



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 24 June 2019

SUBMITTED BY:	Director of Rural Development & Planning
APPLICATION NUMBER:	2016/0126/DET
APPLICANT:	Mrs Emily Morrison
LOCATION:	Wards Estate, Gartocharn
PROPOSAL:	Erection of function building including office space and 1 flat for self-catering holiday accommodation; erection of 2 dwellinghouses for self-catering holiday accommodation with associated swimming pool/leisure buildings; erection of managers dwellinghouse; erection of woodland toilet; formation of field access from A811; formation of internal access roads and car parking.

NATIONAL PARK WARD:	Ward 4 South East Loch Lomond
COMMUNITY COUNCIL AREA:	Kilmaronock
CASE OFFICER:	Name: Alison Williamson Tel: 01389 722 610 E-mail: alison.williamson@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 The development proposal includes the range of elements as described above. For the avoidance of doubt the erection of a woodland toilet has now been confirmed by the applicant to have been removed from the proposal.
- 1.2 In accordance with the National Park Authority's Scheme of Delegation, this application requires to be determined by the Planning and Access Committee. This is by virtue of an objection having been received from Kilmaronock Community Council and the number of representations received. This paper presents the officer's assessment of the planning application and the officer's recommendation.

2 RECOMMENDATION

2.1

That Members:

1. **REFUSE** the application for the reasons set out in Appendix 1 of the report.

3 BACKGROUND

- 3.1 The current planning application was submitted on 16 April 2016. After a period of delay, as a result of a request from Scottish Natural Heritage (SNH) for two years of ornithological surveys, and amendments to the proposed development by the applicant, it is now possible to proceed to determination of the application.
- 3.2 The proposed development remains substantially the same as submitted in April 2016 in that it comprises the erection of a function suite / venue building with associated parking area, two dwellinghouses for guest accommodation with associated swimming pool/leisure buildings, the erection of a manager's dwellinghouse and the formation of an access road. The proposed venue building was initially proposed to also incorporate a café/shop and the proposal also included external play areas, a bird hide, woodland toilet and an internal footpath network. At the time of the 2016 submission the manager's house and guest accommodation houses were proposed to be located further east – quite removed from the venue building and to be accessed by an entirely separate access road connecting to the A.811. As of December 2018 the application was amended to comprise the proposal that is now presented for Member's consideration. Re-notification of all interested parties, neighbours and those who had submitted representations was undertaken at the time of submission of the revised proposal.

Site Description:

- 3.3 The application site is an area of land which forms part of the wider Wards Estate which is located immediately to the north of the A811, approximately 2km east of Gartocharn. Loch Lomond is to the north of the application site. Wards Estate comprises approximately 100 acres of land. The estate is used as a wedding and events venue with an existing large country house to the north in use for this purpose and as guest accommodation - refer to the Planning History at para 3.12 for more background. The majority of the estate is open grassland with areas of native and ancient woodland. There are two ponds retained by artificially-created dams in the higher ground to the southern part of the estate - which are believed to have been constructed in connection with the former Wards Tileworks (late 1800's).

3.4



Figure 1 – Location Plan

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3.6

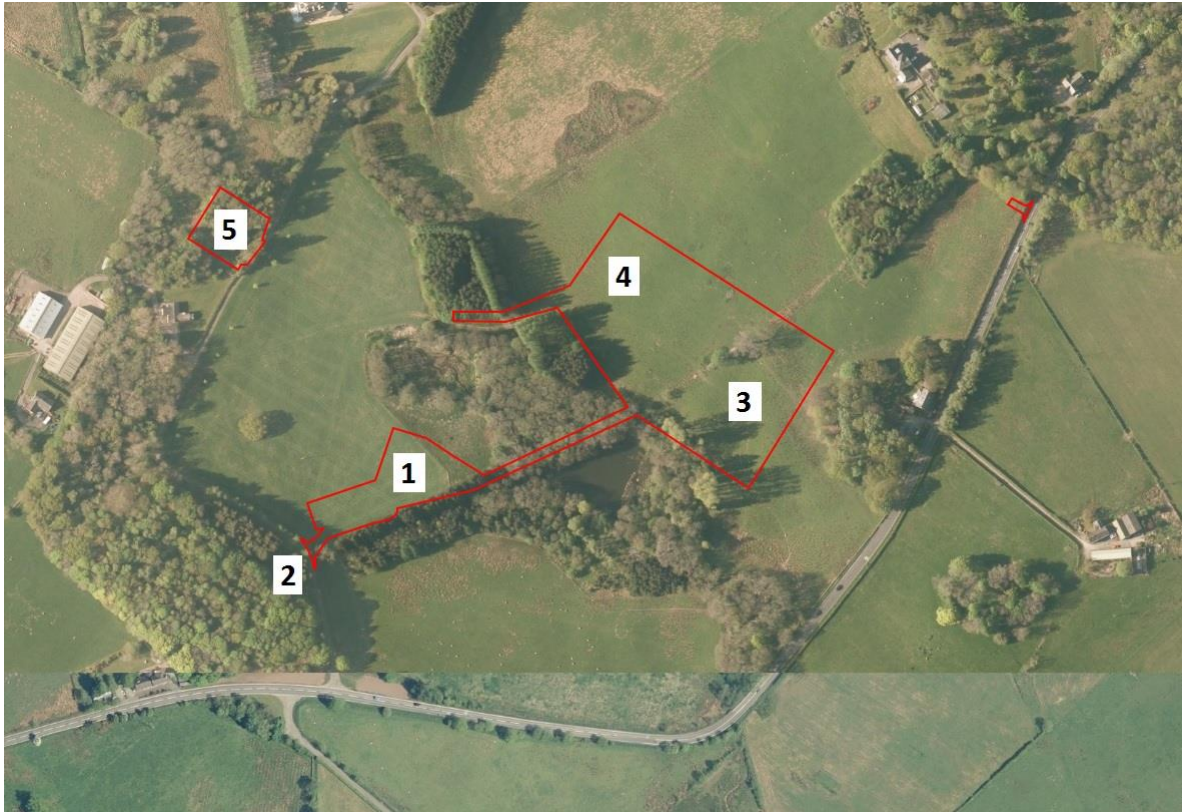


Figure 2 – Site Plan with photograph locations numbered.

3.7 The application site is illustrated in the photographs below.

3.8 **Figure 3** – Photographs 1-5 of site



Photograph 1: Area of land where proposed venue building and car park is proposed to be constructed.

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3.9



Photograph 2: Proposed access road location (connecting to existing access road through the site).

3.10



Photograph 3: Proposed location of dwellinghouse for visitor accommodation with ancillary swimming pool/leisure building.

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3.11



Photograph 4: Proposed location of second dwellinghouse for visitor accommodation with ancillary swimming pool/leisure building.

3.12



Photograph 5: Proposed location of managers dwellinghouse (within wooded enclosure)

Description of Proposal:

3.13 The development proposed includes the following elements (refer to figure 4) :

- The construction of an internal access road leading eastwards from the existing Wards access road to serve the proposed function/ venue building and car park, and then continuing east - through an area of woodland between the two ponds - to access the proposed accommodation buildings (two dwellings).
- The erection of a venue building (31m x 15m in plan and 7 m high with a link section [11m x 7m] leading to a further section (16.5m x 8m in plan x 5m high). The proposed building is a combination of single storey and 1½ storey elements and is proposed to be constructed to the east of the existing access road. The venue building would contain multi-functional spaces for weddings and other events, including office space, kitchen, toilets, store rooms and a staff room with 1 flatted dwelling on the upper level for self-catering holiday accommodation. Car parking for 30 vehicles plus 3 staff car parking spaces is proposed adjacent to the building.
- The erection of 2 number 1.5 storey, 8 bedroom dwellinghouses (to sleep 16 people) to be used as self-catering holiday accommodation (33m long x 9.3m wide x 7.9m high) each with associated detached swimming pool/leisure buildings. Each of the detached single storey swimming pool buildings (28m long x 9.5m wide x 6m high) would include a swimming pool, changing rooms, toilets, a linen store, a bar, showers, a sauna, a fitness suite, plant rooms and an external sheltered deck area with a hot tub and seating areas;
- The erection of a 2.5 storey, 7 bedroom Managers dwellinghouse (29m long x 13.5m wide by 11m high) located between Wards Cottage and High Wards with a detached 1.5 storey 4 car garage building (20.5m long x 8m wide x 7.8m high) with playroom, toilet, kitchenette and office on the first floor.
- Land engineering works would be required in order to provide level platforms for the construction of the venue building and the two proposed dwellinghouses for visitor accommodation together with the swimming pool buildings, as each of these are on sloping ground. The site for the manager's dwellinghouse is more level.

