

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 27th June 2016

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2016/0024/DET
APPLICANTS:	Wayne Gardner-Young and Sandy Fraser
LOCATION:	Former Highland Way Hotel, Balmaha, G63 0JQ
PROPOSAL:	Erection of 20 lodges, 3 holiday flats, restaurant/bar, smokehouse & brewery with cafe, manager's office/accommodation, improved access, associated parking, landscaping and infrastructure.

NATIONAL PARK WARD:	Ward 4
COMMUNITY COUNCIL AREA:	Buchanan Community Council
CASE OFFICER:	Name: Craig Jardine Tel: 01389 722020 E-mail: craig.jardine@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This site, on the western edge of Balmaha located adjacent to the public car park and facing south to Balmaha Bay, was formerly occupied, in part, by the Highland Way Hotel. In 2008 the Planning & Access Committee took the decision to grant planning permission for demolition of the hotel and erection of a bar/restaurant and 13 holiday chalets on the eastern part of the site and subsequently a separate permission was granted (under delegated powers) for a bunkhouse/shop on the western frontage of the site. The former permission was, however, not issued due to an associated legal agreement not being signed/concluded and the latter expired in 2014 without being implemented. The current proposal is for the redevelopment and extension of this former tourism site (currently in a degraded condition) to erect two commercial buildings (restaurant/bar and a smokehouse/micro-brewery with shop/café) located along the Balmaha Road frontage with 20 holiday let lodges arranged to the rear.
- 1.2 In accordance with the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as the Buchanan Community Council for this area has lodged a formal objection. This paper presents the officer's assessment of the planning application and the officer's recommendation.

2 RECOMMENDATION

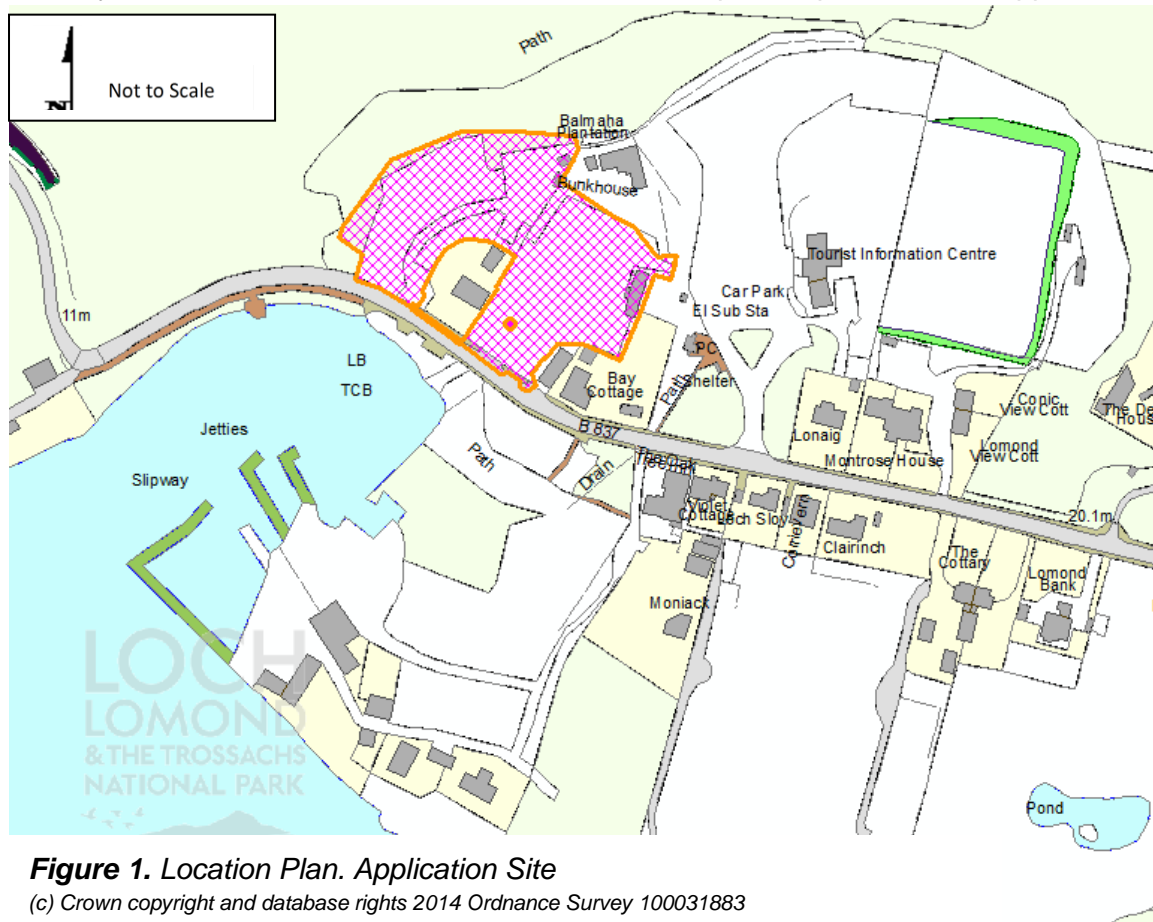
That Members:

APPROVE the application subject to the imposition of the conditions set out in Appendix 1 of the report and the prior conclusion of a section 75 legal agreement incorporating the terms summarised in Appendix 2 of this report.

3 INTRODUCTION

Site Description:

- 3.1 The application site is located on the western edge of Balmaha and comprises of approx. 0.9 Ha area of ground formerly occupied, in part, by the Highland Way Hotel with its associated restaurant and shop and an independent bunkhouse. With respect to its surrounding context, the site fronts onto Balmaha Road and surrounds the existing two storey 'Balmaha House' and its associated bunkhouse building which front onto the B837. To the east is Balmaha public car park with bus terminus, access to the Balmaha Visitor Centre and core path links to Conic Hill and the West Highland Way. The former bunkhouse (subject of a separate planning application ref: 2011/0160/DET described in para 3.22 below) is situated to the north of the site. Two additional residential properties (Balmaha Cottage, Bay Cottage) are situated adjacent to the south-east corner of the site fronting onto the B837. The Queen Elizabeth Forest and Millennium Forest surround the site to the north and west and provide a heavily wooded backdrop to the site. The site has an open southerly aspect towards Balmaha Bay and Loch Lomond with the recently installed Tom Weir Memorial, with associated public space, located opposite.



Agenda Item 4

- 3.2 Ground levels within the site rise from the B837 public road to the rear northern boundaries (in the order of 4.5m at the eastern side of the site – 7.5m at the western side). The site has the feel of being on two levels due to there being a distinct change in level at the midway point, formed by retained banking (referred to in para 3.9 below). From this point northwards, the site continues to rise gently to the northern boundary.
- 3.3 The eastern part of the site has the appearance of a cleared brownfield site and is in a degraded condition. The western portion of the site (to the west and north of Balmaha House) contains a number of static caravans and temporary structures which gives it the appearance of being developed/in use.
- 3.4 The site, prior to demolition of the Highland Way Hotel, was accessed from the existing B837 Balmaha Main Road (to the west of Balmaha Cottage). The western portion of the site is accessed currently by a shared driveway with Balmaha House. An opening to the site exists from the public car park on the eastern boundary of the site. This is currently gated but was formerly a pedestrian route from the car park to the rear of the former hotel.

Planning and Site Background:

- 3.5 This site has a complex planning and development history. The planning history is provided in detail in para 3.22 of this report and is otherwise summarised in the following paragraphs.
- 3.6 When the long-standing Highland Way Hotel on the site (shown in figure 2) ceased operating in the early to mid-2000s, a series of proposals for re-use or redevelopment were presented. The first notable application in 2006 was to re-develop the site (being the eastern portion of the current site – as shown in figure 3 below) with the erection of a bar/restaurant, 13 holiday cottages and associated car parking. This application was presented to and subsequently approved by the Planning & Access Committee in January 2008 subject to finalisation of a Section 75 Legal Agreement. The Legal Agreement was never concluded and therefore planning permission was never issued, although the principle for re-development and continuation of this part of the current site for tourism purposes was established through this planning application. The buildings of the hotel (being the hotel/restaurant and shop) were subsequently demolished and cleared from the site. The bunkhouse at the north end of the site was retained and still remains.



Figure 2: Front Elevations of former Highland Way Hotel (adjacent Balmaha House shown)

Agenda Item 4

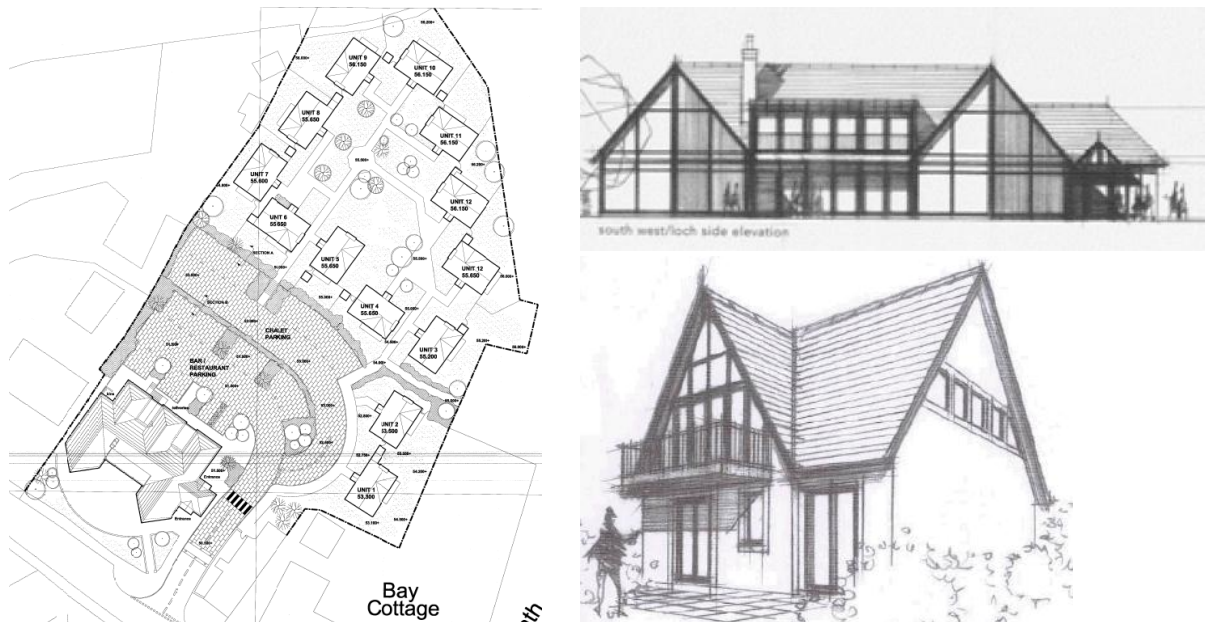


Figure 3: Site Layout and Front Elevations of 2006 planning proposal

- 3.7 In 2009 planning permission was approved for a bunkhouse/shop on a site to the west of Balmaha House and the Highland Way Hotel site (as shown in figure 4 and owned by the current applicant Sandy Fraser). This permission was never implemented and has since expired.



