

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 25th January 2016

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2015/0306/DET
APPLICANT:	Mrs Sue Ebbage
LOCATION:	The Shieling, Glen Finglas Road, Brig O' Turk
PROPOSAL:	Erection of 1No.holiday let accommodation unit

NATIONAL PARK WARD:	Trossachs and Teith Ward
COMMUNITY COUNCIL AREA:	Trossachs Community Council
CASE OFFICER:	Name: Martin Brown Tel: 01389 722638 E-mail: martin.brown@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 It is proposed to erect a detached 1½ storey dwellinghouse within the existing curtilage of '*The Shieling*', located within the small rural community of Brig O' Turk. The proposed dwellinghouse is to be used as a holiday let and not as a permanent residential dwellinghouse.
- 1.2 The application is being presented to Committee because an objection has been received from Trossachs Community Council.

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 to the west off Glen Finglas Road. A location plan is outlined in *Figure 1*.
- 3.2 The application site comprises the existing property known as '*The Shieling*', a two bedroom single storey cottage which is currently made available by the owners as a holiday let. The site also comprises a detached garage and large garden curtilage, including a range of trees and shrubs. The site rises from the south to north by approximately 5m, with the existing dwelling located towards the southern boundary of the site.
- 3.3 Residential properties neighbour the site to the south and west, and the existing property part shares a vehicular access off Glen Finglas Road with a number of existing properties.
- 3.4 Photographs of the site are provided in *Figures 2-4*.

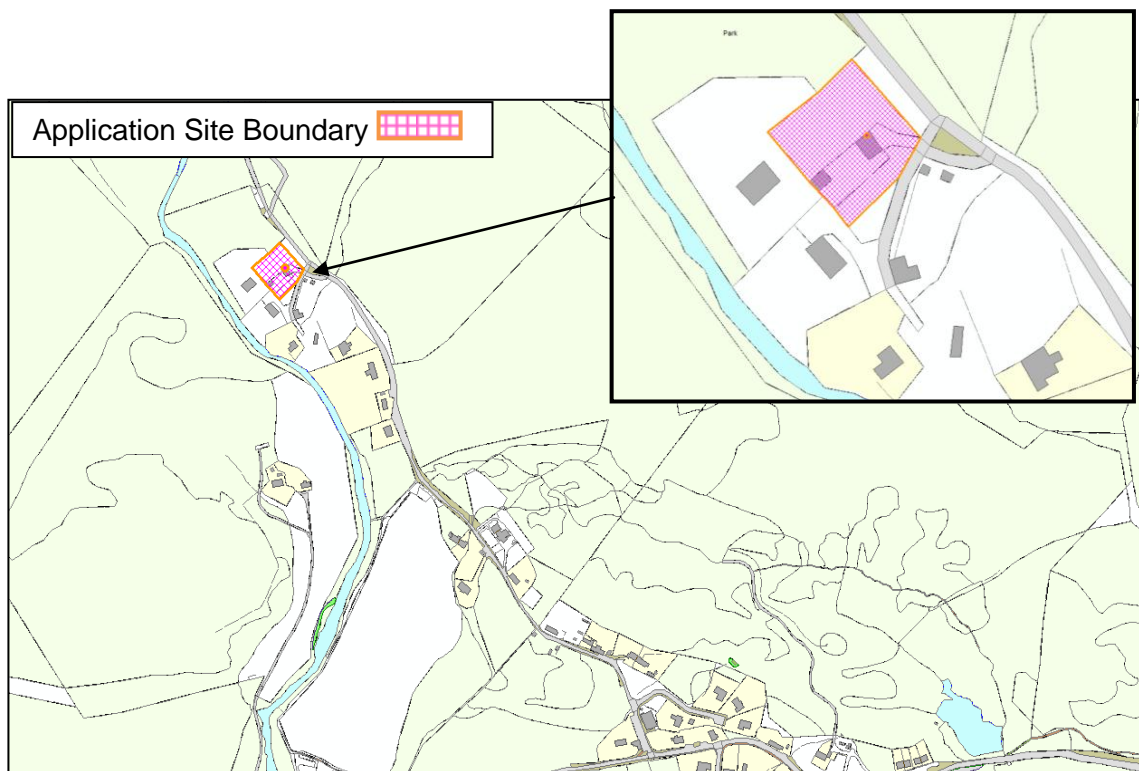


Figure 1: Location Plan

Agenda Item 7



Figure 2: Photograph towards the site from Glen Finglas Road



Figure 3: Photograph looking south towards the existing cottage from plot location



Figure 4: Photograph west towards the nearest neighbouring property

Environmental Impact Assessment (EIA)

- 3.5 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 1999 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required.

