shed for forestry purposes (as separately approved and referred to in section 3.14 above).

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

- 3.15 2015/0215/DET - Formation of one borrow pit for winning of infill material to be used in construction of slipway approved under planning permission ref: 2014/0306/DET. Approved on 25 September 2015.

2015/0114/NOT - Erection of forestry related building. Prior Approval granted on 18 May 2015

2014/0319/NOT - Prior notification of proposed new forestry-related building. Prior approval not required on 07 January 2015.

2014/0306/DET - Construction of a landing ramp slipway for timber extraction vessels and change of use of land to provide a timber stacking area. Approved on 22 April 2015.

2006/0092/OUT - Erection of four detached dwellings and formation of access road. Refused on 02 October 2006.

## **4 CONSULTATIONS AND REPRESENTATIONS**

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

#### 4.1 SEPA

As the site is adjacent to the indicative flood envelope and we hold no additional information to indicate that the site is at flood risk, SEPA has **no objection to the proposed development** on flood risk grounds. Any diverted burns and any new culverts should be sized appropriately in order to contain the 1 in 200 year flood with an appropriate allowance for freeboard.

#### 4.2 Argyll & Bute Council - Roads

**No objection, subject to conditions** that the public road width be increased to 5.5 metres for a distance of 10 metres, at the junction with the vehicle access; that the vehicle access should be a minimum width of 4.5 metres for the first 10 metres, surfaced in a bituminous material and with suitable surface drainage; and that a minimum standard of visibility splays be provided and maintained.

#### 4.3 Argyll & Bute Council – Flood Prevention

**No objection, subject to conditions** that additional detail be submitted regarding the



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proposed surface water drainage system and that the proposed realigned ditch be designed to have at least the same drainage capacity as the existing.

### 4.4 Argyll & Bute Council - Environmental Health **No objection to the proposals as submitted.**

### 4.5 Loch Goil Community Council

**Objects** to the proposed development due to the level of concerns raised from those living in the village, for the following reasons:

- The development is outwith the settlement boundary for Carrick Castle. Development in this area would set an undesirable precedent;
- There has been no prior consultation by the applicant, or his agents, with the community to outline his intentions;
- No clear indication as to the extent of hunting proposed;
- No clear substance to the proposals ecological, biodiversity, green and education claims;
- Concern regarding the development's increased demand on the current main water supply;
- Concern regarding the development's increased traffic pressure on the single track public road;
- There are indications that the forestry planting scheme is not being implemented as approved (e.g. broad leaf trees not planted and boundaries of planting not according with approved details).

*Planning Officer Comment:* Following discussion at the public meeting held with the applicant on 18<sup>th</sup> August 2015 and the subsequent Community Council meeting held on w/c 14<sup>th</sup> September 2015, the Community Council has verbally confirmed to the officer that the above representation of objection still stands.

### 4.6 Scottish Water

**No response received** to consultation despite best attempts to obtain a response.

*Planning Officer Comment:* The applicant has provided copy of correspondence from Scottish Water in relation to the applicant's water connection application for the proposed development. The letter from Scottish Water confirms that there is sufficient capacity in the Carrick Castle Water Treatment Works and also the local network to service the demands of the development.

### 4.7 West Of Scotland Archaeology Service

**No objection, subject to condition** that a programme of archaeological works is approved and subsequently implemented by a professional archaeologist during ground disturbance of the development site.

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

4.8 At the date of the preparation of this report 32 representations of objection had been received in relation to this application from members of the public, Carrick Residents Group, Carrick Castle Community Trust and Michael Russell MSP.

4.9 A summary of the main issues from these representations now follows under the range of headings and sub-headings below. A response to the range of concerns is provided within the text on the Planning Assessment (Section 7) or, where appropriate, under the specific point of concern in this section of the report:

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### 4.10 Principle of Development – assessment of representations contained in report section 7: ‘Principle of Development’ / ‘National Park Aims’, or in ‘officer comment’ under specific bullet points below.

#### Contrary to Park Aims

- The proposals do not promote the four aims of the National Park and is contrary to the first aim.

#### Settlement Pattern

- The development would be contrary to Policy HOUS1 as it would be detached from, and would disrupt the linear form, of Carrick Castle settlement boundary and cannot be considered as being ‘infill’ development;
- It would develop the remaining undeveloped, unforested land to the rear of the village thus changing the ‘green belt’ of the village;
- Contrary to the statements in the submitted supporting statement, the landscape between Cuilimuich Farmhouse and Carrick Farmhouse to the south do not provide a secondary development line to support this siting;
- It would create an undesirable precedent for further development outwith the settlement boundary.

#### Proposed uses and justification for development

- Development of the existing former hotel site (H14 proposals site within the National Park Local Plan) would be a more suitable option to integrate and connect the estate with the community, and reuse a vacant site;
- No justification for any of the proposals or buildings on the basis of the forestry/stalking/education/estate management and questions the claims of biodiversity, access, recreational and economic benefits. Justification should be sufficiently detailed in submitted reports and be evaluated to ensure that the development is required;
- No requirement for a 3-bed manager’s house;
- No requirement for the barn when forestry could be managed by external contractors;  
*Planning Officer comment – the barn shown on the submitted drawings was previously assessed and granted under prior approval procedures for forestry buildings (ref: 2015/0114/NOT).*
- Questions whether the lodge will be a licensed premises;  
*Planning Officer comment – the applicant has confirmed that they have no intention to operate licensed premises. Furthermore, such useage is outwith the use classes under consideration and any such proposed use would therefore require to be submitted and assessed as a separate planning application.*
- Questions the purpose of the link unit sited between the two main buildings.  
*Planning Officer comment – the linked building is ancillary to the overall proposal as providing a services building and meeting facility.*

#### Perceived benefits/disbenefits

- Concern that the proposal will not secure any economic, housing, ecological or public access benefits to the community or National Park;
- The small employment generation will not outweigh the adverse impacts.

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### 4.11 **Amenity – assessment of representations contained in report section 7: ‘Amenity’**

- The proposal would have a detrimental effect on the quiet character of Carrick Castle;
- Concern that the influx of visitors and the related shooting, fishing, motorised hill access and commercial marine activities will result in a detrimental impact on the amenity of the village community;
- Concern regarding the regulation of, storage, and use of firearms in connection with deer culling in close proximity to the village, and its resultant impact on village residents’ safety/security and that of the nearby MoD base;
- Noise impact on residents resulting from increased traffic;
- Light pollution concerns that the development will affect the ‘dark skies’ currently enjoyed;
- Privacy impact on residents, resulting from overlooking from the development.

