Agenda Item 4

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 26th June 2017

SUBMITTED BY:	**Head of Planning & Rural Development**
APPLICATION NUMBER:	**2017/0020/DET**
APPLICANT:	**Laura Wray And Hendry Developments**
LOCATION:	**Mondhui Farm, Port Of Menteith**
PROPOSAL:	**Erection of 3No. holiday let chalets**

NATIONAL PARK WARD:		Ward 4 (south east Loch Lomond)
COMMUNITY COUNCIL AREA:		Port Of Menteith Community Council
CASE OFFICER:	Name:	Catherine Stewart
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1 SUMMARY AND REASON FOR PRESENTATION

1.1 This application is for the erection of 3 holiday chalets at Mondhui Farm, to the northwest of the Port of Menteith, approximately 650 metres to the north of the Lake of Menteith.

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 Port of Menteith Community Council for this area has lodged a formal objection and also as the application has been subject to a significant level of objection via letters of representation. This paper presents the officer's assessment of the planning application and the officer's recommendation.

2 RECOMMENDATION

That Members:

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

3 BACKGROUND

Site Description:

3.1 The site is located to the north west of the Lake of Menteith, on the hillside above the A81 (see hatched area in Figure 1 below). It lies to the south west of Beinn Dearg and to the south east of the Menteith hills.

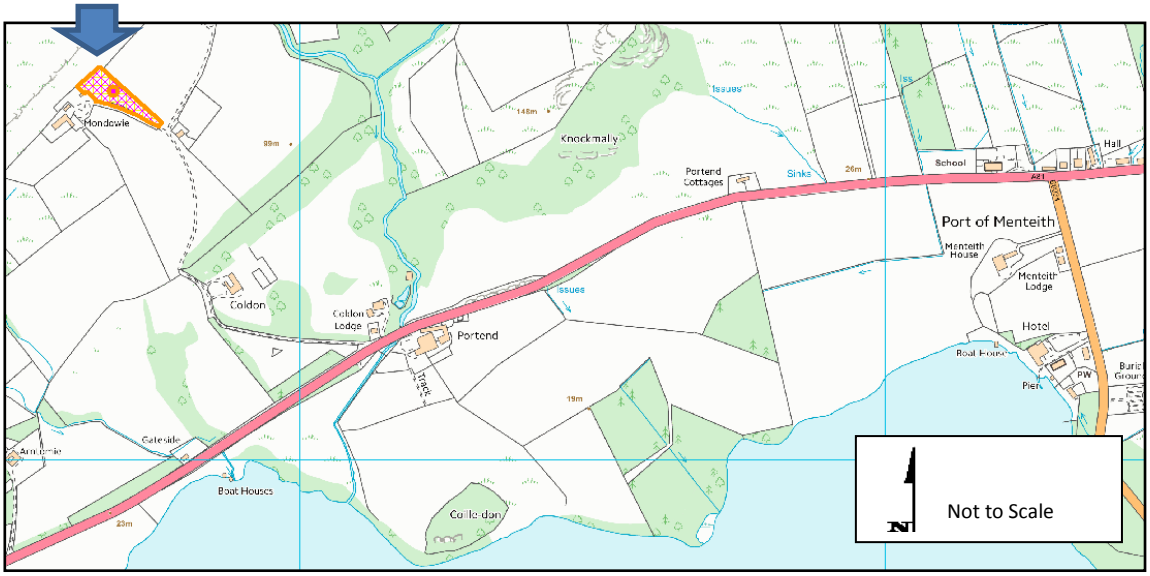

Figure 1. Location Plan (wider context).

3.2 The residential property at Mondhui lies approximately 50 metres to the west of the site (see Figure 2). The site is accessed from the A81 via a single track road approximately 750 metres in length. The private access road travels west before turning north towards the property at Coldon, west until it reaches a cattle grid and north again towards the site. There is an outbuilding/barn to the east of a road junction. The western spur travels towards Mondhui Farm and the site for the proposed 3 chalets. The northern spur serves properties at Nether Glenny to the east and Glenny Beag. A further track branches off to the west at this point continues on up the hillside past the Pot of Glenny eventually joining the Rob Roy way.

3.3 The proposed site is located at approximately the same level of Mondui Farmhouse. The land is flat and is backclothed by a steep ridge to the north, which then levels out to more gentle sloping hillside land. There is a strip of deciduous woodland located to the east of the site, running east to west. A field slopes down to the south. The site itself is relatively level with hummocky grass and bounded by post and wire fencing alongside the road, with some bushes planted along the grass verge.

