

**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 23<sup>rd</sup> November 2020**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development and Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2020/0055/DET</b>
<b>APPLICANT:</b>	<b>The Hunter Foundation</b>
<b>LOCATION:</b>	<b>Land Adjacent To Ross Priory, Gartocharn, West Dunbartonshire, G83 8NL</b>
<b>PROPOSAL:</b>	<b>Erection of training centre (use Class 8) comprising leadership centre and 4 no. visitor accommodation buildings with associated parking and landscaping</b>

<b>NATIONAL PARK WARD:</b>	Ward 4 South East Loch Lomond
<b>COMMUNITY COUNCIL AREA:</b>	Kilmarnock
<b>CASE OFFICER:</b>	Name: Caroline Strugnell Tel: 01389 722148 E-mail: caroline.strugnell@lochlomond-trossachs.org

**1. SUMMARY AND REASON FOR PRESENTATION**

- 1.1. A planning application has been submitted for the erection of a training centre (use Class 8) comprising a conference centre with auditorium and four accommodation buildings with associated parking and landscaping on land adjacent to Ross Priory, Gartocharn.
- 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 because:
  - The development, in the opinion of the Appointed Officer, has been the subject of a significant level of valid objection; and
  - The Community Council has formally objected on valid planning grounds and the recommendation is to approve.

**2. RECOMMENDATION**

- 2.1. That Members:

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| <ol style="list-style-type: none"><li>1. <b>APPROVE</b> the application subject to the imposition of the conditions set out in <b>Appendix 1</b> of the report and the completion of a S75 Legal Agreement addressing the Heads of Terms summarised at <b>Appendix 2.</b></li></ol> |
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### 3. **BACKGROUND**

- 3.1. This application is for the construction of a Leadership Centre, comprising a conference building with auditorium and four adjacent accommodation buildings, in the grounds of Ross Priory on the southern banks of Loch Lomond. The Category A listed Ross Priory and the Designed Landscape in which the application site is located is owned by the University of Strathclyde and is used by the University and its Private Members for events and conferencing and leisure. The applicant is The Hunter Foundation (hereafter referred to as THF). THF is a *“proactive venture philanthropy that seeks to invest in determining model solutions, in partnership with others, to troubling systemic issues relating to poverty eradication and educational enablement.”*<sup>1</sup> The following paragraphs are paraphrased from the submitted Design Statement and application supporting information.
- 3.2. THF’s vision is *“...to create an iconic, world class leadership centre where, no less, the future of Scotland can be debated, discussed and ultimately decided on the banks of Loch Lomond. By combining the stunning architecture and facilities of the gothic Ross Priory with a contemporary, future proofed conference centre we preserve and enhance the old and build upon the new for Scotland’s future.”* The Hunter Global Leadership Centre (HGLC), as it would be known, would be *“a gift to the nation, with University of Strathclyde as its custodian, where advanced leadership development, funded philanthropically, will be offered in education, public and third sector development, entrepreneurship and young people impacting positively across all of Scotland”*. It would be a *“globally significant facility where world class speakers ... would visit and work with leaders from across Scotland both young and old. The focus is not on profitability ... but delivering leadership across Scotland to support the future of the nation.”*
- 3.3. The HGLC would host leadership retreats and a range of residential leadership development programmes run by the THF and their partners in support of the future development of Scotland. These leadership developments include Head Teacher Leadership Academies, Initial Teacher Leadership, Entrepreneurial and Scale-up Business Leadership and Integrated Public Sector Leadership Support. The aim is to develop a world class and world renowned centre of excellence in leadership development.
- 3.4. The Hunter Foundation, in partnership with the University of Strathclyde, have recognised that Scotland, and indeed the UK, lacks a global centre for leadership development. THF has spent two years seeking an appropriate location or facilities (existing or new) to anchor its leadership development programmes but has found no facilities within Scotland with the consistent capacity and quality of locale that THF needs. The quality of the location of the HGLC is fundamentally important in achieving THF’s vision. The founder of Columba 1400, which runs a core Head Teacher Leadership Academy for THF on the Isle of Skye (and until very recently had a key involvement at Ardoch Foundation; a venue very close by in Gartocharn), explains; “A

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<sup>1</sup> <https://www.thehunterfoundation.co.uk/who-we-are/>

*remote location and quiet environment in beautiful surroundings is absolutely essential to the successful delivery and impact of all our Leadership Academies. ... the location and environment enable opportunities to be quietly considered and decisions, some life long, to be made and genuine progress in life and work to be realised. Our impact research over these past 20 years and more would indicate this to be regularly and emphatically the case, time and time again...*". THF has chosen to locate the HGLC on the southern banks of Loch Lomond at Ross Priory; one of Scotland's best vistas.

- 3.5. The main building would be no ordinary building, the applicant stating it would be a world-class architectural icon befitting Loch Lomond's outstanding scenic beauty. The intention is to inspire all who attend the HGLC. The HGLC would be primarily used by THF for c.211 full capacity days/nights by groups of between 20-24 plus leadership staff who would stay at the HGLC for 3 to 4 nights generally during week days. The remaining capacity would be utilised by Ross Priory, allowing it to expand its visitor accommodation offer and wedding and conferencing facilities which are not restricted to University membership. The main building would have capacity for larger events (circa 100 people) which would be held by THF on an occasional basis (e.g. THF's own bi-annual meetings and annual Global Leadership Event) and occasionally by Ross Priory to host larger conferences and weddings. Ross Priory itself would benefit from increased occupancy as a result of HGLC activities.
- 3.6. The HGLC would represent an investment of upwards of £10m by THF in the future of Scotland and in the future of Strathclyde University at Ross Priory, who would be gifted the HGLC as its custodian. The University has written a letter in support of the application explaining that the collaboration between THF and the School of Education in the Faculty of Humanities and Social Sciences will be transformational. As well as creating a more financially sustainable underpinning for Ross Priory the HGLC would help to support the development of Ross Priory's future as a regional asset and importantly, will allow the expansion and enhancement of the University's facilities and operations. It is stated that the HGLC would help realise Ross Priory's enormous latent potential and bring new life to a significant resource which will, over time, enhance the Priory and its built environment and give the University and Scotland a world class asset for the benefit of future generations.
- 3.7. It is in this context that the application is to be considered. For the avoidance of doubt, hereafter, references in this report to the 'Hunter Global Leadership Centre' (HGLC) means the proposed conference/auditorium building ('the main building') collectively with the speaker's and delegates' accommodation ('the accommodation buildings').

### **Site Description**

- 3.8. The application site is located on the south shores of Loch Lomond approximately 2km north west of the village of Gartocharn (see Location Plan at Appendix 4).
- 3.9. The development would be located within the Ross Priory Designed Landscape which forms the setting for the Category A-listed Ross Priory, a gothic-style building that dates

from 1850. The Designed Landscape is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance and outstanding architectural, nature conservation and scenic interest (Figure 1).



**Figure 1: Aerial Image of Ross Priory Designed Landscape**

- 3.10. The gardens and woodland gardens together with the walled garden are located to the west and south of the Priory. The parkland lies to the north and east of the Priory and was converted to a golf course in the 20th century. The proposed development site is located to the north east of the Priory on the edge the loch.



**Figure 2: Aerial view across the application site looking west**

- 3.11. Figure 2 shows the application site in its wider context. Ross Priory and its walled and mature woodland gardens are visible in the background to the south west of the application site. The golf course lies to the immediate south behind the belt of broadleaved woodland. The buildings to the right of the view are the Category C-listed former stables which are situated immediately adjacent to the application site boundary. The shoreline along this stretch was reconfigured in the later 20th century and is fringed with rip-rap flood protection.





**Figure 3: Aerial View of the Application Site**

- 3.12. The proposed development site (Figure 3) incorporates the broadleaved woodland fringe of the golf course, the thin belt of trees and vegetation running behind the man-made shoreline and an open area between them. The open area contains a rectangular reed-bed which provides final-stage sewage treatment for the estate's existing foul drainage system (Figure 4). The site is currently used for boat storage and is a working area associated with the maintenance of the golf course (Figure 5 and Figure 6).



**Figure 4: Reed-bed drainage system (left) and loch fringe vegetation (right)**



**Figure 5: Open area within the application site (view looking north)**



**Figure 6: Application site looking south towards the woodland golf course fringe**

- 3.13. The listed stables buildings adjacent to the west of the site comprise an L-shaped building with tower which is used by the University as a self-catering holiday let and houses a workshop (Figure 7). On the east side of this building there is a 'bothy' used as a garage with a storage container sited adjacent (Figure 8). On the north side are the ruins of the former pigsty which is roofless, boarded up and overgrown (Figure 9).

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**Figure 7: Stables building with tower**



**Figure 8: Bothy and Container**



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**Figure 9: Ruinous former pigsty building**

- 3.14. The site is accessed by the existing drive which passes by the front of Ross Priory (Figure 10) before heading down through the woodland to the boat area and buildings on the loch front. The application site boundary is the golf course edge visible in the background on the right side of the picture in Figure 11.



**Figure 10: Driveway access to Ross Priory**



**Figure 11: Driveway - view north towards the application site**

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

#### ***The Proposed Layout***



**Figure 12: Proposed Site Layout (extract from Site Layout Plan)**

- 3.15. The main building would be sited within the woodland on the eastern side of the site. This would be accessed by a new road along the north side of the golf course with disabled and electric car parking, drop off area and vehicle turning area at the eastern end. Externally to the east of the building there would be a service yard. The four accommodation buildings would be sited in the woodland to the west of the main

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building. Car parking for 19 vehicles would be provided adjacent to the drive to the immediate south of the stables buildings. The access drive would continue in a looped arrangement through the woodland utilising existing maintenance vehicle access points to re-join the new access road.