Description of Proposal:

- 3.6 The development proposed is for the erection of a 1 ½ storey dwelling, to be used as a tourism accommodation unit, within the garden grounds of the existing dwelling known as '*The Shielling*'. Proposed elevations are provided in *Figure 6*. The dwelling comprises a traditional built form, incorporating a mixture of traditional and more modern materials.
- 3.7 The proposed dwelling would be located approximately 11.5m to the north of the existing 'Sheiling' cottage, toward the north west boundary of the site as can be seen in *Figure 5*. The dwelling would be orientated with the east gable elevation facing onto the adjacent Glen Finglas Road, with the main elevation facing south towards the proposed driveway.
- 3.8 As stated in paragraph 3.2, given that the site rises from its south to north boundary, the proposed dwelling would sit in a more elevation position than the existing property. The finished ground floor level of the proposed dwelling would be approximately 1.5m higher than that of the existing house (100.45 AOD compared to 99.02 AOD). The overall height to the ridgeline of the new dwelling would be approximately 5.9m above ground level at the corner of the north and east elevations. Overall, the ridge height of the proposed dwelling would be approximately 4m higher than the ridge height of the existing house. This change in levels is indicated on the submitted site elevation plan in *Figure 7*.
- 3.9 The proposal also includes the formation of a new driveway leading from the existing access incorporating a small turning area and two parking spaces. Additionally, and in order to ensure the desired finished floor levels are achieved, a small section of retaining wall will likely be required adjacent to the north and east elevations.
- 3.10 The proposed garden curtilage would be located to the west and east of the property. Additional screening (Rowan trees) has been indicated along part of the garden area to the west. '*The Shielling*' cottage would retain its own private curtilage. A proposed site plan is outlined in *Figure 5*.
- 3.11 The applicant has indicated that the proposed dwelling would connect into the existing public water supply network. Private drainage arrangements are proposed by way of a rain water soakaway and foul water treatment plant, and the controls put in place by Building Control and SEPA will adequately address these matters.