3.14 The drawing below shows the proposed development layout with the various elements identified.

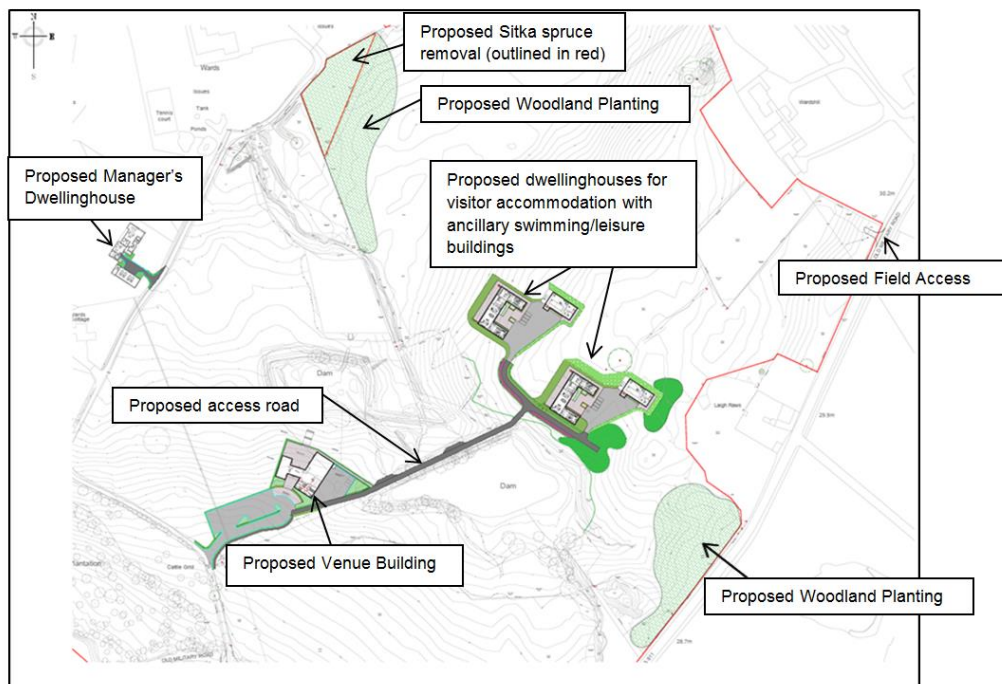


Figure 4: Proposed Layout

Environmental Impact Assessment (EIA):

- 3.15 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this instance the proposal falls under Schedule 2 of the regulations within the tourism and urban infrastructure categories. The proposal has been "screened" and it was considered that it is not likely that there would be significant environmental effects and therefore an EIA was not required. The screening opinion is available to view as part of the application file.

Habitat Regulations Assessment

- 3.16 Special Areas of Conservation (SACs) - designated under the EC Habitats Directive to protect particular habitats and non-bird species - and Special Protection Areas (SPAs) - designated under the EC Birds Directive to protect wild birds - are known as 'European sites'. The EC Directives are applied in Scotland through the Conservation (Natural Habitats &c) Regulations 1994, which is known as the "Habitats Regulations". The Habitats Regulations require that where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC) it must undertake an "appropriate assessment" of its implications for the European site having regard to the site's conservation objectives.
- 3.17 The application site is located immediately to the south of the Loch Lomond Special Protection Area (SPA) and the Endrick Water Special Area of Conservation (SAC).
- 3.18 The proposal is likely to have a significant effect on the qualifying interests of the SAC and SPA and it was therefore determined that appropriate assessments were required. The appropriate assessments undertaken concluded that provided agreed mitigation measures are secured the proposal as described would not have an adverse effect on the integrity of either the Loch Lomond SPA or Endrick Water SAC. The appropriate assessments are available to view as part of the planning application file.

Planning History:

- 3.19 Wards Estate is operated as a visitor accommodation business which involves the use of an existing large country house (High Wards) as a wedding and events venue with visitor accommodation. The owners (who are also the managers) live on site at Wards Cottage. Planning permission was granted in August 2015 for the change of use of the High Wards dwellinghouse from residential to "sui generis" for use as a function venue with external marquee (to be used only within prescribed time limits) and use of the property as holiday let accommodation as per below:
- 2015/0063/DET Change of use from residential (Class 9) to sui generis for use as holiday let accommodation and function venue with marquee and portable toilet area. Erection of detached garage and gazebo and change of use of wetland area to garden ground (all retrospective). Proposed re-roofing of conservatory. Approved 27 August 2015.
- 3.20 This planning permission is restricted by condition meaning that between the months of October to March inclusive there shall be no event or function held in the garden grounds including within a marquee or under the gazebo, including the letting off of fireworks. This restriction was put in place to ensure that there is no disturbance of Greenland white fronted geese.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 Scottish Environment Protection Agency (SEPA)

SEPA objected to the proposed development based on a lack of information on foul drainage. Following the submission of further information in February 2019, SEPA advised that they are satisfied that the indicative drainage strategies proposed for the development at the application site are in principle acceptable and therefore removed their objection.

4.2 Scottish Natural Heritage (SNH)

SNH were originally consulted on the proposed development in July 2016. At that time SNH advised that there was insufficient information for them to determine the potential impact on Greenland white-fronted geese and SNH therefore objected to the planning application. SNH advised that two winter surveys were necessary along with a clearer interpretation of data and an assessment of likely disturbance. Two years of ornithological surveys were subsequently completed and SNH were then re-consulted on the results.

4.3 SNH have advised that the key issue is the potential impact of the proposed development on Greenland white-fronted geese given that the Loch Lomond Special Protection Area (SPA) was established to protect them. SNH confirm that Greenland white-fronted geese roost on Ward's pond (to the immediate north of High Wards House) and feed in fields in the surrounding area.

4.4 In a letter dated 7 February 2019 SNH advised that noise from the development will not disturb the geese and will not prevent them from roosting on Ward's pond. SNH also considered impacts on other protected areas (RAMSAR site, SSSI, NNR) and advise that the objectives of these designations and overall integrity of the area would not be compromised by the proposed development.

4.5 SNH conclude that the amendments made to the proposed development including the re-location of the main venue building away from the main house (High Wards is adjacent to Wards Pond) reduces the current and potential disturbance to the Greenland white-fronted geese qualifying species of the SPA. SNH have nevertheless advised that the proposal is still likely to have a significant effect on the Greenland white-fronted geese qualifying interest of the SPA, but conclude that if the proposal is undertaken strictly in accordance with the details within the current application, then the proposal will not adversely affect the integrity of the site.

4.6 With regard to "flight lines" which the geese follow (which is an issue raised by third parties in relation to the application – see the representations section of this report (para 4.42) - SNH advised that Greenland white-fronted geese show strong feeding and roost site fidelity and it is disturbance at those sites that would carry a stronger risk of impacting upon the SPA's population and distribution than the areas across which they travel to reach them. In the unlikely event that the proposal causes displacement from current flight lines SNH do not consider that the Greenland white-fronted geese would be displaced from the existing feeding and roosting sites.

4.7 Kilmaronock Community Council

Kilmaronock Community Council objects to the proposed development for the following reasons:

- No formal business plan has been presented and concerns regarding the potential future change of use of the proposed buildings.

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- The application site is not within a designated development area and therefore not in accordance with the Local Development Plan.
- The proposal is not small scale.
- Adverse impact on the neighbouring property at Laigh Raws.
- Impact on wildlife, particularly birds, from light and noise and general disturbance.
- Concern about pollution control, surface run off, final effluent discharge, swimming pool discharge and the impact on fisheries and the Endrick Water.
- Building design not in keeping with local architecture.
- The project would provide part-time, low paid employment but not salaried and pensionable sustainable employment.
- Conservation of the environment should take precedence in accordance with the aims of the National Park.
- Concern about delays with the handling of the planning application and why a new application was not submitted.
- Increased traffic and road safety concerns.
- Concern about the integrity of the National Nature Reserve (NNR) – the community council support a holistic approach to development affecting the NNR.
- Noise- disturbance to residents and to wildlife.
- Precautionary principle should apply.
- Query the robustness of assessments undertaken e.g. ornithological survey.
- Impact on neighbour's quality of life.