Figure 4: Site Layout and Front Elevations of 2009 planning proposal

- 3.8 At the end of 2011 a planning application was submitted for the proposed development of a site which encompassed the former Highland Way Hotel site (owned by Wayne Gardner-Young) and

Agenda Item 4

the adjacent site to the west (owned by Sandy Fraser). This proposal was a joint venture by these adjacent land owners. The current proposal is similar to the application as first presented back in 2011 with the exception of now offering a reduction in the number of holiday units (from 24 units to 20) and a revised layout, including a more considered landscaped setting. These changes have been negotiated and provided to respond to the planning officer's comments and Flood Prevention Authority's comments regarding specific aspects of the site layout. The designs of the buildings, both commercial and holiday units, is largely unchanged.

- 3.9 The 2011 planning application stalled for a variety of reasons and a significant period of time has passed since it was first submitted. During the period of assessment of this application the owner of the eastern portion of this newly combined site (Wayne Gardner-Young) continued with site clearance works, formation of retaining walls (gabions) which were largely related to engineering works to remediate site contamination, culverting of the small watercourse through the site and preparing the drainage pipework for future connection. In addition, these engineering works have prepared level areas for development. In 2014, during continued assessment of the planning application, the applicant (Wayne Gardner-Young) formed foundations for a number of the holiday units and erected one of the larger holiday units (lodge no.15) on the site which he explained was for storage of building materials. Although the National Park Authority could have considered enforcement proceedings, development stopped on site and it was acknowledged that the physical work undertaken reasonably related to the pending 2011 application. Therefore, the decision was taken that it was not in the public interest to take specific enforcement action and that the best approach was to manage this situation by continuing to work towards a successful planning outcome for the site. A retrospective application was submitted for the storage building that was erected. This application remains undetermined – see planning history in para. 3.22. The above provides the context to the unauthorised works that have been carried out on site; however, notwithstanding this, the application, as presented for consideration, requires to be assessed on its merits.
- 3.10 It is worth noting that the applicant (Wayne Gardner-Young) also submitted a planning application in mid-2011 to change the use of the former bunkhouse of the Highland Way Hotel to a private residence (situated outwith the current site boundary to the north of the site as referred to in para. 3.1). This application also remains undetermined as it is closely linked to the outcome of this current application with respect to reaching a conclusion on residential parking requirements.
- 3.11 Towards the end of 2015 a series of meetings were held with the applicants. It was acknowledged that there were a range of deficiencies with the 2011 application. At these meetings an indication was given that it was not possible to support the proposal due to the inadequacy of much of the supporting information. It was agreed with the applicants that a new approach would be taken and they employed a new planning agent and landscape architects to take this forward. This led to submission of this current application and withdrawal of the stalled 2011 application. It is this current proposal that is now under consideration.

Description of Proposal:

- 3.12 It is proposed to erect a mixed use tourism development consisting of two commercial buildings aligned along the Balmaha Road frontage on the lower level either side of 'Balmaha House' with two separate accesses from the B837 road. 20 holiday let lodges are proposed to be arranged to the rear of these commercial buildings, predominantly at the upper level, across the remainder of the site (as shown in figures 5 & 6 below).

Agenda Item 4



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Figure 5. Proposed Site Plan

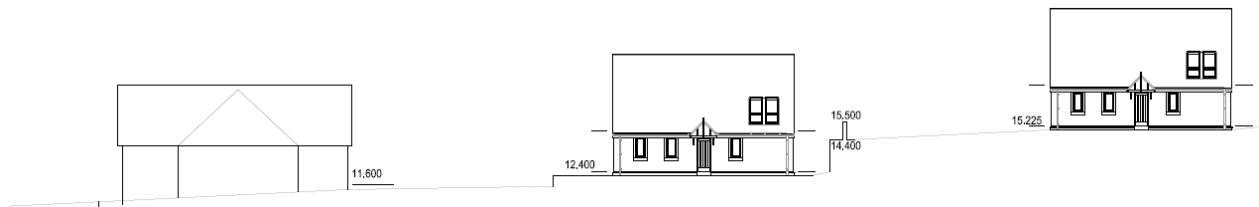


Figure 6: Site Section through site (from Restaurant Bar up to Lodge no. 13)

Agenda Item 4



Figure 7: View of site from Balmaha Boatyard (Balmaha House in foreground)

- 3.13 The eastern part of the site frontage (as shown in figures 8, 9, 10 & 11 below) would comprise of a one and a half storey building with restaurant/bar and manager's office on the ground floor and manager's flat and separate holiday let/staff accommodation flat on the upper floor. The building would be finished externally with slate roof and stone cladding and rendered walls. Vehicle parking (23 spaces) would be arranged to the rear of this building (serving the restaurant/bar and 8 eastern holiday units) and which would be accessed by a re-designed entrance from the B837 public road.

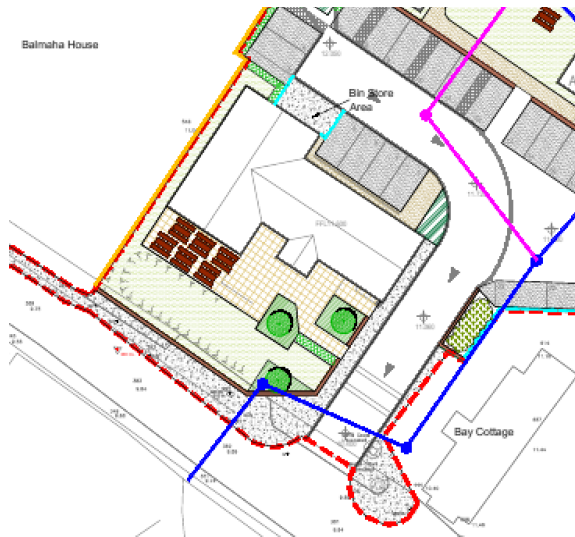


Figure 8: View towards Eastern frontage of site from 'Tom Weir Memorial Site'



Figure 9: View towards Location for Restaurant/Bar from B837

Agenda Item 4



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Figure 10: Extract from Site Layout showing proposed Restaurant/Bar



Figure 11: Southern elevation of proposed Restaurant/Bar

- 3.14 The western part of the site frontage (as shown in figures 12, 13 & 14 below) would comprise of a one and a half storey building with smokehouse processing and microbrewery attraction with associated shop and café on the ground floor and 2 holiday let flats on the upper floor. This building would also have a basement area. The building would be finished externally with slate roof and stone cladding and rendered walls. Vehicle parking (19 spaces) would be arranged to the rear of this building (serving the smokehouse/brewery and 12 western holiday units) and accessed by a re-designed entrance from the B837 public road.



Figure 12: View towards Western access and location for proposed Smokehouse/Brewery (taken from B837)



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Figure 13: Extract from Site Layout showing proposed Smokehouse/Brewery

Agenda Item 4

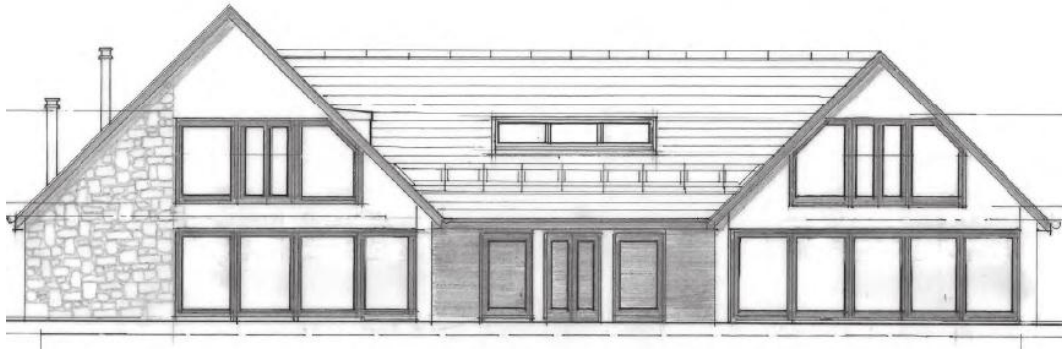


Figure 14: Southern elevation of proposed Smokehouse/Brewery

- 3.15 Parking is proposed on the basis of one parking space per holiday lodge, dedicated parking for The Bunkhouse (as a private dwelling) and the remainder serving the visitor parking for the commercial businesses. The application describes that any remaining parking requirements would utilise the adjacent Balmaha public car park (approx. 200 spaces).
- 3.16 To the rear of the commercial buildings, 20 holiday let lodges are proposed to be arranged across the remainder of the site (8 units on the eastern portion of the site with 3 of these units on the upper 'terrace'; 12 units on the western portion of the site – as shown in figure 15 below). These lodges are all one and a half storeys with a combination of three differing layouts of lodge proposed (Type A1 & A2 – 3 bed; Type B – 4 bed). Sitting rooms are accommodated within the upper floor of the units and, in the case of the Type B unit which incorporates an internal upper balcony, this maximises the views towards the loch. All would be finished externally with slate roofs and timber and stone clad walls. The lodge designs are indicated in figures 16-19 on the following page.