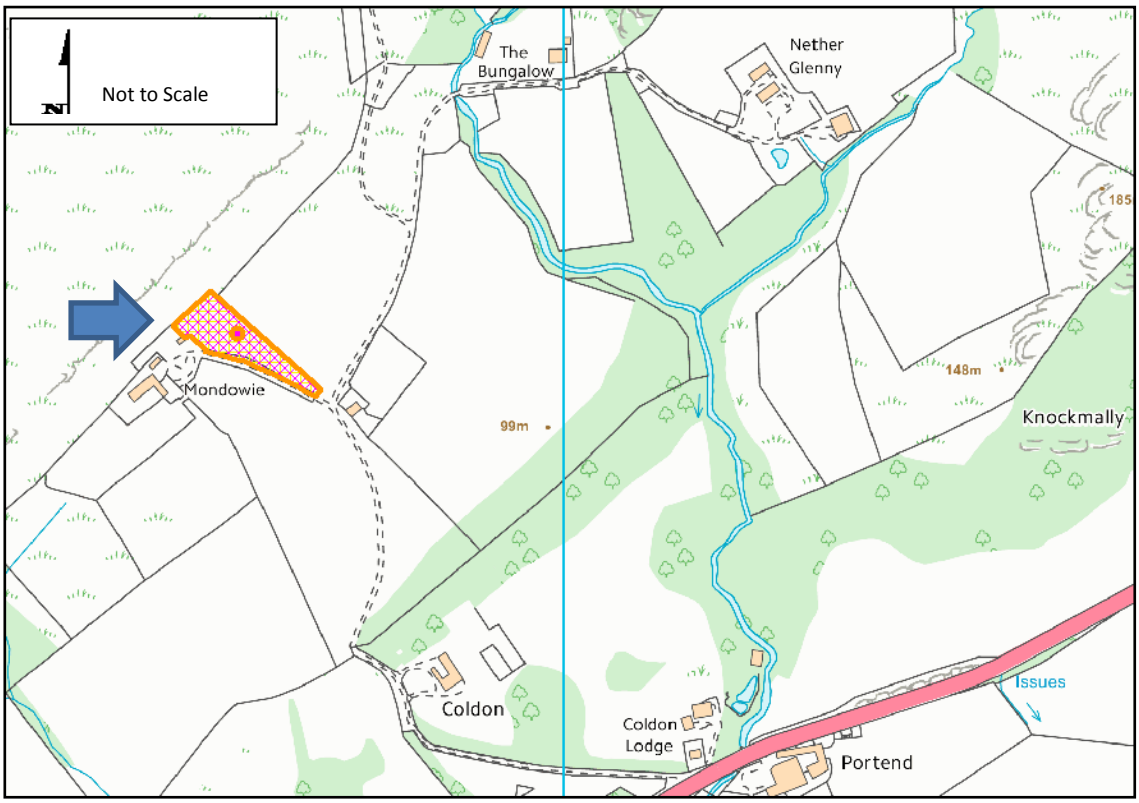

Figure 2. Location Plan (close context).

Planning Background and Planning History:

3.4 Application ref: 2013/0051/PPP for the erection of 3 chalet units also on this site was granted Planning Permission in Principle on 16 May 2013.

3.5 Application ref: 2016/0173/DET also for the erection of 3 holiday let chalet units was submitted and validated on 15 June 2016 and withdrawn on 24 January 2017.

3.6 Application ref: 2016/0396/DET (see Agenda Item 5). There is an existing self-catering unit within a building close to Mondhui dwellinghouse. A further self-catering unit, which has been developed within the same building, is subject to a retrospective planning application which is also being presented to committee today.

3.7 Application ref: 2002/0027/DET for the erection of holiday letting accommodation on land nearby (see Figure 3) was refused planning permission in June 2003. The applicant lodged an appeal, which was dismissed by the Reporter in April 2004.

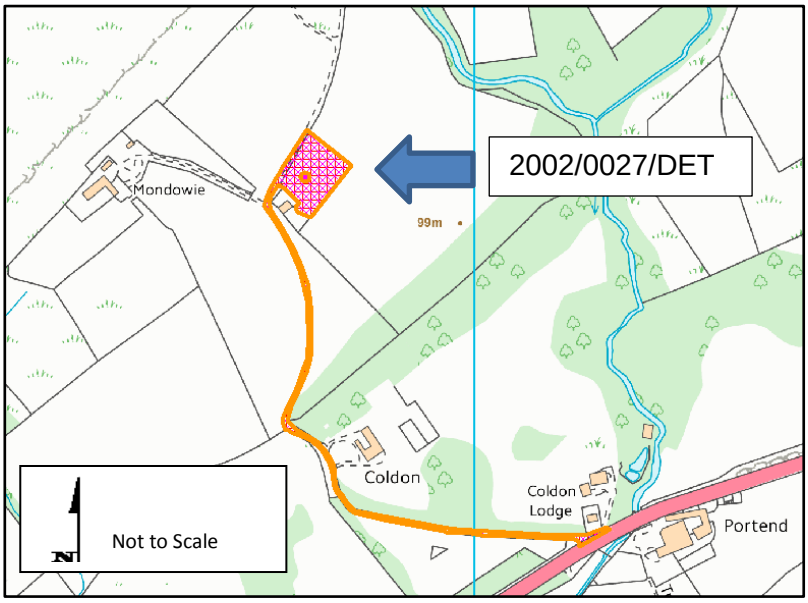

Figure 3: Location Plan for application ref: 2002/0027/DET

Environmental Impact Assessment (EIA):

3.8 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

Description of Proposal:

3.9 This application is for the erection of 3 holiday let chalets. Figure 4 shows the proposed layout within the site.

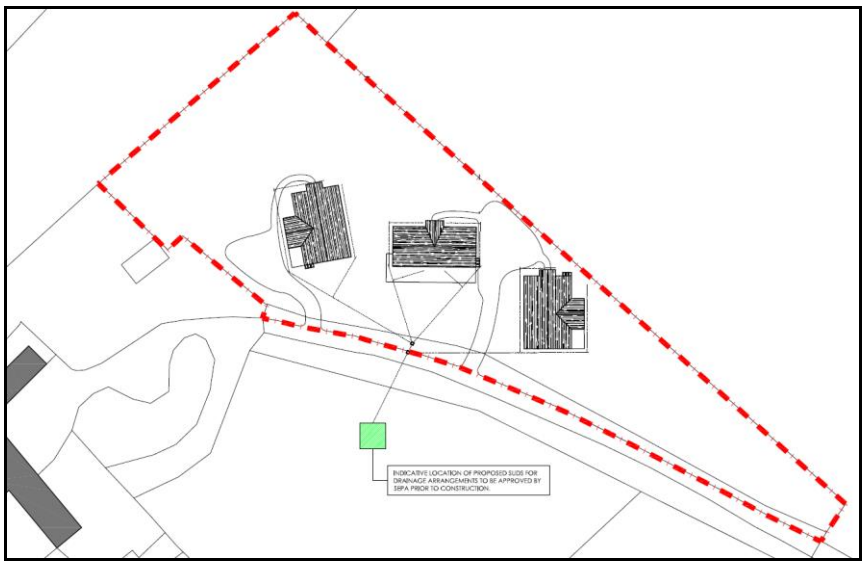

Figure 4. Site Plan

3.10 Figures 5a & 5b below show the proposed floor plans for the 3 units. The proposed chalets are to be single storey, and clad in timber with slate roofs. Each is to have an area of decking with a hot tub. Internally each proposed unit has two ensuite bedrooms, a lounge/dining/kitchen room and utility. The chalets are to be accessed off the private road/driveway which serves Mondhui. A shared driveway is to serve two units to the east and a single driveway is proposed for the western unit.