Agenda Item 7

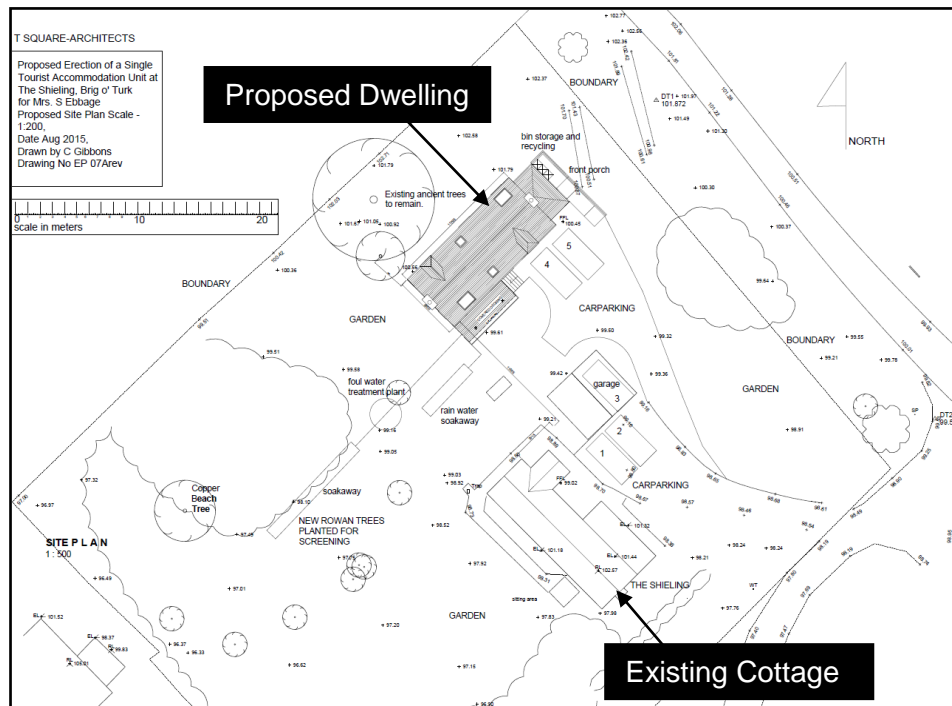


Figure 5: Proposed Site Plan

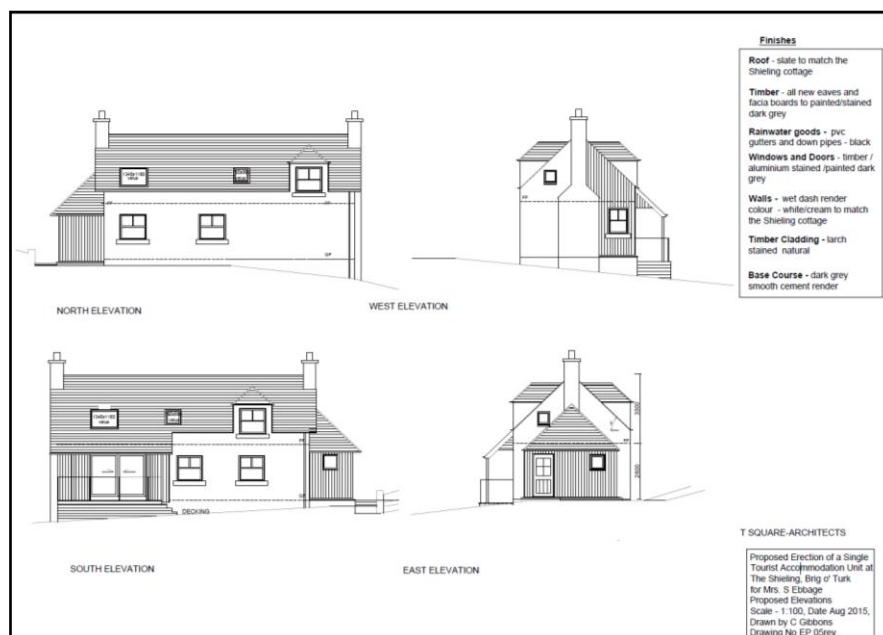


Figure 6: Proposed Elevations

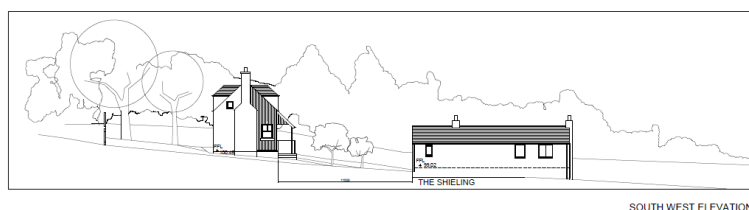


Figure 7: Site Elevations

Agenda Item 7

Planning History:

- 3.12 2012/0279/HAE - Replacement of flat roof with pitched roof and erection of extension and porch to dwellinghouse and erection of replacement garage.
Approved - 15 November 2012

2013/0123/PPP - Demolition of existing house and erection of replacement house and detached double garage
Application Withdrawn - 15 July 2013

2014/0147/DET - Erection of dwellinghouse
Invalid on receipt and application subsequently withdrawn – 10 July 2014

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 4.1 Stirling Council Flood Authority (Environment Services) –
Initial response received 22 September 2015

No objection to the proposal. No reported flood incidents are on record in this locality, and the site sits significantly higher than the burn level. Comments relate to fluvial and surface water flooding only, and cannot comment on any risks related to dam failure as no information held in this regard.