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Figure 15: Extract from Site Layout showing proposed Holiday Let Lodges

Agenda Item 4

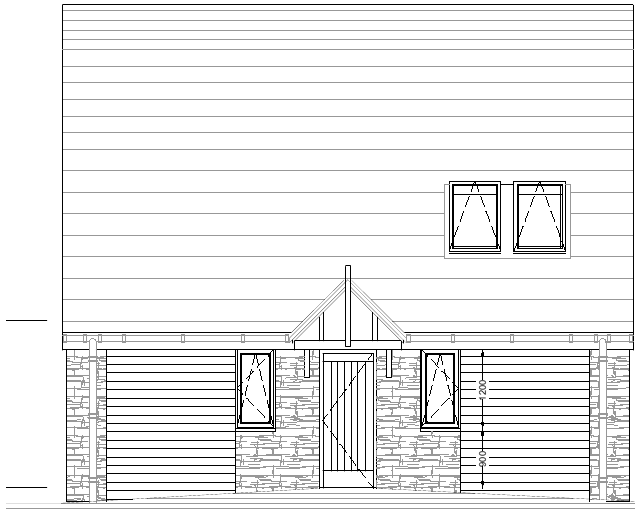


Figure 16: Lodge Type A1 – Front Elevation



Figure 17: Lodge Type A2 – Front Elevation



Figure 18: Lodge Type B – Front Elevation

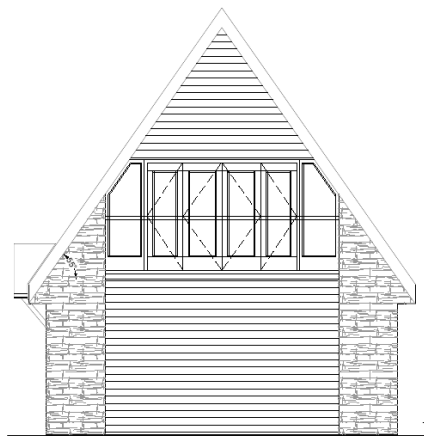


Figure 19: Lodge Type B – Side Elevation (showing integral balcony)

- 3.17 The proposal is to provide a pedestrian entrance from the public car park (via the currently gated entrance which accesses the former bunkhouse) to connect with an internal network of paths within the site that would provide pedestrian/cycle access to the commercial buildings (via primary paths) and to the holiday let lodges (via secondary narrower paths) but thereby also offering a pedestrian/cycle link to connect from the public car park through the site to the local tourist sites outwith the site (Balmaha Bay and Tom Weir Memorial Site) and the surrounding core path network. Figure 20, on the following page, shows the site's inter-relationship with existing path connections in the surrounding area.

Agenda Item 4



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Figure 20: Local Context showing existing and proposed path connections (delineated with orange/purple dashed lines and arrows)

- 3.18 The proposal is to profile and landscape the spaces between the buildings with a combination of native shrub and tree planting and grasses and for the paths and southern site frontage to be detailed using low stone walling and native hedging. Timber fencing would be used to retain privacy in close proximity to residences. Gabion walls have been formed on the site and these retain and define the distinct change in levels across the site.
- 3.19 The layout has been designed taking account of the drainage network within the site. To ensure that no buildings are located over the drainage pipework within the site (to address previous SEPA and Stirling Council Flood Prevention Officer comments) it is proposed to divert a section of the existing culvert thus enabling the building layout with no detrimental impact to drainage management.
- 3.20 The proposal is to service both the holiday units and the commercial buildings from the public water supply and public foul drainage systems. Drainage connection points and SuDS attenuation measures (in the form of a filtration pond) would be provided to the east of holiday lodge no.13. To the west of lodge no.13 (and travelling south through the site) is an overland flood pathway/swale to accommodate any overflow event from the culvert for the small watercourse which travels through the site to the eastern car park. SuDS filtration measures would be provided underneath the parking bays.
- 3.21 To address previous and current Stirling Council Roads Officer comments regarding visibility sightlines on the 2006 and 2011 application, it is proposed to introduce a road 'build-out' at the entrance to the restaurant/bar. The planning application boundary has been detailed to include this proposal relative to the location of the two vehicular accesses from the B837 road.

Agenda Item 4

Planning History:

- 3.22 **2003/0139/DET** - Change of use of hotel to 12 timeshare units, fenestration alterations, installation of access bridge, revisions to parking layout and formation of landscaped gardens. Decision to approve subject to Section 75 on 20th August 2009. Planning permission not issued due to Section 75 never being concluded.

2006/0419/DET - Redevelopment of site comprising demolition of existing buildings (former hotel, restaurant, shops and bunkhouse) and erection of bar/restaurant, 13 holiday cottages and associated car parking. Committee decision to approve, subject to Section 75 on 21st Jan 2008. Planning permission not issued due to Section 75 never being concluded.

2009/0024/DET - Erection of one and a half storey building comprising bunkhouse (class 7) and retail shop unit (class 1) and associated access and parking infrastructure. Approved on 31st July 2009. Permission was never implemented and expired on July 2014.

2011/0160/DET - Change of use of bunkhouse (Class 7) to dwellinghouse (Class 9) including alterations. Pending decision on this current application under consideration.

2011/0245/DET - Erection of 24 No. holiday chalets, 3 no. holiday flats, restaurant/bar, smokehouse & brewery with cafe, manager's office and associated parking and infrastructure. Withdrawn on 28th Jan 2016.

2014/0238/DET - Erection of storage building (retrospective). Pending decision on this current application under consideration.

4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011. 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.

5 CONSULTATIONS AND REPRESENTATIONS

Summary of Responses to Consultations

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

- 5.1 Scottish Water
No objection but separate authorisations would require to be obtained. The developer may require to fund or part fund any necessary infrastructure improvements.
- 5.2 SEPA
No objection, subject to conditions.
SEPA previously responded to the 2011 planning application (latest response dated 7 Jan 2015) requesting that the foul drainage for the development be treated and disposed of sustainably, preferably by means of the public sewer system, providing this has no adverse impact on water quality, public health or the environment. With respect to flood risk, SEPA requested that a set

Agenda Item 4

of conditions be applied to the development namely, that no building be placed over the drainage pipe within the site; an overland flow pathway be provided as per the calculations set out in the original Scott Wilson report for the 2006 application; and that an inspection and maintenance regime for the drainage pipe be agreed and implemented to the satisfaction of the Flood Prevention Authority (Stirling Council).

5.3 Stirling Council – Flood Prevention

No objection, subject to the condition that a practical maintenance regime for the surface water drainage pipe within the site be submitted for approval.

5.4 Stirling Council – Roads

No objection, subject to conditions as follows:

- A build-out of the eastern vehicle access (serving the restaurant/bar) in order to optimise the available visibility sightlines;
- Each vehicular access and parking space be of a set dimension/design and suitably constructed/finished to manage surface water discharge;
- The existing access (being the original site access to the Highland Way Hotel) be permanently closed;
- The access formed and currently used as a vehicular access from the public car park to The Bunkhouse be permanently closed for vehicular useage;
- That a pedestrian footway be provided between the two access points (along the B837 road frontage) to provide a direct link between the two commercial buildings;
- That cycle parking be provided at the commercial buildings;
- That parking spaces within the development be allocated to the holiday lodges, flats and The Bunkhouse;
- A Construction Traffic Management Plan be submitted for approval.

Separate authorisation from Stirling Council, in the form of a Road Opening Permit, will be required for the formation of the vehicular accesses, new footway link and associated works, prior to construction works commencing (it is recommended that this be addressed by an 'Informative' should permission be approved).

5.5 Stirling Council – Environmental Health

No objection, subject to conditions. Initial response recommending conditions to address potential contaminated land issues was later clarified (in response dated 25th April) to confirm that no further investigation at this 'planning' stage would be required but that a condition be attached requiring any previously unsuspected but discovered contamination to be brought to the attention of the planning authority and be addressed through a comprehensive investigation. With respect to potential noise and odour issues from the commercial buildings, the Environmental Health Officer has clarified that they are content with a suitably worded 'phased' planning condition requiring that further analysis is submitted 'prior to works commencing on each phase'. Inclusion of a standardised condition restricting the hours of construction is also recommended.

5.6 Buchanan Community Council

Objects to the application on the following grounds:

- The application does not fulfil the criteria set out in the Buchanan South Rural Development Framework (Draft Supplementary Guidance) or Proposed Local Development Plan as it does not identify this area as having potential for new tourism development, does not contribute to Balmaha's sense of enclosure or sense of place; and these documents only support small-scale developments in these areas.
- Concern that the number of lodges proposed, in conjunction with the current holiday lets in Balmaha is excessive and outnumbers the residential properties.

Agenda Item 4

- The proposed parking provision is inadequate as the current car park presents a capacity issue.
- Concern that there is insufficient sewage and water supply provision and concern that flood risk will be an issue.
- There are buildings on site which do not have the benefit of permission as well as a disputed access being taken from the car park.

No objection to the proposed commercial buildings.

5.7 West of Scotland Archaeological Service (WoSAS)

WoSAS previously responded to the 2011 planning application stating that '**no substantive issues were raised by the application**'. There have been no changes in circumstance since this previous response.

Summary of Representations Received

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

5.8 At the date of the preparation of this report, 2 individual representations of objection had been received from village residents; 3 representations from neighbouring residents/owners which don't object in principle to the development, but raise issues/concerns to be addressed; and 1 representation neither objecting nor supporting the proposals from '*Friends of Loch Lomond*'.

5.9 A summary of the main issues/concerns from these representations now follows. A response to the range of concerns is provided within the Planning Assessment of this report (section 8).

- The development appears to be overdeveloped and is at odds with the National Park's Buchanan South Rural Development Framework as it would not reinforce Balmaha's low density pattern, rural character;
- The number of holiday units would adversely affect the nature of the village by creating an imbalance between holiday and residential accommodation;
- Small-scale tourism development is the preferred option for visitors to visit and enjoy the countryside, landscape and special characteristics of Balmaha (i.e. Tom Weir Site);
- Concerns that there is insufficient parking within the site for the size of development and that to rely on the public car park (which currently experiences capacity issues) for use as overflow parking is not viable. This could result in traffic congestion and traffic noise within the village and in close proximity to the adjacent residential properties;
- Concerns that one of the lodges (no. 18) and two parking spaces are situated close to, and will have a noise and privacy impact on the adjacent Bay Cottage – request that boundary wall be formed on the shared boundary to alleviate concerns;
- Concern that there is insufficient sewage and water supply provision;
- Concern regarding proposals for bins and recycling, particularly if sited in close proximity to existing residential property boundaries;
- Concern regarding the increase in odours resulting from the Smokehouse and Brewery.
- Questions what provisions there are for turning facilities for delivery vehicles and facility for staff parking.

5.10 The representation from '*Friends of Loch Lomond*' includes the following comments in summary:

- No objection in principle to develop this currently derelict and unsightly site for tourism purposes as soon as possible as it detracts from the overall appeal of the village to visitors;

Agenda Item 4

- The proposed visitor attraction buildings along the frontage are appropriate in scale and character with nearby properties and generally reflect the architectural qualities of the village;
- No specific comments on the density of the proposed holiday accommodation units.

6 POLICY CONTEXT

National Park Aims:

6.1 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.