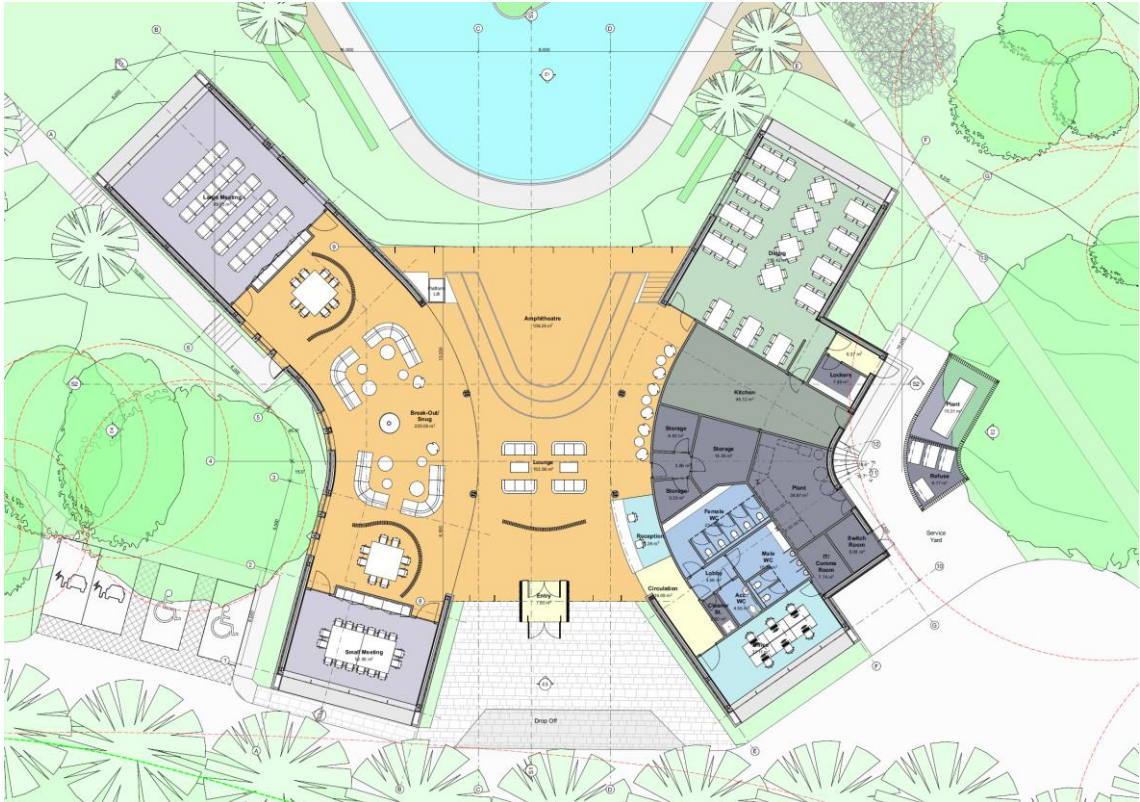
- 3.16. The buildings would link to the car parking and to each other via a series of pedestrian walkways. These would provide access to a landscaped area adjacent to the loch shore with boardwalk, hedges, trees, wild flower planting with the wave-like design expressing the historical line of the loch edge. This would include a 'reflecting pool' with island across which would provide mirrored views of the loch and mountains beyond. The existing boat storage would be rationalised outside of the application site in the area adjacent to the west of stables buildings screened by new boundary tree planting. Additional native tree planting would be undertaken within and along the north and south sides of the development to strengthen the tree cover.

### *The Main Building*

- 3.17. The floorplan of the main building is shown in Figure 13. The building would incorporate a south-facing entrance lobby, lounge area and north facing amphitheatre at its centre flanked by two curved 'wings' on either side. The west wing would house a large conference room at the north end and a smaller meeting room at the south end with a gathering/breakout area in between. The east wing would house a dining room at the north end and small office at the south end with the servicing rooms (kitchen, storage, plant and toilets) in between.



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**Figure 13: HGLC Main Building - Proposed Floor Plan**

- 3.18. The building would be single story with a maximum height of 7m. The central section would comprise full height structural glazing, maximising outlook to the north and south and taking advantage of the views across Loch Lomond (see Figure 14 and Figure 15). This would support a central concave-shaped roof which rises at the northern and southern ends. The curved 'wings' (Figure 16 and Figure 17) would be c. 5m in height and would be clad in ashlar sandstone cladding. Both wings would terminate with glazing offering 'picture window' views. The roofs of the winged sections would be 'green' living roofs which would be part-covered by low-profile solar panels.



**Figure 14: HGLC Main Building North-Facing Elevation**



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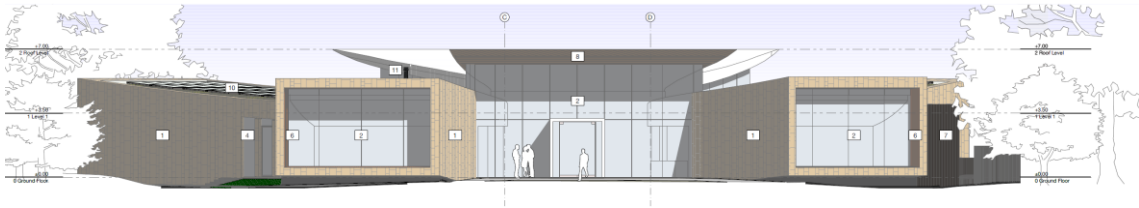


Figure 15: HGLC Main Building South-Facing Elevation



Figure 16: HGLC Main Building East-Facing Elevation



Figure 17: HGLC Main Building West-Facing Elevation

- 3.19. The computer generated image (CGI) below provides an indication of the scale and appearance of the main building in the landscaped surrounds.

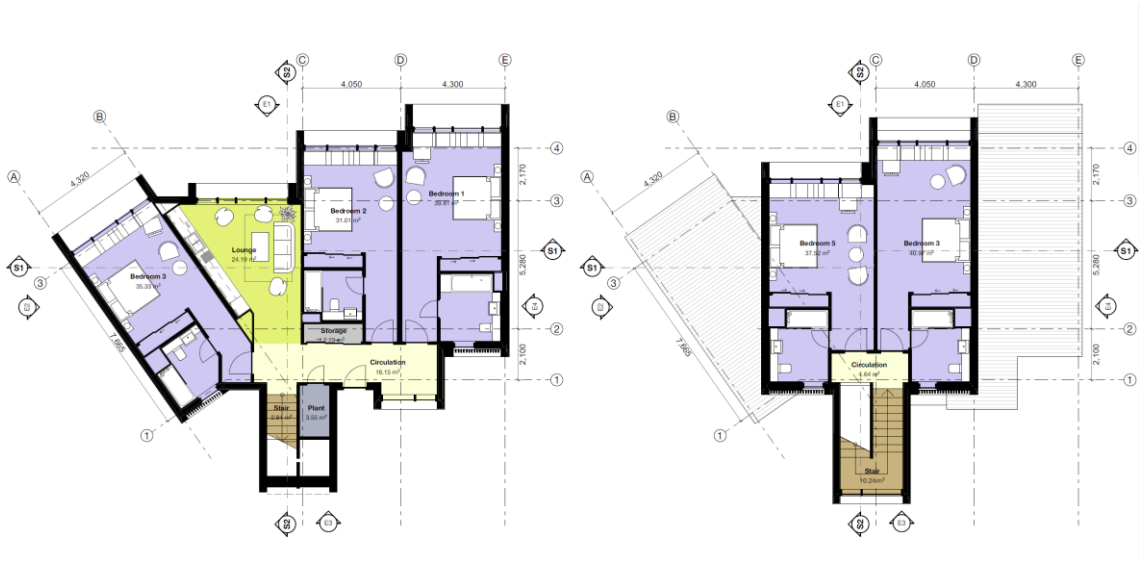


Figure 18: CGI of the HGLC Main Building

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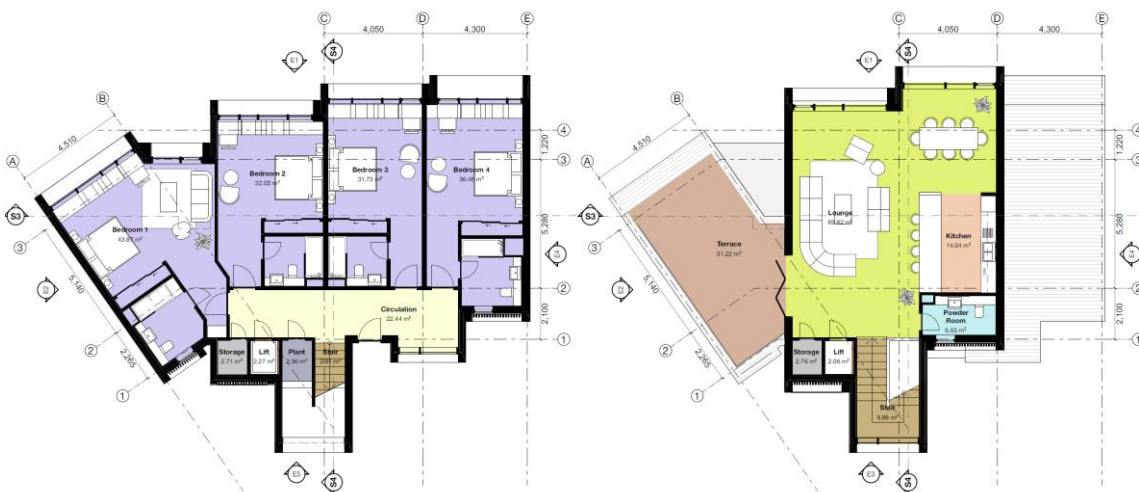
### *The Accommodation Buildings*

- 3.20. The four accommodation buildings would include three 'standard' designs and one variation for the 'speakers' accommodation. The standard design incorporates five bedrooms (each with en-suite); three on the ground floor with a communal lounge/kitchen area and two on the first floor.



**Figure 19: 'Standard' Accommodation Building Floor Plan**

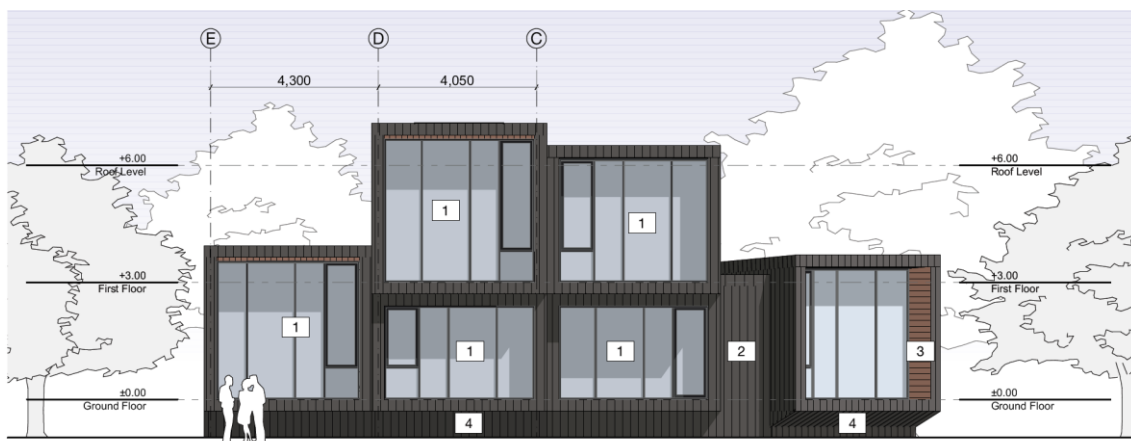
- 3.21. The speaker's building, which would be sited closest to the main building, would incorporate four en-suite bedrooms on the ground floor. On the first floor there would be an open-plan kitchen-diner-lounge area opening out onto an external roof-top terrace on the west side.