### 4.12 **Design & Landscape Setting – assessment of representations contained in report section 7: ‘Siting and Design’**

- Concern over the scale and modern appearance of the buildings which is out of keeping with the village and will not fit comfortably into the landscape;
- The luxury design does not seem appropriate for ‘hostel’ type usage.

### 4.13 **Natural Heritage – assessment of representations contained in report section 7: ‘Natural Heritage’**

#### Wildlife

- The proposed use will have a detrimental impact on the flora and fauna of the estate and the loch and its habitat.

#### Trees

- The development may result in a negative impact on the mature oak trees located on the eastern boundary of the site.

### 4.14 **Road Access – assessment of representations contained in report section 7: ‘Road Access’**

- Lack of capacity for additional traffic on existing substandard single track road with very limited public transport options available;
- Poor road condition will be exacerbated by this development.

### 4.15 **Public Access – assessment of representations contained in report section 7: ‘Public Access’**

- Concern that public access will no longer be afforded to the hills within the estate as a result of the estate activities;
- Questions raised regarding how public access will be managed and maintained by the estate.

### 4.16 **Infrastructure – assessment of representations contained in report section 7: ‘Services’**

- The proposed sewage outfall design will impact on neighbouring property;
- The public water system does not have capacity for this development;
- The electricity, telephone supply does not have capacity for this development.

### 4.17 **Community Pre-Consultation**

- No community consultation or contact has taken place prior to submission of this application or the forestry activities to get views of the community on this proposal or any



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other proposals/activities on this land and forestry planting. Given the size and diversity of the project this would have been appreciated;

Planning Officer comment – a public meeting between community and applicant was held on 18<sup>th</sup> August 2015.

- Concern highlighted by Carrick Residents' Group that the views of residents, following the public meeting, are still in objection.

Planning Officer comment – duly noted.

### 4.18 **Application Submission & Application Process**

- Questions whether an Environmental Impact Assessment should have been required;  
Planning Officer comment – the application was screened and concluded that an EIA was not required.
- Questions the applicant's ownership of the proposed development site.  
Planning Officer comment – the applicant has confirmed the extent of their ownership in submitted drawings and in the application form, with the estate, and access to the estate, being owned by the applicant and the development area being currently owned by a separate landowner.
- The application boundaries shown on the supporting planning statement and the design statement do not correspond;  
Planning Officer comment – since corrected and resubmitted by applicant's agent.
- Request that planning department representative meets with the community on site to discuss;  
Planning Officer comment – it is not standard practice to do so, in the interests of maintaining an impartial position during the consideration of a 'live' application.
- Questions content within the submitted Sustainability Checklist;  
Planning Officer comment – response to specific questions in the checklist are seen in the context of the whole submission and assessed in this manner.
- Concern that the applicant issued letters to residents of Carrick Castle repeating the same information previously given, rather than corresponding via the National Park Authority.  
Planning Officer comment – The planning process does not preclude the applicant from issuing direct communication.

### 4.19 **Non-material planning considerations – assessment of representations contained in report section 7: 'Non-material planning considerations'**

- If approved, the development will result in residents selling and moving;
- Question how one estate manager can have the expertise to oversee and manage all of the claimed tasks and management of habitat;
- Proposals for broadleaf planting seem to have not been carried out on the land in accordance with the approved plans and to good practice guidelines;
- The woodland planting will erode the landscape character and increase cover for wildlife predation;
- Concern that this proposal will lead to further subsequent additions and extensions of the site, or changes to a house or lodge, if the original purpose does not succeed and how this will be enforced;
- Concern about future proposed uses for the slipway.

## 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.  
The aims are discussed in section 7 of this report.

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

5.3 National Park Local Plan (Adopted 2011):

*Relevant Policies:*

TOUR1 – New Tourism Development  
TOUR2 – Supporting and Retaining a Range of Quality Tourism Accommodation  
ED3 – Economic Development in the Countryside  
HOUS5 – Housing in the Countryside  
L1- Conserving and Enhancing the Diversity and Quality of the Park's Landscapes  
D1- Design quality  
SUSDEV1 – Sustainable Development  
ENV4 – Legally Protected Species  
ENV5 – Species and Habitats Identified in National Action Plans  
ENV6 – Enhancing Biodiversity in New Developments  
ENV11 – Connection to Sewerage and Water Supply  
ENV12 – Surface Water Drainage  
ENV16 – Development in Medium to High Flood Risk Areas  
ENV26 – Other Unscheduled Sites of Archaeological Importance  
TRAN3 – Impact of New Development on the Road Network  
TRAN7 – Encouraging Outdoor Access

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

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27<sup>th</sup> 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 to the proposal.

The Proposed Plan provides an indication of likely changes in current planning policy. In this respect, the following policies are relevant:

- Overarching Policy 1: OP1 – Strategic Principles
- Overarching Policy 2: OP2 – Development Requirements
- Visitor Experience Policy 1: VEP1 - Location and Scale of new development
- Visitor Experience Policy 2: VEP2 - Delivering a World Class Visitor Experience
- Housing Policy 2: HP2 - Location and types of new housing required
- Economic Development Policy 2: EDP2 - Economic Development in the countryside and small rural communities
- Natural Environment Policy 1: NEP1 - National Park Landscapes, seascape and visual impact
- Natural Environment Policy 4: NEP4 - Legally Protected Species
- Natural Environment Policy 5: NEP5 - Species and Habitats
- Natural Environment Policy 6: NEP6 - Enhancing Biodiversity
- Natural Environment Policy 12: NEP12 - Surface Water and Waste Water Management
- Natural Environment Policy 13: NEP13 - Flood Risk
- Historic Environment Policy 7:HEP7 - Other Archaeological Resources
- Transport Policy 3: TP3 - Impact Assessment and Design Standards of New Development

Where new policy considerations are raised by the above, these are assessed within section 7 'Planning Assessment' of this report, otherwise the above does not raise any new policy considerations relative to the proposed development.