- 4.2 *Further response from Flood Authority received 08 October 2015*

No objection to the proposal. The Council has been informed about surface water flooding problems impacting on adjacent properties, and therefore recommends a condition that construction SUDS must be utilised during the construction phase and permanent SUDS must be designed and installed to prevent any increase in risk to other properties in the vicinity.

- 4.3 Stirling Council Roads Authority –
Response dated 26 October 2015

It is considered that the addition of a single dwelling will represent a negligible intensification of use of Glen Finglas Road, and from a Roads perspective we have no objection to the proposals.

- 4.4 This proposal is in accordance with Stirling Council car parking standards set out in Appendix D of the Council's *Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments*.

- 4.5 Given the distance between the proposed dwelling and the adjacent public road, provision should be made for a properly designed collection point at the roadside for bins awaiting collection. This should be outwith the required visibility splay sightlines.

Representations Received:

- 4.6 A total of seven representations of objection have been received relating to this application. This includes the representation from Trossachs Community Council.
- 4.7 A summary of the main issues from these representations have been grouped under the range of 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:

Agenda Item 7

4.8 Additional/existing tourist unit

- The existing property is used as a tourist unit, and so the proposal would provide two tourist units on the site.
- There are a number of second/holiday homes along Glen Finglas Road

Response: *The application is for a new holiday let and is therefore assessed on this basis against the relevant Local Plan policies. Furthermore, the Planning Guidance on Visitor Experience (refer to section 5.6 of this report) supports 'small scale' proposals of this type where appropriate within the locale, and identifies 'small scale' as 1 to 3 units.*

4.9 No benefit to the community

- The owner of the site lives and works outwith Scotland, and has additional rental properties elsewhere in the UK and Europe. The addition of another rental property would not bring any short or long term benefit to the community.

Response: *It is considered that the tourism spend generated in the local economy from holiday let units does contribute toward sustainable economic development of the area and surrounding communities. Additionally, the applicant has indicated that local trades will be used during construction, and with a local person employed for ongoing cleaning/maintenance of the dwelling and maintenance of the garden grounds.*

4.10 Flooding

- There is a run-off of surface water from the existing cottage (and from above the application site) down the track to the three properties below, which has caused flooding on a number of occasions. Further development of the site would increase surface run-off considerably. The proposal would be contrary to the relevant Local Plan policies in this regard.

Response: *See section 7.18 – 7.19 'Planning Assessment' of this report.*

4.11 Character of surrounding area

- The proposed 1½ storey dwelling would not be in keeping with the predominately single storey dwellings situated along Glen Finglas Road.
- The proposed orientation, with the gable facing the road, would not be in keeping with the pattern of the main elevation facing the road.
- The elevated position of the house, its size, siting and position would result in an adverse impact on the setting of the natural and built environment within the locale.

Response: *See section 7.8 - 7.14 'Planning Assessment' of this report.*

4.12 Natural Habitat

- The application site is within an area now defined as a National Nature Reserve (Great Trossachs Forest), host to a variety of protected species including red squirrels, pine martins, wildcat and otter. The increase in people and traffic will have a negative effect on the natural environment, and particularly the existing wildlife.

Response: *No natural heritage designations apply to the application site. The proposal would result in minimal change to the current character of the locale, and it is considered the scale of development would not therefore have any significant effect on the surrounding natural habitat.*

Agenda Item 7

4.13 Traffic/Road Safety

- There would be an increase in traffic up and down Glen Finglas Road past the school by users of the holiday let, unfamiliar with children walking to and from the school.
- There are currently issues with cars speeding along the road to the detriment of school children, tourists, walker, cyclist and other drivers.
- The existing road is very narrow and twisty with limited visibility.

Response: See section 7.20 - 7.22 'Planning Assessment' of this report

4.14 Affordable Housing

- The Local Plan states that development for housing in small rural communities should provide 100% affordable housing. Creating an additional holiday let does not meet the aims of the National Park in this way.
- The proposal would not address the affordable housing requirements that would ensure a healthy demographic in the residents population of the area.

Response: The local plan policies apply to a wide range of development types. The proposal is for the provision of tourist accommodation. As such, the relevant housing policies of the Adopted and Proposed Development Plans would not be a consideration in assessing this planning application.