4.8 RSPB

RSPB welcome the removal of the previously proposed “bird hide” and path network and the relocation of the proposed manager's house away from the Ponds. However RSPB object to the proposed development. The reasons for the objection from RSPB can be summarised as follows:

- The development has the potential to disturb the geese and displace them from favoured roosting areas and potential foraging areas and this could result in an adverse impact on the integrity of the SPA.
- RSPB is of the opinion that no attempt has been made to address their concerns regarding disturbance resulting from noise or light from the development. RSPB consider that insufficient and inaccurate information has been provided on this matter.
- RSPB is of the opinion that there is inadequate information on the drainage arrangements for the proposed development and, given the sensitivity of the freshwater sites that the proposed outflows would discharge into, (namely the Endrick Mouth and Islands SSSI and Endrick Water SAC), RSPB must be assured there will be no impacts on the special plants and fish that these sites are designated for.
- The potential impacts on the amenity of neighbouring High Wards Farmhouse and RSPB staff and volunteers that live there.
- RSPB suggest measures to minimise disturbance to roosting Greenland White-fronted geese on Wards Ponds or the “Snipe Flats” on the RSPB Reserve and to local residents including restrictions on fireworks, lighting and noise and the retention of the conifer woodland south-west of High Wards House, until such time as the proposed native woodland is in place and has matured to provide an equivalent level of screening.
- RSPB however accept that geese do not regularly use the Wards Estate fields to feed or roost on.
- RSPB believe that SNH's conclusions have been made on the basis of inaccurate information.

4.9 Scottish Water

Scottish Water advised they have no objection to the proposed development.

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4.10 West of Scotland Archaeology Service (WOSAS)

WOSAS highlighted that the proposed access road which is proposed to be constructed between the two existing ponds (which are likely to have been constructed to regulate and control the supply of water to the former Wards Tileworks, and are retained by artificially-created dams) could have an impact on the survival of these features, or on other elements relating to the previous industrial use of the site that may survive within the woodland. WOSAS also highlighted that the development as a whole would involve a reasonably substantial amount of ground disturbance in areas that do not appear to have been substantially affected by development in the modern period, and which may as a result retain the potential to produce sub-surface archaeological deposits associated with earlier phases of occupation. WOSAS therefore recommend a programme of archaeological work in advance of any development including a walkover survey with particular emphasis on the area of woodland between the two dams to identify and record any features associated with the water management system of the former tileworks. This would require to be followed by a programme of intrusive evaluation trenching focussed primarily on the sites of the proposed new buildings and associated areas of access and parking.

4.11 Environmental Health (West Dunbartonshire Council)

A Noise Impact Assessment was submitted in support of the planning application. The Noise Impact Assessment report considers the impact of music noise from the proposed venue building on nearby neighbouring properties. The report concludes that music noise levels outside the nearest residential properties due to the operation of the proposed venue are unlikely to exceed accepted levels (35dBA) and that music noise levels arising within residential properties are likely to meet with the agreed noise limit (20 dBA). On this basis the report concludes that no mitigation measures are required providing that the venue operates with a music noise level of no more than 95 dBA at 1 metre from the amplified music system and that minimum sound insulation of the building is met.

4.12 West Dunbartonshire Council Environmental Health advised that they have previously received complaints relating to noise from the current venue and that prior to the planning application being determined the Noise Impact Assessment requires to be updated to consider all noise sources within the development (rather than the proposed venue building in isolation). The request from Environmental Health was passed to the applicant in February 2019; however an updated noise impact assessment has not been received.

4.13 West Dunbartonshire Council Environmental Health also provided advice on noise validation testing, delivery vehicles, noise control method statements for construction sites, construction sites hours of work, piling noise, contaminated land, lighting/floodlights, waste, grease traps, extraction flues and odour management with suggested controls for the above matters to be required by condition.

4.14 Flood Risk Management (West Dunbartonshire Council)

A Flood Risk Assessment for a previous application at Wards Estate was submitted in support of this planning application. The Flood Risk Assessment concludes that minimum floor levels should be set to ensure that there is no risk of flooding from any water source. West Dunbartonshire Council Flood Risk Management agree with the conclusions of the Flood Risk Assessment and made no further comment.

4.15 Roads (West Dunbartonshire Council)

No objections subject to conditions to address such things as installation of junction identification bollards, position of passing places and dimensions of parking spaces.

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Representations Received:

- 4.16 At the date of the preparation of this report 48 representations have been received; comprising 45 from individuals and 3 from organisations, namely Friends of Loch Lomond, Loch Lomond Fisheries Trust and Greenland White Fronted Goose Study Group.

6 of these representations were made in support of the planning application.

2 neutral representations have been received.

40 representations were received objecting to the planning application (including one from Jackie Baillie MSP).

- 4.17 It should be noted that some representations made were made in connection with the previous version of the proposal when first submitted in 2016. The changes made to the proposed development through the course of consideration of the application are described in para 3.2. In addition a number of the individuals and organisations who have submitted representations have submitted more than one representation.

- 4.18 **You can view the full text of all representations available by searching the public access website:**

<https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>

then enter the search criteria as “2016/0126/DET”.

- 4.19 A summary of the grounds of the **objections** and concern is noted below focusing on the key issues raised and grouped under sub-headings where possible for clarity. Where possible an officer response to each point is provided, otherwise a response to the range of concerns is provided within the Planning Assessment (section 7 of this report) .

- 4.20 **The National Park Aims- Sandford Principle**

The Sandford Principle must apply as there is a conflict between the first aim, to conserve and enhance the natural and cultural heritage of the area and the other National Park Aims meaning that greater weight must be given to the first aim, under section 9 (6) of the National Parks (Scotland) Act 2000.

Officer Response: See section 7.69 on National Park Aims

- 4.21 **Contrary to the National Park Partnership Plan**

- The proposal is contrary to the National Park Partnership Plan
- Would not meet the National Park Partnership Plan aim of visitor management (Outcome 8).

Officer Response: See sections 5.6 and 7 (Planning Assessment)

- 4.22 **Contrary to the Local Development Plan**

- The proposed development is not small scale
- The proposed development is not within the village envelope
- The proposed development site is not an allocated site. The proposal includes new houses, there are sites allocated for housing within Gartocharn
- No affordable housing is proposed
- The proposal is contrary to Overarching Policy 1 and Overarching Policy 2
- The proposed development would not enhance the experience of the National Park as it is aimed at a party culture not people who come to experience the beauty and tranquility of the National Park.

Officer Response: See planning assessment - section 7

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4.23 Scale of Development

Objections to the scale of the development related to three different aspects:

1. The proposed development should have been considered as a major development.
2. The proposed development is not small scale.
3. The size and scale of the proposed buildings are not in keeping with the local area and with the rural farmland and houses. The scale of the buildings are completely inappropriate for the area.

Officer Response:

1. The site area to which the proposed development relates is less than 2ha and the proposal is therefore not a 'major' development under the Town and Country Planning (Scotland) Act 1997 (as amended) and the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.
2. See planning assessment – section 7
3. The size and scale of the proposed buildings is discussed within the planning assessment.

4.24 EIA

- There is no EIA screening
- This proposal should have been an EIA development

Officer Response: This application has been screened and it was considered that the proposal was not an EIA development. The EIA Screening opinion is available to view as part of the application file.

4.25 Designated Sites

Concerns are raised regarding the potential impact of the proposed development on the National Park, National Scenic Area, Special Protection Area, Special Area of Conservation, RAMSAR, National Nature Reserve and Sites of Special Scientific Interest.

Officer Response: see detailed planning assessment - section 7 - which addresses these aspects.

4.26 Viability/Business Plan

- The business plan is not publicly available
- Can the proposed expansion to the business be considered to be viable given the substantial capital cost of constructing the proposed development and the returns on this investment?
- Will all of the buildings proposed be constructed and can their potential future use be controlled?

Officer Response: The business plan submitted by the applicant is private and confidential as it contains financial and business information. The business plan has been reviewed and this is discussed in section 7.7 – the planning assessment.

4.27 Managers Dwellinghouse

- Is the proposed manager's dwellinghouse required?

Officer Response: See planning assessment - section 7.11 - for further discussion of this point.

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4.28 **Residential Amenity**

Concerns were raised regarding noise, privacy, outlook and views, dominance, overlooking and overshadowing, light pollution and impact on the cultural and historical significance of the neighbouring property Laigh Raws.

Officer Response:

Noise is discussed as a separate matter below and within - section 7.51 - of the planning assessment section of this report.

4.29 *With regard to privacy there is potential for an impact on the privacy of the nearest neighbouring property to the proposed dwellinghouses (Laigh Raws which is at a distance of approximately 60 metres from the development site) as there is the prospect of disturbance from the venue building and guests staying within the proposed dwellinghouses. One of the proposed swimming pool/leisure buildings would be in relatively close proximity to Laigh Raws (60 metres). Other nearby residential properties such as Wardshill could also be impacted in this way.*

4.30 *Whilst there is no entitlement to a view under planning legislation the outlook of nearby residential properties including Laigh Raws and Wardshill would be significantly altered by the proposed development. Iconic views within the National Park are important in landscape terms and the view towards Loch Lomond from the A811 would be impacted by the proposed development. It is not considered that there would be direct overlooking from the proposed development to neighbouring properties given the intervening distance.*

4.31 *Whilst no details have been provided of proposed external and internal lighting, light pollution is a valid concern. The proposed extent of glazing to the north elevations of the two proposed dwellinghouses and the glazing proposed for the proposed manager's dwellinghouse along with the expanses of glazing on the proposed venue building could have a negative impact on tranquility and dark skies (see figures 7 & 8) for the proposed elevations).*

4.32 *With regard to the potential impact on the cultural and historical significance of Laigh Raws; this property is not a listed building and is not in a conservation area. Although Laigh Raws is a characterful traditional property of historical merit - which the National Park planning policies would seek to protect and enhance - the proposed development does not raise significant concerns specifically relating to this property. As expressed above, the concerns relate more to the wider landscape impacts.*

4.33 **Noise**

- Noise from the existing venue at High Wards is already having a negative impact on residential amenity
- Noise from the proposed development was raised as a significant concern in terms of residential amenity, disturbance and the peace and tranquility of the area
- The potential impacts of noise on wildlife, particularly Greenland white fronted geese.