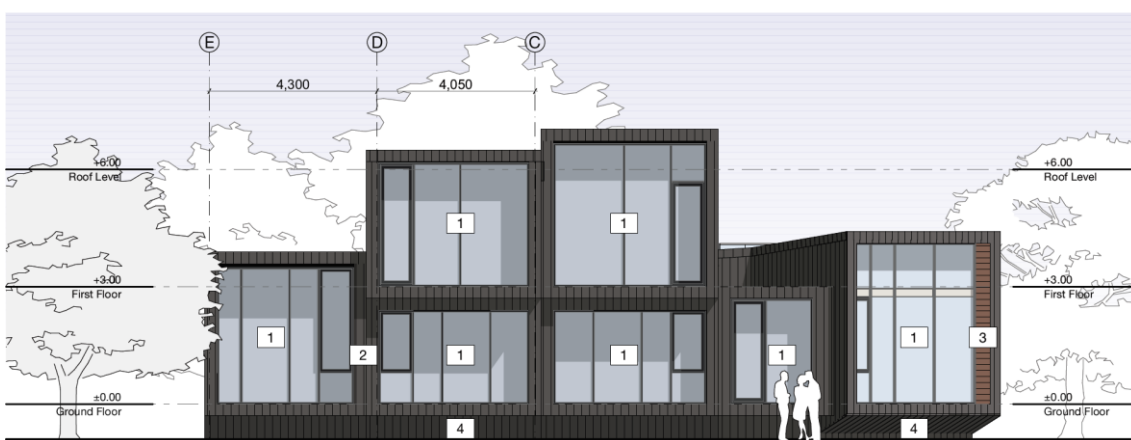
**Figure 20: 'Speaker's' Accommodation Building Floor Plan**

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- 3.22. The height of each building would be c. 6.5m at the highest point and c. 3.5m for the lower storey. The walls and roofs of the buildings would be finished in dark stained vertical timber and the roofs would incorporate low-profile solar panels.
- 3.23. The elevations for the accommodation buildings would be broadly similar in appearance. Each room would have full-height glazed 'picture windows' maximising outlook in a northerly direction.



**Figure 21: Standard accommodation building – north-facing elevation**



**Figure 22: Speaker's accommodation building – north-facing elevation**

- 3.24. The east and west elevations would be entirely devoid of glazing except for the speaker's building which has glazed doors to the roof terrace on the west-facing elevation.

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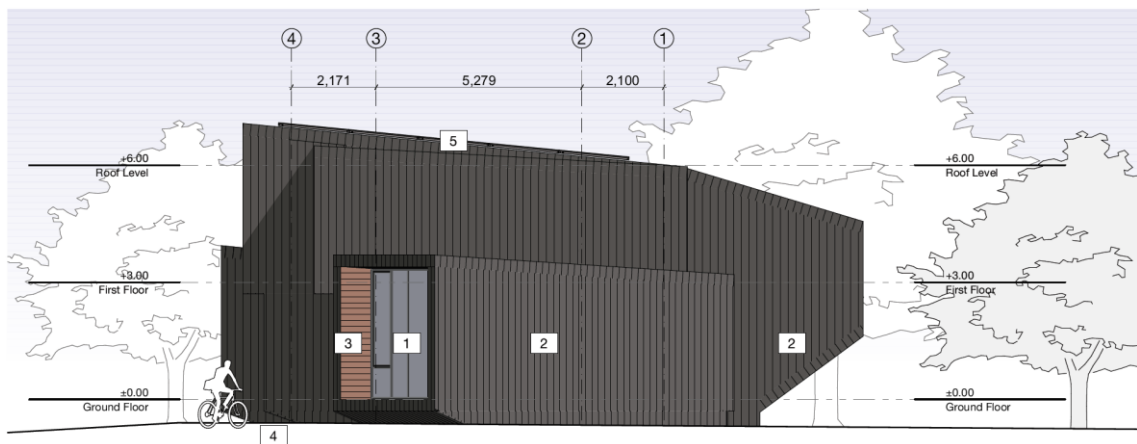


Figure 23: Standard accommodation building – west-facing elevation

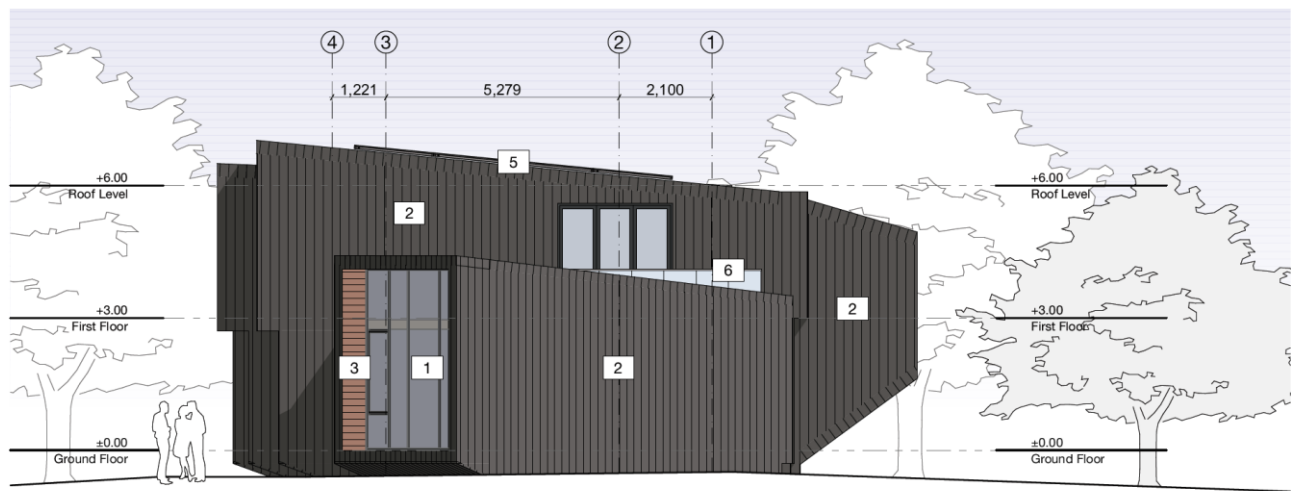


Figure 24: Speaker's accommodation building – west-facing elevation

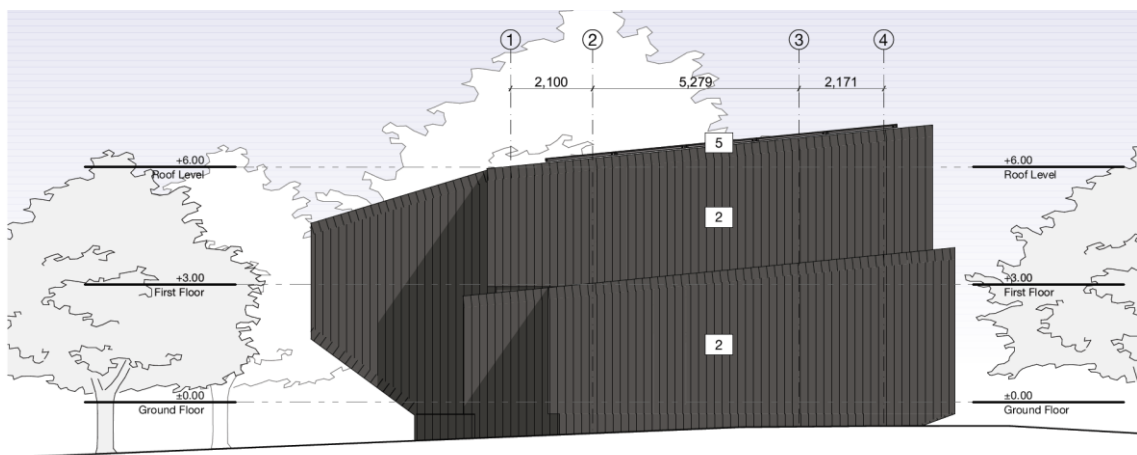


Figure 25: Standard accommodation building – east-facing elevation



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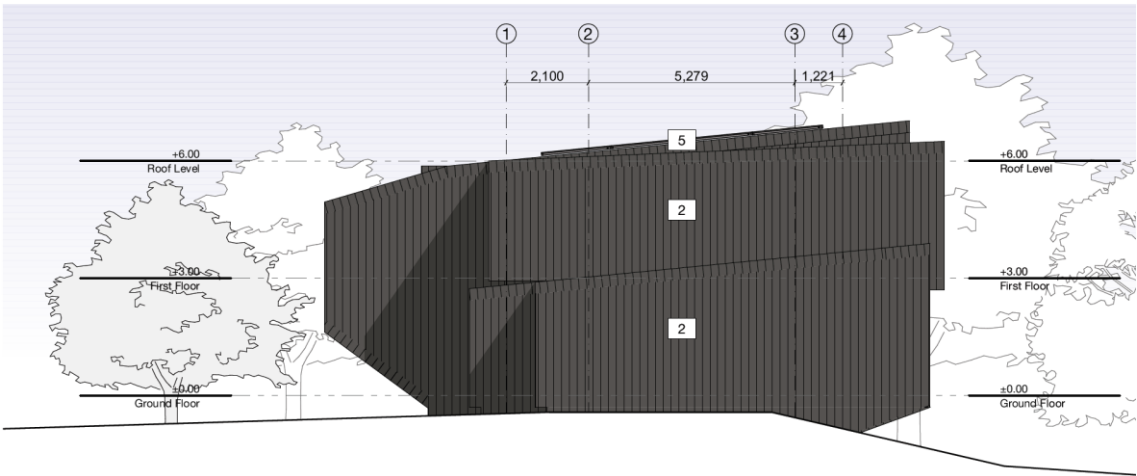


Figure 26: Speaker's accommodation building – east-facing elevation

3.25. The buildings would be accessed via entrances in the southern elevation (which are devoid of windows save for glazed panels to illuminate the entrance lobby and stairwell).