4.15 Services

- The additional dwelling would affect the water supply to existing properties, which has experienced pressure drop in times of droughts.
- Scottish Water has no record of any septic tank for the existing cottage.
- Concerned that the occupiers of the property may not understand how to use a septic tank property, resulting in blockages and spillage.
- If permission is granted, adequate joint foul water treatment for both properties with adequate provision for realistic soakaway should be provided.

Response: See section 7.15 - 7.17 'Planning Assessment' of this report.

4.16 Contrary to Park Aims

- The proposal would be contrary to the National Parks first statutory aim. The 'Sandford Principle' states that if it appears there is conflict between the first aim, (the conservation and enhancement of the natural and cultural heritage), and any of the other aims, greater weight should be given to the first aim

Response: See section 5.1 of this report for the 4 aims of the National Park. The policies of the Adopted Local Plan are based on the 4 overarching aims and it has been concluded through the detailed assessment in section 7 (Planning Assessment) of this report that the proposal is generally in accordance with the relevant policies. Consequently it is concluded that the proposal achieves the balance of the aims and there is no conflict. The Sandford Principle does not apply in this instance.

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:

Agenda Item 7

- (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 Dec 2011)

Policy TOUR1 – New Tourism Development
Policy D1 – Design Quality
Policy ENV9 – Development Impacts on Trees and Woodlands
Policy ENV11 – Connection to Sewerage and Water Supply
Policy ENV12 – Surface Water Drainage
Policy SUSDEV1 – Sustainable Development
Policy TRAN2 – Promoting Sustainable Travel and Improved travel Options
Policy TRAN3 – Impact of New Development on the Road Network
Policy TRAN6 – Parking Provision
Policy WAS1 – Waste Management Requirements for New Development

Full details of the above policies can be viewed at:

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

Finalised Supplementary Planning Guidance: Sustainable Design

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 and was submitted to Scottish Ministers for consideration of the outstanding representations in December 2015. 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. As there are no outstanding representations to the main policies against which this proposal would be assessed, these policies carry significant weight and are therefore a material consideration in assessing this application.

The Proposed Plan, along with the recommendations approved by the Authority's Board at its October 2015 meeting, provides the most up to date policy position to guide decisions that should be considered with the Adopted Local Plan and any representations to the LDP. 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

Agenda Item 7

- Visitor Experience Policy 1: VEP2 – Delivering a World Class Visitor Experience
- Transport Policy 3: TP3 - Impact Assessment and Design Standards of New Development
- Natural Environment Policy 1: NEP1 - National Park Landscapes, seascape and visual impact
- Natural Environment Policy NEP12 – Surface Water and Waste Water Management
- Natural Environment Policy NEP13 – Flood Risk

Note: For the consideration of this application, it should be noted that none of these policies raise any significantly different policy considerations relative to the Adopted Local Plan.

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 7: Sustainable Design and Construction

5.6 Supplementary Guidance

- Design & Placemaking Draft Supplementary Guidance (dated May 2015)
- Visitor Experience Draft Supplementary Guidance (dated March 2015)

6 **SUMMARY OF SUPPORTING INFORMATION**

- 6.1 The applicant submitted a Business Plan in support of the planning application, of which the following is a summary;
- 6.2 The applicant uses the existing cottage as a holiday home, and has also recently advertised the property with a letting agency for private letting purposes. This is a temporary arrangement until the new dwelling is built and in use, when it is proposed that the existing cottage would then be for personal residential use only, and not for any commercial purposes. It is the applicant's intention to retire to the area, reside in the existing cottage, and use the income from the proposed holiday let to support this plan.
- 6.3 The proposed property would be advertised and let by Skyes Holiday Cottage, who currently advertise the existing cottage for holiday letting purposes. The majority of booking taken by the agency are for 2 bedroom properties similar to that being proposed, mainly used by couples as opposed to larger parties. Lettings are generally for a 1-2 week period at a time.
- 6.4 It is proposed that local trades' persons would be used to build and maintain the property. In the longer term, a local person would be employed part time to help with cleaning the property and maintaining the garden area.