6.2 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:

6.3 National Park Local Plan (Adopted Dec 2011)

Relevant Policies:

TOUR1 - New Tourism Development
TOUR2 – Supporting and Retaining a Range of Quality Tourism Accommodation
TOUR3 – Enhancing and Safeguarding Existing Tourism Sites
RET1 – New Retail Development
RET3 – Hot Food Shops/Public Houses
TRAN2 – Promoting Sustainable Travel and Improved Travel Options
TRAN3 – Impact of New Development on the Road Network
TRAN4 – Provision of New Transport Infrastructure
TRAN6 – Parking Provision
TRAN7 – Encouraging Outdoor Access
WAS1 – Waste Management Requirement for New Developments
L1 – Conserving and Enhancing the Diversity and Quality of the Park's Landscapes
D1 – Design Quality
SUSDEV1 – Sustainable Development
ENV6 – Enhancing Biodiversity in New Developments
ENV8 – Ancient, Long-established and Semi-natural Woodlands
ENV11 – Connection to Sewerage and Water Supply
ENV12 – Surface Water Drainage
ENV16 – Development in Medium to High Flood Risk Areas
ENV18 – Protecting Air Quality
ENV19 – Historic Land Contamination

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan-2010-2015/menu-id-904.html>

Agenda Item 4

Other Material Considerations:

6.4 Proposed Local Development Plan (2015)

The final consultation period for the Proposed Local Development Plan closed on 29 June 2015. The Proposed Local Development Plan was submitted to Scottish Ministers on 09 December 2015 to request an examination of unresolved representations. The Examination formally commenced on 04 February 2016. The Reporter will submit a report of their examination to the planning authority, containing their conclusions and recommendations on each issue and any modifications to the plan. In the interim, the Proposed Local Development Plan is a material consideration in the assessment of planning applications and the amount and type of representations are key considerations in determining the weight given to each policy or 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
- Economic Development Policy 2: EDP2 – Economic Development in the Countryside and Small Rural Communities
- Retail Policy 2: RP2 – Development outside Towns or Villages
- Visitor Experience Policy 1: VEP1 – Location and Scale of new development
- Visitor Experience Policy 2: VEP2 - Delivering a World Class Visitor Experience
- Visitor Experience Policy 2: VEP3 – Safeguarding existing Tourism Sites
- Transport Policy 2: TP2 - Promoting Sustainable Travel and Improved Active Travel Options
- Transport Policy 3: TP3 - Impact Assessment and Design Standards of New Development
- Waste Management Policy 1: WMP1 – Waste Management Requirement for New Developments
- Natural Environment Policy 1: NEP1 - National Park Landscapes, seascape and visual impact
- Natural Environment Policy 6: NEP6 - Enhancing Biodiversity
- Natural Environment Policy 6: NEP9 – Woodlands on or adjacent to development sites
- Natural Environment Policy 6: NEP12 – Surface Water and Waste Water Management
- Natural Environment Policy 6: NEP13 – Flood Risk
- Natural Environment Policy 16: NEP16 - Contaminated Land

Where new policy considerations are raised by the above, these are assessed within section 8 'Planning Assessment' of this report, otherwise it can be assumed that the above does not raise any new policy considerations relative to the proposed development.

6.5 Supplementary Guidance

Sustainable Design Supplementary Planning Guidance (adopted Dec 2011)

Draft Planning Guidance - Visitor Experience (May 2015)

Draft Supplementary Guidance - Design & Placemaking (May 2015)

Draft Supplementary Guidance - Buchanan South Rural Development Framework (May 2015)

6.6 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 no policies are relevant.

- Con Policy 2: Natural Heritage

Agenda Item 4

- Con Policy 3: Landscapes
- VE Policy 2: Sustainable Tourism
- VE Policy 3: Recreation and Access
- RD Policy 2: Spatial Development Strategy
- RD Policy 7: Sustainable Design and Construction

7 SUMMARY OF SUPPORTING INFORMATION

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

7.1 Supporting Planning Statement & Design Statement

Introduces the site and planning history background, details the proposed development and changes since the 2011 application, discusses the planning and technical considerations. The Design Statement discusses the proposed design principles for the site layout and built form. The statement concludes that the development is consistent with the development plan.

7.2 Landscape Design Statement & Management/Maintenance Proposals & Local Landscape Context Plan

Describes the baseline character of the site, the Landscape Character and local site context. It sets out the design principles, landscape strategy and proposed materials. The statement concludes that the site has the capacity to accommodate the proposed development and that potential visual impacts have been considered and mitigation/enhancement measures incorporated as part of the proposal to ensure that the development can be integrated within the local landscape that is in keeping with the rural setting.

7.3 Transport Statement

Presents a case that access to the proposed development can be adequately served by the proposed number of vehicle parking spaces within the site and the public car park whilst also taking account of public transport services and paths serving walkers/cyclists.

7.4 Business Plan

Presents a case to support the proposed development through describing the research carried out to identify the levels of market demand for this type of tourism development, the benefits to local employment and secondary economic benefits to the local community. A summary has also been provided of the applicants' financial background to demonstrate that the proposed development is a viable project and can be delivered.

7.5 Waste Management Proposals

In response to questions raised by Roads Authority and local residents. Further details provided to explain the waste management proposals for the site which will consist of a central waste collection point sited to the rear of the restaurant/bar for waste from the lodge and commercial units and thereby accessed by Council refuse vehicle. Recycled waste would be collected (by eco cart) and transported to the existing waste management system operated by the applicant (Sandy Fraser) at the rear of the Oak Tree Inn.

7.6 Phasing Plan

This document details the proposed phasing of the development (5 phases).

Agenda Item 4

7.7 Perspective Drawings

A series of five perspective drawings taken from a range of viewpoints looking into the site, or from within the site.

7.8 Drainage Design Statement

Includes full details of the proposed site and roads drainage and details of the existing culvert and overland flow route which incorporate SuDS measures.

7.9 Public Consultation Event (March 2016)

A summary was provided of the feedback received from the public consultation event that was organised by the applicants and attended by a small number of local residents. The feedback reported is reflected in the Buchanan Community Council response and letters of representation received under this application.

8 **PLANNING ASSESSMENT**

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

- Whether the principle of the proposed development is in accordance with the adopted Local Plan and whether it accords with the suite of draft policies and draft supplementary guidance that has been a through a consultation process as part of the Proposed Local Development Plan;
- Whether the site layout, density, scale, design and proposed landscape strategy for the development is appropriate having regard to the landscape setting and local character of Balmaha;
- Whether the proposed parking within the site, in combination with the adjacent public car park and other modes of transport, are sufficient to enable the development to integrate into Balmaha without a resultant adverse impact on road/pedestrian safety, local character or visitor experience;
- Whether the development will have a negative or neutral impact on: the residential amenity of neighbours by way of noise, odour or impact on privacy; or the environment by way of flooding or drainage impacts.

The report will now address these key issues in turn.

Principle of Development

National Park Local Plan

8.2 Policy TOUR1 of the adopted National Park Local Plan sets out the strategy for new tourism development within the National Park and as such is the main development plan tool for assessing the suitability of the chosen location for a tourism accommodation development.

8.3 The policy has a three tier approach for supporting tourism developments namely: sites within or adjacent to a settlement or as identified in Schedule 4 of the Local Plan; sites outwith settlements if supported by the strategy set out in Schedule 5 of the Local Plan; or otherwise sites which are very large scale tourism with exceptional justifications or small-scale diversification of farms/rural businesses in existing building groups.

This application site is not specifically listed within Schedule 4 and therefore one must refer to Schedule 5.

8.4 Schedule 5 focuses on wider opportunities within the sub-destination areas and states that proposals must demonstrate that:

- they contribute towards the management strategy for the relevant sub-destination area;
- that the proposal consolidates and enhances the quality and range of tourist

Agenda Item 4

- accommodation; and
 - that the proposed site is within an appropriate landscape setting.
- 8.5 The management strategy for the East Loch Lomond sub-destination is to, *“Develop and manage the east shore as an area of quiet recreation and where traffic pressures are effectively managed to reduce visitor pressure at peak times, reducing impact on the roads infrastructure, quality of life for residents, the special qualities and the visitor experience”*.
- 8.6 Schedule 5 contains a list of tourism opportunities/constraints for each sub-destination. The relevant part of the schedule in this case specifically refers to *“Further proposals for new tourism development north of Balmaha will generally be resisted”*. This further emphasises the aspiration of the abovementioned management strategy to generally focus new tourism development between Balmaha – Drymen. This site is contained within Balmaha and so does not conflict with this policy statement. Further reference is made in Schedule 5 to *‘support will be given to small-scale improvements in facilities and infrastructure that consolidate and improve existing tourism and visitor facilities in Balmaha’*. Whilst not a small-scale proposal in the context of Balmaha, this policy statement is relevant given the site’s previous use for tourism and previous planning approvals for tourism. Furthermore, it should be noted that this proposal brings together three distinct elements that might otherwise have been proposed as individual, smaller, applications. This matter is discussed in more detail with respect to Policy TOUR3 in para. 8.12 below. The Schedule goes on to emphasise support for tourism development that will enhance the role of Drymen as a focus for services and facilities. It is noted that the Drymen/Buchanan Community, Stirling Council, LLTNPA and Sustrans are currently completing a route project which would provide a path link from Drymen to Balmaha public car park (6km) which would benefit both the proposed tourism development and Drymen services. Furthermore, planning permission has recently been granted for a new pontoon at Balmaha. This proposal very much consolidates and improves the existing tourism offering in Balmaha. It is therefore concluded that the proposed tourism facility would thereby achieve the aims of Policy TOUR1: Schedule 5.
- 8.7 Lastly, Schedule 5 states that the site must be within an appropriate landscape setting. The site is located within the Loch Lomond National Scenic Area and therefore the conservation and enhancement of this landscape entity is an overriding priority. This matter is considered in more detail in paras. 8.23 & 8.25 below. Only in this context can a full consideration of Policy TOUR1 be concluded.
- 8.8 Policy TOUR2 sits alongside Policy TOUR1 and introduces a level of control over new holiday let developments, namely:
- to limit the length of residency and prevent permanent residential use; and
 - to introduce measures and controls over the long-term management and maintenance of landscaping/woodland.
- 8.9 It is the National Park’s standard practice that a condition be imposed limiting the occupation and length of residency of the proposed accommodation units to short-term holiday accommodation only and preventing permanent residential occupation. This is in line with the requirements of Policy TOUR2 and would apply in perpetuity, unless a subsequent application to discharge the condition was applied for and subsequently approved. It is noted that, due to the size of the units and their layout, that it would be unlikely that they would be desirable as permanent dwellinghouses. The design is consistent with holiday accommodation and does not imply an alternative use. With respect to the proposed manager/staff accommodation, within the restaurant/bar building, it is recommended that an occupancy condition be applied to also ensure that is used for its intended purpose and not for permanent residential occupation (see planning condition no.2 in Appendix 1).