### 5.5 National Park Partnership Plan (2012-2017)

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:

Con Policy 2: Natural Heritage

Con Policy 3: Landscapes

Con Policy 6: Cultural Heritage

VE Policy 2: Sustainable Tourism

RD Policy 2: Spatial Development Strategy

RD Policy 3: Rural Economy

RD Policy 7: Sustainable Design and Construction

### 5.6 Supplementary Guidance

#### Adopted Supplementary Planning Guidance

- Sustainable Design Supplementary Planning Guidance (adopted Dec 2011)



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- Housing Development Supplementary Planning Guidance (adopted Nov 2012)  
Draft Supplementary Guidance & Planning Guidance
- Draft Design & Placemaking Supplementary Guidance (dated May 2015)
- Draft Housing Supplementary Guidance (dated May 2015)
- Draft Visitor Experience Planning Guidance (dated May 2015)

It should be noted that the current adopted Supplementary Planning Guidance has been reviewed as part of the proposed Local Development Plan process. Draft Supplementary Guidance and Planning Guidance has been published for consultation. Together with the Proposed Plan, the draft guidance went through the six-week public consultation phase, which is now closed. Where new policy considerations are raised by the above, these are assessed within section 7 (Planning Assessment) of this report, otherwise the above does not raise any new policy considerations relative to the proposed development.

### 6 SUMMARY OF SUPPORTING INFORMATION

The agents for the applicant have submitted the following in support of the planning application which is summarised as follows:

Supporting Planning Statement – received 26 May 2015

Sets out the agent's assessment of the relevant policies and material planning considerations for the proposed development.

Design Statement – revised and received 19 August 2015

Sets out a Site Appraisal, Design Principles and Precedents and discussion of the proposed design.

Sustainability Checklist – received 07 April 2015

Sets out the sustainable design issues and proposed sustainable measures to be incorporated into the construction and use of the proposed development.

Business Plan for Carrick Lodge - received 19 August 2015

Describes the priority objectives for the estate, the rationale for the lodge, the financial objectives, the economic development of the estate and business plan cash flow.

Business Plan for Carrick Estate Manager – received 5<sup>th</sup> October 2015

Describes the economic development of the estate and the manager's role and time allocation of activities to support the estate with a separate plan for the manager's duties in relation to the lodge.

Carrick Estate Plan – Landscape, Access & Biodiversity

Carrick Estate Zoning Plan to provide supplementary background to the Estate Plan – both received 5<sup>th</sup> October 2015

Reiterates the priority objectives of the estate in relation to the three topics of Landscape, Access & Biodiversity, the protection measures that the estate intends to implement to meet these objectives over a 2-year, 5-year and 10-year period. The plan also includes details of the partners that the estate will work with to deliver the plan and also the survey and monitoring work that will be undertaken to review the success of the plan.

Viewpoint Photographs and Photomontages – revised and received 05 October 2015

Photomontages from a range of potential viewpoints showing the development (without the proposed forestry and landscape planting) and one photomontage indicatively showing the proposed planting at partial maturity.

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Correspondence from Scottish Water – received on 28 July 2015

Letter from Scottish Water to applicant's agent confirming capacity in the local public network to serve the proposed development.

Copy of Minutes from Public Meeting of community and applicant held on 18<sup>th</sup> August 2015 – received on 21 September 2015.

### **7 PLANNING ASSESSMENT**

7.1 The relevant issues to assess are:

- Principle of the development
- Siting and design
- Amenity
- Natural Heritage
- Cultural Heritage
- Road Access
- Public Access
- Flood Risk & Surface Water Drainage
- Services
- National Park Aims
- Non-material planning considerations

#### **Principle of Development**

##### **Estate Manager's Dwellinghouse**

7.2 The estate manager's dwellinghouse is considered under the terms of Policy HOUS5 of the National Park Local Plan as being the appropriate policy for the type of housing proposed in this location outwith a settlement boundary. In response to representations received, Policy HOUS1 is not the appropriate housing policy in this instance. The principle of development requires to meet the tests of Policy HOUS5 by showing that an on-site house is required to support the existing land management business in this countryside location, and that the house size/design is commensurate with the nature of the rural business.

7.3 A business plan has been submitted to support the case for a manager's house by itemising the various tasks and time allocations involved in the manager's estate and lodge duties.

7.4 In assessing the case presented it is firstly acknowledged that this new enlarged estate is extensive in land area and, whilst being an existing agricultural/forestry/open hill estate, it has no existing estate house or operational base as the former farmhouses have been retained in separate ownership. This in itself is relatively unique and it is accepted that some level of operational base would be necessary to support and optimise ongoing management and maintenance duties. The question is whether a house on the estate is required and that an existing house couldn't otherwise fulfil this need. In response, the applicant has explained in their business plan that due to the wide range of duties involved, the manager will require to have a presence on site to provide a security presence at all hours, an immediate point of contact at source and will be working outside normal hours at times. In response to representations received regarding alternative sites, it is accepted that occupation of an existing house elsewhere in the locality or further afield and outwith the applicant's ownership cannot reasonably fulfil the duties outlined in the business plan. Therefore, on this basis, it is deemed

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that an on-site full-time presence is a reasonable proposal.

- 7.5 The business plan adequately demonstrates that the estate manager's duties (i.e. estate management, biodiversity enhancement, guiding, deer management, forestry, liason, reporting, and maintenance) meets the accepted standard to justify a full-time worker to support such a rural land-based business.
- 7.6 This, and the detail provided within the supporting documents, gives convincing evidence that a full-time, on-site, estate manager/worker is required to support the estate. Given the hours and type of work involved, it would be unreasonable to expect these duties to be performed and facilities/equipment (files, guns, clothing, equipment) to be transported in on a daily basis while living remotely from the estate. Furthermore, it is unusual for an estate of this size to not have a dwellinghouse presence within a suitable location within the estate for these same reasons, and this is a factor that has been taken into account in consideration of, and support for, this element of the application.
- 7.7 As an aside, the applicant has acknowledged that forestry operations (felling, stocking) will largely be contracted out and therefore these labour units have rightly not been included as part of the labour calculations and justification for a new house.
- 7.8 In response to representations received, the three-bed house with office space is considered reasonably commensurate for the size of estate to enable to attract and house a manager and his family in this rural location. It is not considered excessive and the overall design and scale of buildings is considered in the report sections below.
- 7.9 To ensure that the house is occupied in perpetuity for the use intended, and to comply with Policy HOUS5, which supports housing in connection with an existing rural business, it is recommended that a suitably worded planning condition be attached to any permission restricting the main occupation of the house to the estate owner / estate manager. Furthermore, in order to safeguard the visual amenities of the site and the original design intent in the longer term, it is recommended that a condition restricting householder permitted development rights be applied in this instance (see conditions in Appendix 1).
- 7.10 The proposal complies with Housing Policy 2 of the Proposed Local Development Plan and the abovementioned Supplementary Guidance on Housing as this also supports housing which is necessary to support management of an existing rural business.