Agenda Item 7

7 PLANNING ASSESSMENT

7.1 The principle issues to be considered in the determination of this application are as follows:

1. The policy context to the proposed use (Principle of Development)
2. Building siting/design and character of the surrounding area
3. Services
4. Flooding
5. Traffic/road safety
6. Residential Amenity/Privacy

These are addressed individually under the relevant headings in the following sections:

Principle of Development and Policy Context

7.2 The locational strategy of the Adopted Local Plan recognises the role that small rural communities (such as Brig O' Turk) have within the National Park and provides a flexible approach to small-scale development. This includes small-scale tourism developments as proposed.

7.3 Policy TOUR1 of the Adopted Local Plan states that new tourism development will be supported where the proposal is within or adjacent to settlements or where it fulfils the requirements of the larger scale tourism development opportunity sites identified in schedule 4.

7.4 Proposals outwith the settlements and schedule 4 sites, as with this proposal, will be supported 'where they accord with the strategy, including by encouraging sustainable travel and transport alternatives to the private car and local destination requirements identified in schedule 5'. The proposal is within the 'Callander, Aberfoyle, Queen Elizabeth Forest Park and The Trossachs' Sub-Destination area of schedule 5 where there is support for 'a range of quality, small scale visitor accommodation'.

7.5 The most feasible way of accessing the site would be by private car however the site is close to a Core Path network that links to Callander, Loch Achray and Loch Katrine where the steam ship leaves the Trossachs Pier for Stronachlachar, so there are a number of sustainable transport options for visitors once at the site.

7.6 In addition to the above, the proposed Local Development Plan policy VEP1 supports small-scale development within areas of countryside with access to the existing recreational network of paths. The site falls within such an area and is 'small-scale' as defined in the Planning Guidance on Visitor Experience as being 1 to 3 units.

7.7 Given the above, it is considered that the terms of the relevant Adopted Local Plan policy TOUR1, and policy VEP1 of the Proposed Local Development Plan are reasonably satisfied.

Building siting/design and character of the surrounding area

Representations received to this application raised the issue that a number of properties along Glen Finglas Road are single storey, and the proposal would not therefore be in keeping with the character of the area. In response, there are a number of 1½ storey properties within the locale, including immediately adjacent to the site, as can be seen in the photographs in *Figures 9 -11* below.

Agenda Item 7



Figure 9: Neighbouring Properties along same access road



Figure 10: Neighbouring Property along same access road



Figure 11: Property along Glen Finglas Road

- 7.9 Representations have also referred to the orientation of the proposed dwelling and its height. However, through discussion with the applicant's agent, considerable thought

Agenda Item 7

has been given as to how best to accommodate the dwelling on the site in keeping with the relevant guidance.

- 7.10 In terms of orientation, it is considered that having the gable facing the adjacent road as opposed to the main elevation (as with the existing house) would improve the relationship with the existing cottage, as well as the appearance of the proposed dwelling when viewed from the road. The Design and Placemaking Supplementary *Guidance* (referred to in paragraph 5.6) supports the alternative orientation of additional buildings within existing plots.
- 7.11 The proposed dwelling has been designed to fit within the existing landscape of the site. Rather than alter the existing ground levels to accommodate the proposed dwelling, the applicant proposes to 'cut' into the existing gradient in order to ensure the overall height of the dwelling can be minimised. Additionally, proposed ground and upper floor levels have been lowered through further negotiations with the applicant through the application stage. As a result, the height to the ridgeline when viewing the east elevation facing the road would be approximately 5.9m above the existing ground level. Furthermore, the north (rear) elevation facing onto the adjacent gardens would not appear much higher than many single storey houses.
- 7.12 The Design and Placemaking Draft Guidance supports working with ground levels in this way where it would contribute towards the proposal being of an appropriate scale for the site and surrounding area. Furthermore, the Guidance supports proposal that make the most of the natural topography of a site as is the case in this instance.
- 7.13 In terms of finish, the proposed dwelling would have predominately white rendered walls and a slate roof to match that of the existing cottage. The use of timber cladding on the projecting elements of the dwelling would provide an interesting contrast when viewed against the more traditional materials. The use of timber and aluminium frames to the windows and doors would ensure a good standard of finish is achieved.
- 7.14 On balance, it is considered the proposal would meet the general aims of policy D1 and L1 of the Adopted Local Plan, and the Design and Placemaking Supplementary Guidance both in terms of the principles for the development of holiday developments within existing communities and adjacent to existing buildings, and the proposed finish of the dwelling. Given the number of 1½ storey dwellings within the locale, particularly those neighbouring the site, it is not considered the proposal would be out of character with existing development within the area. Furthermore, the orientation and grouping relative to the existing property is generally in keeping with the established development pattern.
- 7.15 Services
The applicant has indicated they intend to make connection to the public water supply network, while drainage (including foul water) would be serviced by way of a private system.
- 7.16 Water supply capacity for the development (and resultant impact on neighbouring property's supply) has been raised as a concern through the letters of representation received relating to this application. The applicant contacted Scottish Water to determine whether connection was possible through the public water supply network. Scottish Water have indicated there is capacity available to connect to the existing public supply, and that existing water pressure was not an issue. Any issues regarding water pressure of the public water supply would be investigated by Scottish Water with the view to implementing a technical solution. Advice from Scottish Water is that an application should be made for a new connection to the existing infrastructure once