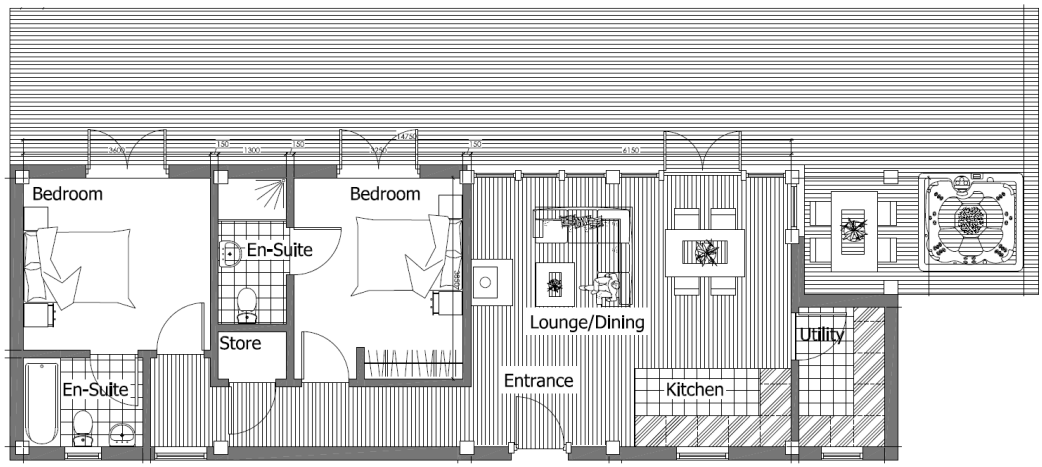

Figure 5a Floor plan for central chalet

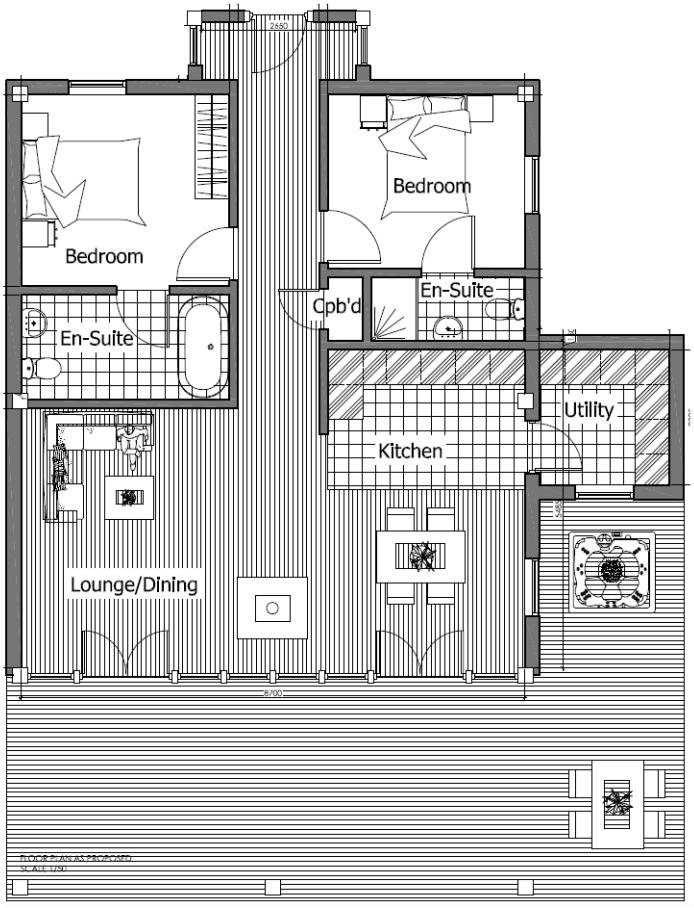

Figure 5b Floor plan for two end chalets.

3.11 Figure 6 below shows the proposed front elevations of the three chalets, viewed from

the south:

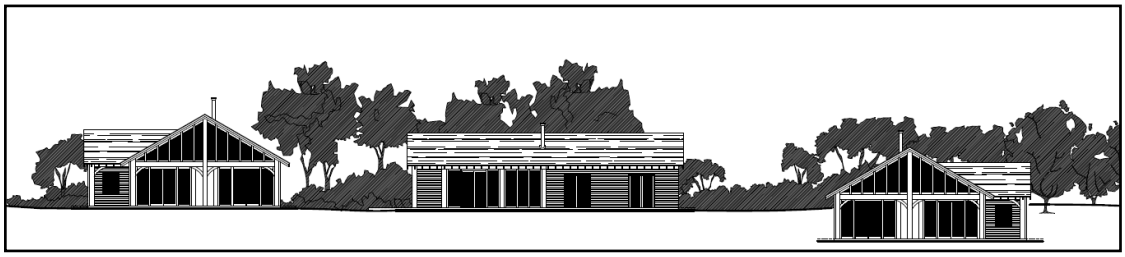

Figure 6 Front elevations (south)

4 CONSULTATIONS AND REPRESENTATIONS

Summary of Responses to Consultations

(Note: Full responses are available on the National Park Authority's Public Access Website.)

4.1 Scottish Environmental Protection Agency (East Kilbride)
No objections.
SEPA initially objected to this application (17 February 2017) on the grounds of lack of information on the foul drainage proposals as the site lies within a SNH Site of Special Scientific Interest and is considered by SEPA to be a Sensitive Area Catchment (Urban Waste Water Treatment Directive) and as such any proposal for the disposal of foul drainage needs special consideration in order to deliver adequate protection of the water environment. The applicant had originally proposed to collect and treat the sewage effluent arising from the 3 proposed chalets in a single package sewage treatment plant with the resultant effluent being discharged to a watercourse via a partial soakaway arrangement. SEPA were not supportive of this and asked that the applicant investigate if the ground conditions were suitable for the construction of a total soakaway arrangement.

4.2 SEPA have now removed their objection (4 May 2017). The Drainage Impact Assessment submitted by the applicant on 21 April 2017 noted that the percolation tests undertaken at the site show the ground conditions are not suitable for the use of a soakaway arrangement as a method of effluent disposal. Instead a revised drainage proposal submitted by the applicant recommends that the discharge from the 3 holiday let chalets is combined and treated in a new purpose built sewage treatment plant, capable of delivering secondary treatment. This new plant would serve the existing farmhouse and existing self-catering units as well as the proposed three chalets.

4.3 STC Roads (Stirling)
No objections.
Roads have no objection to the development proposal and there are no transport conditions to be applied to any approval granted. It is however recommended that the previously approved passing places be provided in advance of construction works commencing.

4.4 Access to the development site, and the surrounding properties, is taken via a narrow private track off the A81 (Port of Menteith – Aberfoyle). The track is narrow with no passing places, and adding the vehicles which would inevitably be generated from 3 chalets in this remote location would increase the chances of vehicles meeting others,

and having to reverse to find a place for opposing vehicles to pass. Whilst this is not an ideal situation, this is not considered to be an adequate reason to recommend that the application be refused. Previous recommendations for the construction of passing places along the private track are still considered appropriate. Given this issue falls within private land, where Stirling Council have no ownership, the service advised that it cannot include any conditions within this response.