Agenda Item 4

- 8.10 A Business Plan was submitted by the applicant and was inspected by the National Park's Head of Visitor Experience and Director of Estates/Commercial Development who provided comments. On the basis of these comments it is confirmed that there is a high level of demand for this type of accommodation and visitor facility in this part of the National Park and that the business plan is accepted as a viable one and can be successful, on the proviso that the development is delivered to a high quality to meet the target market. It is therefore concluded that there is sufficient assurances that, in principle, this development can be provided as intended.
- 8.11 An assessment and discussion of matters regarding long-term management of the site is covered in para. 8.26 of this report.
- 8.12 Notwithstanding the above policy assessment, it is considered relevant to highlight at this point that on the eastern part of the application site a well-established tourism business operated for a substantial period of time until the late 1990's. Furthermore, planning permission was subsequently approved (although not fully concluded – see planning history in para. 3.22) for a replacement tourism development consisting of a restaurant/bar and 13 holiday lodges (ref: 2006/0419/DET). Planning permission was then approved for a tourism development comprising of a bunkhouse/shop on the western frontage of the current application site (ref: 2009/0024/DET). The only remaining part of the site with no previous planning or development history is the north-west corner of the site (where 12 holiday lodges are now proposed). Therefore, it is concluded that both the previous long-standing tourism use and subsequent tourism permissions on the largest proportion of the site has established the precedent for tourism development at this location. Given this background, Policy TOUR3 of the National Park Local Plan, which supports the enhancement and improvement of existing tourism sites, including small-scale expansion, is a material policy consideration – in fact, it is argued that this is the principle National Park Local Plan policy against which to determine this proposal. As such, this proposal is considered to be supported by Policy TOUR3.

Proposed Local Development Plan (PLDP)

- 8.13 The PLDP is currently with Scottish Ministers for consideration of unresolved representations. In the interim, the provisions and policies of this document are a material consideration, although weight given to this document is determined by the amount and type of representations on particular policies or proposals.
- 8.14 With this in mind, there are unresolved representations to the proposed Visitor Experience Policy VEP1 but none in relation to VEP2 or VEP3. The unresolved representations to VEP1 (Issue 22) have no bearing on the policy assessment of this proposal. Therefore, weight can be given to the Visitor Experience Policies of the PLDP.
- 8.15 The Visitor Experience Policies have a similar criteria based structure to that of the adopted National Park Local Plan and, in relation to this site location, support is offered to small-scale tourism development which improves/expands an existing tourism business or visitor facility and which helps deliver a strategy or action identified in the National Park Partnership Plan. However, further detailed guidance with respect to developments in Balmaha is provided in the Draft Buchanan South Rural Development Framework Supplementary Guidance. This document is discussed below. VEP2 seeks to ensure similar measures to that set out in National Park Local Plan Policy TOUR2.

Buchanan South Rural Development Framework (Draft Supplementary Guidance)

- 8.16 This Supplementary Guidance has been produced out of a round of public consultation exercises that took place in 2014 & 15. It is not subject to Scottish Minister scrutiny but has not yet been fully adopted by the National Park Board (expected to be at the same time as adoption of the

Agenda Item 4

LDP). This draft is a material consideration in the assessment of this planning application.

- 8.17 The two individual representations of objection received from local residents and the objection from the Buchanan Community Council all refer to this guidance by stating that the proposed development does not accord with its provisions. The stated objections are that the proposal is at odds with the stated Strategic Principles of this document as it will not reinforce Balmaha's low density pattern or respect its rural character and is not 'small-scale' development. Furthermore, the Community Council state that the document does not identify this site for tourism.
- 8.18 It is considered that the site is identified within the Area Strategy for Balmaha (see extract below) as the 'key development site' within Balmaha located within the more densely focused 'village cluster'. As part of the consultation exercise which led to the production of this document, this site was discussed at length as it was already at that stage a 'proposed development' and as a result it has been included as being an aspiration for tourism development. Reference to 'low density' is more relevant outwith this village cluster. Therefore, it is considered that this site has been specifically highlighted for development. The planning authority has a duty to consider the proposal which has been applied for and cannot consider or take into account any other potential alternative proposals that may or may not come forward.
- 8.19 Representations have been made raising concern that the proposed holiday lodge element of the development will further outweigh the balance of residential to holiday accommodation within Balmaha and that this would have an adverse impact on the resident community. The Draft Framework is of relevance, here, as is the PLDP, as it has sought, through public and stakeholder consultation, to encourage the delivery of dwellinghouses (approx. 15 houses) on Forestry Commission site located outwith this village cluster on the east side of Balmaha. The aspiration is that this will ensure that Balmaha has a continuing mixed residential community and addresses these aforementioned concerns.
- 8.20 In conclusion, both the PLDP and the Draft Buchanan South Rural Development Framework have identified and acknowledged this existing, partially derelict/brownfield, tourism site as being supported for redevelopment. The acceptability of the scale (whether small or medium scale) is a matter for separate consideration and is now further addressed below in paras 8.22 – 8.23.

Principle of Development Conclusion

- 8.21 The overall conclusion of this part of the assessment is that the site has had a previous tourism use and previous planning permissions for tourism/visitor facilities. The additional area of undeveloped land to the north-west is considered to be a modest and sensible rounding-off of the site and so presents a small expansion of the existing established tourism site. Furthermore, the site as a whole has been identified in the Draft Buchanan South Rural Development Framework and acknowledged as being a key development site and focus for development. Therefore, it is considered that the principle of development can be supported under the terms of Policy TOUR1, TOUR2 and TOUR3 of the National Park Local Plan and also Policy VEP1 of the Proposed Local Development Plan and, more specifically, the detailed draft guidance for Balmaha as contained within the Draft Buchanan South Rural Development Framework.

Site Layout and Density

- 8.22 Representations on the application have stated that the proposal does not reflect the low density pattern of Balmaha. Notwithstanding the assessment made in para. 8.18 that acknowledges that this central core of Balmaha is of a higher density pattern than the eastern approach, an assessment of the layout and density of development is now considered.

Agenda Item 4

- 8.23 The proposed layout for the development has been through an iterative process, both from the 2006 application and through the process of negotiation on the 2011 application. It is acknowledged that the site has a number of constraints to development due to topography, drainage routes and the need to ensure that paths are of a DDA compliant gradient. Taking account of these particular constraints, the negotiations undertaken to date have resulted in a lower density of development. The final layout under consideration is for a lower number on the eastern portion of the site and in specific locations greater separation between the lodges has been achieved. In assessing the suitability of the proposed density more fully, the landscape setting and context of the site requires to be taken into account. Further advice in this regard has been forthcoming from the National Park's Landscape Adviser. She has considered all of the submitted layouts alongside landscaping information for this development and is of the view that the density and the layout of development can be absorbed and integrated into the surroundings. As such, it is considered that there is insufficient justification to require a further reduction of lodge numbers or further revisions to the layout. It is recommended that the proposed density, layout and scale be supported in its current form noting that this proposal brings together a number of elements that might otherwise be individual proposals.

Design

- 8.24 The design principles for the development have been set out briefly within the submitted Design Statement. The stated intention is to provide the commercial tourism development (Restaurant/Bar & Smokehouse/Brewery) and the holiday lodges, all of a one and half storey scale, commensurate with the predominant scale of buildings in Balmaha. Furthermore, the proposed buildings would have a modest footprint and would be finished in natural, traditional materials. It is recognised that there is no definitive built style within Balmaha, however, the chosen palette of materials and the traditional form of the new buildings proposed are deemed to be consistent with the aims of Policy D1 of the Local Plan and can therefore be supported as a suitable and sustainable approach.

Landscaping & Landscape Management

- 8.25 As touched upon in para. 8.23, the National Park's Landscape Adviser is of the view that the proposed landscape design and strategy has the potential to provide a quality landscape setting and will integrate the proposal into the 'loch and river valley farmland' landscape character of the area, as well as connect with the wooded backdrop. Further detailed comments have been provided by the National Park's adviser with regards to some requested changes, some of which have been previously addressed by the applicants in their most recent revised plans and others which should be addressed in a finalised planting and maintenance plan which could be secured by planning condition. Of particular note is the suggested inclusion of a phasing plan for the implementation of the landscaping. This would be read in conjunction with the development phasing plan and specify that the overall requirements for implementation of planting and hard landscaping be overseen and supervised by the appointed Landscape Architects. Given the important role that a successful holistic implementation of hard and soft landscaping, and removal of any non-native invasive species, will have in the overall integration and success of this development it is recommended that suitably worded planning conditions to this effect be included, if permission is approved.
- 8.26 As is standard planning practice for tourism developments such as this within the National Park, and as set out in Policy TOUR2 of the National Park Local Plan and Policy VEP2 of the Proposed Local Development Plan, long-term management of such sites as a single common entity in perpetuity is considered necessary and appropriate to ensure that the site is not landscaped or delineated in a piecemeal manner. The method of securing this long-term requirement is through a Planning Obligation (Section 75 Legal Agreement) that is bound to the title of the land. In this case it is also recommended that the finalised maintenance and management scheme, to be agreed under the recommended terms of conditions, also be

Agenda Item 4

detailed as an obligation within the Section 75 to ensure that it is applied to the development in perpetuity.

Roads and Parking

- 8.27 Representations from local residents and Buchanan Community Council raise concern that the proposed on-site parking is insufficient to serve this development and that to rely on the public car park to provide overspill parking is unviable, particularly in light of experiences where this car park is at capacity. These concerns are in relation to impacts of traffic congestion and traffic noise and on-street parking.
- 8.28 Policy TRAN6 of the adopted National Park Local Plan states that developments will normally be expected to provide sufficient parking, as determined in consultation with the Roads Authority. Policies TP3 and OP2 of the Proposed Local Development Plan sets out similar requirements.
- 8.29 Stirling Council's Roads Officer has been consulted and has assessed the proposals and submitted Transport Statement in line with their relevant guidelines, whilst making a judgement on the particular characteristics of this proposal. The Roads Officer states that, although the proposed parking does not meet the parking requirements as applied to the mix of proposed uses, they acknowledge that factors such as the number of 'cross-over trips' between the various uses on the site will reduce the overall parking requirements. Furthermore, the Roads Officer takes into account that there is sufficient available capacity in the public car park for overspill parking that may result and also that a number of visitors to the facility will travel by foot/cycle/water thus lessening the parking demand. Although raised as a concern in a letter of representation received, the Roads Officer has made no negative comments with respect to the proposed turning facilities within the internal road layout or with respect to the proposed waste management facilities.
- 8.30 In conclusion, whilst acknowledging the representations received that parking in Balmaha can be an issue (particularly on sunny, summer days and holidays), it is considered that this proposal presents a positive addition of 42 parking spaces to Balmaha. Notwithstanding this general statement, there is no justifiable reason for the planning authority to require a greater level of parking provision than is deemed acceptable to the Roads Authority and the advice of the Roads Officer that this proposal will not exacerbate this parking issue and that the proposed internal road layout is acceptable is taken forward in this recommendation. Therefore, for this reason it is concluded that the proposal accords with the relevant development plan policy.
- 8.31 In their consultation response the Roads Officer has recommended a set of planning conditions (as set out in para 5.4) which largely address technical standards in relation to the accesses (existing and proposed), the parking bays (dimensions and allocations for holiday accommodation/Bunkhouse use) and they also request submission of a Construction Traffic Management Plan to ensure that the impact of construction on residents and road users is reduced where possible.
- 8.32 A new requirement for an extended footway in front of 'Balmaha House' to provide a suitable link across the site frontage between the two proposed commercial buildings has been stated in the Roads Officer's response. This 'planning gain' has been discussed with the applicants whom have agreed in principle to undertake this as part of the development and the application site boundary has been amended to include provision for this accordingly.
- 8.33 One final matter has been addressed by the Roads Officer with respect to the 'disputed' vehicular access currently taken from the public car park to 'The Bunkhouse'. The Roads Officer

Agenda Item 4

is aware that the planning proposal is for this to be a pedestrian/cycle access into the proposed development but requests that this be permanently closed to vehicular access to the Roads Service's specification. It is acknowledged that this has been a long-standing issue between Stirling Council and Wayne Gardner-Young. Notwithstanding this, and any legal proceedings between these two parties, the principle concern of the planning authority is for this to be a non-vehicular access. The recommended planning condition would also seek to ensure that appropriate use is secured in perpetuity. It is recommended that the terms of the proposed planning condition no.19 (see Appendix 1) be applied to any permission issued.