### Estate Lodge

- 7.11 The estate lodge and service building is considered under the terms of Policies TOUR1, TOUR2 and ED3 of the National Park Local Plan. The principle of development requires to meet the tests of these policies by demonstrating that it complies with the locational tourism strategy for this area of the National Park and that it is supported by a business plan that demonstrates that the tourism and economic activity proposed would assist in supporting a rural based activity which provides wider benefits for the Park. Further, these policies require that new development does not lead to detrimental impacts on the special qualities of this part of the Park.
- 7.12 As with the estate manager's house, there are no buildings currently within the estate for such a proposed use and no other alternative sites that are within close proximity to the estate that are within the applicant's ownership. Therefore, the proposal presented, for a new, purpose built structure, is the only reasonably viable option for the intended use.

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- 7.13 The tourism elements of the proposed lodge are firstly considered under Policy TOUR1. Policy TOUR1 is supportive of new tourism development where it is located within or adjacent to settlement boundaries. Furthermore, it is supportive of such development in this part of the National Park (Schedule 5: Dunoon, Argyll Forest and the Coastal Villages) which seeks to promote the area's unique environmental resources and exploration of the wider Cowal area. TOUR1 also highlights scope for improved tourism and recreation in sea loch communities. As acknowledged, Schedule 5 of the National Park Local Plan supports new tourism uses in this location; however, primarily support is offered by the fact that the proposal is sited adjacent to Carrick Castle settlement boundary and it is duly assessed on these terms.
- 7.14 Policy VE1 of the Proposed Local Development Plan offers similar support for new visitor facilities and tourism accommodation which is located within safe walking distance to a village.
- 7.15 Policy TOUR2 of the National Park Local Plan and Policy VE2 of the Proposed Local Development Plan request submission of a business plan to demonstrate that the development is potentially viable as tourism accommodation where a housing unit would otherwise not be acceptable under the relevant housing policies. To this end a business plan for the lodge and an estate plan was submitted, and also in response to representations received, these are assessed below.
- 7.16 The economic business elements of the lodge (i.e. office/meeting space and operational base for the estate activities) are secondly assessed under Policy ED3 of the National Park Local Plan. To enable assessment of the proposal under Policy ED3 the submitted business plan for the lodge and the submitted Carrick Estate plan have been considered.
- 7.17 Economic Development Policy 2 of the Proposed Local Development Plan strengthens support for new or expanded businesses in the countryside and small rural communities. Where existing, proposed or expanded businesses form part of a long-term farm or estate-wide business this policy offers support.
- 7.18 The business plan acknowledges that the estate activities will not result in any noticeable financial return in the short to medium term. Therefore it is stated that the financial objective for the lodge is to provide an income sufficient to match all of the running costs of the manager, the manager's house, the barn and the lodge. It goes on to state that this objective will add to the sustainability of the estate until such time as timber income arises.
- 7.19 In these described terms it is apparent that the intention is for an economic/tourism development that would support and secure the retention of the proposed rural land based activities. The submitted Estate Plan (produced for the applicant by a Member of the Institute of Chartered Foresters) provides further context for these proposed land based activities which addresses objectives and projects under three headings of Landscape, Biodiversity and Access. This submitted estate plan provides sufficient confidence that a long-term programme of estate enhancement in line with the National Park's aims is deliverable. The detail provided by this submitted documentation, supplemented by previous meeting discussions with officers, is considered to give sufficient assurances that the proposal can be supported under Policy ED3. By association, this submitted plan enables support to also be given under Policy TOUR2.
- 7.20 The accommodation element of the lodge essentially falls into the guest house/hostel use class (Class 7) or residential institution (Class 8) covered in the proposal description of the application. With reference to Government advice as set out in Circular 4/1998 'The Use of Conditions in Planning Permission' the government has indicated that the provisions of the Town and Country Planning (Use Classes) (Scotland) Order are designed to give a freedom from control where proposals are made to change from one activity to another within a broader grouping of similar uses. Therefore, the legislation provides that planning permission is not required for changes to alternative uses within these use classes. In broad terms, any planning



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authority would have to come forward with very specific reasons to remove this automatic entitlement (or further restrict it) as it could be anticipated that such a restriction has the prospect of being challenged. It is recommended that the applicant's attention is directed through use of an Informative (see proposed Informative no.7) to make clear that occupation of the lodge as a permanent dwellinghouse (Class 9) is not specifically included within the list of permitted uses.

- 7.21 As stated above, it is considered that the terms of the relevant policies TOUR1, TOUR2 and ED3 and the relevant policies of the Proposed Local Development Plan are reasonably satisfied. As such the business plan and estate plan provide the context and background for the business sufficient enough to justify planning support for the development and demonstrate that the proposal will broadly support the proposed ecological enhancements to the benefit of the National Park and will also provide some employment.
- 7.22 Representations received highlight concern that, if approved, this development would set a precedent for further development outwith the settlement boundary. As with this proposal, each development would require to be assessed separately on its own merits under the terms of the development plan. Therefore, approval of this development with its very specific characteristics and supporting justification does not in itself set a precedent for approval of any future development.