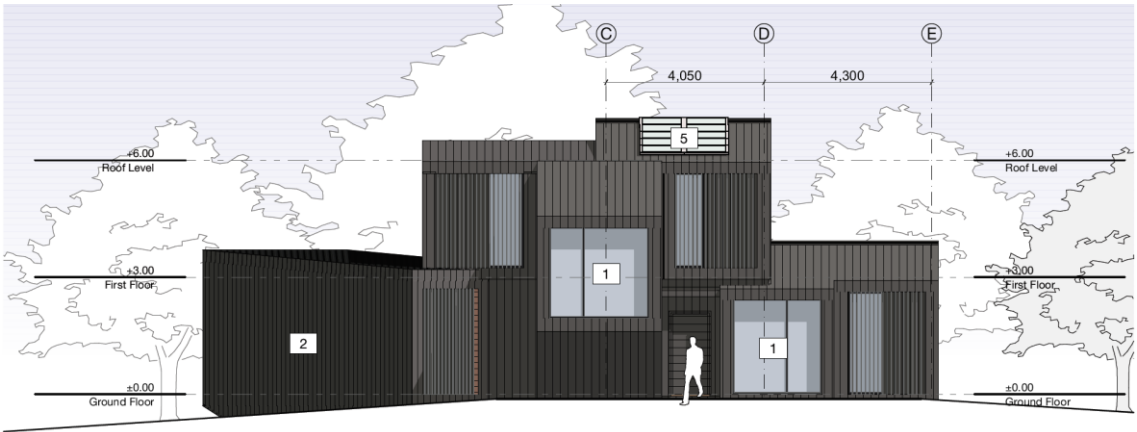


Figure 27: Standard accommodation building – south-facing elevation

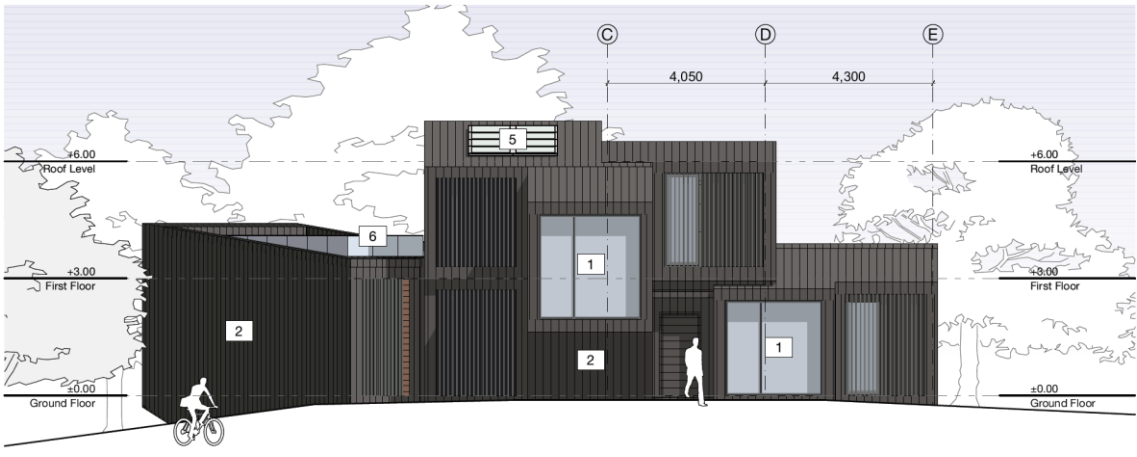


Figure 28: Speaker's accommodation building – south-facing elevation

- 3.26. The CGI below provides an indication of the scale and appearance of the accommodation buildings set into their woodland surrounds.



**Figure 29: CGI of the accommodation buildings**

### ***Planning History***

- 3.27. There is no planning history of direct relevance to the application proposals. An application to install a replacement sewage system comprising a passive reedbed within the site was approved with conditions on 16 September 2009 (ref. 2009/0106/DET). There is no other planning history for the site.

## **4. ENVIRONMENTAL IMPACT AND HABITAT REGULATIONS ASSESSMENT**

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

- 4.1. The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. 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.
- 4.2. The proposal is deemed to fall within Schedule 2 of the regulations within the sub-section 10(f) 'infrastructure projects' category. The proposal was therefore screened in accordance with the 2017 Regulations. The screening concluded that the proposed development would not likely give rise to significant environmental effects and therefore

an EIA is not required for this application. The screening opinion is available to view as part of the online application file.

### ***Habitat Regulations Assessment (HRA)***

- 4.3. 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 (AA) of its implications for the European site in view of the site's conservation objectives. An AA has been undertaken for this application because it is considered that the proposal would have potential significant effects on the Endrick Water SAC. This is discussed in the Planning Assessment at Section 8.0. A copy of the AA is attached at Appendix 5 to this Report.

## **5. CONSULTATIONS AND REPRESENTATIONS**

- 5.1. The application was first consulted upon in March 2020. Discussions with the applicant followed, which culminated in receipt of amended plans and information (comprising a Travel Plan, revised drainage strategy to connect to the public sewer and an amended Landscape Plan with additional tree planting). A re-consultation was undertaken on 30 October 2020 running until the 20 November. As the re-consultation is still live at the time of writing, any responses received after the publication of this report will be notified to the planning committee at the meeting.

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

#### **Kilmaronock Community Council (KCC)**

- 5.2. Object. KCC undertook an anonymous survey of public opinion following a virtual meeting with the applicant on 25th May. From a total of 72 participants 26.7 % (20) were in support and 61% (51) against the proposal. Of the people that took part 81.3% (61) were residents of the KCC area and the remainder (9) were landowners, nearby residents, or regular visitors.
- 5.3. The representation raises the following matters and concerns regarding the proposals; in summary:
- i. Lack of an environmental impact assessment covering potential impacts on powan, Endrick Water SAC, important post-glacial landforms, and the impact of nutrient discharge from the proposed on-site sewage system;
  - ii. The site is surrounded by SSSIs and subject to environmental protection. We consider "protection" is required by Policy and attempts for mitigation are not an option;
  - iii. The potential adverse impacts of any non-natives populating the proposed artificial pond (reflecting pool);
  - iv. Impacts on breeding osprey and red squirrels;

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- v. The large modern angular buildings with extensive glazing, visible from the Loch and surrounds do not conserve and enhance the natural and cultural heritage required by Overarching Policy 1;
- vi. The site sits between SSSIs and is close to National Nature Reserves and RAMSAR Sites, and is not “imperative for the public interest” and there are “alternative solutions” as required by Natural Environmental Policy 3;
- vii. The creation of a large light emitting structure between SSSIs will be disruptive to animal movements;
- viii. The development will have an adverse impact on protected species such as Ospreys which is contrary to Natural Environmental Policy 4;
- ix. The project does not enhance the historic Ross Priory buildings or landscape/gardens which is contrary to Historic Environment Policies 3 & 4;
- x. The development destroys natural landscape and does not enhance biodiversity contrary to Policy Natural Environmental Policy 6 & 8;
- xi. There is no evidence to demonstrate that there would not be an impact on riparian habitats contrary to Natural Environmental Policy 11;
- xii. Approving this project would set a precedent which contradicts the entire Local Development Plan and would undermine the principle Aims and objectives of the National Park;
- xiii. The facility could continue to be provided at Ardoch;
- xiv. The Proposal does not secure any significant investment or improved cash generation in the existing Ross Priory Grade A Listed building or the stable building and pigsty;
- xv. The proposed buildings are not demonstrated to be directly complimentary to Ross Priory’s business revenue.

- 5.4. \*\* The applicant has written to request that Members consider the above survey figures in context. They state that the population of the KCC community area is estimated at 1100<sup>2</sup>. Therefore, around 93.5% of the community did not vote.

### Scottish Environment Protection Agency (SEPA)

- 5.5. Response of 14 May 2020 – objection on grounds of flood risk and foul drainage.
- 5.6. Response of 15 June 2020 – removal of objection on flood risk grounds following receipt of further information from the applicant – objection on foul drainage maintained. SEPA has a strong presumption against sewage discharges to a fresh water loch and a development of this size is required to connect to the public sewer or evidence to demonstrate that a connection to the public sewer is not technically or economically feasible is required before the principle of on-site treatment will be accepted.
- 5.7. Response of 12 August 2020 – removal of objection on foul drainage grounds. The response notes that the applicant is now proposing to connect to the public sewer system. SEPA notes that confirmation of capacity to accept and treat the increased

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<sup>2</sup> Wikipedia source



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loading on the works will be needed from Scottish Water. They advise that if, for any reason, the strategy reverts to on-site treatment then a planning condition is requested to ensure that appropriate consultation is undertaken to avoid adverse impacts on the sensitive receiving waters.

### Scottish Natural Heritage (SNH) – now ‘Nature Scot’

- 5.8. No objections. SNH does not intend to offer formal comment on this proposal as SNH do not provide advice on landscape including NSA designations and no longer offer bespoke advice to routine protected species issues. SNH now fulfil their advisory role on protected species through the provision of standing advice and do not expect to be consulted except in exceptional circumstances. The LLTNP should consider the need for species licences as part of any development and the developer should contact SNH’s licencing colleagues to deal with any licence application.

### Historic Environment Scotland (HES)

- 5.9. Do not object because the proposals do not raise historic environment issues of national significance. However, they offer comments and suggested mitigation. Planning authorities are expected to treat HES comments as a material consideration and their advice should be taken into account in decision making. The response is discussed in the Planning Assessment at Section 8.0 of this report.

### WDC Roads (Dumbarton)

- 5.10. No objections subject to a condition to ensure the design of disabled parking bays accords with the relevant standards.

### West Of Scotland Archaeology Service (Glasgow) (WOSAS)

- 5.11. No objection subject to a condition to secure an archaeological watching brief during construction.

### Scottish Water

- 5.12. No objections. There is currently sufficient water supply capacity in the Finlas Water Treatment Works. There is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development and the applicant is advised to investigate private treatment options. Notwithstanding this response, Scottish Water has confirmed that there is capacity in the Gartocharn Waste Water Treatment Works to accommodate the development. This is discussed further in the Planning Assessment at Section 8.0.

### WDC Flood Prevention (Dumbarton)

- 5.13. No response received.

### ***Representations Received***

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- 5.14. A total of 49 representations were received in total with 43 in objection and 3 in support with a further 3 making comments neither in support nor objection. Representation received from organisations include Loch Lomond Fisheries Trust (objection), Vale of Level District Angling Club (objection), Royal Holloway University of London (comment) and the University of Strathclyde (Ross Priory) (support).
- 5.15. The following provides a summary of the matters raised in representations **in support**:
- i. The proposal would be a great asset for the wider community;
  - ii. The development would help ensure the continued presence of Strathclyde University at Ross Priory which has considerable benefit for the local community (access being one);
  - iii. It would provide a state of the art facility which would assist in developing teaching and leadership skills in schools and businesses;
  - iv. It would host organisations involved in beneficial work in dealing with challenges faced by children in disadvantaged communities;
  - v. It would champion education and innovation and be of benefit to Scotland;
  - vi. The Hunter Foundation and Ross Priory would be good neighbours to the area and an asset to the National Park.
- 5.16. The following provides a summary of the matters raised in representations **in objection**:
- i. Lack of Environmental Impact Assessment (EIA);
  - ii. Objection to increasing sewage discharges into the loch and consequent harm to water quality, the Endrick Water SAC and important fish species;
  - iii. Damage to the Ross Priory SSSI;
  - iv. Harm to the listed buildings and Designed Landscape;
  - v. Harm to the tranquil loch shores and views;
  - vi. Harm caused by light pollution;
  - vii. Harm to wildlife and protected species;
  - viii. Inappropriate design which does not compliment Ross Priory;
  - ix. Over-development of the site;
  - x. The development would be in an area of flood risk;
  - xi. Increased noise;
  - xii. Insufficient parking;
  - xiii. Lack of a travel assessment / travel plan and increased traffic;
  - xiv. The proposal is contrary to the Local Plan policies on development in the countryside and no material justification has been made to depart from these policies;
  - xv. Objection to further moorings or increase in motorised vehicles and activity (including water taxis) on the loch;
  - xvi. Concerns regarding restricted public access for security during high profile speaker events;
  - xvii. Other more appropriate locations should be considered for this development.
- 5.17. The matters raised are addressed in the Planning Assessment (Section 8.0). The full content of the representations is available to view on the National Park Authority's Public

Access website (<http://www.lochlomond-trossachs.org/planning/> click on view applications, accept the terms and conditions then enter the search criteria as '2020/0055/DET').