4.5 The junction onto the A81 has been assessed and is considered to be suitable, in terms of the geometry and visibility sightlines provided, to cater for the anticipated increase in traffic generated by the development proposal.

4.6 Scottish Water (Glasgow)

No response received to date, however for the previous Planning Permission in Principle application (ref: 2013/0051/PPP) Scottish Water responded with **no objections**, noting there are no public sewers in the vicinity of the proposed development. Turret Water Treatment Works currently has capacity to service this proposed development and the water network that serves the proposed development is currently able to supply the new demand.

4.7 Scottish Natural Heritage Stirling

No objections.

SNH initially objected to the proposal (24 February 2017) as insufficient information was provided in the application on the foul drainage system so that SNH could not fully evaluate its impacts on the notified features of the SSSI.

4.8 SNH have now removed their objection (1 June 2017). They state that if the sewage treatment and SUD systems proposed in the Drainage Impact Assessment submitted by the applicant are incorporated to serve both the existing house and the proposed holiday accommodation, and approved by SEPA, SNH are satisfied that the natural heritage interests of the Lake of Menteith SSSI will not be affected by the proposal.

4.9 Port of Menteith Community Council

Objects on grounds of concern about the lack of sufficient and satisfactory information provided by the applicant regarding proposals for foul drainage and surface water drainage for the development site (2 March 2017).

4.10 The letter explains that the Lake of Menteith is important both as a tourist attraction and also as a premier trout fishery providing local employment and income to the community. SNH have designated the Lake of Menteith and its feeder burns as SSSI. SEPA have concluded that the water in the Lake is failing to meet environmental standards and remains in an unfavourable condition because of the levels of phosphorus which is a specific problem associated with septic tanks. SEPA have designated the lake as a priority catchment area to address any pollution entering it.

Officer's response: see section 7.11-7.13.

Summary of Representations Received

(Note: Full representations are available on the National Park Authority's Public Access Website.)

4.11 At the date of the preparation of this report 9 representations of objection had been received from 5 adjacent and nearby residents and 1 local business (Lake of Menteith Fisheries).

4.12 A summary of the main issues/concerns from these representations now follows. These have been grouped under headings for clarity. A response to the range of concerns is provided within the Planning Assessment of this report (section 7) or otherwise noted below.

4.13 **Impact on water quality of the Lake of Menteith**

- **'diffuse pollution priority catchment'**

A SNH/SEPA report on the quality of water in the lake concludes that *"… It is failing to meet environmental standards and therefore it remains in unfavourable condition because the levels of phosphorus are too high for this type of Loch."* The Lake of Menteith has been designated as a priority catchment area to address any pollution entering the site. SEPA have referred to the importance of controlling the specific problems associated with septic tanks because of the high levels of nutrients discharged from them.

- **Small catchment area**

The catchment area is small and every additional self-catering unit which is developed represents an increase of approximately 5% in the total number of properties discharging effluent which enters the Lake of Menteith. If this application is granted there will be a further increase of some 15% in the number of properties and a hugely significant increase in the volume of treated effluent discharging into the lake.

- **Algal blooms**

Diffuse pollution has caused thick algal blooms in 2014 and 2015. On calm days the blue green cyanbacterial algal mat depth was an inch thick over the whole surface of the lake. The algae physically prevents fishing and can also be toxic.

- **Impact on Lake of Menteith Fisheries business and associated employment**

The effect of diffuse pollution will be to damage the ecology of the lake and thereby jeopardise the future of the business of The Lake of Menteith Fisheries with its associated employment (4 full time at the fishery and dependent jobs) and its attraction of visitors.

- **Elevated levels of nutrients**

Extra sewage disposal in the catchment is of concern because once sewage is dissipated into fields via soakaways from septic tanks or biodisc treatment plants, the water may or may not be free from harmful bacteria, but will contain elevated levels of nutrients. Reducing input of nutrients (particularly phosphate by the use of low phosphate washing liquids and powders and moderation in general) is difficult to achieve in holiday accommodation.

- A **precautionary approach** is required

Officer's response: see section 7.11-7.13

- **Comments on Waste Treatment Report**

A further letter of objection was submitted by The Lake of Menteith Fisheries, following submission of the Waste Treatement Report by Moir Environmental commissioned by the applicant. This is a technical letter challenging the assumptions set out in the report and the calculations of the levels of phosphates in the discharge estimates.

Officer's response: SEPA were consulted for advice on the technical objection letter

and responded on 7 June 2017. The following points are relevant:

- The applicant provided calculations based on guidance used by Perth & Kinross Council in their assessment of private sewage discharges to the Loch Leven catchment (also a nutrient-sensitive loch catchment). SEPA is content that this approach is acceptable.
- The discharge will need to be regulated by way of a simple CAR licence which allows SEPA to monitor the discharge.
- The applicant must carry out regular maintenance of the sewage treatment system and make those records available to SEPA on request.
- A 200m partial soakaway pipe will be required to be installed between the treatment plant and the watercourse (allowing most of the discharge to soak into the ground before it reaches the watercourse).
- Surface water will need to be excluded from any sewage treatment system (currently both sewage and surface water go through the septic tank).

4.14 **Road safety implications on private access road**

- **No access statement**

The applicant has not demonstrated that the single track road from the A81 can accommodate the additional traffic. The applicant has also not demonstrated how cars can safely access the applicant's land from the A81 (outwith their ownership boundary).

- **Existing effect of the additional traffic**

The additional traffic of the two existing holiday letting units has made it even more hazardous with people having to reverse more than 200 metres on occasions due to the lack of visibility along the access track. Examples were provided of incidents where traffic (including use of trailers) going up the road and coming down the road met on the stretch of track without plassing places, and the difficulties in trying to reverse into driveways to pass one another.

- **Impacts on safety of children, the elderly, pedestrians and cyclists**

Every school day a child walks or cycles up and down the road to get to school. As there is no footpath the only solution is to use the road. Concern that there may be death or serious injury from the increased use of the road as a result of the approval of this development.