### **Siting and Design**

#### **Siting**

- 7.23 The location of the proposed development is at an accessible point at the edge of the estate and close to the C06 public road, is adjacent to the estate access road and is positioned at a relatively low elevation. With respect to landscape character areas, the site is set back and apart from the 'settled loch shore fringe' landscape character and is positioned at the break in slope to that of 'open hillside'.
- 7.24 The applicant has considered alternative siting options and has considered the relationship of the proposed siting with existing building positions and village settlement pattern. An appraisal of the landscape context has also been carried out by the applicant, considering the site context from various localised external and internal viewpoints.
- 7.25 The case presented within the submitted supporting statement and design statement has been carefully considered and accepted. The proposal, by nature of its intended use and siting (outwith the settlement boundary) is a unique proposal that will be viewed separately from the characteristic ribbon development of the loch shore fringe, in the way that the existing Cuilimuich Farmhouse and Carrick Farmhouse (to the south) are viewed in relation to the adjacent settlement.
- 7.26 The National Park's Landscape Officer has commented that the principle of siting of the proposed buildings in this location is appropriate as is the clustered arrangement of buildings within the site and the division of public and private spaces.
- 7.27 The backdrop of higher open hills and woodland scheme would help ensure that the building would not result in a significant negative impact on the 'sea loch shore fringe' landscape character or on the special qualities of this part of the National Park. However, additional planting and landscaping is required to ensure that the buildings successfully integrate into their landscape context and do not result in a visually prominent development. To this end, the application submission includes indicative proposals for new planting designed which largely responds to previous comments from the National Park's Landscape Officer. It is important that any new planting helps integrate the siting with the landscape and forestry context whilst ensuring the best possible outcome for all receptors to mitigate any residual landscape/visual

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impacts.

- 7.28 As such, the proposal would accord with Policies HOUS5, ED3 and L1 of the adopted National Park Local Plan as the new buildings are sited in a manner that is sympathetic to the landscape character of the area, and subject to further detailed planting scheme (addressed by recommended conditions in Appendix 1), will integrate into its context so as not to result in an adverse visual impact on the special qualities of this part of the National Park.

### Design and Appearance

- 7.29 Carrick Castle, does contain a number of traditional nineteenth century villas, however, in relation to this site, the existing residential properties in the vicinity are largely twentieth century suburban style houses. Therefore, in the closer vicinity of the site there are few high quality precedents of design.
- 7.30 The supporting design statement makes reference to various comparable hunting lodge designs and explains the rationale for the proposed design. Through the process of considering the planning application, the design has evolved from an originally larger, more prominent, proposal through discussions with officers.
- 7.31 The current scheme, which has resulted from these discussions, has presented a more resolved architectural design which has reduced massing, introduced more of a traditional 'villa' form, simplified and condensed architectural detailing. In addition, the use of natural materials and the indicative planting and landscaping scheme (referred to above) has developed the scheme to a point where it is considered that it would integrate into its setting sufficiently without being visually intrusive. In light of the above considerations, it is recommended that the design is supported by Policies ED3, D1, L1 and the National Park's adopted and draft supplementary guidance, subject to final approval of materials (see conditions in Appendix 1).

### Amenity

- 7.32 A number of representations have been received regarding the potential impact that the proposal would have on the character and amenity of the surrounding residential area. Concerns expressed (and detailed in section 4.11 of this report) have ranged from change in residential character and tranquil nature of the area; adverse visual impact; large increase in population; increased light pollution; reduction in security and privacy; noise disturbance. These matters are individually addressed below.

### Impact on character of surrounding area

- 7.33 The existing character of the surrounding area is predominantly residential within the settlement boundary, and estate land outwith the settlement boundary. The proposal is one which combines uses which are both residential and business connected with the estate. Whilst the proposal will introduce a new development in the landscape it cannot be concluded that this will impact significantly on the existing residential amenity or quiet character of the area. Having regard to the comments at section 7.31 above, as a result of the choice of site, the design elements and proposed landscape integration, it is anticipated that the extent of change would not be such that would adversely diminish the sense of place or character of Carrick Castle village. Other potential amenity impacts are addressed below.

### Noise

- 7.34 Representations received have raised concern that the proposed development would result in increased noise disturbance. In response, the proposal is of a relatively modest scale, does not involve any inherently noisy aspect, and does not consist of 'licensed' premises. Furthermore, it

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is considered that any noise and activity generated will be contained mostly within the site and that the site is sufficiently separated from the closest residential neighbours, with intervening proposed planting such that will provide a suitable buffer to reduce any residual noise spillage outwith the site towards the village. Given the nature of the proposed use it is reasonable to assume that noise generated from these buildings would not be dissimilar to noise generated from a permanent residence or agricultural holding. Any residual noise nuisance over and above this will be subject to maximum noise level impacts on residential properties, as monitored and enforced by Environmental Health officers at Argyll & Bute Council. To ensure that construction activities are restricted in their hours of operation to daytime hours a suitably worded planning condition is recommended (see conditions in Appendix 1).

### Privacy

- 7.35 Representations received have raised concern that the proposed development would result in overlooking of neighbouring properties. In consideration of these comments, and regardless of intervening vegetation, the window to window distances from any of the proposed units to the windows of any adjoining neighbouring dwellings are in excess of 100 metres. Therefore, for these reasons there are no concerns that the development would result in any overlooking impact to adjoining properties.

### Security

- 7.36 As referred to in section 4.2 ('Amenity') of this report, representations have raised concern that the proposed development would have an impact on local and national security and that it could result in an increase in crime. Undoubtedly, this proposal will increase the number of people residing and visiting the area, however, it cannot be concluded that this will have a resultant significant detrimental impact on the existing security of current residents to the point that permission should be refused. Ultimately, these issues cannot reasonably be controlled through the planning system and would be police matters should they occur.

### Light Pollution

- 7.37 In response to concerns raised by representees in relation to light pollution impacts from the proposed development, it is accepted that the use of external lighting should be carefully considered as light pollution could have an adverse impact on the experience of the night sky and experience of the Special Landscape Qualities of the area. A planning condition is recommended to ensure that any proposed external lighting is further assessed and agreed prior to installation to limit lumen levels and be designed to minimise upward light spillage (see condition no.9 in Appendix 1).

### Natural Heritage

#### Protected Species

- 7.38 A number of representations have been received regarding impact of the development on the flora and fauna of the area. The National Park's Natural Heritage Officer has advised that the primary considerations in this location are otter, water vole and breeding birds.
- 7.39 The officer has advised that the development would have no implications for otter. However, it is acknowledged that, as otters are curious animals and could be active in any site at night, it is necessary to ensure that any deep excavations have a means of exit for otters (and for that matter any animals) and also any pipes are capped at night to prevent entry. A recommended condition is included within Appendix 1 of this report to address this matter.
- 7.40 The National Park's Natural Heritage Officer has advised that the ditches in the vicinity of the development could potentially provide water vole habitat. However, without the benefit of a survey it is difficult to prove or disprove presence of their habitat. The officer advises that it is

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acceptable that a pre-commencement walkover survey be carried out and submitted to the National Park Authority for approval before site clearance works commence. A recommended condition is included within Appendix 1 of this report to address this matter.