## 6. **POLICY CONTEXT**

### ***The Development Plan***

- 6.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).

### **Local Development Plan (2017-2022)**

- 6.2. The Local Development Plan (LDP) sets out the vision for how the National Park should change over the next 20 years. The LDP covers the period from 2017 to 2021.
- 6.3. The following LDP Policies are relevant to the determination of this application:
- OP1 – Overarching Policy 1: Strategic Principles
  - OP2 – Overarching Policy 2: Development Requirements
  - EDP2 - Economic Development Policy 2: Economic Development in the Countryside and Small Rural Communities
  - VE1 - Visitor Experience Policy 1: Location and Scale of new development
  - VE2 - Visitor Experience Policy 2: Delivering a World Class Visitor Experience
  - TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options
  - TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development
  - NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
  - NEP2 - Natural Environment Policy 2: European sites - Special Areas of Conservation and Special Protection Areas
  - NEP3 - Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites
  - NEP4 - Natural Environment Policy 4: Legally Protected Species
  - NEP6 - Natural Environment Policy 6: Enhancing Biodiversity
  - NEP7 - Natural Environment Policy 7: Protecting Geological Conservation Review Sites
  - NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands

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- NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites
  - NEP11 - Natural Environment Policy 11: Protecting the Water Environment
  - NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management
  - NEP13 - Natural Environment Policy 13: Flood Risk
  - HEP1 - Historic Environment Policy 1: Listed Buildings
  - HEP4 - Historic Environment Policy 4: Gardens and Designed Landscapes
  - HEP7 - Historic Environment Policy 7: Other Archaeological Resources
  - WMP1 - Waste Management Policy 1: Waste Management Requirement for New Developments
  - NEP11 - Natural Environment Policy 11: Protecting the Water Environment
  - HEP7 - Historic Environment Policy 7: Other Archaeological Resources
- 6.4. Full details of the policies can be viewed at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

### Supplementary Guidance

- 6.5. The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:
- Design and Placemaking

### Planning Guidance

- 6.6. The Planning Guidance provides support to the policies of the LDP and is a material consideration in the assessment of applications. The Planning Guidance of relevance to this application comprises:
- Visitor Experience
  - Listed Buildings and Conservation Areas

### ***Other Material Considerations***

#### National Park Aims

- 6.7. 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.



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- 6.8. Section 9 of the Act 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. Policy OP1 of the Local Development Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.

### National Park Partnership Plan (2018-2023)

- 6.9. All planning decisions within the National Park require to be guided by the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. The following outcomes and priorities of the Partnership Plan are relevant.
- Outcome 2: Landscape Qualities – Priority 2.1 Landscape and Heritage
  - Outcome 7: Visitor Economy – Priority 7.1 Growing Tourism Markets
  - Outcome 9: Health & Learning

## **7. SUMMARY OF SUPPORTING INFORMATION**

- 7.1. The application is accompanied by comprehensive suite of supporting documents. A full list is provided at Appendix 3.

## **8. PLANNING ASSESSMENT**

### ***The Principle of Development***

#### *Introduction*

- 8.1. This section of the report assesses the proposal against the LDP and all other material considerations. The Local Development Plan, along with supporting Supplementary Guidance and Planning Guidance, provides a comprehensive suite of policies on which to assess the acceptability of a planning application. Set within the Plan is the high level Vision and Strategy for development in the longer term and The National Park Partnership Plan's Outcomes.
- 8.2. Determining the acceptability of the principle of a development is the first part of any planning applications' assessment. Once this is concluded then the assessment turns to the detailed requirements set out in the LDP's more technical policies on particular topics or themes.
- 8.3. This application is for a unique development proposal, which cannot be easily matched to the LDP's policies. It can be described as an institutional, not for commercial profit, specialised conference or training venue with accommodation that will also add to Ross Priory which is an existing facility run by the University of Strathclyde. It is proposed as a national facility, for use primarily for The Hunter Foundation's programmes but also the University. The Priory provides visitor accommodation and facilities for weddings, events

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and conferences. It also provides members facilities such as for sailing / water sports and golf. Identification of the Principle Policies

- 8.4. While the LDP does not include policies for a residential institution (Use Class 8 - which incorporates residential schools, colleges, and training centres<sup>3</sup>), it does provide a Vision, Development Strategy and a suite of Policies which can guide the assessment. It is reasonable to consider the intent of the Policies along with the Vision and Development Strategy in the assessment of the policies do not provide clarity. The relevant key policies concern Visitor Experience and Economic Development.
- 8.5. Policy EDP2 concerns economic development in the countryside. There is no definition of what constitutes 'economic development' with the policy referring in generalised terms to 'business' and 'industrial' uses which reflect common terminology in planning legislation. A training centre would employ staff and offer paid-for courses (albeit on a not-for profit basis in this case). This proposal could therefore be viewed as a new or expanded 'business' operating in the countryside and as such Policy EDP2 would be a relevant consideration.
- 8.6. The primary use of the Hunter Global Leadership Centre (HGLC) would be by The Hunter Foundation (THF) for leadership training (indicated for 211 days of the year). Notwithstanding that the 'visitor experience' in this case is central to the design concept and vision, a training centre use is not 'visitor experience' as defined in the Visitor Experience Guidance. However, for the remaining 154 days of the year it is proposed that the development would be utilised by the University for visitor accommodation, conferencing and events (which would include weddings). This secondary purpose would qualify the proposals as 'visitor experience'<sup>4</sup>. The Local Plan's visitor experience policies (and specifically Policy VEP1(h & i) which concerns medium-large scale tourism development in the countryside) are therefore also relevant.

### *Compliance with Economic Development Policy*

- 8.7. Policy EDP2 supports proposals in the countryside for new or expanded businesses which support economic activity provided proposals can demonstrate that there is reasonable justification why they cannot be located within Economic Development Sites in towns and villages; and where the proposal meets any one of the policy exceptions listed.
- 8.8. In terms of the 'reasonable justification' for not locating on an allocated Economic Development Site, THF has specific locational requirements for the HGLC reflecting their vision for it to be a 'world class' facility. Their need to provide an inspiring location for their training programmes is central to this. A location within an economic development site in a town or village would not provide the quality of environs or

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<sup>3</sup> Use Class 8 of The Town and Country Planning (Use Classes) (Scotland) Order 1997

<sup>4</sup> 'Visitor Experience' is defined in the Visitor Experience Guidance as "short term accommodation for tourists on a commercial basis" and "buildings or places that provide entertainment, function and cultural activities...".

ambiance that the HGLC requires to be successful. The association with Ross Priory is also recognised as central to the choice of location. The first part of the policy is therefore satisfied.

- 8.9. Under the list of policy exceptions, Policy EDP2 continues; *“Economic Development may be supported in some instances where this forms part of a long term farm or estate-wide business management plan”*. The applicant, THF, does not own or control the wider Ross Priory estate in which the proposal would be located. Responsibility for the upkeep of the estate and its financial management lies with the University of Strathclyde as owners. Nevertheless, the proposal is fundamentally linked to the future management and viability of Ross Priory. Firstly, the c. £10m HGLC would be ‘gifted’ by THF to the University as its custodian and it would become an estate asset. Secondly, as confirmed by the letter from the Vice Principal of the University<sup>5</sup>, the HGLC would create a more financially sustainable underpinning for Ross Priory, anchoring the University at the estate and helping support its future. Thirdly, in expanding and enhancing the University’s facilities and operations as well as increasing occupancy and usage of the existing facilities at Ross Priory, the proposal would markedly increase revenues for the estate thereby facilitating investment in Ross Priory and its built environment and grounds. In this respect the proposal forms a fundamental part of the future of Ross Priory and is inextricably linked to the estate-wide business and its longer-term management. Specific details (such as financial arrangements, revenues and investment plans) have not been quantified nor presented in the form of an ‘estate-wide business management plan’. However, the clear relationship of the development to the future operation, management and business success of the wider estate and the benefits which are stated by THF and the University to flow from that arrangement is considered sufficient to accord with the exception afforded under Policy ED2. The principle of the development is therefore supported under this policy.

*Compliance with Visitor Experience Policy*

- 8.10. The relevant part of Policy VEP1 states *“Proposals for medium to larger scale tourism development within the countryside will generally be resisted unless there is demonstrable evidence of (h) strong market demand for the development that is currently not being met, and (i) the benefits that development would bring to the local economy and/or the local community.”*
- 8.11. Criterion (h) requires a clear justification for medium-larger scale tourism development along with specific justification in terms of how the proposal responds to a new market or existing market or adds to the visitor destination or tourism offer. The benefits under criterion (i) must be material and sufficiently beneficial so as to justify an exception for development in the countryside. The ‘significance’ of the benefit in each case is a matter of planning judgement.

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<sup>5</sup> This correspondence can be viewed online as part of the application file under ‘contributions’.

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- 8.12. In relation to criterion (h) the Design Statement explains that THF and Strathclyde University have identified a 'gap' in the market in Scotland (and indeed the UK) for a centre for leadership excellence. In proposing a bespoke centre THF will be able to continue to expand their already well established leadership training courses whilst at the same time creating a world-renowned facility with global reach that does not presently exist. In this respect demand stems from a niche yet international market for leadership training and spearheaded by THF. The HGLC is a unique proposition, where the location is critical to its purpose. The scale of development responds to the specific operational requirements which are outlined in the Design Statement the proposal is not considered excessive for THF's needs.
- 8.13. THF has invested two years in seeking suitable venues and locations throughout Scotland to run and expand their leadership courses but without success. No other existing venues have been identified that are capable of offering the capacity and consistency of availability needed as well as offering the specific locational ambience and scenic attributes that are central to the HGLG's success. The banks of Loch Lomond at Ross Priory are well placed to meet these requirements but also offer the added benefits of association and collaboration with the University and their existing facility.
- 8.14. From the perspective of the University of Strathclyde's current use of Ross Priory there is no evidence of existing 'strong market demand' provided to support the scale of development proposed. However, this would not be expected since the 'tourism use' is secondary to the primary function and stated purpose of the HGLC and is not the principle driver of the demand nor the scale. Nevertheless, the HGLC clearly provides an opportunity for Ross Priory to capture a greater share of the market by increasing occupancy with an updated offer that responds to current market need. The letter from the Vice Principal of the University makes reference to Ross Priory's '*enormous latent potential*' that the HGLC would help unlock. The 100-capacity auditorium would add to the existing 3-room conferencing offer and enable larger events to be accommodated supported by the 19 proposed new bedrooms with communal self-catering facilities which would significantly expand, diversify and enhance Ross Priory's existing 11-bedroom 'bed and breakfast' capacity.
- 8.15. Ultimately the demand for such a facility, which has so far not been satisfactorily met, is evident in the substantial c. £10m commitment by THF – an established national charity - to this development. This would be a unique national facility hosted by one of Scotland's Universities. This proposal would also evidently be capable of capturing untapped demand that is not currently being accommodated at Ross Priory. The proposal therefore complies with VEP1(h).
- 8.16. The Design Statement lists a number of benefits the proposed development would bring, however Policy VEP1(i) is only concerned with those that specifically relate to the local economy and the local community. Direct local benefits include the creation of 14 full time equivalent jobs and THF have committed to source employees and any additional staffing needs for larger events from the local community as far as possible. By



‘anchoring’ the University at Ross Priory the proposal would also help support existing employment at Ross Priory and create the potential for new job creation supported by the additional revenue generation and business growth. There is also mention of ‘significant seasonal employment’ although this is not quantified.