Agenda Item 7

planning permission has been granted.

- 7.17 The applicant has stated that foul drainage for the site will be provided by a private system. Controls put in place by Building Control and SEPA will adequately address these matters. Furthermore, the proposal will incorporate sustainable urban drainage (SUDS) to ensure that surface water (e.g. from roofs, driveways, etc) is disposed of appropriately via a soakaway.

7.18 Flooding

The potential for increased flooding is an issue raised through the representations received. Consultation was undertaken with Stirling Council as the Flood Authority, who initially responded (paragraph 4.1) stating they have no reported flood incident on record within this locality as the site sits significantly higher than the burn level. These comments relate to fluvial and surface water flooding. An updated response was however received (paragraph 4.2), in which the Council advised that they had been informed about surface water flooding problems impacting on adjacent properties, and as a result recommend a condition requiring appropriate SUDS to be used during the construction phase and thereafter incorporated into the finished scheme. This is to prevent any increase in risk to other properties in the vicinity as a result of the development. As insufficient detail has been submitted regarding this matter at this time, a planning condition will require these details to be submitted prior to works commencing and to be certified by a Civil engineer or Building Standards Officer as complying with appropriate guidance from SEPA.

- 7.19 SEPA were not consulted on this application having had no objection to the previous application for planning permission in principle for a replacement dwellinghouse. Notwithstanding this, SEPA previously stated that consultation should be undertaken with the relevant Council as the Flood Prevention Authority.

7.20 Traffic/Road Safety

Policy TRAN3 of the National Park Adopted Local Plan seeks to ensure that new development provides for safe access, and that traffic flow on the existing road network is not adversely affected. Additionally, Policy TRAN6 states that development proposals will normally be expected to provide sufficient parking to current standards, as determined in consultation with the Roads Authority.

- 7.21 The consultation response from Stirling Council as the Roads Authority noted that while no pedestrian footpath exists along the majority of Glen Finglas Road, there are existing signs warning of pedestrians being present. Furthermore, a 20mph speed limit operates along the length of Glenfinglas Road.

- 7.22 Their response concluded that the addition of a single dwelling would represent a negligible intensification of the use of Glen Finglas Road, and therefore there was no objection to the proposal. Furthermore, it was concluded that the proposal for two parking spaces accordance with Stirling Council car parking standards for New Developments.

7.23 Residential Amenity/Privacy

Orientation of the proposed dwelling on the site would ensure that the elevation facing the nearest neighbouring property ('Frennich House' to the south-west) is the west (gable) elevation, comprising a single window at lower level and single small window at upper floor level. The distance between these windows and the boundary with the neighbouring property is sufficient enough (approximately 35m) that, despite the difference in levels, no privacy issues would arise. Furthermore, existing vegetation

Agenda Item 7

would provide a further element of screening with the neighbouring property. In terms of the existing cottage, the main elevation of the proposed dwelling is orientated so that there would be no direct overlooking of the private garden curtilage. Additionally, both dwellings can be comfortably accommodated while ensuring sufficient amenity space remains.