- 7.41 RSPB has advised that golden eagle are currently nesting off the estate and that there is no priority habitats for birds within the development area. RSPB further advised that the Forestry EIA for the woodland creation scheme covers matters of bird protection. With respect to the planning application, bird protection measures are concentrated on the development and a planning condition is recommended within Appendix 1 to ensure that any ground nesting birds are protected during site clearance.

### Trees

- 7.42 Representations have been received with respect to the manner in which the woodland creation scheme, approved by Forestry Commission Scotland, is being undertaken and concern about impacts on existing trees. Matters in relation to planting practice, phasing and boundaries are a matter for Forestry Commission, as the competent authority. The development itself will not affect any existing trees.

### Cultural Heritage

- 7.43 The Park Authority's adviser on matters of archaeological interest has recommended that it is likely that there is potential for new buried archaeological discoveries in this vicinity and hence some form of archaeological mitigation is required for this proposal. This form of mitigation is included within the recommended set of planning conditions in Appendix 1 to ensure that the application complies with the terms of Policy ENV26 of the National Park Local Plan.
- 7.44 The submitted Carrick Estate Plan highlights the previous archaeological survey work carried out as part of the Environmental Impact Assessment for the Carrick Estate Forest. The Estate Plan explains that the forest design respects the known archaeological features and that these areas of cultural heritage will not be disturbed by the estate management operations.

### Road Access

- 7.45 Representations have been received raising concern about the capacity of the public road to accommodate additional traffic in relation to the proposed development. The Roads Authority have considered the existing single track public road (with passing places, the existing traffic usage and the potential increase in traffic volumes and the officer is of the view that the additional levels of traffic on the route would be acceptable. Therefore, the Roads Authority has no objections, subject to road and vehicle access improvements in the vicinity of the application site entrance. These conditions are explained in Section 4 of this report and detailed in the recommended set of conditions contained in Appendix 1. The applicant has confirmed that he agrees to these roads improvements and has entered initial discussions with the local Roads Authority officer in this regard. Subject to implementation of these conditions, the proposal would comply with Policy TRAN3 of the National Park Local Plan.

### Public Access

- 7.46 The estate proposals, as contained in their submitted Estate Plan include proposals for network of tracks crossing the estate. These route and design of such tracks would require to be assessed as separate planning applications/notifications (as appropriate). Subject to the detail of such tracks being appropriately designed and routed, the National Park's Access Officer is, in general, supportive of the principle of opening up public access through the estate as no formalised access exists between the east and west sides of the estate.



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- 7.47 In response to representations received, the proposals under consideration will not result in an adverse impact to public access rights; in fact, the applicant aims to encourage public access through the estate as part of their improved management practices. Therefore, this meets the terms of Policy TRAN7 of the National Park Local Plan.

### **Flood Risk & Surface Water Drainage**

- 7.48 The advice provided by both SEPA and Argyll & Bute Council's Flood Prevention Consultants is that the site of the proposed buildings is not at flood risk, being as it is positioned 5.7 metres above the estimated 1 in 200 year coastal flood risk zone.
- 7.49 Argyll & Bute Council's Flood Prevention Consultants state that consideration should be given to emergency access/egress procedures in the event of the road flooding (e.g. via the hill track and back to the road further north). However, this is not a required condition of their recommendation.
- 7.50 Realignment of the existing ditch, to the north of the development, is proposed in order to divert water away. It is therefore recommended that there is no reduction in channel capacity of the realigned ditch so there is no detrimental impact on surface flood risk. It is advised that the diverted burn should be sized appropriately in order to contain the 1 in 200 year flood with an appropriate allowance for freeboard.
- 7.51 With respect to surface water management from the development, Argyll & Bute Council Flood Prevention Consultants recommend that additional details are required but are satisfied that this be addressed by planning condition. Other measures that should be incorporated to ensure best practice are that permeable materials are used for new parking, pathways and roadways where appropriate. These matters are addressed in condition nos. 9 and 10 in Appendix 1).
- 7.52 The above recommended measures are incorporated into the set of recommended planning conditions contained in Appendix 1 and would ensure that the proposal complies with National Park Local Plan policies ENV12 and ENV16.

### **Services**

- 7.53 Representations have been received raising concern about the servicing of the development. Connection to public drainage services is not possible due to the isolated location, outwith the public network, and therefore the house must be self-sustaining in this regard through use of a treatment plant and ground soakaway. The location and provision for such a system is included as part of this proposal. It has been confirmed by Scottish Water, to the applicant, that there is capacity in the public water system. Private drainage and public water supply provision to service the house does not raise any planning issues in this instance due to its design which has been clarified as not discharging directly to any watercourse. On this basis, the application is not at odds with the terms of Policy ENV11 of the National Park Local Plan and representations received in this regard are addressed.
- 7.54 Renewable methods of energy are to be employed including a ground source heat pump and photovoltaics. The applicant has acknowledged that any future proposals to install micro-hydro generation etc. for the benefit of the house would require to obtain the necessary planning, and other approvals prior to installation. On this basis, the application is not at odds with the terms of Policy SUSDEV1 of the National Park Local Plan.
- 7.55 Concerns have been raised regarding the potential impact that this development would have on

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the electricity and telephone supply for Carrick Castle residents with reports that there have been previous electricity power cuts. Issues regarding electricity supply are not generally a material planning consideration given that they do not have the same potential environmental issues as water and drainage infrastructure. The suitability of the electricity network is therefore a private matter for the developer and electricity supplier to resolve, and not the planning authority.