- 8.17. Further, nearby bed and breakfast businesses would benefit from accommodating guest-overspill during the occasional larger events as not all guests will be able to be accommodated on-site even with the combined capacity of Ross Priory and the HGLC. Beyond this, although not highlighted within the submission, local construction companies and suppliers may benefit in the short term from some of the anticipated c. £10m build cost if labour and materials were sourced locally.
- 8.18. Finally, the Design Statement also lists among the local community benefits a £4k per annum grant by THF to Gartocharn Primary School for pupil programmes and activities and one free use of the facility by the school and the Community Council per year. These two offers, although laudable, would not comply with Circular 3/2012<sup>6</sup> and are not therefore material to the consideration of this application.
- 8.19. In considering the overall significance of the above listed benefits, the proposal does not initially fully satisfy the requirement for having tangible local impacts that would specifically benefit the local economy and community. It cannot therefore be concluded that the principle of the proposal is wholly supported under Policy VE1(i) of the Local Plan but a further, broader consideration is needed, in particular the wider social and economic benefits this proposal seeks to achieve for the future wellbeing and prosperity of Scotland are key in addition to local benefits.
- 8.20. The Priory is a significant local asset, which is in the ownership of a public institution – the future conservation and maintenance of the Priory building and the estate are important considerations alongside the more direct local benefits which are potentially more modest. When taking account of the longer term impact of the financial benefits that would accrue to Ross Priory (jobs, business and visitor growth, investment in the estate) in combination with much broader benefits to Scotland, the cumulative benefits to the local economy are likely to be more significant. Considering the unique nature of the proposal, these benefits require further elaboration in the following paragraphs.

*Material considerations supporting the principle of development*

Social and Economic Sustainability

- 8.21. There is a clear wider economic and social sustainability agenda inherent in what THF is seeking to achieve through establishing the HGLC that would stretch beyond the National Park boundaries. This proposal is not a commercial venture but one which genuinely aims to promote leadership as the foundation for delivering social and educational advancement in society for the benefit of present and future generations.

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<sup>6</sup> Planning Circular 3/2012: Planning obligations and good neighbour agreements sets out five tests for planning obligations.

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The wider social and economic impacts of this work are difficult to quantify but are undoubtedly beneficial and far reaching. The leadership courses would be open to teachers, head teachers, entrepreneurs and prospective business leaders from all areas. Establishing the HGLC in the National Park means some of the benefits have real potential to be captured closer to home, ultimately benefitting communities in and around the National Park as well as across wider Scotland.

### Safeguarding and Enhancing Heritage Assets

- 8.22. The Category A listed Ross Priory and its Designed Landscape is a significant regional asset of which the University is custodian. The letter from the University Vice Principal confirms that (the following is paraphrased) the HGLC will “*reaffirm our long-term commitment to the Priory and ensure that Ross Priory remains a regional asset under our stewardship*”. The proposal would also create “*a more financially sustainable underpinning for Ross Priory ... allowing the University to further upgrade and restore the iconic Priory and its environs. In essence, the HGLC will help to support the development of Ross Priory’s future as a regional asset*”.
- 8.23. It is clear that the ability for Ross Priory to support its activities whilst also raising capital to re-invest in the estate and its important heritage assets at present is limited. The future investment that this development would facilitate, in addition the direct financial investment by THF to secure repair and enhancement of the Category C listed outbuildings (see discussion on Heritage later in this section) would be significant gains in the wider public interest.

### National Park Partnership Plan

- 8.24. The purpose of the HGLC is to pursue learning objectives in inspirational surroundings. This closely mirrors the National Park’s ethos about the National Park environment being a place to learn, encourage, inspire and influence. The National Park Partnership Plan touches on this theme in several of its listed outcomes:
- 8.25. “*The beautiful landscapes and cultural heritage offer visitors, many from urban areas, the opportunity to experience and learn ... These physical and emotional connections are vital in fostering a sense of understanding, respect and ultimately value for the Park’s environment and heritage.*” (Outcome 2: Landscape Qualities)
- 8.26. “*People from a wider range of backgrounds are enjoying, valuing and helping manage the National Park. It is used more as a place for people to realise the personal health and wellbeing benefits of ... connecting with nature.*” (Outcome 9: Health & Learning)

In recognising and promoting the benefits that can be derived from immersion in nature to inspire and support learning outcomes, the HGLC would align with and support these key Partnership Plan objectives.

### Summary of the Principle of Development

- 8.27. In summary, the proposal is considered to be in accordance with Local Plan's economic development policies with the principle of development supported under Policy EDP2. The proposal finds support as an exception for medium to large scale development under the visitor experience policies and is considered to satisfy Policy VEP(i). This includes consideration of the application being located with the existing Priory operation, the direct local benefits together with the wider social and economic benefits that the proposal would deliver for the wider National Park, for Ross Priory and for Scotland over the longer term. The proposal is therefore considered to be acceptable in principle.
- 8.28. The following sections consider the proposals compliance with the remaining policies of the Local Plan.

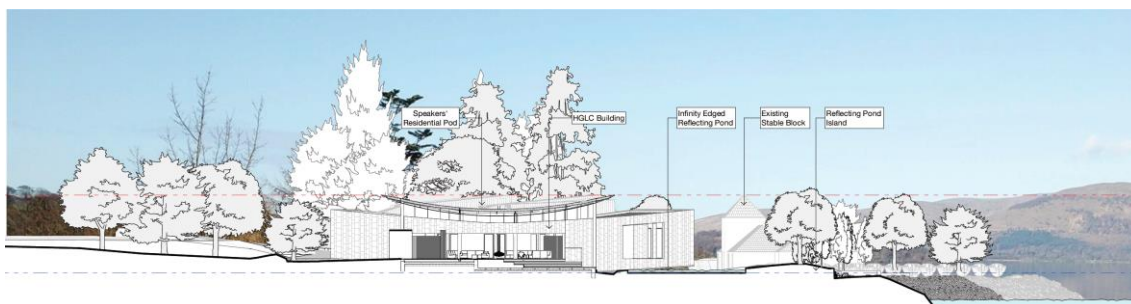
### ***Design***

- 8.29. Policy OP2 requires all development to achieve high quality design and layout, provide a positive sense of place and compliment local distinctiveness. This policy is supported by the Design and Placemaking Guidance. The Listed Buildings and Conservation Area Guidance states that any new development within the vicinity of a listed building, however large or small, should respect the character of the existing building.

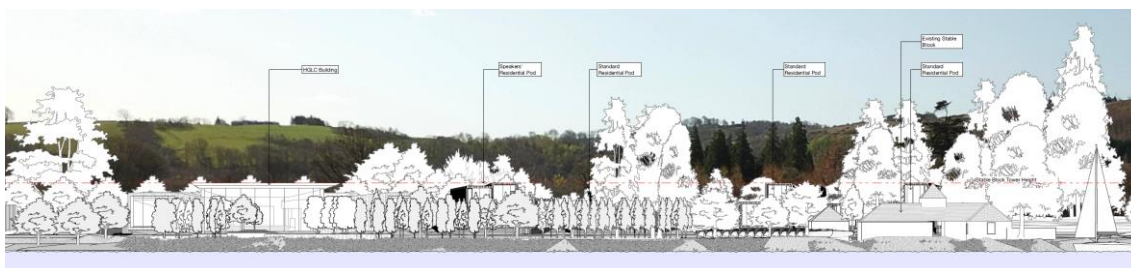
### ***Overall Design Approach***

- 8.30. The Design and Placemaking Guidance says that the integration of any development should be led by the landscape context of the site and consider how the landscape setting, features and topography contributes to the scale and orientation of the proposal.
- 8.31. The design approach takes full cognisance of its sensitive loch shore and heritage context. The approach (which is illustrated in Figure 30 and Figure 31: Site Elevation (view from Loch Lomond)) has sought to incorporate the development sensitively within the lochside setting with the buildings kept at a modest height and set back within the woodland to help embed the development into the landscape. The orientation of the buildings aims to take advantage of the scenic northerly loch views. Yet at the same time, the development acknowledges the visual sensitivity of the loch shore with retained trees, new tree planting and landscaping used to filter or obscure views of the buildings, thereby minimising their overall presence. A slight rise in the topography to the south of the site helps nestle the buildings onto the lochside and minimise visibility from Ross Priory and the wider Designed Landscape.





**Figure 30: Site Sections**



**Figure 31: Site Elevation (view from Loch Lomond)**

*Appearance and Materiality*

- 8.32. The buildings themselves have been designed to reflect aspects of the built heritage of Ross Priory, whilst avoiding 'pastiche'; an approach which is discouraged in the Design and Placemaking Guidance.
- 8.33. The main building is proposed to have a sand skin using a similar sandstone as the priory building with the vertical banding of the new building designed to invoke the verticality of the Gothic spires and pinnacles. The vertical window openings in bi-partite and tri-partite groupings are abstracted from analysis of the priory building window clusters and proportions. The plan shape of the building is inspired by the welcoming flared entrance steps of the priory. The design approach, including the use of natural materials, is supported and overall is considered would create a building of the highest quality, befitting of a global architectural statement.
- 8.34. The accommodation buildings meanwhile are designed to disappear into the woods and adopt the colour of the slate roof of the stables with a slate grey timber skin. The design approach is contemporary with the picture windows reflecting those of the main building and celebrating the northerly aspect.
- 8.35. The overall approach, including the siting of buildings, their design and arrangement of landscaping which would overall contribute to the development's quality and the distinctive sense of place required by Policy OP2 is illustrated in the CGI extracted from the Design Statement (Figure 32).



**Figure 32: CGI of the overall design approach**

- 8.36. Outline specifications for both the buildings and the landscaping accompany the application. A condition is recommended for submission of full details, including specifications for all external finishes, materials (with samples), surface treatments, and any ancillary enclosures / structures along with construction details, for approval.