- 7.24 In conclusion, it is not considered the proposal would give rise to any significant amenity issues in terms of the privacy of the neighbouring property to the south-west, or that of the existing cottage.

8 CONCLUSION

- 8.1 The proposal is considered to comply with policy TOUR1 of the National Park Local Plan, and Policy VEP1 of the Proposed Local Development Plan; the site is close to an existing core path network that would encourage sustainable travel and transport alternatives to the private car, and meet local destination requirements identified in schedule 5. The holiday let is considered to accord with policies D1 and L1 of the Adopted Local Plan in that there would be no significant adverse impact on the setting or character of the locale. There is no objection from Stirling Council as the relevant Flood Prevention Authority, however a suitably designed drainage system (SUDS), to be approved by the National Park, will be incorporated into the development to mitigate any increase in risk to other properties in the vicinity from surface water flooding as a result of the proposal. There are no significant increased traffic issues or amenity issues.
- 8.2 In conclusion, the proposal accords with the principles of the Development Plan and other material considerations do not outweigh this conclusion. Therefore, the proposal is recommended for approval subject to the conditions recommended within 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 '2015/0306/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 unit(s) shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupant's details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

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

Agenda Item 7

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. **Surface Water and Drainage:** No development shall commence prior to the submission of further details of the Sustainable Urban Drainage (SUDS) scheme to the Planning Authority (i.e. cross-sectional drawings of the SUDS drainage system and SUDS calculations), and these details shall be certified by a chartered civil engineer or Building Standards Officer as complying with appropriate SEPA SUDS guidance. The approved scheme shall then be implemented prior to first occupation of any of the buildings hereby approved and shall incorporate the principles of Sustainable Urban Drainage (SUDS) as contained in PAN 61 – Planning and Sustainable Urban Drainage Schemes and the Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland (Sustainable Urban Drainage Scottish Working Party), or any subsequent revisions/equivalent publications.

REASON: Insufficient detail has been submitted regarding surface water drainage treatment and these details are considered of importance in securing an environmentally sensitive standard of development and consistent with National Guidance and the first statutory aim of the National Park.

5. **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.

6. **Landscaping:** Notwithstanding the details shown on the approved plan dwg. ref: EP 07A rev, received on 22nd October 2015, the building 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.

Agenda Item 7

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.

7. **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.

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.

8. **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 proposed natural roof slate (sample and further details of the proposed sizing, coursing and fixing);
- 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) Further details and colours/finishes of framing, or details constructional and dimensioned drawings of all types of windows and doors; alternatively a sample section of the proposed window/door.
- d) Rooflights: further specification details, or detailed constructional and dimensioned drawings; alternatively a sample section of a proposed rooflight;
- e) 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;
- f) Boundary walls, retaining 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 the locale.

9. **Protection of Existing Trees:** The mature tree identified for retention on the approved plan dwg. ref: EP 07A rev shall not be topped, lopped or felled without prior written approval by the Planning Authority and shall be protected throughout the course of the development by a scheme of tree protection which shall first be agreed and approved in writing by the Planning Authority. The approved tree protection plan

Agenda Item 7

shall then be carried out in accordance with the agreed scheme during the entire construction period. The tree protection scheme shall comprise of a plan showing the methods and areas of tree and ground protection in the vicinity of mature tree root zones. 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.

List of Plans

Title	Reference	Date Received
Location Plan	PP 01	27/08/2015
Site Plan As Proposed	EP 07A REV	22/10/2015
Proposed Floor Plans	EP 04	27/08/2015
Proposed Elevations	EP 05 REV	22/10/2015
Proposed Site Elevations	EP 05B REV	22/10/2015

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 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

Agenda Item 7

years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

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 Drainage/Water Impact Assessment - The applicant is advised that there is a requirement to submit a fully completed Development Impact Assessment form to Scottish Water for any proposed connection to the public water and/or drainage network.

6 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.

7 Water Impact Assessment - The applicant is advised that there is a requirement to submit a fully completed Development Impact Assessment form to Scottish Water for any proposed connection to the public water network.