Officer Response:

See section 7.53 on noise within the planning assessment.

4.34 **Road Safety/Traffic**

Concerns were raised about the safety of the A811 which is considered to be dangerous and with an increase in traffic from the proposed development and the addition of a new field access there are concerns that this will impact on road safety and traffic congestion.

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Officer Response: *West Dunbartonshire Council Roads Authority were consulted and have advised that they have no objections to the proposed development subject to conditions.*

4.35 Design

- The design and materials of the proposed buildings are not in keeping with the rural surroundings and architecture
- the size, scale and density are not appropriate
- the buildings are unsympathetically sited
- the boundaries are open and not defined
- the footprint of the proposal is too large

Officer Response: *See section 7.39 on design within the planning assessment*

4.36 Local Benefit/Employment

- There would be no local benefit.
- Any jobs created would not necessarily be for local people and would be low paid and seasonal or temporary
- The proposed manager's dwellinghouse suggests that the manager would not be local
- Services required would be out-sourced to companies outwith the local area
- The proposal would have a negative impact on residents and local businesses such as B&B's.

Officer Response: *See planning assessment –section 7.10 - for comments on the local benefit and employment.*

4.37 Drainage

The proposed drainage arrangements for the development could have potential negative impacts on the Endrick Water and its tributaries, Wards Ponds, Loch Lomond and the wildlife. Particular concern is raised regarding the drainage of the proposed swimming pools.

Officer Response: *SEPA, SNH and Scottish Water and West Dunbartonshire Council Environmental Health all have an input on drainage matters. None of these consultees have raised concerns with regard to the proposed drainage arrangements (see section 7.47 – 7.50 of the planning assessment)*

4.38 Landscape

Comments made in relation to landscape included:

- The proposed development would impact on the special landscape qualities of the National Park and would not protect them;
- The proposal is not sensitively sited in the landscape or in relation to neighbouring properties;
- The proposed houses would be seen in distant views;
- The proposal would not safeguard the tranquil qualities of the National Park;
- The landscape design is not able to mitigate the impacts on the landscape;
- The proposal will have a major negative visual impact;
- The car park would be a blot on the landscape;
- The proposal is wholly out of keeping with the local landscape character;
- The proposed development would dominate its setting;
- The proposed development would adversely impact on the National Scenic Area;

Officer Response: *See section 7.31 on landscape within the planning assessment.*

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4.39 Precedent

This development would set a precedent for other large scale developments (both tourism and housing developments) within the area and within the wider National Park.

Officer Response: *Any future development proposals would be considered on their merits; however precedent is a relevant material consideration. It is a concern that approval of the proposed development could set an undesirable precedent for large scale development tourism development within the countryside, contrary to Visitor Experience Policy 1 of the Local Development Plan. See further discussion on precedent in section 7.70 of the planning assessment.*

4.40 Future use of the proposed buildings

- The proposed buildings could be used in the future as dwellinghouses and sold as such
- The proposed manager's dwellinghouse would be used as a holiday let
- The proposed dwellinghouses would be constructed and not the venue building

Officer Response: *In accordance with Visitor Experience Policy 2 the occupancy of new holiday letting developments is typically controlled by conditions that limit the length of residency meaning that they could not be used as permanent homes. Likewise, the use of the manager's dwellinghouse as a holiday let for a large group would be considered a change of use for which further planning permission would be required. In the event that members are minded to grant permission it would be necessary to consider conditions to be applied and an agreed proposal of the phasing of development would be necessary to ensure the holiday dwellings were constructed as well as the venue.*

4.41 Protected Species

- The proposed development would adversely impact on protected species including otters, bats, migratory birds, red squirrels and pine marten
- The adverse impact on protected species would outweigh any benefits to tourism
- The landowner has already impacted on the protected species at the site due to current and past activities.

Officer Response: *See planning assessment section 7.22 – 7.30 on protected species.*

4.42 Greenland White Fronted Geese

The protection and potential impact of development on Greenland white fronted geese is a concern raised by many objectors. More specifically the Greenland White Fronted Goose Study Group from the University of Aarhus in Denmark provided the following comments:

- The world population of Greenland White-fronted Geese has decreased from more than 35,500 in 1999 to around 20,000 in 2018 and all flocks in their UK and Ireland wintering range are vulnerable to a range of adverse influences, with most declining. In the Endrick Mouth/south Loch Lomond area, the wintering flock has recently fluctuated in numbers between 200-300 birds, and constitutes just over 1% of the world population.
- Although the main regular feeding areas of the geese normally lie to the south of the application site, the Wards Pond is a regular night time roost site and lies next to the application area. The geese fly over the site to roost here, with roosting taking place on many nights.
- The proposed development is likely to produce an elevated level of disturbance, including at night, in an area close to the roost. While it is not clear exactly what level of extra lighting, activity and noise may eventually result, there is the potential for the roost site to become less suitable for the geese.

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- There is evidence that geese are flushed by fireworks. There is a risk that periodic and unpredictable strong external lighting and the activity that they illuminate could have similar impacts. Any noisy activity likely to drive the birds away should be avoided during the period when the geese are there.
- The parlous state of Greenland White-fronts across their Scottish range provides a strong imperative for determining authorities to adopt a precautionary stance in such proposals, which suggests either refusal to the most potentially damaging parts of the application, or very stringent conditions designed to eliminate them.

Officer Response: See section 7.26 of planning assessment on Greenland white fronted geese.

4.43 Fish

The Loch Lomond Fisheries Trust (LLFT) made the following comments:

- The LLFT has a particular interest in the River Endrick, given its status as a SSSI and SAC with Atlantic salmon and brook and river lampreys being the qualifying species. The Endrick also has a population of common European eels whose numbers have sharply declined across Scotland and the rest of Europe in recent years and who are now protected by law.
- LLFT has serious concerns with regards the future wellbeing of native (including designated/protected) fish populations as well as invertebrate life in the vicinity of the proposed development. In particular, LLFT is concerned about 3 aspects of the proposed development:
 1. The impact that building works will have across the proposed site. Run off from such work could potentially pollute Wards Ponds as well as the unnamed burn which runs along the western edge of the development and is itself a tributary of the Aber Burn which flows into the Endrick Water. Siltation from development works could potentially have a significant impact on invertebrates and consequently juvenile fish numbers.
 2. Pumping treated sewerage into the small unnamed burn which flows at the western boundary of the site will have a severe impact on fish and invertebrate numbers, given the subsequent increase in nitrogenous compounds in the water course. This pollution will also impact on the Aber Burn as well as the Endrick Water.
 3. The impact of the creation of a number of swimming pools and the impact of disposal of waste water from these pools which will contain chlorine compounds.

4.44 The LLFT suggest that further work is undertaken as follows:

1. Agree robust mitigations to protect all the water courses that may be impacted potentially by any development works, including the creation of appropriate SUDS as well as hard engineering to prevent run off.
2. Full surveys of the unnamed Burn located to the west of the development which forms the boundary between the Wards Estate and the RSPB reserve. Survey should also be undertaken of the Aber Burn below its confluence with this Burn as well as of the Wards Ponds themselves. To determine juvenile and adult stock densities, as well as identifying conclusively what species of fish are present in these locations with a view to establishing possible protective measures. Invertebrate survey to determine what species are present in these locations.

Officer Response: The response from consultees does not confirm the concerns expressed in relation to drainage impacts. However in the event of a permission being granted these matters would be subject to license by SEPA in consultation with SNH and a detailed construction method statement would be required.

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- 4.45 The representations made in **support** of the planning application can be summarised as follows:
- 4.46 **High Quality Development**
The development would be high quality.
- 4.47 **Expansion of an existing business**
Support for the expansion of an existing business and the aspirations of the applicant to grow the business.
- 4.48 **Local benefit**
Gartocharn village and the local area would benefit through job creation, supply chain, money spent locally and encouraging new visitors to the area.
- 4.49 **Design**
The buildings have been designed sustainably in terms of colour, scale and materials.

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. See para 7.69 of the planning assessment section of this report for further consideration of the aims.