Public Access/Recreation

- 8.34 As stated in para 8.33 above the long-standing aspiration for this development proposal has been to provide an access link through the site via the public car park to both integrate the site with its surrounding context and also provide options for footway access in and around Balmaha. This application addresses this with the inclusion of the link from the public car park as well as the internal network of primary and secondary paths through the development to the commercial buildings and the loch shore and visitor sites beyond.
- 8.35 The National Park's Recreation & Access Officer is supportive of this element of the proposal to enhance public access and links to the nearby network of core paths. The officer has requested that the internal path specification, as submitted, be amended as the use of timber edging is not a design feature we recommend and would therefore ask that designs follow the lowland construction guide with a tray formation and a whin-dust finish which offers greater long term sustainability. Furthermore, the Recreation & Access Officer requests that a signage plan for the perimeter and within the site be submitted for approval (at the appropriate stage of development) and that this links into neighbouring signage. It is noted that Buchanan Community Council, the National Park Authority and Forestry Commission have already been in discussions regarding signage strategies for Balmaha so the intention would be to advise the applicant further in this regard to ensure that signage is fit for purpose and of a complimentary design to other recent/proposed signage in Balmaha.

Amenity & Environmental Matters

Residential & Visitor Amenity

- 8.36 Individual concerns have been raised by immediate neighbours regarding the potential impact that the proposal would have on the amenity of the adjacent residents with regards to increase in traffic noise, privacy and noise from parking and lodges being sited close to neighbouring properties. In response, it is accepted that there would inevitably be an increase in activity if this currently derelict/vacant site was to be developed. However, this must be considered in the context that there was previously a hotel with associated restaurant/shop and a bunkhouse on the site and that this proposal attempts to replace this with a similar use. Increased activity, over the existing levels, is unavoidable if this re-development is to proceed. However, at the request of the planning officer, the applicants have responded to concerns by revisiting their landscaping strategy to replace shrub planting along this south-east boundary with a woodland mix of trees, in combination with the high vertical boarded timber fencing (which has always been proposed on this boundary). This change is considered to be a positive response to this particular concern.
- 8.37 Again, at the request of the planning officer, the applicants have provided further details of their proposed waste management strategy for the development and importantly have confirmed on plan that there is no intention to site waste bins in any location adjacent to residential boundaries. This is also considered to address the amenity concerns received.

Agenda Item 4

Noise and Odour

- 8.38 During the assessment of this application further details were requested to attempt to quantify the anticipated noise and odour that might be generated by the two commercial operations. This was not forthcoming during the period of assessment; however, Stirling Council's Environmental Health Officer is satisfied that further analysis of noise impacts and also further detailed information regarding potential odour generating activities (using recognised methodology) can be prepared and submitted for approval at a later date but that this must be done prior to work commencing on the commercial developments (restaurant/bar & smokehouse/brewery). This approach would enable the first phase of development to proceed in the meantime (see proposed phasing condition no.3 in Appendix 1).

Contaminated Land

- 8.39 Stirling Council's Environmental Health Officer is satisfied that further contaminated land analysis (additional to that previously carried out and submitted as part of earlier planning applications) is not required at this planning stage subject to a 'reactive' style condition being applied to ensure that any previously undiscovered encountered contamination during site works is addressed appropriately.

Flooding

- 8.40 The requirements of SEPA and the Stirling Council Flood Prevention Officer (as set out in paras. 5.2 & 5.3) have either been addressed by the proposed site layout by ensuring that floor levels are situated above the medium flood risk zone and also that an overland flow pathway be provided, in the event that the culvert is at capacity. Furthermore, these consultees recommend that an inspection and maintenance regime be ensured for this culvert. It is recommended that these requested conditions of SEPA and Stirling Council be applied should Members be minded to grant permission. On this basis, it is therefore recommended that surface and loch flood risk issues can be mitigated and avoided.

Water and Sewage

- 8.41 The applicants have been in liaison with Scottish Water and have previously submitted a Drainage Impact Assessment and a flow and pressure test of the local water supply network to establish the situation prior to submitting this planning application. The applicants are satisfied in conversation with Scottish Water that the development (both commercial and holiday accommodation uses) can be serviced by the public system. In response to the most recent planning consultation Scottish Water have advised that there is no objection to the proposal to connect the development to the public water and public foul drainage system. The response does identify that capacity cannot be assured at this point in time and that this can only be assured upon submission of a formal connection application to Scottish Water following full planning permission having been granted – this is standard Scottish Water practice. Scottish Water highlight that the developer may require to fund/part-fund infrastructure improvements to enable any shortfall in capacity. The applicant has been made aware of this consultation response and has raised no issues in this regard. As a safeguard it is recommended that a planning condition be included to ensure that, in the event that Scottish Water cannot confirm that the public treatment facility has sufficient capacity, that the applicant submits an alternative scheme for consideration and approval.

9 CONCLUSION

- 9.1 The National Park Authority is required by planning law to determine planning applications in accordance with the Local Plan unless material considerations indicate otherwise. From the above assessments the following conclusions are drawn:

Agenda Item 4

The proposed development presents a small-scale expansion to a long-standing tourism site which has benefitted from previous planning permissions for tourism development and has been identified as a 'key development site' within the Authority's draft supplementary guidance (contained within the National Park's *Buchanan South Rural Development Framework*).

Re-development of this currently derelict and unoccupied site, which is located within the central core of Balmaha, presents a positive visual enhancement whilst also promoting the economic development and tourism offering within Balmaha. The site is located adjacent to a comprehensive network of Core Paths and the proposed development has the potential to promote the special qualities of the area through recreation and accessibility by providing accessible links through the site to these Core Paths and to public transport links (i.e. bus service and water access).

The landscape and special qualities of the National Park will be conserved due to the self-contained nature of the site and the proposed landscape design and strategy which has the potential to provide a quality landscape setting that will enhance the current appearance of the site and integrate it with its surroundings.

The proposed buildings are traditional in form and predominantly use natural, sustainable, materials. The proposed landscaping scheme utilises native species which will enhance the biodiversity of the site and non-native invasive species will be removed from the existing site. All of the above aspects of the development are supported.

This proposal complies with the relevant policies of the adopted National Park Local Plan and the Proposed Local Development Plan. Where new policy considerations have been raised by the Proposed Local Development Plan or the Draft Supplementary Guidance, these have been assessed within section 8 'Planning Assessment' of this report (specifically under the Principle of Development heading). Otherwise it can be assumed that the Proposed Local Development Plan does not raise any new policy considerations relative to the proposed development.

Additionally, other material considerations have been taken into account, such as the response from Buchanan Community Council, the individual letters of objection from local residents, and also the representation from 'Friends of Loch Lomond'. These matters have been addressed under their relevant sections and there has been no justification found to indicate a contrary position to the support provided by the relevant local plan policies. In addition, there are no objections from any other statutory or non-statutory consultees. A number of modifications have been incorporated into the proposal during the process of considering the application and the application of planning conditions (as proposed and set out in Appendix 1 to this report) which seek to address concerns and issues raised.

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.

- 9.2 To sum up, the proposal is in accordance with the development plan and other material considerations do not outweigh this conclusion. Therefore, the proposal is recommended for approval, subject to imposition of conditions (detailed in Appendix 1) and the prior conclusion of a legal agreement (as detailed in Appendix 2).

Agenda Item 4

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

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0024/DET'*

List of *Appendix 1 Conditions and List of Plans*

Appendices: *Appendix 2 Section 75 Heads of Agreement*

Agenda Item 4

Appendix 1

Planning Conditions:

1. **Short term Holiday Accommodation:** The 20 holiday let accommodation units and 3 holiday let flats (contained within the upper floor of the Smokehouse/Brewery building and the Restaurant/Bar building) hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The units shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupant's details (names and dates of stay) shall be kept and shall be made available to the Planning Authority on request.

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

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

2. **Manager's/Staff Accommodation & Office:** The 'manager's office/accommodation' hereby approved (as detailed on the approved plans dwg. nos. 11/P57/18 REV D & 11/P57/19 REV A received on 25/01/16) shall not be occupied other than by a person who is responsible for the management of all or part of the tourism development hereby approved or who is employed by the tourism development as a member of staff in the undertaking of the business, or a family member, resident dependant, widow or widower of such a person.