- **Volume of traffic**
    - Traffic has already increased with the more intensive use of existing holiday accommodation at Mondhui and increased use of internet shopping deliveries.
    - The application form states that 6 car parking spaces are associated with this proposal. 4 car parking spaces are proposed for the existing self-catering units. In total there could be an additional 10 cars utilizing this road during peak holiday time. Intensification of traffic associated with this development will have a significant cumulative impact on the local road network and safety implications.
    - With the prospect of a double of the amount of traffic, the already overly used road will be an accident waiting to happen
- **Speed of traffic**

Concern about the speed of traffic using the road, particularly around the blind bend.

- **Contrary to Stirling Council (SC) Roads Department guidelines.**
    - A letter of objection was submitted from a transport consultancy (ESC Transport Planning) on behalf of a local resident. ECS disagree that

two passing places will be sufficient to support the development proposals as SC's guidelines indicate that passing places must be intervisible to ensure that areas of restricted visibility can be negotiated safely and to avoid excessive reversing manoeuvres.

- Roads guidelines suggest that private roads should serve only 5 dwellings and the road should be brought up to adoptable standards should the number of dwellings exceed this figure. The private road currently provides access to 8 properties and the additional proposed 3 chalets would take the total dwellings to 11 from the private road. ECS are not aware of any private roads which supports this level of dwellings when the planning application has been considered in the context of modern road standards.
- The Council use guidelines that passing places should be 10m long by 5.5m wide, should be inter-visible and should be on alternate sides of the road. The current road clearly does not meet these standards. Despite this clear policy framework one of Stirling Council's road's officers advised that two passing places would be adequate. This recommendation clearly contravenes accepted technical standards and the Council's own policies.
- A previous decision (ref: 2002/0027/DET) for a single tourist unit at Mondhui was refused by the National Park Authority stating that an increase in traffic on the 'steep sub-standard private road with few passing places' would be contrary to the best interests of public safety. An appeal was lodged by the applicant, and was dismissed. The reporter did not reject the issue of public safety from traffic, but considered it to be a subordinate consideration in the appeal. Since 2001 there has been no material change to the nature of the road. The Park Authority has failed to act with due diligence in considering the safety of the road, the advice received and the consistency of its own decisions.
- A committee site visit to see the inadequacy of the access road is suggested by two objectors.

- **Unsuitability of private road**
  - It is proposed that the access to the proposed chalets will be taken from an unnamed road that connects with the A81 at Coldon Lodge. The unnamed road is a private road and has not been designed to adoptable standards which is evident from the condition of the road, and the geometric design, namely the horizontal alignment. It has a number of sharp, blind bends which restrict visibility and create particular problems given the narrow single lane nature.
- **Lack of passing places**

The first blind bend is some 270m from the A81, which is not a practical distance to undertake a reversing manoeuvre. If vehicles meet at the blind bend the option will be to reverse 270m or to reverse back around the blind bend increasing the potential for a rear end shunt type accident. The only options to pass are residential driveways but should these be gated there would be no passing place available.

- **Size of traffic**

Large vehicles utilize the route to access the neighbouring farm and it is not practical to increase the potential for these vehicle types to reverse the distances required. The only safe option would be for passing places to be introduced at all blind corners.

- **Potential difficulties with emergency vehicles**

Should the condition of the road deteriorate significantly it may not be possible for emergency vehicles to access some or all of the properties. The risk of the road condition deteriorating rises by increasing traffic and the potential for emergency vehicles to require access increases with the greater number of residents.

- **Police incident**

One letter of objection refers to an incident whereby damage was caused to property by a vehicle reversing and the police were called to attend. Gridlock occurred as two vehicles going down the hill met the one going up.

Officer's response: see section 7.9 and 7.10.

4.15 **Impact on the local road network**

Road safety implications at junction of private access road with the public road.

Officer's response: see section 4.5

4.16 **Previous applications were refused**

- It is unclear why the National Park Authority's position changed in 2013 to support tourist accommodation at this site, when in 2002 an application for the erection of a holiday letting accommodation unit was refused (2002/0027/DET).
- Similar applications for the erection of one holiday chalet have been refused. Reason for the refusal of these prior applications remain valid.

Officer's response: the only application for a holiday chalet to be refused at Mondhui (on land to the south of the application site) was planning application ref 2002/0027/DET which was determined under a different local plan and structure plan. Therefore the reasons for refusal for this historic application are no longer applicable.

4.17 **Lack of detailed supporting information**

- The only supporting documentation submitted is a very brief design statement. On the basis of the information submitted it is not possible to assess the full implications and impact on the character of the area.
- No information on landscaping
- Minimal information on drainage

Officer's response: If Members are minded to grant planning permission further information on landscaping shall be required by condition (see section 7.7). A Drainage Impact Assessment giving more detail on drainage was submitted by the applicant on 21 April 2017.

4.18 **Contrary to planning policy**

One letter of objection assessed the proposal against Visitor Experience Policy 1 and concludes that the proposal does not accord with the policy: the proposed development is not an identified strategic tourism opportunity, is not linked to existing recreational activities or visitor facilities within the area, and does not improve or expand an existing tourism business.

Officer's response: see section 7.3.

4.19 **Improper application**

One of the objectors disputes the completion of the Land Ownership Certificates in the application which states that no part of the land forms part of an agricultural holding – as the OS maps consistently show the site in question to be part of the field system of the farm, Mondhui is registered as an agricultural holding and the IACS system shows the site to be part of agricultural land. The proposal, for new build development on agricultural land in one of the few surviving upland farming areas, should be refused for this reason.

Officer's response: *The responsibility for completing the land ownership certificate lies with the applicant. The site does not appear to be currently farmed, and is not part of an agricultural business. Nonetheless, the site is a greenfield site within the countryside and will be assessed as such against Local Development Plan policies. There are no specific policies preventing development on upland farming or agricultural land.*

4.20 **Overdevelopment of the site**

- The rules regarding overdevelopment must be adhered to in order to ensure fairness across the Park. These rules should not change over time.
- Referring to previous assessments of extensions at Mondhui (dwellinghouse) one letter of objection outlines the percentage increase in habitable accommodation. The letter also refers to the increase in density of dwellings per hectare at the site to be up to 19 dwellings per hectare. This is an urban density and inappropriate for a scattered, upland Area of Great Landscape Value, (effectively creating a new settlement).

Officer response – The designation of 'Area of Great Landscape Value' no longer applies under the new Local Development Plan (or indeed the previous Local Plan). There are no concerns regarding the density of the proposed 3 units.