*Climate Friendly Design*

- 8.37. Overall the proposal is designed to be insulated to achieve a 20% increase in efficiency on building standards. The proposal utilises solar voltaic panels which would be placed on the roofs of the main building and the accommodation buildings. The accommodation buildings would be heated with air-source heat pumps and heating and cooling of the main building will be by a low refrigerant volume heat pump. The proposal therefore complies with the Policy OP2 requirement for incorporation of renewable energy technology.

*Waste Management*

- 8.38. Policy WMP1 requires proposals to put in place measures to accommodate refuse and recycling. A service area is proposed on the east side of the main building out of view where waste would be sorted, stored and collected.

*Heritage*

- 8.39. Policy OP2 requires developments to protect and/or enhance the character, appearance and setting of the historic environment. Policy HEP4 states that developments shall protect and/or enhance Gardens and Designed Landscapes and shall not impact



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adversely on their character, important views to, from or within them, or their wider landscape setting. The Listed Buildings and Conservation Areas Planning Guidance states new development must protect the historical landscape and be incorporated sensitively. It states that any new development within the vicinity of a listed building, however large or small, should respect the character of the existing building and its setting.

- 8.40. The proposed development site is located to the north east of Ross Priory (main house) within its parkland setting. Both the main building and the accommodation buildings would be sited within the woodland (as seen in the background of Figure 33 in the following section).
- 8.41. Historic Environment Scotland (HES) are satisfied that the development would not have a significant impact on views towards the house other than views from the Loch in which both the new building and house would be seen together, but which they are satisfied does not raise significant issues. However, they noted that the buildings would offer *“glimpses through the surrounding woodlands to the south-west towards the main house”* and, by implication, would therefore also be partially visible from the house, especially in winter. They suggested the proposed additional planting could benefit from more evergreens within the mix to provide more effective year-round screening.
- 8.42. Following HES’s response, the applicant has agreed to increase the depth of tree planting on the south side of the development, outwith the application site, to further reduce the visibility of the development from the main house and provide additional winter screening which would also further help protect the character of this part of the Designed Landscape. This would be made up of native broadleaved species at the request of the National Park’s tree and landscape advisors. With effective establishment and long-term management, the greater extent of tree planting proposed would provide an effective buffer to soften the impact of the buildings in views from the main house and on the sensitive Designed Landscape.
- 8.43. The development would be immediately within the setting of the Category C-listed former stables buildings (comprising the stables building, bothy and pigsty ruins) which are situated to the immediate north and west. Two of the accommodation buildings are sited in close proximity. The upper storey of the accommodation buildings would draw level with the top of stables tower, which in the section drawing (Figure 31), suggests the buildings might impose upon the setting and appear as dominant forms in the background. However, the development would rarely be observed in the immediate backdrop since this perspective would only be available from locations out on the loch. The buildings would be set back some distance into the woodland and screening would be afforded by the retained trees and the proposed additional tree planting between the stables and the buildings limiting the extent to which they would be seen in the same view. Their recessive colour would also allow them to recede into the background. The other proposed buildings are sited sufficiently away from the stables buildings that they would not impact adversely on the setting.

- 8.44. HES's expectation is that a development of this nature would enable the positive re-use of these historic buildings and they recommend that they be repaired and reused as part of this development. This is also a requirement of Policy HEP3 which states that buildings of merit which are important to the cultural heritage of the National Park should be retained and incorporated in new developments where possible. The local flood risk constraint (see Flood Risk section below at paragraph 8.69) severely limits the options for reuse of the buildings that would be acceptable to SEPA which has limited the options for inclusion within the development. The Design Statement acknowledges there is potential for complementary re-use as part of future estate improvements and the development would necessitate rationalisation of the boat storage with associated enhancements to the immediate setting of the stables, including re-surfacing and removal of the steel container. However, some protection and/or enhancement of the buildings (which are the subject of the listing) could reasonably be expected under Policy HEP3 in association with this proposal given their present condition and the location of development being within their immediate setting. Following discussions with the applicant, it has since been agreed that THF will contribute £150,000 for the specific purposes of delivering the urgent repairs and enhancements to these buildings to ensure they are preserved for the future. This money would be secured by a Section 75 legal agreement which would also ensure that it is put to use to specifically deliver enhancements to the fabric of the estate's built heritage, with priority given to repairs and enhancements to the stables, pigsty and bothy buildings.
- 8.45. Policy HEP4 requires significant development proposals within Gardens and Designed Landscapes will require management plans as a condition of any planning permission. A Tree and Woodland Management Plan is therefore recommended to be secured by way of a Section 75 legal agreement. This would ensure appropriate establishment and ongoing maintenance of the trees and woodland primarily in and around the site and any intervention that may be required to ensure that the quality of the Designed Landscape is maintained in the longer term.

### ***Landscape***

- 8.46. Overarching Policy OP2 requires development proposals to safeguard visual amenity and important views, protect and/or enhance rich landscape character and areas specifically designed for their landscape values at any level. Natural Environment Policy NEP1 states that development proposals should protect the special landscape qualities of the National Park, be sympathetic to their setting and minimise visual impact. The development site is also within the Loch Lomond National Scenic Area (NSA) and Section 263A(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019) requires planning authorities to *"pay special attention to safeguarding or enhancing the character or appearance of an NSA when exercising any powers under that Act in relation to any land within that NSA."*
- 8.47. The submitted Landscape and Visual Appraisal (LVA) assesses the significance of effects on Landscape Character Types on the designated areas (i.e. the National Park including the Special Landscape Qualities (SLQs), National Scenic Area and Ross

Priory Garden and Designed Landscape). It also assesses the visual effects from 7 viewpoints. The assessment expresses the findings in terms of the significance of effects being major, moderate, minor or negligible / beneficial, neutral or adverse. This is based on consideration of the sensitivity of the landscape or visual receptor combined with the magnitude of change (i.e. the scale and extent of effect and the duration).

### *Landscape Character*

- 8.48. Effects on the Landscape Character Types (LCTs). In this instance the relevant LCTs are rolling farmland, parallel ridges, lowland loch basin islands and river valley farmland and estates and are assessed in the LVA as being small / negligible. This is because the extent of landscape character impact is relatively localised and not uncharacteristic of these broad landscape character types. Well settled loch margins, recreational developments and settlement accommodated within former estates are characteristic of the Lowland Loch Basin LCT. In relation to the application site, characteristic lochside development would include Ross Priory itself along with the stables building (along with boat club and boat storage) and the Scottish Water pumping station to the west. The development would therefore appear as a relatively minor new feature within an existing pattern of lochside development when from the north and from other directions across the loch. The development would therefore not result in the introduction of an uncharacteristic change to the landscape overall.

### *Special Landscape Qualities*

- 8.49. The site and surrounding landscape exhibit a number of Special Landscape Qualities (SLQs) that are representative of the Loch Lomond landscape area and the wider National Park. These include a 'world-renowned landscape famed for its rural beauty', 'water in its many forms', 'the rich variety of woodlands', 'tranquillity'; 'immensity of loch and landscape'; '2 lochs in one' and 'banks of broadleaved woodland'<sup>7</sup>.
- 8.50. The LVA assesses the impact of the development on each of these SLQs and identifies that the permanent effects would be no greater than small scale. For example, there would be a small scale impact on a comparatively small area of broadleaved woodland in the context of the woodland within the Designed Landscape and the wider loch landscape. The LVA concludes that although the proposed development would have some localised effects on some of the SLQs of the Loch Lomond landscape area there would be little to no wider impacts. The overall significance of effects on the SLQs are assessed as minor/neutral. The development is not therefore considered to be detrimental to the integrity of the SLQs and would safeguard these in accordance with Policy NEP1.

### *Impact on the National Scenic Area*

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<sup>7</sup> Scottish Natural Heritage Commissioned Report No. 376 'The Special Landscape Qualities of the Loch Lomond and The Trossachs National Park' (2010)

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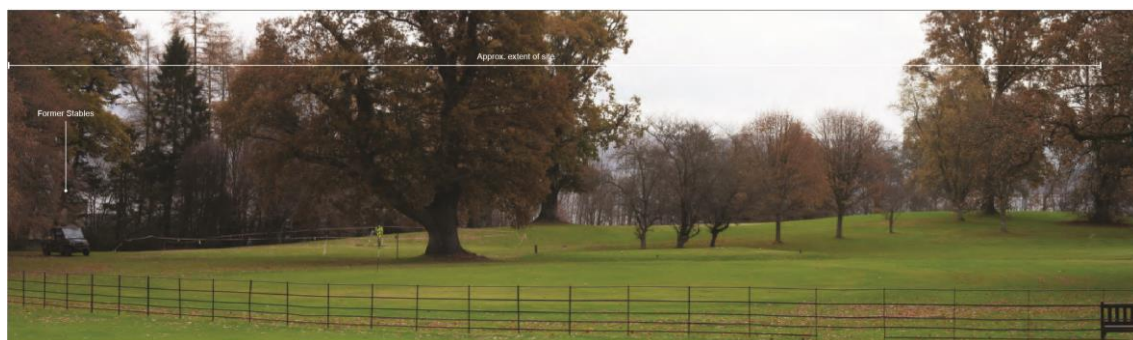
- 8.51. Similar to the effects on landscape character and Special Landscape Qualities, the character and appearance of the NSA would be largely unaffected and as such, the proposed development is judged not be detrimental to the integrity of the NSA designation and would safeguard the character and appearance of the NSA overall.

### *Impact on the Designed Landscape*

- 8.52. Overall and the permanent effects on the purposes of the designation are assessed in the LVA as neutral. Whilst the introduction of development into a Designed Landscape would generally be considered to be adverse, in this case the application site comprises a peripheral part of the parkland; an area which is functional rather than being of particular aesthetic quality. With the exception of the woodland and the heritage buildings, the site is not considered to make a positive contribution to the Designed Landscape. The large-scale but localised effects of the proposed development on the Designed Landscape would be tempered and off-set by the positive change within the site itself and the fact that it would not detract from the dominance of the Priory as the main feature within the Designed Landscape or on the character of the Designed Landscape as a whole.

### *Visual Effects*

- 8.53. The scale of the visual effects was assessed as negligible/neutral during the daytime for all 7 of the viewpoints with the exception of Viewpoint 6 - Ross Priory (Figure 33 below) which was medium/adverse on account of the introduction of development into the parkland edge. This effect will, however, be further mitigated by the additional tree planting on the southern side of the development to screen it in views both from the Designed Landscape and Ross Priory itself.