### **National Park Aims**

- 7.56 The proposal is now assessed in light of the National Park Aims and in response to representations received in this regard. It is considered that the proposal will assist to conserve and enhance the natural and cultural heritage of the National Park by virtue of supporting the estate management practices set out in the submitted estate plan. It will also ensure that any archaeological remains and historic remains are recorded and retained within the estate. Furthermore, the landscape and special qualities of the Park will be conserved due to the proposed development being of an acceptable scale, design and siting which is to be integrated further into the surrounding context with suitable planting. In terms of the second aim: *“to promote sustainable use of the natural resources of the area”*, the proposal presents the use of sustainable materials in conjunction with the use of renewable energy and as such meets this aim. The provision of new visitor accommodation located adjacent to a large selection of forest paths and a Core Path will undoubtedly help promote the understanding and enjoyment of the special qualities of the area through recreation and as such would meet the third aim. Lastly, although exact numbers of directly employed or contracted staff has not been provided, on balance, it is considered that the proposal would provide a level of ongoing employment. Furthermore, the offer of the use of the lodge for community meetings has been offered by the applicant and (although not a requirement of planning permission) thus would support, in part, the fourth aim which is *“to promote sustainable economic and social development of the area’s communities”*. There is no conflict with the first aim of the National Park and therefore the Sandford principle does not apply in this instance.

### **Non-material planning considerations**

- 7.57 Finally, a number of issues were raised by representees (summarised in Section 4 of this report) that relate to the wider estate activities (i.e. woodland creation), possible future developments and uses within the application site and others outwith the application site. In response, matters relating to the woodland creation are outwith this Authority’s planning remit and potential future developments or uses of land would require to be assessed separately, should they arise. As a result, these issues are non-material planning considerations in relation to the current planning application. Similarly, statements relating to resultant property prices or influences on selling property are also not material planning considerations.

## **8 CONCLUSION**

- 8.1 From the above assessments the following conclusions are made:

- The proposed lodge complies with Policy TOUR1 of the National Park Local Plan and VE Policy 1 of the Proposed Local Development Plan as it is located adjacent to, and within safe walking distance to, Carrick Castle village. Although, supported in terms of the aforementioned policy considerations, it also accords with the Policy TOUR1:Schedule 5 management strategy and listed tourism opportunities for the “Dunoon, Argyll Forest and Coastal Villages” sub-destination area in that it proposes tourism development that *“will promote the area’s unique environmental resources”* and is *“linked to outdoor activity and exploration”*;
- The proposed lodge complies with Policy ED3 of the National Park Local Plan and ED Policy 2 of the Proposed Local Development Plan as it has been adequately demonstrated, through submission of a business case and estate plan, that it would

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support and secure the retention and expansion of the existing rural land based business and would not lead to detrimental impacts on identified special qualities of this part of the National Park;

- The proposed estate manager's dwellinghouse complies with Policy HOUS5 of the National Park Local Plan and Housing Policy 2 of the Proposed Local Development Plan as it has been adequately demonstrated that it is necessary to support the operation of an existing rural land-based business and it necessitates a countryside location and full-time presence on site;
- The proposal complies with Policies D1, SUSDEV1 of the National Park Local Plan in that it presents a quality design which demonstrates an understanding of the vernacular styles and building materials of the Park and incorporates sustainable renewable energy measures;
- Although not a material consideration in this application, it is worth noting that the proposed wider estate activities set out in the submitted estate plan would promote biodiversity which is detailed in Policy ENV6 of the National Park Local Plan.

### 8.2 Subject to mitigation measures, exercised through planning conditions detailed in Appendix 1:

- The occupancy of the proposed estate manager's house would accord with the terms of Policy HOUS5 of the National Park Local Plan and Housing Policy 2 of the Proposed Local Development Plan;
- The proposal complies with Policy L1 of the National Park Local Plan as, with additional mitigation planting to integrate the development, the site's characteristics and the development layout and design is such that the proposal will not adversely impact on the special landscape qualities of the National Park;
- The proposed development presents low risk of any adverse impact on legally protected species or other species/habitats identified in national action plans and would therefore comply with Policies ENV4 and ENV5;
- The proposed development has been designed to avoid the potential impact on mature trees and would introduce additional native planting. The proposal would therefore comply with Policies ENV6 and ENV9;
- The proposed development would be satisfactorily serviced by the required infrastructure (drainage and water) without any risk of harm to the environment, and therefore would comply with Policies ENV11 and ENV12;
- Potential discovery of archaeological remains would be satisfactorily protected during construction and therefore would comply with Policy ENV26;
- The expected volume of traffic movements generated by the development would not have a significant impact on the existing road network and the improvements would ensure that the additional traffic would not result in any road safety issues. Therefore, the proposal would comply with Policy TRAN3.

### 8.3 In addition to assessing the proposal against prevailing planning policies, the National Park Authority has a duty to extend this assessment to consider whether the proposal would contribute towards the collective achievement of the National Parks four statutory aims. In this case it is considered that the proposal collectively meets the aims of the National Park.

### 8.4 Additionally, other material considerations have been taken into account, such as the level of objection and the issues raised in these objections. These matters have been addressed under their relevant sections and there has been no justification found to warrant an exception to the support provided by the relevant local plan policies. In addition, there are no objections from statutory consultees or non-statutory consultees. A number of modifications have been incorporated into the proposal during the process of considering the application to address

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concerns and issues raised.

- 8.5 In conclusion, the proposal is in accordance with the development plan and other material considerations do not outweigh the conclusion. Therefore, the proposal is recommended for approval, subject to imposition of conditions (detailed in Appendix 1).

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

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2015/0124/DET'*

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



**Appendix 1**

**Planning Conditions:**

1. **Restriction on Occupancy - Manager's Dwelling:** The 'manager's dwellinghouse' hereby approved (as detailed on the approved plan dwg. ref: D001, received on 5<sup>th</sup> October 2015) shall not be occupied other than by a person who is responsible for the management of the estate or who is employed by the estate as the estate manager and/or estate worker in the undertaking of the business of Carrick Estate, or a family member, resident dependant, widow or widower of such a person.

REASON: The proposal has been assessed as estate manager accommodation to fulfil an essential housing need in conjunction with the rural estate business and the approval of a permanent private residence would be contrary to the policies contained in the adopted development plan.

2. **Archaeological Programme of Works:** No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: To ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation.

3. **Road Access Improvements:** Prior to commencement of the development hereby approved, the following public and private road access improvement conditions shall be implemented and complied with, unless otherwise agreed in writing by the Planning Authority, in consultation with the Roads Authority. The approved road access improvements shall thereafter be maintained in perpetuity:
  - a) Increase the public road width to 5.5 metres wide for a distance of 10 metres, at the junction with the application site vehicle access (a separate Road Construction Consent is required for these works – see Informative No.6 below);
  - b) The first 10 metres of the application site vehicle access from the junction with the public road, shall be a minimum width of 4.5 metres and shall be surfaced in a bituminous material;
  - c) A suitable drainage system to prevent surface water discharge onto the public road shall firstly be designed and details of the design shall be submitted to the Planning Authority for approval, in consultation with the Roads Authority;
  - d) Visibility sightline splays at the junction with the public road shall be 2.4 x 42 x 1.05 metres.