4.21 ***"Res judicata"***

It was argued through correspondence on file ref: 2016/0173/DET that the Park Authority could not consider the issue of the road as planning permission was previously granted for application ref: 2013/0051/PPP and was thus bound by the doctrine of 'res judicata' (a question in competent legal proceedings which cannot be raised again).

Officer response – consideration of the road as material planning consideration is appropriate in this application as it proposes an intensification of use.

4.22 **Refuse/recycling**

- The proposed site plan shows a bin storage area at the proposed chalets, however the refuse collection at this area is from the side of the A81. Currently each property is provided with 4 wheelie bins and a bottle box. This equates to 16 wheelie bins, 1 commercial bin and 4 bottle bins being located at the side of the A81. The applicant has not demonstrated how the refuse will be collected from the proposed chalets or how the additional bins will be accommodated at the side of the A81.
- The increased number of bins will extend the period the vehicle has to stop thereby increasing the risk to refuse collection staff and potential collisions on the fast section of road.

Officer's response: see section 7.14 and 4.5

4.23 **Landscape/amenity impact**

Further development on this highly visible hillside will reduce the scenic value of the Lake of Menteith as a tourist destination.

The current proposal runs counter to the advice of the Park Authority's Landscape Officer that any development should be restricted to the courtyard of the existing dwelling rather than stringing out along the scarp.

Officer's response: see section 7.6 – 7.7

4.24 **Occupancy**

Concern that the application is a 'Trojan horse' for more permanent residential development of the Glenny plateau. Conditions should be attached (and enforced) limiting the length of any stay; limiting the stays any individual can make in any year; prohibiting the sale or lease of the units except as part of the sale of the whole lands and buildings comprising Mondhui.

Officer's response: *see section 7.4*

5 POLICY CONTEXT

National Park Aims:

5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

(a) to conserve and enhance the natural and cultural heritage of the area;

(b) to promote sustainable use of the natural resources of the area;

(c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and

(d) to promote sustainable economic and social development of the area's communities.

5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Development Plan:

5.3 National Park Local Development Plan (Adopted 2016):

Relevant Policies:

- OP1 - Overarching Policy 1: Strategic Principles
- OP2 - Overarching Policy 2: Development Requirements

- VE1 - Visitor Experience Policy 1: Location and Scale of new development
- VE2 - Visitor Experience Policy 2: Delivering a World Class Visitor Experience
- NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
- NEP3 - Natural Environment Policy 3:Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites
- NEP11 - Natural Environment Policy 11: Protecting the Water Environment
- NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management
- TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development
- WMP1 - Waste Management Policy 1: Waste Management Requirement for New Developments

Full details of the policies can be viewed at:
http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/

Other Material Considerations:

Supplementary Guidance
Sustainable Design Supplementary Planning Guidance (adopted Dec 2011)
Draft Planning Guidance - Visitor Experience (May 2015)
Draft Supplementary Guidance - Design & Placemaking (May 2015)

5.4 National Park Partnership Plan (2012-2017)

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

- VE Policy 2: Sustainable Tourism
- RD Policy 2: Spatial Development Strategy
- RD Policy 3: Rural Economy
- RD Policy 7: Sustainable Design and Construction

6 SUMMARY OF SUPPORTING INFORMATION

6.1 The applicant submitted a Business Plan and guest reviews for the existing self-catering accommodation at Mondhui and a Design Statement:

- Business Plan & Guest Reviews – the business plan has been updated since the 2013 Planning Permission in Principle application. This sets out the company goals and objectives, ownership structure, management structure, management and ownership background and company assets. It also sets out the marketing plan with the target market to be the top end of self catering. Details are given of research on the demand for chalets/assessment of proposed market, demand, pricing, advertising and bookings. Reference is made to the recently established holiday cottage business – 'The Mews' and 'The Stables' at Mondhui ('The Mews' is subject to a retrospective planning application also being presented to this committee ref: 2016/0396/DET, Agenda Item 5). Although marketing only commenced in late June 2016 the units were completely booked from July to October, several weeks of booking in November and December, and fully booked for Christmas and New Year. Reviews are included giving a 10 out of 10 rating. The business plan also includes a SWOT analysis and explains that whilst the

applicant is to be responsible for the administration, booking, marketing etc. her partner is to be responsible for day to day running and onsite management. Financial information including projected turnover and expenses concludes that the percentage of profit is likely to be around 60-66% which makes the business a viable concern.

- Design Statement - This describes the site and local area, considers the site access and the potential for incorporating passing places along the private road. It covers the planning history for the site. In terms of design the statement explains that the chalets are to be a modern interpretation of the vernacular agricultural forms found in the surrounding area. It states that the cabins have been considered relative to the surrounding houses and that they are of an appropriate size for the area. The statement explains how the materials palette for the cabins, driveway and parking area were chosen.

6.2 The applicant submitted a Drainage Impact Assessment, as requested by the planning officer, in order to address objections from SEPA and SNH. This sets out the findings of site assessments and percolation tests for foul water and for surface water, and then presents proposals for sewage treatment and a Sustainable Urban Drainage System.

7 PLANNING ASSESSMENT

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

- Principle of Development
- Landscape impact: Siting and Design
- Roads and Parking
- Natural Environment and water quality sensitivities
- Waste management provision

The report will now address these key issues in turn.

Principle of Development

7.2 The planning history of the site must firstly be considered. Previously planning permission in principle (ref: 2013/0051/PPP) was granted for the erection of 3 chalet units at this site in May 2013. Although this application has now 'expired' (as a Matters Specified in Condition application was not lodged within 3 years of the date of the decision notice (May 2016)), this decision must be afforded some weight. The key question is whether there have been any material changes in policy since the original decision was made. The adopted Local Plan at the time has now been replaced by the National Park Local Development Plan (2016). The proposal should therefore be assessed against the policies in this plan.

7.3 The key Local Development Plan policy is Visitor Experience Policy 1: Location and Scale of new Development. This states that new or expanded visitor accommodation will be supported where the proposal comprises small scale development within areas of countryside with access to the existing recreational network of paths, infrastructure or visitor facilities, as shown within the areas shaded green on the Development Strategy Map. This location, close to Port of Menteith is within one of the areas shaded green. Policy VEP1 also supports small scale development where it improves or expands an existing tourism business. The Draft Planning Guidance - Visitor Experience (May 2015) defines 'small scale' as 1 to 3 units. This is a small scale proposal within the countryside and within one of the areas identified on the

Development Strategy Map, involving the improvement and expansion of existing tourism accommodation. The proposal is therefore acceptable in principle.