Local Development Plan:

- 5.3 Local Development Plan (Adopted 2016)
Overarching Policy 1: Strategic Principles
Overarching Policy 2: Development Requirements
Housing Policy 2: Location and types of new housing required
Visitor Experience Policy 1: Location and Scale of New Development
Visitor Experience Policy 2: Delivering a World Class Visitor Experience
Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options
Transport Policy 3: Impact Assessment and Design Standards of New Development
Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact
Natural Environment Policy 2: European Sites- Special Areas of Conservation and Special Protection Areas
Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites
Natural Environment Policy 4: Legally Protected Species
Natural Environment Policy 5: Species and Habitats

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Natural Environment Policy 6: Enhancing Biodiversity
Natural Environment Policy 8: Development Impacts on Trees and Woodlands
Natural Environment Policy 11: Protecting the Water Environment
Natural Environment Policy 12: Surface Water and Waste Water Management
Natural Environment Policy 13: Flood Risk
Waste Management Policy 1: Waste Management Requirement for New Developments

5.4 Supplementary Planning Guidance

Design and Placemaking
Housing

5.5 Planning Guidance

Visitor Experience

Other Material Considerations:

5.6 National Park Partnership Plan (2018-2023)

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 they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

Outcome 1: Natural Capital
Conservation Priority 1.1 Habitats
Conservation Priority 1.2 Species
Outcome 2: Landscape Qualities
Conservation Priority 2.1 Landscape and Heritage
Outcome 3: Climate Change
Conservation Priority 3.1 Climate Change
Visitor Experience Priority 5.3 Active Travel
Outcome 7: Visitor Economy
Visitor Experience Priority 7.1 Growing Tourism Markets
Visitor Experience Priority 8.2 Public Transport
Visitor Experience Priority 9.1 Health Improvement
Outcome 8: Visitor Management
Outcome 10: Placemaking
Rural Development Priority 10.3 Improved Resilience
Outcome 11: Sustainable Growth
Rural Development Priority 11.1 Low Carbon Economy
Rural Development Priority 11.2 Rural Diversification
Outcome 12: Sustainable Population

5.7 Scottish Planning Policy (2014)

- Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such

- International Designations- Natura 2000 Sites

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207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

- National Designations

212. Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

- Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.

6 SUMMARY OF SUPPORTING INFORMATION

6.1 The following information was submitted in support of the planning application:

- Supporting Planning Statement by MH Planning Associates
- Design Statement by Organic Architects
- Noise Impact Assessment by CSP Acoustics dated March 2018
- Drainage Report by JIG Limited dated September 2018
- Flood Risk Assessment by Kaya Consulting Ltd dated July 2009
- Habitat Survey by Wild Surveys dated March 2016
- Business Plan by SAC Consulting dated November 2017
- Otter Survey by IMT Ecological Consultancy dated January 2017
- Red Squirrel Report by IMT Ecological Consultancy dated March 2017
- Landscape Appraisal by TGP Landscape Architects dated February 2019
- Ornithology Report (Greenland white fronted geese) by IMT Ecological Consultancy dated October 2016 to April 2018
- Energy Statement dated April 2019
- Travel Action Plan dated April 2019

7 PLANNING ASSESSMENT

7.1 The key issues for consideration are whether the principle and details of the proposal accord with the broad strategy and relevant policies of the local development plan, notably the strategic overarching policy, the overarching policy outlining development requirements, housing policy, visitor experience policy and the natural environment policies including in relation to the likely impact on protected sites, protected species, landscape character, trees and woodland, the water environment, design, noise and residential amenity and traffic. These issues are considered in turn.

7.2 **Principle of Development**

Venue Building and 2 Dwellinghouses for Visitor Accommodation

The main local development plan policy against which this proposal requires to be assessed is Visitor Experience Policy 1: Location and Scale of new development. This policy directs most new tourism development to the towns and villages and distinguishes between small, and medium to larger scale tourism development. Further guidance is provided within the Visitor Experience Planning Guidance which explains that small scale self-catering accommodation proposals are assessed on the number and size of units, with an example of small scale given as “two or three units, however for each case an assessment of the building footprint, massing, height and number of bed spaces will be undertaken”.

- 7.3 The supporting planning statement submitted with the application contends that the proposed development is small scale. Given the footprints of the two proposed dwellinghouses and swimming pool/leisure buildings, the massing of these buildings and the number of bed spaces; combined with the infrastructure required - such as the access road and engineering works required (to provide level platforms for development) - and the inclusion of the proposed wedding venue building and associated car park, the proposed development cannot be considered small scale and is regarded as medium to large scale development within the countryside.
- 7.4 The business plan submitted in support of the application explains that the proposed venue building would enable the current accommodation and venue building (High Wards House) to be used solely for guest accommodation and also to relocate those weddings currently held in marquees to the proposed venue building. The continued use of this large house as part of the business (which sleeps 22 people) is factored into the assessment that the proposal cannot be considered to be small scale.
- 7.5 The supporting planning statement also refers to the proposed development as being an improvement and expansion of an established tourism business. Visitor Experience Policy 1 only expresses support for small scale development that involves the improvement or expansion of an existing tourism business or visitor facility. In this case as the proposed development is not small scale, the policy support for the improvement or expansion of an existing business does not apply.
- 7.6 Under the terms of Visitor Experience Policy 1, proposals for medium to larger scale tourism development within the countryside will generally be resisted unless there is demonstrable evidence of strong market demand for the development that is currently not being met, and the benefits that development would bring to the local economy and/or the local community.
- 7.7 The business plan, already referenced above, outlines that there is increasing demand for accommodation, with occupancy rates at Wards Estate currently around 80% which is above the Scottish average for self-catering accommodation. The business plan explains that the existing venue had 16 weddings booked in 2017 with a number turned away due to clashes and accommodation not being available, with a similar trend in 2018. The majority of 2018 weekends and school holidays in 2018 were booked by the end of summer 2017. There has also been an increase in corporate bookings and a growing demand for high quality group and event accommodation, particularly weddings, corporate conferences and birthday parties. The proposed venue building is reported to be in response to guest demand for private celebrations and catering. It is stated that an increasing number of booking enquiries have had to be turned away.
- 7.8 Apart from the above mentioned statements on the demand for the proposed development, demonstrable evidence has not been provided of strong market demand for the

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development. Generic figures for tourism trends in Scotland have been provided, but no statistics or detailed information has been provided which specifically relates to Wards Estate's contribution in that context.

- 7.9 The business plan also states that a number of jobs would be provided including a chef, groundsman, housekeeping staff and a business manager. The business plan details that the development would create a minimum of 6 full-time equivalent positions as well as several part-time jobs and extra staff during the busy holiday period and for events.
- 7.10 Although it is recognised that the proposed development may provide jobs, this would be a relatively small number. Similarly, although it has been stated that there would be wider benefits to the local economy through the use of local products, services and visitor spend in the area, there is no guarantee that these stated benefits would materialise as a result of the proposed development. The circumstances of this proposed development are not such that it is a diversification necessary to support an established rural business which is of wider benefit to the local economy, rather it is a proposal for the further expansion of an already successful business. It is concluded that the information provided does not demonstrate that there would be a benefit to the local economy and/or local community sufficient to justify a medium to large scale development within the countryside.
- 7.11 Managers Dwellinghouse -Business Manager
Under the terms of Housing Policy 2 of the Local Development Plan, new housing in the countryside is generally to be resisted unless it is demonstrated as necessary to support the sustainable management of an established rural business.
- 7.12 The business plan submitted with the planning application states that the proposed managers dwellinghouse would “*allow the owners to employ someone to assist with the business and share the burden of 24/7 on-site guest service*”. The business plan explains that it is important that the business manager is located on-site to be able to share management duties currently undertaken by the owners and to respond to issues and requests from guests which occur at all hours of the day. Although the employment of a business manager is recognised as potentially necessary for the proposed business expansion, it has not been demonstrated that it would be absolutely necessary for the business manager to live on site. This is not an isolated location and the business managers role has been described as “assisting” and “sharing the burden” of the current owners/manager’s. It would therefore be possible that a business manager living within a reasonable distance of the application site would be able to respond to queries from guests when the existing managers are not available. This scenario has not been fully explored in the applicant’s submission to justify a manager’s house.
- 7.13 Whilst the proposed manager’s dwellinghouse has been described in the application as required for “a manager”, the proposed manager’s dwellinghouse is a very large 2.5 storey 7 bedroom dwellinghouse with a detached 4 car garage with office and playroom above. Supplementary Guidance on Housing explains that the size of such a house should be commensurate in terms of scale, size and design with the type of business being operated. It is accepted that any manager employed may have a family; however the proposed manager’s dwellinghouse is excessively and unjustifiably large.
- 7.14 In verbal discussions with the owner and applicant the Planning Authority was advised that the proposed manager’s dwellinghouse was in fact for the owners and the owner’s current accommodation at Wards Cottage would be rented out to the proposed business manager (Wards Cottage is already a substantial 5 bed property). Despite a request for written clarification of this element of the proposed development, no such explanation has been received.