REASON: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and also to ensure minimum interference to the safety and free flow of traffic on the public road.

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4. **Otter Protection Measures:** As a precaution, the undernoted measures shall be implemented and undertaken during the course of the development hereby approved:
  - a) All pipes shall be capped if left overnight and all excavations shall either be covered if left overnight or alternatively a ramp shall be provided to allow otter and other mammals to escape should they become trapped in a trench or excavation.

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. **Water Vole Survey:** No work on the ground clearance works for the development hereby approved shall take place until a walkover survey for evidence of water vole activity has been undertaken and the results have been submitted to the Planning Authority. Where required a scheme of mitigation measures will be requested and these shall be implemented in full accordance within a time-scale to be agreed in writing with the Planning Authority.

REASON: A survey is required to confirm whether water vole are likely to be disturbed by the development and to safeguard this protected species so as to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

6. **Bird Protection Measures:** Site clearance work should take place out with the bird breeding season (March to July). If this is not possible then a walk over survey must be undertaken prior to site clearance to identify nesting birds and plan appropriate protection until fledglings have left the nest.

REASON: To ensure that nesting birds are not disturbed and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

7. **Landscaping:** Notwithstanding the details shown on the approved plan dwg. ref: D001, received on 5<sup>th</sup> October 2015, the buildings hereby approved shall not be occupied until a further detailed landscaping plan, for the development hereby approved, has been submitted to, and approved in writing by, the Planning Authority. The further landscaping details to be approved shall include: details of species; precise details of planting locations; details of species and sizes; percentage compositions; planting densities; methods of protection during establishment; and details of maintenance etc.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings and the details currently submitted do not provide sufficient details.

8. **Implementation of Landscaping:** Unless otherwise agreed in writing with the Planning Authority, all approved landscaping works shall be carried out within the first planting season following the first occupation of any building or the substantial completion of the development hereby permitted, whichever is the sooner. Any trees or plants which, 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 unless the Planning Authority gives written consent to any variation.

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REASON: 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.

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

- a) The roof materials to be used on the roof surfaces of all buildings: sample(s) and detailed specification of materials and source of material to be submitted alongside details of fixing and coursing methods and flashings, as appropriate;
- b) The timber cladding to be utilised on the walls of the buildings: sample (showing finished colour/stain) to be submitted and details of methods of fixing and orientation of boards;
- c) The stone to be utilised on base courses, margins, quoins and copes: sample(s) and detailed specification of materials to be submitted alongside details of fixing and coursing methods;
- d) The stone to be utilised on the walls of the lodge and estate manager's dwellinghouse: sample(s) and detailed specification of materials to be submitted alongside details of fixing and coursing methods;
- e) Timber windows and doors: further specification details and colours/finishes of framing, or detailed constructional and dimensioned drawings of all types of windows and doors; alternatively a sample section of the proposed window/door;
- f) Rooflights and Roof Glazing: further specification details, or detailed constructional and dimensioned drawings; alternatively a sample section of a proposed rooflight;
- g) Exposed timberwork (e.g. decking, terracing, balustrades, fascias, bargeboards, soffits) further details of the material colour/treatment/finishes;
- h) The rainwater goods: specification details and details of colour/finish to be submitted;
- i) Roof flue: specification details and dimensions; alternatively a submitted sample;
- j) Solar photovoltaic or solar thermal panels: further details of the sizes, location, number and specification to be submitted;
- k) External lighting - exact details of the type, location, numbers, angle of direction and level of lumens of any proposed lighting. Any lighting shall be so positioned to prevent any glare or light spillage outwith the site boundary;
- l) The surfacing material for all hardstanding areas: further specification details to be submitted. The driveway access, paths, parking and yard areas shall be predominantly of a permeable material;
- m) Boundary walls, gates or fencing: further specification details of materials, finish, heights and exact locations.

REASON: To ensure a high quality design finish in keeping with the character of the design approved and to minimise the visual impact within this rural setting.

10. **Surface Water Management:** Prior to commencement of the development hereby approved, the undernoted measures shall be confirmed and submitted to, and subsequently approved in writing by, the Planning Authority in consultation with Argyll & Bute Council Flood Prevention Officer. The subsequently approved measures, pursuant to this condition, shall thereafter be incorporated into the development prior to first occupation:

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- a) Detail on the proposed surface water drainage system including design calculations and a method statement for surface water containment during construction;
- b) The diverted ditches through the site shall be designed to convey a 1 in 200 year flood flow plus climate change plus surface water discharge (1 in 200 year plus climate change event, attenuated to a 1 in 2 year Greenfield runoff rate) plus an allowance for freeboard.

REASON: To mitigate the risk of surface water flooding on the site and to ensure flooding is not increased elsewhere as a result of the development.

11. **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.

12. **Permitted Development:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (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, fence, wall, hard surface, oil or gas storage tank, satellite antenna or other installation, be provided, or any private way be installed or altered within the application site connected with the manager's dwellinghouse, as shown on the approved plan dwg. ref. D001, received on 5<sup>th</sup> October 2015, without application to, and the subsequent grant of permission by, the Planning Authority.

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

### **Informatives:**

1. **Duration of permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works.

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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.

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 your local SEPA office at: Lochgilphead Office, 2 Smithy Lane, Lochgilphead PA31 8TA (tel no. 01546 602876).
5. **Water Supply:** This permission does not relate to the provision of public water connection. In the event that the proposed development cannot be connected to the public water network then contact SEPA and ourselves in order to clarify whether a further planning application or other consents would be required for installation of a separate private water supply.
6. **Roads Consent:** The applicant is advised that in terms of Sections 21 and 65 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. **Extent of Permission:** For the avoidance of doubt the applicant is advised that planning permission, under application ref: 2015/0124/DET has been approved on the basis of the use classes covered in the proposal description only and does not extend to occupation of the lodge building as a permanent dwellinghouse, unless subsequent permission is sought and approved for an alternative use.