7.4 Local Development Plan policy Visitor Experience Policy 2: Delivering a Word Class Visitor Experience requires that occupancy of new holiday letting developments shall be controlled by conditions that limit the length of residency. A condition should therefore be placed on any consent in this regard (refer proposed condition 2).

7.5 Having established the acceptability of the principle of development, the assessment now turns to detailed points:

Landscape impact: Siting and Design

7.6 Local Development Plan Natural Environment Policy 1 states that development must protect the special landscape qualities of the National Park and that development proposals will be required to be sympathetic to their setting and minimise visual impact. As per the previous assessment of the 2013 Planning Permission in Principle application, due to the site's location on the hillside, any buildings developed on it would not be visible from the main A81 road below, travelling east/west to the south of the site. Also, due to the location of the band of deciduous woodland to the east of the site, views of the site from the other public road in the area, the B8034 from Port of Mentieth to Arnprior, are obscured. Likely receptors of any development on the site would be to the south and west. This would include those using western parts of the Lake of Menteith for recreation, e.g. fishing boats. However the site is not prominent, with the ridge to the rear acting as backcloth and, with a carefully designed approach, buildings could be accommodated on the site without an adverse visual impact.

7.7 The Park Authority's landscape adviser reviewed the information supplied from the applicant in the Design Statement, and drawings supplied, and considers that there will be no significant impact on the Special Landscape Qualities of the Park or on the visual integrity, identity or scenic quality of the area. She also notes the site is located on an area of gently sloping 'parallel ridge' (a landscape feature) with an open aspect to Lake of Menteith. The site is backclothed by a higher portion of parallel ridge and there are small groups and individual intervening trees which afford some setting qualities and mitigation to views of the site. The staggered chalet layout, individual designs and materiality will mean that the south facing elevations will not be seen as regularly spaced or uniform in massing. The chalets can be further integrated in terms of local landscape character and visual amenity through appropriate landscaping along the boundaries and between the chalets. This should be required by condition (refer proposed condition 8).

7.8 Elevations of the detailed designs can be found in Figure 5 in section 3.11. The choice of materials - proposed timber cladding and natural slate roof - are appropriate for this rural context. The high quality contemporary designs are considered to comply with draft supplementary guidance on Design and Placemaking as sustainable materials are used, there are large areas of glazing to capture views, and parking is to the rear. A condition should be placed on the consent to remove permitted development rights to ensure that the plots do not appear residential in nature through future changes (refer proposed condition 1).

Roads and Parking

7.9 The access road to the property is a private access road from the A81, approximately 800m in length. It is a single track width and there are currently no passing places. The previous approval for the erection of 3 chalet units (2013/0051/PPP) required provision of passing places on the road, within the applicant's ownership. The consultation response from the Roads Authority, although noting that the private road lies within private ownership and therefore Stirling Council cannot require any conditions, recommends that the previously approved passing places be provided in advance of construction works commencing. The location plan (drawing ref: 15.136.01A) submitted by the applicant shows the provision of two passing places on the upper part of the private road, within the applicant's ownership. It is therefore proposed that a condition be placed on the consent requiring this (refer proposed condition 3).

7.10 Five of the six objectors refer to the issue of road safety (see section 4.14), and these mainly include residents who also share use of the private access road. It is noted that historically the roads authority did object to the increase use of the road for one additional tourist accommodation, as it was contrary to the road authority's practice at that time to not be supportive of new development in the rural area where it was not required as part of an established agricultural or forestry use. However their advice since the 2013 application for three chalets at Mondhui has been one of no objections subject to the provision of additional passing places. The assessment of the application takes on board this consultation advice in reaching a recommendation.

Natural Environment and water quality sensitivities

7.11 The site is not located within a mains sewered area. Local Development Plan Natural Environment Policy 11 states that development will be required to ensure no significant adverse impact on the water environment. The site is located within the catchment area of the Lake of Menteith SSSI where there are concerns regarding water quality. Initially the applicant proposed to collect and treat the sewage effluent arising from the 3 proposed chalets in a single package sewage treatment plant with the resultant effluent being discharged to a watercourse via a partial soakaway arrangement. SEPA objected to this and requested that the applicant investigate if the ground conditions are suitable for the construction of a total soakaway arrangement.

7.12 A Drainage Impact Assessment report was submitted by the applicant, indicating that a Percolation Test which was carried out had failed due to saturated ground and that settled foul water from a septic tank cannot be satisfactorily discharged into the ground using a soakaway. The report therefore proposed a new purpose built sewage treatment plant, capable of delivering secondary treatment (a higher level of treatment), is installed to serve both the existing dwelling at Mondhui and the proposed holiday chalets. Final effluent dispersal would be to existing field drains via a partial soakaway in order to maximise reduction of ammonia and phosphate concentrations in the final treated effluent. SEPA confirm that this foul drainage strategy is in principle satisfactory as it will result in an improvement to current Biological Oxygen Demand (BOD) and ammonia loadings in the discharge, even accounting for the proposed increase in the overall population. SEPA and SNH removed their objections with this revised proposal.

7.13 Surface water drainage proposals were also submitted in the Drainage Impact Asessment submitted by the applicant. It was noted that due to the failure of the Percolation Test that surface water cannot be satisfactorily discharged into the ground

using a soakaway. The report recommends that all roof run-off be directed to either (i) an above ground 'rain garden' (a shallow depression, with absorbent, free draining soil and planted with vegetation that can withstand occasional temporary flooding) or (ii) an underground partial infiltration trench; furthermore all driveway, parking and new road surfaces are to be porous to allow precipitation to naturally percolate into the soil below. SEPA note that the use of raingardens is acceptable for surface water drainage from roofs, etc. and should enhance biodiversity of the site as well as reducing flooding and attenuating pollutants. It is therefore proposed that this be required by condition (refer proposed condition 6).

Waste Management Provision

7.14 Local Development Plan Waste Management Policy 1 requires development proposals to include on-site provision for waste management for the collection and storage of recyclable materials and/or composting facilities. The proposed site plan states that bin storage will be as per the previous planning application with bins stored to the side of the chalets and taken down to the end of the access road on collection day. One of the concerns raised through letters of representation is that each lodge could be allocated 4 bins (including recycling) and that stationing these at the bottom of the private access road, alongside the A81 would create clutter and potentially affect road safety. At present there are a large row of unsightly bins alongside the A81 and therefore a condition is proposed to be attached to any consent, requiring that bins be stored at the site, and only moved down to the collection point on the main road on bin collection day, in order to avoid the visual clutter of an increasing number of individual bins at this location (refer proposed condition 4).