7.15 The proposed manager's dwellinghouse is considered to be disproportionate to what might reasonably be required to support the business and it has not been adequately demonstrated that it is absolutely necessary to employ a further business manager and that this person would require to live on site. If it had been adequately demonstrated that a business manager was required, a reasonably sized dwellinghouse could be considered to be required for a manager, however this is not what has been proposed. There is a clear mismatch between the dwellinghouse proposed and the purpose it presents itself as serving.

The application site is immediately south of the Loch Lomond Special Protection Area (SPA) classified for its over-wintering (non-breeding) population of Greenland white fronted geese and breeding population of capercaillie. It should, however, be noted that Scottish Natural Heritage has advised that there is not a viable population of capercaillie in south Loch Lomond. Capercaillie historically bred on the four Luss islands and were not known to use the mainland section of the SPA. The SPA is underpinned by the “Endrick Mouth and Islands” Site of Special Scientific Interest (SSSI) which is notified, for over-wintering Greenland white fronted geese and greylag geese. The SPA is also a “Ramsar” site, a National Nature Reserve (NNR) and RSPB reserve due to the importance of the habitat for foraging and roosting geese. The Endrick Water SSSI meets the “Endrick Mouth and Islands” SSSI around 1.5 km east of Loch Lomond. The Endrick Water SSSI and Endrick Water Special Area of Conservation (SAC) include qualifying interests of river lamprey, brook lamprey and Atlantic salmon.



23

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the proposed development. These assessments are available as part of the planning application file.

- 7.19 Natural Environment Policy 3 states that development that affects an SSSI, National Nature Reserve or Ramsar site will only be permitted where it is demonstrated that:
- (a) There is an overall enhancement of the site for the reasons it was designated, or
 - (b) There is no adverse effect on the site that would compromise the objectives and overall integrity of the designated area; or
 - (c) Any adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

- 7.20 SNH have advised that the objectives of the Ramsar site, Site of Special Scientific Interest and National Nature Reserve and the overall integrity of the area will not be compromised.

- 7.21 The proposed development would therefore comply with part (b) of Natural Environment Policy 3, however it cannot be said to comply with parts (a) or (c).

7.22 **Protected Species**

The habitat survey undertaken was supplemented by an otter survey, red squirrel survey and ornithology report. No signs of bats, reptiles, pine marten, water vole or badger were observed during the course of the habitat survey. The pond area was assessed as being of below average suitability for great crested newt.

7.23 **Red Squirrels**

There was no evidence found of red squirrels in the survey work undertaken; however there have been sightings of red squirrel close to Wards Estate. Further survey work would be required prior to any development taking place to ensure there was no impact on red squirrels in accordance with Natural Environment Policy 4.

7.24 **Otters**

Evidence of otters was found on the site, including spraints and a possible otter holt with several disused entrances very close to the proposed location of the access road. Further survey work for otters would be required prior to any development of the site.

7.25 **Fish**

The Endrick Water Special Area of Conservation (SAC) is designated for Atlantic salmon, brook lamprey and river lamprey. The notified features of the Endrick Water SSSI include brook and river lamprey. It is therefore important that water quality would not be impacted by the proposed development in accordance with Natural Environment Policy 11. Loch Lomond Fisheries Trust raised concerns on the potential impacts on the Endrick Water in their letter of objection which is summarised in section 4.43 of this report, however any risk to impact on water quality would be fully assessed through the SEPA licensing process in consultation with SNH and controlled through the submission of a construction method statement. It is therefore considered that the water quality could be safeguarded and the Endrick Water and its designated features would not be adversely impacted.

7.26 **Greenland white fronted geese**

Greenland white fronted geese are a qualifying interest of the Loch Lomond Special Protection Area (SPA), a qualifying species of the Loch Lomond Ramsar site and a notified feature of the Endrick Mouth and Islands SSSI. Two years of ornithological surveys were completed through the course of the application and concluded that there were no Greenland white fronted geese feeding in the fields proposed for development. The geese do, however, feed at Wards Pond and at the edges of this area and fly over the area proposed for development. Greenland white-fronted geese are particularly susceptible to disturbance and require large open areas with clear sight lines for foraging and roosting.

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- 7.27 Many contributors have raised concerns with regard to the impact of the development proposals on Greenland white-fronted geese. Specifically, letters of objection were received from RSPB and the Greenland White-fronted Goose Study Group from the University of Aarhus in Denmark. Representations have been submitted specifically in relation to the potential effect of development on flight paths. Concerns were also raised about the potential impact on Greenland white-fronted geese in terms of an increased level of disturbance, including at night, in an area close to the roost (Wards Pond). Lighting, activity and noise at the application site are considered to provide potential for the roost site to become less suitable for the geese.
- 7.28 The Greenland White-fronted Goose Study Group commented that it is hard to predict exactly how geese may react to such changes, as there is little conclusive evidence; however they are concerned about the potential impacts on the geese. RSPB advised that there is a high degree of uncertainty about the potential disturbance effect on Greenland white-fronted geese and advised that the development has the potential to disturb the geese and displace them from favoured roosting areas and potential foraging areas, which could result in an adverse impact on the integrity of the SPA.
- 7.29 SNH do not object to the proposed development and have stated that if the proposal were implemented in accordance with the application it would not adversely affect the integrity of the site. With regard to flight lines of the geese, SNH advise that there is no evidence that disturbance below flightlines of Greenland white fronted geese would result in this species moving to another roosting/feeding area.
- 7.30 Should Members be minded to grant planning permission, appropriate conditions would be required relating to outdoor events, fireworks and noise levels to ensure that there is not an adverse impact on the geese.
- 7.31 **Landscape**
The landscape character type of the application site is lowland loch basin which is characterised by wetland, improved grazing and arable fields and floodplain pastures. The identified special landscape qualities of the application site are 'tranquillity and easily accessible landscape splendour'. The National Park Partnership Plan identifies the A811 as one of the main travel corridors of the National Park where people experience the landscape. Tranquillity is defined as uncrowded places where there is a predominance of natural sounds and sights enhanced by the small scale of human settlement within expansive landforms and the general absence of large-scale development.
- 7.32 The special landscape qualities and landscape character types require to be conserved and enhanced by the policies of the Local Development Plan, the National Park Partnership Plan and Scottish Planning Policy.
- 7.33 A Landscape Appraisal was submitted in support of the planning application, including photomontages from selected viewpoints. This appraisal concludes that there would be moderate effects on the landscape character type at a local level and from the surrounding landscape there would be no notable effects. It is stated that no notable effects would be experienced by any local visual receptors.
- 7.34 Whilst it is considered that there is landscape capacity to develop the Wards estate with a proposal of this nature, the scale and extent and lack of sensitive design of the development exceeds the site's landscape capacity. Due to the size and extent of the development there are likely to be more significant adverse landscape and visual impacts than assessed in the submitted Landscape Appraisal due to the magnitude of change and significance of the loss and erosion of local landscape character, visual amenity, wider

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landscape experience and residential amenity.

- 7.35 The proposed venue building, although large, would be in a relatively discrete location within the site. However the potential loss (through construction work) of the woodland shelter belt adjacent to the proposed access road would compromise the screening that this currently provides. The landscaping plans provided show an area of sitka spruce to be removed to the north of the application site. The area proposed for felling is not immediately required for the proposed development, however its removal may have the effect of making the range of existing and proposed buildings more prominent in the landscape.
- 7.36 The proposed dwellinghouses (for guest accommodation) which would be on large engineered flat platforms, would be set within open pastureland on the higher ground which provides open views of Loch Lomond. The size and scale of these buildings, along with the associated detached swimming pool/leisure buildings and the substantial level surface proposed for their construction would result in the introduction of large man-made elements within the landscape setting.
- 7.37 Plans have been submitted detailing proposed landscaping for the venue building and the proposed dwellinghouses for visitor accommodation. Areas of woodland mix planting are indicated to screen views of the proposed development. The mitigation as proposed in the Landscape Appraisal would in itself result in a negative change to the local landscape character by fragmenting the gentle rolling pasture and impacting upon on visual amenity.

7.38



Figure 5: The aerial view above shows the gentle rolling pastures characteristic of the lowland loch basin.

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7.39 **Design and Materials**

The proposed venue building is described by the applicant to have been designed to have the appearance of a group of farm buildings, with the use of timber style cladding and metal roofs to reflect barns and farm steadings in the area. The materials proposed for the venue building include natural stone panels and vertical fibre cement cladding (colour "light oak") with dark grey aluminium windows and a roof of slate and profiled metal sheeting. As described in section 3.13, this is a very sizable building with significant associated ground engineering to enable it to be sited on a level platform. However its proposed location is currently screened from public views by established tree planting which provides a relatively discrete location within the landscape.