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

3. **Finalised Phasing Schedule/Plan:** Notwithstanding the 'Site Development Phasing Plan' (received on 25/01/16), following the decision date of this planning permission, no work shall commence on the development hereby approved until a detailed finalised phasing schedule with accompanying plan has been submitted to, and approved in writing by, the Planning Authority. The phasing schedule and plan shall supplement the draft phasing plan provided and shall provide a schedule of development in the order in which it will be carried out on site and shall include, as a minimum, the proposed implementation of the following:
 - Each phase of building (making reference to the particular lodge numbers and commercial buildings);
 - Road junction, road build-outs and bellmoth works (being the eastern access and western access from the B837 public road);
 - Internal access roads (wearing course and finished surface);
 - Parking bays/turning areas (wearing course and finished surface) and allocation of parking bays;
 - New footway to be provided adjacent to the B837 over the frontage of 'Balmaha House';
 - Closure of the existing vehicular access from the B837;
 - Closure of any vehicular access from Balmaha public car park and provision and maintenance of pedestrian entrance at this location;
 - Water and foul drainage connections;

Agenda Item 4

- SuDS surface water drainage – as set out in the approved ‘Preliminary Roads and Drainage Layout’ (dwg. no. 500 Rev S, received on 25/01/16) and the Drainage Design Assessment (David Reid & Associates, Ref: 1715, received on 25/01/16) or as set out in a revised scheme that is submitted to, and approved in writing by, the Planning Authority;
- Provision of refuse facilities;
- Internal signage for the purposes of direction and information within the site and on the perimeter of the site;
- Provision of internal paths and areas of hard landscaping within the development site;
- Walls and fences;
- Implementation of all approved landscape planting (detailed in phases of landscaping to be carried out in conjunction with each phase of development).

REASON: To ensure certain elements of the development are completed to ensure an appropriate phased approach to the development and landscaping of the site to ensure that it accords and is completed timeously in accordance with the terms of the planning permission approved and to ensure that the overall appearance of the development, albeit in a phased approach, does not detract from the visual amenities of the surrounding context.

4. **Construction Traffic Management Plan:** Following the decision date of this planning permission, no work shall commence on the development hereby permitted until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. The Construction Traffic Management Plan pursuant to this condition shall detail how vehicle movements associated with the construction of the proposals are to be managed. The plan should consider, but not be limited to, details of anticipated duration of construction works, peak periods of activity and any mitigation proposed to minimise the impact of construction traffic (i.e. no deliveries during peak periods of activity at Buchanan Primary School). The Construction Traffic Management Plan approved under the terms of this condition shall thereafter be complied with in the implementation and completion of the development hereby approved.

REASON: To ensure that traffic associated with the development does not adversely impact on the safety and free flow of traffic on the B837 public road or pedestrians.

5. **Foul Drainage:** Following the decision date of this planning permission, no work shall commence on the development hereby approved prior to the submission of further details and the written confirmation that connection to the public network for foul drainage has been agreed with Scottish Water and will be provided. In the event that it is demonstrated that connection to the public network is not achievable, a separate private waste treatment system shall be detailed and submitted to the Planning Authority and this may either be subject to approval under the terms of this permission or may require submission and subsequent approval of an alternative proposal. Notwithstanding this, the approved method of foul drainage shall be implemented prior to first occupation of any building.

REASON: To ensure that the development, once occupied, incorporates a system that is environmentally sensitive.

6. **Finalised Landscaping Plan & Landscaping Maintenance & Management Plan:** Notwithstanding the ‘Landscape Proposals and Planting Plan’, dwg. no. L02 REV H received on 06/06/16, and the ‘Maintenance and Management Operation Schedule

Agenda Item 4

Plan' contained in Table 1 of the submitted Landscape Design Statement, ref: TGP Landscape Architects, received on 25/01/16), following the decision date of this planning permission, no work shall commence on the development hereby approved until a further finalised Landscaping Plan and Landscape Management and Maintenance Plan, has been submitted to, and approved in writing by, the Planning Authority. The further Landscaping Plan and Landscape Management and Maintenance Plan, to be approved, shall address the following:

- Crossing points for the pathways via the car parking areas should be detailed on the landscaping plan as an appropriate shared surface to enable clear routes for non-motorised access and safe crossing, in the interests of achieving a high quality landscape amenity;
- The proposed ivy to be grown on the gabions shall be monitored to ensure fast growth and coverage but in the event that it does not provide sufficient cover to screen the gabions (particularly from the southern aspect) proposals will be presented for their addition or substitution;
- New shrub planting should be introduced between lodge nos. 19 and 20 to add to the proposed site frontage planting;
- Further details to describe the proposed maintenance regime and management for car park areas, boundary treatments (including fencing and walling), woodland edge mix planting, heavy standard trees, feature conifer specimen trees, ornamental shrubs, formal hedging, climbers, grass/wildflower, ferns & sedges and seeded areas.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings and ensure the long term future of the landscape setting for the development to enhance the local landscape character and the details currently submitted, in the opinion of the Planning Authority, require further revision.

7. **Protection of Existing Trees:** No tree on the boundary of the site of the development hereby approved (other than those approved for felling or removal) shall be topped, lopped or felled without prior written approval by the Planning Authority and all such trees shall be protected throughout the course of the development by a scheme of tree protection which shall first be agreed and approved in writing by the Planning Authority. The approved tree protection plan 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 BS5837:2012.

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

8. **Landscape Clerk of Works:** At the start of the development hereby approved, an appropriately qualified landscape architect shall be appointed as a Landscape Clerk of Works by the developer to oversee the implementation of the landscaping proposals for the development. Confirmation of appointment, qualifications, contact name and details shall be submitted to the Planning Authority following the decision date of this planning permission and prior to commencement of development. Within 3 months of the appointment, a detailed planned work programme and scope of works shall be submitted to, and approved in writing by, the Planning Authority. The programme and scope of works shall include the following as a minimum:

Agenda Item 4

- Details of the key intervention points for the supervision, approval and monitoring of all approved hard and soft landscaping works, including significant changes in ground levels throughout the phases of development until its completion;
- Reports to the Planning Authority at the end of each phase of landscaping to provide details confirming implementation of hard and soft landscaping and to report on the success of each phase of landscape implementation.

REASON: To ensure that the approved landscaping of the site is achieved to a high standard to ensure the development integrates as successfully as possible with its surroundings.

9. **Implementation of Landscaping:** All approved landscaping works (as agreed under the terms of planning condition no. 6) shall be carried out in accordance with the approved landscaping phasing timetable (as approved under the terms of planning condition no.3). Any trees or plants which, within a period of 5 years thereafter (following their initial planting), 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 delivery of an appropriate phased approach to landscape integration alongside the building works and to ensure the long term future of the landscaped setting for the development that integrates it with its surroundings and safeguards the visual amenities of the area.

10. **Noise Generating Assessment:** No work shall commence on the development of either of the commercial buildings (restaurant/bar building or the smokehouse/micro-brewery/shop/café – as detailed in the approved phasing plan) prior to a noise impact assessment, which determines the impact of the new source, being submitted to the Planning Authority. The assessment shall be undertaken using appropriate methodology and in accordance with the principles described within the Scottish Government's Technical Advice Note (TAN): Assessment of Noise.

If the Trigger Criterion (as set out in Table 3.5 of the aforementioned TAN) is exceeded, a scheme shall be submitted which demonstrates that the Compliance Criterion will be met.

REASON: The proposed development includes a number of commercial operations (restaurant, bar, smokehouse, shop and brewery and associated traffic) these operations may result in an adverse noise impact on adjacent residential and commercial properties, including those proposed as part of this application

11. **Odour Generating Assessment:** No work shall commence on the development of either of the commercial buildings (restaurant/bar building or the smokehouse/micro-brewery/shop/café – as detailed in the approved phasing plan) prior to submission and approval of detailed information regarding potential odour generating activities and, where necessary, mitigation measures to ensure that the development does not result in an odour nuisance. Reference should be made to the following DEFRA document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust System. Jan 2005. Odour control from a smokehouse may require more specialist advice.

REASON: The proposed development includes commercial operations that may result in an adverse odour impact on neighbouring residential and commercial premises and in order to protect the amenity of neighbouring residential properties.

Agenda Item 4

12. **Bird Protection Measures:** Site clearance work shall take place out with the bird breeding season (March to July inclusive). 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.

13. **Non-Native Invasive Plant Management Plan:** Prior to commencement of the development of the Smokehouse/Brewery or Lodge nos. 1 – 12 on the western portion of the application site, a non-native invasive management plan shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the report shall be implemented in full and a validation report confirming the remediation treatment carried out, and that the site is free of non-native invasive species (particularly Japanese Knotweed) shall be submitted to, and approved in writing by, the Planning Authority.

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

14. **Agreement of Materials and Specifications:** Prior to their installation on the development hereby approved, a further detailed specification or sample of the undernoted details shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the specification and materials approved in accordance with this condition shall be used in the completion of the project:

- a) The slate roofing to be used on the buildings (sample to be submitted and detail of the proposed slate, slate sizes and coursing pattern, etc);
- b) Any render to be used on the walls of the buildings (sample panel to be submitted or made available for inspection);
- c) The proposed stone cladding (sample panel to be provided for inspection);
- d) The timber wall cladding (sample to be submitted, illustrating detail of fixing method and finished appearance);
- e) The colour/treatment/finishes of exposed timberwork (other than principal wall cladding);
- f) The window and door units;
- g) The rooflights;
- h) The rainwater goods;
- i) Details of any proposed photo-voltaic solar or thermal panels;
- j) The fencing around the footpath and ponds (details of heights, materials, etc);
- k) External lighting (exact details of the type, location, angle of direction and wattage of any proposed lighting) which shall be so positioned to prevent any glare or light spillage outwith the site boundary;
- l) The design and surfacing material for all access roads and parking areas (specification details and colours of materials to be submitted).
- m) The specification, design and surfacing of all internal paths (drawing to be submitted to describe the proposed specification. It is recommended that designs follow the lowland path construction guide (guidance can be provide on request) with a tray formation and a whin-dust finish.
- n) The boundary walls (dimensions and a sample section of walling to be made available for inspection on site)
- o) The timber boundary fencing (dimensions, style and finished appearance)

Agenda Item 4

- p) The external seating (design and specification details of all fixed timber benches and picnic benches/tables as detailed on the approved site layout)

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

15. **Signage Plan:** A minimum of 2 months prior to the 'installation of signage' stage as agreed in the approved Finalised Phasing Plan (under the terms of planning condition no.3) further details and specifications for signage, to be placed on the perimeter and within the site boundary, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, unless an alternative scheme is otherwise agreed by the Planning Authority, the approved signage plan will be implemented in the completion of the development hereby approved.

REASON: To ensure that signage in connection with the approved development enables paths to be used with confidence and to ensure that the proposed signage links into and is complimentary with any existing/proposed neighbouring signage.

16. **No Build Zone:** No building shall be erected over the proposed drainage pipe route (shown as a blue and then purple line on Site Layout drawing L01 Rev K, received on 6th June 2016), or as otherwise agreed in writing by the Planning Authority.

REASON: To ensure the risk of flooding has been reduced by the use of appropriate mitigation measures.

17. **Overland Flow Pathway:** The overland flow pathway (as detailed on Site Layout drawing L01 Rev K, received on 6th June 2016) shall be designed and implemented (at the 'SuDS surface water drainage' stage as agreed in the approved Finalised Phasing Plan under the terms of planning condition no.3) to convey the volume of water calculated to run through the site as per the calculations undertaken by *Scott Wilson* 'Flood Risk Assessment' Report dated November 2007, unless otherwise agreed by in writing by the Planning Authority.