7.15 Separately, it is understood that Stirling Council is looking into supporting screening of bin 'collection day' storage areas.

CONCLUSION

8.1 The proposal is acceptable in principle as it complies with Local Development Plan Visitor Experience Policy 1: Location and Scale of new Development. This is a small scale proposal within the countryside and within one of the areas identified on the Development Strategy Map, involving the improvement and expansion of existing tourism accommodation. Also weight must be given to the fact that planning permission in principle was previously granted for 3 chalets on this site.

8.2 The proposal complies with Local Development Plan Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact, as the site is backclothed by a higher portion of parallel ridge and there are small groups and individual intervening trees which afford some setting qualities and mitigation to views of the site and there will be no significant impact on the Special Landscape Qualities of the Park or on the visual integrity, identity or scenic quality of the area.

8.3 The design of the chalets is considered to comply with Local Development Plan Overarching Policy 2: Development Requirements and Draft Supplementary Guidance - Design & Placemaking as the contemporary designs are of a high quality and sustainable materials are to be used.

8.4 Although the site is accessed off a narrow and steep single track private road, the roads authority have advised that this is not a sufficient reason for refusal and that the

additional passing places achievable within the ownership of the applicant should be provided. Again weight must be given to the previous planning approval for three chalets at this site. In terms of cumulative impact with the other pending application (ref: 2016/0396/DET) one additional unit is now proposed, and this is not considered sufficiently material to warrant refusal.

8.5 A new purpose built sewage treatment plant, capable of delivering secondary treatment is now proposed to be installed to serve both the existing dwelling at Mondhui and the proposed holiday chalets. SEPA confirm that this foul drainage strategy is in principle satisfactory as it will result in an improvement to current Biological Oxygen Demand (BOD) and ammonia loadings, even accounting for the proposed increase in the overall population and both SEPA and SNH removed their objections. The proposal is therefore considered to comply with Local Development Plan Natural Environment Policy 11: Protecting the Water Environment.

8.6 Although the proposal complies with Local Development Plan Waste Management Policy 1, which requires development proposals to include on-site provision for waste management for the collection and storage of recyclable materials and/or composting facilities, a condition should be placed on the consent requiring that bins be stored at the site, and only moved down to the collection point on the main road on bin collection day, in order to avoid the visual clutter of an increasing number of individual bins at this location adjacent to the A81.

Background Documents: ***http://www.lochlomond-trossachs.org/planning/ Click on view applications, accept the terms and conditions then enter the search criteria as '2017/0020/DET'***

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

Appendix 1

Planning Conditions:

1. **Permitted Development:** Notwithstanding the provisions of Classes 1A, 1B, 1C, or 1D of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), no extensions shall be erected to any of the chalets without a planning application to, and the subsequent grant of permission by, the Planning Authority.

   REASON: The Planning Authority considers that the construction of further extensions to the chalets should be subject to formal planning control due to the constraints on the site in terms of capacity of the access road and septic tank.

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

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

3. **Passing Places:** No development shall take place prior to the provision of the sub-base of standard inter-visible vehicular passing places on the access road to Mondhui, to the satisfaction of the Planning Authority. Notwithstanding the approved plan (drawing no. 15.136.01A), the locations and dimensions of these passing places shall be agreed and approved in writing by the Planning Authority, in consultation with the Roads Authority. Following construction of the development, the final surfacing of the passing places (of a material to be agreed and approved in writing by the Planning Authority) shall be completed prior to first occupation of any building and maintained thereafter.

   REASON: To ensure a suitable standard of access provision prior to the commencement of the approved use.

4. **Bin storage area:** Refuse and recycling bins shall be stored in the designated bin storage area within the site at all times, except on bin collection days.

   REASON: For the avoidance of doubt, and to safeguard the visual amenities of this area within the National Park.

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

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

6. **Surface Water Drainage:** None of the chalets hereby permitted shall be occupied until works for the drainage of surface water via a 'Rain Garden' have been completed in accordance with the approved drawing 'Drainage Information: Site Plan' received by the Planning Authority on 21 April 2017, unless otherwise authorised in writing by the planning authority.

REASON: To ensure that the development, once occupied, conforms with the appropriate standards and to minimise pollution of adjacent water courses in order that the Lake of Mentieth SSSI is not adversely affected by the development.

7: **Sewage Treatment Plant:** None of the chalets hereby permitted shall be occupied until works for the disposal of sewage (a package sewage treatment plan capable of delivering secondary treatment) shall be provided and thereafter maintained in perpetuity, to the satisfaction of the Planning Authority in consultation with the Scottish Environment Protection Agency, in accordance with the approved drawing number 'Drainage Information: Site Plan' received by the Planning Authority on 21 April 2017.

REASON: The proposed development is located within the Lake of Menteith catchment area and new discharges of sewage effluent in this location require to receive secondary treatment in order to accord with the first National Park aim to conserve and enhance the natural heritage of the area.

8: **Details of Landscaping:** Prior to the commencement of construction works within the development site, a landscape scheme/plan shall be submitted to and approved in writing by the Planning Authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:

a) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths
b) any new walls, fences, hedges, gates
c) any minor structures (e.g. furniture, refuse or other storage units) and
d) existing trees and hedgerows to be integrated into the scheme
e) planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and
f) a programme of implementation.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.

9. **Maintenance of Landscaping:** Any trees or plants, to be planted in accordance with the approved landscape plan, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation.

REASON: To ensure the landscaping that is essential to integrate the proposal with its surroundings is maintained in the first instance to provide a chance for it to reach maturity.

Informatives

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. 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.

List of Plans

Title	Reference	Date Received
Location Plan	15.136.01A	19/01/17
Plan Existing Site plan	15.136.02	19/01/17
Plan Proposed Site plan	15.136.03B	19/01/17
Plan Location Plan 1:25000	15.136.04	19/01/17
Plan Long elevation as proposed	15.136.06A	19/01/17
Plan Proposed 2 bed (long) Elevations and Floor plans	15.136.L1-E	19/01/17
Plan Proposed 2 bed - Elevations and Floor plans	15.136.L2-F	19/01/17
Plan Drainage information: site plan		21/04/17

Draft Reason for Decision

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