7.40



Figure 6: Proposed venue building elevations

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7.41



Figure 7: Photomontage of one proposed dwellinghouse for visitor accommodation (note that the proposed engineered platform is not shown and neither is the swimming pool building - but the image represents the scale and dominance within open pastureland).

- 7.42 The two proposed dwellinghouses for guest accommodation are described in the applicant's supporting submissions as having been 'designed based upon a traditional Scottish longhouse with a massing based on a traditional farm steading with a courtyard'. The form of the dwellinghouses proposed is a "U" shaped courtyard, however due to the applicant's overriding aspiration to maintain a single ground floor level throughout, the engineered platforms upon which they are to sit are very substantial. The sectional drawings at Figure 8 below illustrate the proposed changes in ground profile – with (for the northernmost of the proposed two guest dwellings) a cut of the order of 3 metres to the rear of the swimming pool building and a similar height of fill with graded embankment to the front.
- 7.43 The ancillary swimming pool/leisure buildings would have a simple rectangular form but are in themselves sizeable structures - each measuring 28metres x 9.5m in plan. These buildings are proposed to be finished in grey fibre cement cladding and natural stone panels with a fibre cement slate roof and dark grey aluminium windows and doors.

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7.44

Development 1 @ 1:500



Figure 8: Plans and elevations of proposed dwellinghouse

7.45 It is concluded that the proposals in this regard would fail to conserve and enhance the quality of the Park's landscape by virtue of the excessive scale of the proposed guest houses and swimming pool buildings. In particular, the ground engineering necessary to accommodate the very substantial footprint of the buildings and associated car parking. In this regard the proposal will fail to nurture the character and local distinctiveness of this part of the National park which comprises a predominantly farmed landscape of distinctive

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and intimate character. The guest dwellings as proposed would be out of harmony with, and thereby intrusive to, the agricultural landscape and established local buildings at this location.

- 7.46 The proposed manager's dwellinghouse would be sited within an existing wooded enclosure, and would therefore be in a fairly discrete location within the site and within the landscape. It would be finished in a mix of stone facing and render with a slate roof. However, as described earlier in this report, it would be a very sizeable 2.5 storey dwellinghouse with a large detached garage with office and playroom above. The separate policy considerations of the dwelling as proposed have already been separately discussed at paras 7.11 – 7.15.

7.47 **Drainage and Water Supply**

The proposed foul drainage arrangement comprises a new communal sewage treatment plant capable of treating the foul drainage from the proposed venue building and proposed dwellinghouses to an unnamed tributary of the Endrick Water adjacent to Wards Cottage. The proposed manager's dwellinghouse would have a separate sewage treatment plant (septic tank) which would discharge to an unnamed tributary of the Endrick Water. SEPA have advised that the proposed foul drainage strategy is acceptable.

- 7.48 Many of those who made representations objecting to the proposed development raised concerns about the drainage of the proposed swimming pools. Information was provided which explained that the filter backwash water from the proposed swimming pools would be directed to soakaways. In the event this is not possible a discharge in accordance with SEPA's requirements may need to be made to a watercourse, or watercourses. If the swimming pools required to be fully emptied they would be de-chlorinated. SEPA have confirmed that they are content with the proposed drainage arrangements for the swimming pools.

- 7.49 Surface water drainage would be to a Sustainable Urban Drainage System (attenuation tank and discharge to water course). Whilst SEPA are content with the drainage arrangements including SUDS provision, the National Park Design and Placemaking Supplementary Guidance advises that solutions should be sustainable and "green" not "grey" utilising the existing site features and integrating with existing habitat networks where possible. In addition both Overarching Policy 2 and Natural Environment Policy 11 of the Local Development Plan require development proposals to protect and/or enhance the water environment and sites and species designated at any level. The water environment would be protected in accordance with Overarching Policy 2, however the proposed drainage proposals could not be said to enhance the water environment. The application site provides the opportunity and space for a "green" solution however this has not been addressed by the proposal submitted.

- 7.50 Scottish Water has confirmed that the proposed development could be fed from Finlas Water Treatment Works but are unable to confirm capacity at this stage. A public water supply to the development would accord with Natural Environment Policy 12.

7.51 **Noise and Residential Amenity**

A noise impact assessment has been submitted in support of the application. This assessment concludes that music noise levels due to the operation of the proposed venue are unlikely to exceed the nuisance trigger level (set at 35dBA). The noise impact assessment submitted only takes account of music noise from the proposed venue building and not from any other noise source including the combined noise from the existing venue building (High Wards House- proposed to be used entirely as visitor accommodation once a new venue building is established), nor the two proposed dwellinghouses for guest

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accommodation plus the detached swimming pool buildings. The noise impact assessment is also based on a number of assumptions including doors of the venue building being closed and the venue building meeting a certain sound insulation standard.

- 7.52 West Dunbartonshire Council Environmental Health, having assessed the applicant's submission, advised that an updated noise impact assessment requires to be submitted prior to determination of the application taking account of all noise sources within the development. This was requested from the applicant in February 2019 but has to date not been submitted.
- 7.53 West Dunbartonshire Council Environmental Health have advised that they have received complaints regarding the level of noise from the current wedding venue at High Wards and a considerable number of the representations made objecting to the proposal refer to excessive noise from the existing venue causing disturbance. This is a concern not just for human health and residential amenity but also in terms of the potential disturbance to wildlife, specifically Greenland white fronted geese.
- 7.54 Given that the existing venue building at High Wards House is generating complaints with regard to excessive noise and the proposed venue building would have a capacity for larger functions with a greater number of guests, in a location that is closer to nearby residential properties (plus the additional noise that could be generated from other noise sources on the estate) there is a likelihood that the proposed development would conflict with nearby land uses and would result in adverse impacts on amenity in terms of noise. Without an update noise impact assessment it cannot be concluded that the proposed development would accord with Overarching Policy 2 of the Local Development Plan in terms of the requirement to avoid any significant adverse impacts of noise.
- 7.55 With regard to the potential noise impacts on Greenland white fronted geese, SNH have advised that noise from the development as proposed will not disturb the geese and will not prevent them from roosting on Ward's pond.
- 7.56 **Transport, Parking and Access**
Wards Estate has an existing access road from the A811 which leads north through the estate and down to High Wards house. A new section of internal access road is proposed leading from the existing access road and travelling east through the site. The proposed single track access with passing places would be constructed through a relatively narrow gap between the two existing ponds and would necessitate the removal of trees in this area. Despite a request to the applicant a tree survey has not been provided and therefore it is not possible to determine the extent of tree removal required for the formation of the proposed access road.
- 7.57 The proposed access road would provide access to the proposed venue building which would have a car park with parking for 30 vehicles plus 3 staff parking spaces. The access road would then travel further east providing access to the 2 proposed dwellinghouses for self-catering guest accommodation. Each of these houses would have 9 parking spaces (6 at the proposed dwellinghouses and 3 at the proposed detached swimming pool/leisure buildings).
- 7.58 A field access from the A811 is also proposed at the north eastern corner of the estate close to the boundary with Wardshill. This proposed field access is indicated to be for land management purposes and two existing field accesses from the A811 (south of the property at Laigh Raws) would be removed. The applicant has advised that the field access would be used by a sheep farmer who uses the field for sheep grazing.
- 7.59 West Dunbartonshire Council Roads have advised that they have no objections to the

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proposed development subject to conditions. The proposal would therefore comply with Transport Policy 3 in terms of being serviced by roads infrastructure to the specification of the Roads and Transportation Authority, however the proposed new internal access road could not be said to be sensitive to the special qualities of the Park, given the potential tree removal and ground disturbance which would result from the construction of the road.

7.60 **Active Travel**

Overarching Policies 1 and 2 and Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options of the Local Development Plan require all development proposals to make a positive contribution towards encouraging safe, sustainable travel and improving active travel options. A Travel Action Plan was submitted in support of the planning application which outlines that a Travel Plan Co-ordinator or Champion will be identified by Wards Estate, who will be responsible for implementing the measures identified in the Travel Action Plan. These include creating a travel information resource for staff; publishing travel information on a website; staff drop-off and pickup using a mini-bus; providing bus passes to staff; cycle stands; showers and lockers for staff and electric vehicle charging points.

7.61 The application site is in a location where reliance on a vehicle to access the site would be high. It would not be possible to travel to the venue using public transport and the application site is not within a safe walking distance of a town or village. Although a Travel Action Plan has been submitted which identifies measures which could be implemented, this was only submitted latterly, in response to a request by the Planning Authority and as such the development proposal has not been designed with safe, sustainable and active travel in mind. The Travel Action Plan submitted focuses on travel options for staff, when proposed staff levels are actually low and it would be guests and those visiting the proposed venue for an event or function that would be limited as to active travel options.