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

18. **Drainage Inspection & Maintenance Regime:** Prior to first occupation of any building on the site, an inspection and maintenance regime for the section of surface water drainage pipe that runs under the site shall be submitted to, and approved in writing by, the Planning Authority, in consultation with Stirling Council Flood Prevention Officer. This regime may require the installation of a new manhole to enable access for maintenance.

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

19. **Access, Parking and Cycle Provision:** The undernoted access, parking and cycle provision requirements shall be implemented in accordance with the terms of this planning condition and in accordance with the timings as set out in the approved Finalised Phasing Plan (under the terms of planning condition no.3):

- **Vehicular Access (Restaurant/bar):** In order to optimise the sightlines at the access serving the restaurant, the access shall be formed to accommodate a road narrowing (the existing road width should be narrowed to be not less than 6.0 metres in width and will require the re-marking of the centreline) with

Agenda Item 4

existing road kerbs located on both sides of the access road entrance realigned by tapering over a minimum 20 metre length. The existing footway should be widened to suit with dropped pedestrian crossing kerbs provided. The realigned kerblines will need to take cognisance of the adjacent Balmaha Cottage and any access requirements that exist to this property.

- **Vehicular Access (Smokehouse/brewery):** The access should be formed as a standard bellmouth junction comprising 6m entrance radii leading to a minimum throat width of 5.5m. Given the location of the proposed access there may be a requirement to move the speed limit signs which sit adjacent to the site. If required (to be determined at the detailed road permit application stage with Stirling Council), the cost associated with the removal and relocation of the signs, including any costs associated with promoting a revised traffic order, will be fully met by the applicants.
- **Vehicular Access and Parking Area:** The proposed vehicular access and car parking area shall be suitably surfaced and constructed in a manner which ensures that no surface water will be discharged or loose material carried onto the adjacent public road. All works shall be carried out in accordance with this Services Development Roads Guidelines and Specifications.
- **Existing Vehicular Access (B837):** The existing vehicular access to the site from the B837 shall be permanently removed. The missing section of footway through the existing access should be reinstated to provide a continuous public footway link over the sites frontage, with all work being carried out in accordance with Stirling Council's Development Roads Guidelines and Specification.
- **Vehicular Access off Public Car Park:** The vehicular access that has been formed off the public car park shall be permanently closed, and the verge reinstated to a standard to be submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority. This access shall thereafter be used and maintained as an access to and from the site for non-motorised use.
- **Footway:** A minimum 1.5m footway (provided by reducing the carriageway width to 6 metres) shall be provided adjacent to the B837 carriageway over the frontage of Balmaha House, to provide a direct pedestrian link between the Smokehouse/Brewery and Restaurant/Bar. The land required to form the footway lies wholly within the adopted road boundary, as detailed on the attached plan (the adopted roads are coloured red). The footway will be offered for adoption upon its satisfactory completion.
- **Parking:** Parking bays shall be dimensioned 2.5m x 5m and be served by a minimum 6m aisle width. Disabled parking bays should be dimensioned 4.8m x 2.4m, and include a 1.2m hatched surround. Dropped kerbs providing an upstand not exceeding 6mm should be provided adjacent to all disabled parking bays to ensure access to an accessible route is provided.
- **Allocated Parking Spaces:** Parking spaces associated with the holiday lodges, flats and the existing bunkhouse dwelling shall be clearly marked to ensure their availability to users of these uses at all times. The remainder of the spaces will be unallocated and available for use by users of the Smokehouse/Brewery and Restaurant/Bar.
- **Cycle Parking:** Cycle parking in the form of 'Sheffield Stands' shall be installed at the Smokehouse/Brewery and Restaurant/Bar building (as close to the entrances of each building as is reasonably possible) prior to first occupation or use of these buildings. Prior to their installation, details of the exact number and proposed location of these stands shall be firstly submitted to, and approved in writing by the Planning Authority and thereafter installed in accordance with that approved scheme.

Agenda Item 4

REASON: To ensure a suitable standard of access and footway provision that is suitable bound and drained and to ensure that, where required, re-positioning of road traffic signs is carried out, in the interests of road and pedestrian safety. To ensure a suitable minimum standard of parking provision is provided and that spaces are specifically allocated to the residential/holiday accommodation uses on the site and on the adjacent former bunkhouse plot. To ensure that sufficient facilities are provided for cyclists to encourage sustainable means of transport and recreation in accordance with the National Park's first and third Aims.

20. **Discovery of Contaminated Land:** The presence of any significant contamination found during ground clearance or development works carried out in the completion of the development hereby permitted shall, within one week of discovery, be brought to the attention of the Planning Authority. No work shall proceed in the immediate vicinity of the area of contamination until a detailed site investigation has been carried out, in consultation with the relevant Environmental Health Officer, and a mitigation plan submitted to, and agreed in writing by, the Planning Authority. The aforementioned mitigation plan shall include a timetable for implementation of the work(s) required to address the contamination identified.

REASON: To ensure that any contamination identified within the site is dealt with timeously and in accordance with best practice.

21. **Hours of Construction:** Where residential occupiers are likely to be affected by noise, construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

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.

22. **Permitted Development:** Notwithstanding the provisions of Part 1 and 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), no material alterations or extensions shall be undertaken, nor shall any additional building or enclosure (i.e. gate, fence or wall) be erected (other than those indicated on the approved drawings or approved through planning condition of this permission) without a planning application to, and the subsequent grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that the construction of extensions, outbuildings and other structures should be subject to formal planning control to safeguard the visual amenities of this area.

List of Plans

Title	Reference	Date Received
Location Plan		25/01/16
Site Plan	L01 REV K	06/06/16
Proposed Floor Plans Smokehouse Ground Floor Plan	11/P57/09 REV A	25/01/16

Agenda Item 4

Proposed Floor Plans Smokehouse Upper Floor Plan	11/P57/10 REV A	25/01/16
Proposed Floor Plans Smokehouse Basement Plan	11/P57/11 REV A	25/01/16
Proposed Floor Plans Smokehouse Roof Plan	11/P57/12 REV A	25/01/16
Proposed Elevations Smokehouse Elevations South West & North West	11/P57/14 REV A	25/01/16
Proposed Elevations Smokehouse Elevations North East & South East	11/P57/15 REV A	25/01/16
Sections Smokehouse Elevations Section A/A & B/B	11/P57/16 REV A	25/01/16
Proposed Floor Plans Restaurant Ground Floor Plan	11/P57/18 REV D	25/01/16
Proposed Floor Plans Restaurant Upper Floor Plan	11/P57/19 REV A	25/01/16
Proposed Elevations Restaurant Elevations South West and South East	11/P57/22 REV C	25/01/16
Proposed Elevations Restaurant Elevations North East & North West	11/P57/23	25/01/16
Proposed Floor Plans Unit Type A1	1212-10	25/01/16
Proposed Elevations Unit Type A1 - Front and Side	1212-12	25/01/16
Proposed Elevations Unit Type A1 - Side and Rear	1212-13	25/01/16
Proposed Floor Plans Unit Type B - Proposed Ground Floor	1212-14	25/01/16
Proposed Floor Plans Unit Type B - Proposed Upper Floor	1212-15	25/01/16
Proposed Elevations Unit Type B - Front	1212-16	25/01/16
Proposed Elevations Unit Type B - Rear	1212-17	25/01/16
Proposed Elevations Unit Type B - Side	1212-18	25/01/16
Proposed Floor Plans Unit Type A2	1212-20	25/01/16
Proposed Elevations Unit Type A2 - Front and Side	1212-21	25/01/16
Proposed Elevations Unit Type A2 - Side and Rear	1212-22	25/01/16
Plan Preliminary Roads and Drainage Layout	500 REV S	25/01/16
Plan Site Development Phasing Plan		25/01/16
Plan Landscape Proposals and Planting Plan	L02 REV H	06/06/16
General Drainage Design Assessment David Reid & Associates	1715 DATED 05/09/13 AND 05/09/14	25/01/16
General	NOV 2007	25/01/16

Agenda Item 4

Flood Risk Assessment Scott Wilson		
General Landscape Design Statement - Table 1 - Maintenance and Management Operation Schedule TGP Landscape Architects	TABLE 1	25/01/16
Sections Section A - Restaurant/Lodge no.20/Lodge no.13		11/02/16
Sections Section B - Smokehouse/Lodge no.12/Lodge no.3		11/02/16

Informatives

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.

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.

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.

CAR Licence - Contact should be made with SEPA's local regulatory team regarding any proposals to undertake alterations to or works on the bank or bed of the watercourse as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Details of regulatory requirements and good practice advice can be found on SEPA's website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Balloch Office, Carrochan Road, Balloch G83 8EG (tel no. 0141 945 6350).

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 SEPA's website or from your local SEPA office at: Balloch Office, Carrochan Road, Balloch G83 8EG (tel no. 0141 945 6350).

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

Agenda Item 4

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.

Roads Consent – The applicant is advised that in terms of Section 21 and 65 of the Roads (Scotland) Act 1984 that 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 or form the new footway and any associated works prior to the commencement of roadworks. Advice on disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Protected Species in Vicinity – Bats and breeding birds are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places. It is therefore recommended that the works take place outwith normal bird breeding season (March to July inclusive) unless absence of nests has first been established.

Extent of Permission: For the avoidance of doubt the applicant is advised that planning permission, under application ref: 2016/0024/DET has been approved on the basis of the use classes covered in the proposal description only. Permission does not extend to occupation of any of the lodge buildings or flatted units as permanent dwellinghouses, unless subsequent permission is sought and approved for an alternative use.

Appendix 2

Head of Agreement

A section 75 legal agreement should be prepared between the National Park (as planning authority), and the applicants, which requires:

- 1 To ensure that the landscaped setting of **the development is managed as a single, common entity in perpetuity.**
2. To ensure **implementation of the approved Landscape Maintenance and Management Plan** covering the whole of the development site (as approved under the terms of planning condition no.6 of planning permission ref: 2016/0024/DET for an initial period of five years, dating from the period of time set out in the phasing timetable/plan (as approved under the terms of planning condition no.3 of planning permission ref: 2016/0024/DET. The plan as may be agreed shall thereafter be reviewed and re-submitted to the Planning Authority every five years in perpetuity, unless otherwise agreed in writing by the Planning Authority. The purpose of the scheme is to ensure that new permanent woodland/tree cover and hedge and shrub planting is established around the site and is maintained until establishment and that the hard landscaping is similarly maintained in perpetuity.