7.62 The Travel Action Plan states that a footpath network is proposed as part of the proposal and refers to the delivery of on-site pedestrian improvements however none of this has been shown on the submitted plans. The proposed development does not address wider cycling and walking links to the site and therefore could not be said to adequately address sustainable travel and active travel options as required by the local development plan policies.

7.63 **Climate Friendly Design**

Overarching Policy 2 of the Local Development Plan requires that development proposals demonstrate how proposed buildings will meet a reduction in greenhouse gas emissions through minimising overall energy requirements through conservation measures and incorporating on-site low and zero carbon generating technologies to meet 10% of the overall energy requirements of the building - rising to 20% by December 2021. The Design and Placemaking Supplementary Planning Guidance requires that an energy statement is submitted detailing how this requirement of Overarching Policy 2 has been met.

7.64 Following a request to the applicant, an energy statement was submitted in support of the planning application. The energy statement explains that:

- External materials have been selected to minimise overall energy requirements;
- Facing materials proposed are high quality, contemporary, and long lasting;
- Roofs have been designed to allow solar panels to be installed;
- Buildings will be built to be airtight with a minimum of 200mm of insulation in all external surfaces, and internally and externally foil-wrapped;
- Each building will have either an air source heat pump or ground source supplying heating and hot water, and a heat exchange air-handling unit controlling airflow around the buildings.

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- 7.65 The supporting information submitted does not explain how the siting, orientation or layout of the proposed buildings have been influenced by energy conservation objectives and the information provided does not include details of how the proposed technologies would meet 10% of the overall energy requirement of the buildings. The proposal cannot therefore be said to comply with the requirement of Overarching Policy 2 of the Local Development Plan.

7.66 **Trees and Woodland**

The application site contains a number of areas of woodland, including native woodland on the Ancient Woodland Inventory and a shelter belt which is predominantly non-native conifers. Existing trees and those to be removed have not been clearly shown on the submitted plans therefore it has not been possible to assess the impact of the proposed development on the trees and woodland at the application site.

- 7.67 Although no tree survey was submitted in support of the planning application it is evident that tree removal would be required to facilitate the development, particularly in the area where the proposed access road would be constructed. The construction of the proposed access road may affect the shelter belt trees adjacent to it and the native woodland below the dam and pond as the construction may introduce instability in the trees due to root damage.

- 7.68 The landscaping plans provided show an area of sitka spruce to be removed to the north of the application site and two proposed areas of woodland mix planting, one to the north and one to the south of the application site. Whilst the provision of woodland planting accords with the requirements of Natural Environment Policy 8, the balance between tree removal required for the proposed development and tree planting cannot be fully assessed at this time based on the level of information provided.

7.69 **National Park Aims**

It is considered that the proposal does not collectively meet the National Park's four statutory aims (as set out in para 5.1 of this report). While those attending a wedding function or corporate event at Wards would benefit from the enjoyment of the special qualities of the area, it is considered that the proposal would largely be at odds with the third aim as the introduction of the proposed scale and character of development at this location would adversely affect the experience of the special qualities of the National Park and National Scenic Area, in particular tranquillity. The proposal does not meet the first aim as the scale of development would neither conserve nor enhance the natural and cultural heritage of the area. In particular, it is considered that the significant ground engineering as proposed to site the sizeable guest accommodation units and swimming pool buildings would erode the local landscape character. With regard to the fourth aim, it is recognised that the proposed development would promote the economic development of the wedding venue, however there is limited, genuine economic or social benefit for the local community demonstrated.

7.70 **Precedent**

If the proposal were to be approved, that decision could be cited by others as setting a precedent for the acceptance of proposals which are contrary to the policies of the local development plan, without demonstrating convincing and overriding reasons for making an exception to policy, specifically medium to large scale tourism development within the countryside. Many developments involve social and economic benefit but there is a need to balance these against the full range of relevant planning policy.

8 CONCLUSION

- 8.1 Planning applications require to be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. This proposal does not comply with the relevant policies of the Local Development Plan, and there are no material planning considerations which would justify a departure from the Plan.
- 8.2 The Local Development Plan policies and development strategy aims to focus new tourism development in towns and villages – primarily through the allocation of sites - but allow for small scale tourism proposals in the countryside and the small scale expansion of existing tourism businesses. Proposals for medium to larger scale tourism development within the countryside are generally resisted unless there is demonstrable evidence of strong market demand for the development that is currently not being met, and the benefits that development would bring to the local economy and/or the local community. The proposed development would be medium to large scale development within the countryside and it has not been demonstrated through the business plan and other supporting information submitted that the proposed development would bring benefits to the local economy and/or the local community. The proposed development therefore cannot be supported as it does not accord with Visitor Experience Policy 1 of the Local Development Plan.
- 8.3 The Visitor Experience Policies as set out in the Local Development Plan, and associated Planning Guidance, provides for areas within the National Park where larger scale development can be supported. This is not such a location. It is a more sensitive location – particularly given its proximity to a comprehensive range of sites designated for their natural heritage and landscape significance. Sufficient justification has not been provided to enable an exception to these policies to be supported in this location. The proposed development would not integrate well with its surroundings.
- 8.4 Housing Policy 2 of the Local Development Plan provides support for housing in the countryside when demonstrated as necessary to support the sustainable management of an established rural business. In this case the proposed manager's dwellinghouse has not been demonstrated as necessary and the proposed dwellinghouse is of a size and scale which is not commensurate with the type of business being operated. The proposed manager's dwellinghouse cannot be supported by Housing Policy 2 of the Local Development Plan.
- 8.5 Approving the application contrary to these conclusions would set an undesirable precedent for larger scale developments within the National Park that do not comply with Local Plan policy; making it difficult to resist further proposals for development.
- 8.6 It is therefore recommended that Members:
REFUSE the application for the reasons contained in Appendix 1.
- 8.7 Advice for Members
If members are minded to approve this application contrary to the recommendation then it is advised that the decision on the application be deferred to agree the following matters:
- A schedule of planning conditions
 - The phasing of development
 - Outstanding information relating to required tree removal

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9 **BACKGROUND DOCUMENTS**

- 9.1 For background information, Members should go to the website –
<https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>
then enter the search criteria as “2016/0126/DET”.

10 **LIST OF APPENDICES**

10.1 **Appendix 1 Reasons for Refusal**

Appendix 1 Reasons for Refusal

The proposal would be contrary to Overarching Policy 1, Overarching Policy 2, Visitor Experience Policy 1, Housing Policy 2, Transport Policy 2, Transport Policy 3, Natural Environment Policy 1 and Natural Environment Policy 3 parts (a) and (c) and Natural Environment Policy 9 of the Local Development Plan – together with the associated Supplementary and Planning Guidance. The proposal fails to have due regard to Scottish Planning Policy (2014) Rural Development Delivery Sections 76 and 77. Furthermore the proposal fails to achieve the National Park Aims and would not accord with the National Park Partnership Plan, specifically Outcome 2, Conservation Priority 2.1 and Outcome 8 : all for the following reasons :

1. The proposal does not accord with Visitor Experience Policy 1 of the Local Development Plan as it is medium to large scale development within the countryside and it has not been adequately demonstrated that there is strong demand for the development that is not currently being met and the development would not bring benefits to the local economy and/or the local community sufficient to justify a departure from policy.
2. Overarching Policy 1 of the Local Development Plan requires that all development should contribute to the National Park being a successful, sustainable place by contributing to the collective achievement of the 4 aims of the National Parks (Scotland) Act. The proposed development would not promote the sustainable use of the natural resources of the area and would impact negatively on the special landscape qualities of the National Scenic Area.
3. The proposal - in particular the guest dwellinghouses - would appear overlarge and incongruous in the landscape context and setting. The scale and extent of the proposed development would result in an erosion of the local landscape character and would impact on the special landscape qualities of the National Park, notably tranquility.
4. The stated requirement for the proposed manager's dwellinghouse has not been justified and the proposed house is excessively large and would not be commensurate with the proposed use. This aspect of the proposal is therefore not in accordance with Housing Policy 2 of the Local Development Plan.
5. The proposed development has not adequately addressed the requirements of sustainable and active travel and would mainly be reliant on access by vehicle. The proposal would therefore not contribute to the National Park being a more connected place.
6. The proposal does not incorporate appropriate measures to protect existing trees and other landscape features and sufficient information has not been provided on trees to be retained, trees to be removed and protected as part of the development so that the development impacts on trees and woodland cannot be properly assessed at this time.
7. The lack of a conclusive noise impact assessment means that the potential for noise impacts from the proposed development has not been addressed and adverse impacts on residential amenity cannot be properly assessed at this time.