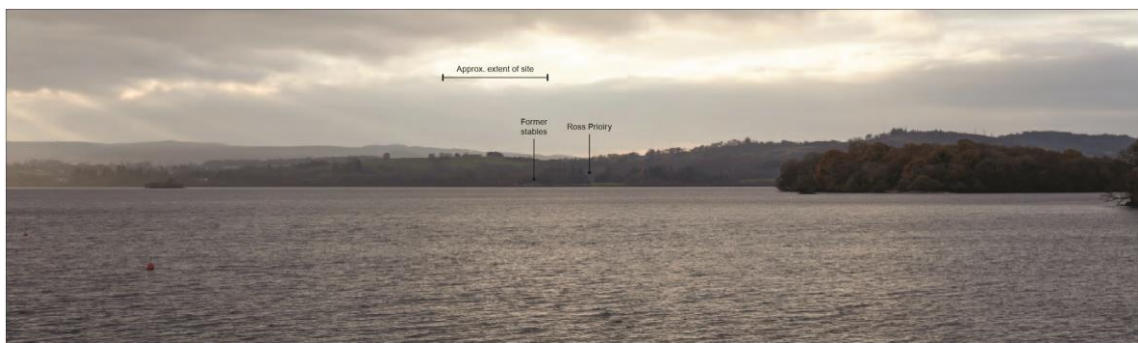
**Figure 33: LVA Viewpoint 6 – Ross Priory**

- 8.54. The scale of the visual effects that would be experienced during the daytime in views from Craigie Fort (just to the north of Balmaha) (Figure 34 below) and Balmaha Pier (Figure 35 below) were assessed as small/neutral. This is because the views would be distant and/or oblique and the development would not be particularly noticeable in the context of the wider landscape character. However, these effects were judged to become small/adverse at night due to the potential for a new source of artificial light to

be introduced into a relatively dark lochside area. Mitigation is therefore proposed in the form of a Light Impact Mitigation Plan (see below).



**Figure 34: LVA Viewpoint 3 – Craigie Fort**



**Figure 35: LVA Viewpoint 7 – Balmaha Pier**

- 8.55. The only other adverse effect noted in the LVA was the visual impact on users of the loch (boats, jet skis, paddle boards etc.) resulting from the increase in built development seen on the waterfront. The significance was moderate-adverse. However, the extent of large-scale visual change remains very much localised (i.e. only experienced within 100m of the site). Beyond 100m the effects are assessed as rapidly becoming minor-negligible. These localised effects would be noticeable by a comparatively small group of receptors and the significance is not assessed at a level that would be unacceptable.

#### *Dark Skies and Light Pollution*

- 8.56. An outline of the lighting design principles is set out in the submitted Light Pollution Statement which considers the impact of the internal lighting on the external environment and the views, particularly from and across the loch. This recommends mitigation in the form of controlled lux levels (how bright a light fixing is) for external lighting on the road and walkways and for internal lighting to be positioned and directed with intensity and lighting levels controlled to minimise escape and glare. Further details of the proposed lighting and measures to control light pollution are required to be submitted in a detailed Light Impact Mitigation Plan for approval by condition. This may include additional measures such as automated blinds to ensure that these effects are appropriately mitigated.



*Overall Conclusion on Landscape*

- 8.57. Overall it is considered that the design is sympathetic to its setting on the loch shore and within the Designed Landscape and would not lead to unacceptable visual impacts. There would be no adverse effects on the landscape character and the development would protect the special landscape qualities of the National Park and the NSA and would not undermine the specific features or values underpinning these designations. The proposal is therefore in accordance with Policy OP2 and NEP1.

***Trees***

- 8.58. Natural Environment Policy 8 (NEP8) states that development proposals will not be supported when it would result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits that outweigh the loss of the woodland habitat. Where development is accommodated provision for the protection, management and planting of new trees is expected in keeping with the distinctive landscape character of the area.
- 8.59. The application site contains broadleaved woodland which is undesignated. The woodland at the eastern extent of the application site is contiguous with the woodland belt which runs adjacent to the loch shore and forms the eastern golf course boundary; this is classified as native woodland.
- 8.60. The siting of the buildings has been driven principally by the desire to retain the best tree specimens in the woodland with locations chosen which minimise losses. The Tree Retention Plan identifies a total of 31 trees for removal to accommodate the development footprint. Of the 31 trees proposed to be removed, 20 are category C or U (meaning they are either of low quality or should be removed irrespective of development for reason of their condition) and 11 are category B trees (those of moderate quality) all but 3 of which are fair-poor condition and two of the remaining three 'good' specimens are non-native larch. A group of mature larch in the west of the site is recommended to be removed irrespective of the development on account of them being poorly formed, potentially unstable and the threat of disease.
- 8.61. For every tree removed it is proposed to plant 3 new trees. This ratio has increased following the submission of the amended landscaping plan with the additional tree planting now proposed along the site's southern side. The replacement trees would all be of semi-mature stature and native species chosen to enhance the species diversity within the site.
- 8.62. Natural Environment Policy 9 (NEP9) requires developments that may affect trees or woodlands to implement appropriate protection measures to safeguard their health. The close proximity of the development to retained trees means that it will be necessary to carefully manage construction works to avoid damage to root protection areas and tree canopies. The use of helical piles using a small tracked rig will ensure damage to tree roots is minimised. A Tree Protection & Arboricultural Method Statement has been submitted containing a detailed Tree Protection Plan and the methods that are to be

employed to protect retained trees during construction. These include fencing off of construction exclusion zones, areas of ground protection and areas where had excavation or no-dig construction techniques are to be employed. Compliance with the Tree Protection Plan and the Method Statement is recommended to be secured by condition.

- 8.63. A Tree and Woodland Management Plan is required to secure a long term (10 year) programme of active tree and woodland management for the site (if necessary involving woodland management activity in the wider estate). This is to ensure appropriate compensation for the loss of the small area of native woodland in accordance with Policy NEP8. This would also fulfil the requirement within Policy HEP4 for management plans in association with significant proposals in Gardens and Designed Landscapes and ensure the character of the Designed Landscape is maintained and/or enhanced in the longer term. The Tree and Woodland Management Plan is included within the Section 75 Heads of Terms.

### ***Drainage***

#### *Foul Drainage*

- 8.64. The submitted Drainage Strategy confirms that the existing drainage system for Ross Priory is a combined system which directs foul and surface water via septic and settlement tanks to the reed-bed at the centre of the application site from where the final stage treated effluent discharges to Loch Lomond. There are ongoing performance issues associated with the reed-bed including odours and periodic flooding from the Loch.
- 8.65. It was originally proposed to separate the existing combined system and re-direct the foul, along with that from the proposed development, to a new on-site sewage treatment plant which would discharge to the loch at the site's eastern boundary. That proposed system would have carried an increased loading but would have provided a higher level of treatment than the existing arrangement. In the light of an expressed public concern and an objection from SEPA, the applicant has revised the strategy and has committed to investing a significant sum in connecting the development (along with the existing Priory's waste water) to the public Waste Water Treatment Works at Gartocharn via a new pumping station.

On this basis SEPA has subsequently withdrawn their objection on foul drainage grounds but note that it would need to be subsequently confirmed with Scottish Water that the network can adequately convey and treat the additional loading. Notwithstanding the content of the Scottish Water response to the application, a letter from Scottish Water dated 14 January 2020 in response to a Pre-Development Enquiry by the applicant confirms there is sufficient capacity at the Gartocharn Waste Water Treatment Works.

A condition is recommended to stipulate that the development will connect to the public drainage network. Subject to the recommended condition the drainage approach

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accords with Policy NEP12 and would avoid adverse impacts on the water environment in accord with Policy NEP11.

### *Surface Water*

- 8.66. Policy NEP12 requires appropriate management of surface water via Sustainable Urban Drainage Systems (SUDS). The proposed system would convey run-off flows towards an underground attenuation structure, such as cellular storage to provide the necessary storage volume prior to releasing water to the loch at an attenuated rate. If the underlying ground conditions permit, infiltration techniques would be utilised.
- 8.67. Surface water runoff must be treated prior to being released into the water environment in order to mitigate the effects from pollution. This is regulated by SEPA through the planning process and is required to comply with SEPA's General Binding Rules (GBR's) of the Controlled Activities Regulations (CAR) guidance. Therefore, the flows from the buildings, access roads and parking would be treated through a combination of either filter drains, permeable paving or swales. Run-off from the main building would be treated by its designed-in green roof.
- 8.68. The proposed strategy accords with Policy NEP13 however full details of the strategy will need to be provided in due course once further feasibility work and ground investigations are completed. A condition is recommended for the detailed design of the surface water drainage system to be submitted for approval to ensure it complies with the relevant guidance and also that it incorporates appropriate pollution prevention measures.

### ***Flood Risk***

- 8.69. The northern half of the application site falls within the one in 200-year flood event from Loch Lomond and River Leven and a Flood Risk Assessment (FRA) accompanies the application as required by Policy NEP13. The FRA confirms that footprints of the buildings are located outside of the flood extent. Those parts of the buildings that appear from the site plan to be within the flood extent would be lifted above and out over the water by a cantilevered structural design. This would hold these parts of the building up above the flood level and there would be no need for ground raising, supports or building footings within the functional flood plain and therefore no resulting impact on the flood storage capacity.
- 8.70. The Drainage Strategy confirms the lowest building floor level would be 12m AOD which is 1.49m above the predicted 200-year water level of 10.51m AOD with requisite additional 600mm freeboard allowance.
- 8.71. Following additional information clarifying aspects of the FRA, SEPA removed their initial objection on flood risk grounds. A condition is recommended to ensure finished floor levels are set at a minimum of 12m AOD. The proposal would not therefore be at risk of flooding or increase the risk of flooding elsewhere in accord with Policy NEP13.

***Protected Species & Biodiversity***

Policy NEP2 requires development which is likely to have a significant effect on designated European sites to be subject to Appropriate Assessment under the Habitats Regulations.

*Loch Lomond Special Protection Area (SPA)*

- 8.72. The application site is around 0.9km away from the Loch Lomond SPA which lies to the east. The development would not impact directly upon the SPA. The National Park Ecologist advises that the development site does not have potential to support the Qualifying Interests (Capercaillie and Greenland white-fronted goose). There would be no likely significant effects and Appropriate Assessment for the SPA is not therefore required.

*Endrick Water Special Area of Conservation (SAC)*

- 8.73. The development is situated around 2km southwest of where the Endrick Water SAC enters Loch Lomond. Although the loch is outwith the boundary of the SAC, adult salmon pass through the loch to access the Endrick Water to spawn and smoults travel through the loch in the opposite direction to reach the sea via the River Leven.
- 8.74. Unless managed appropriately, there is potential for surface water from the application site to enter the loch (both during construction and operation) which would affect the water quality and in turn may have a significant effect on the Qualifying Interests (Atlantic salmon, Brook lamprey and River lamprey). Vibration from certain piling methods also has potential to harm these species.
- 8.75. The Appropriate Assessment for the SAC (which can be read in full at Appendix 5) considers these impacts and concludes that these can be mitigated by adoption of helical (screw) piling techniques and appropriate surface water management measures for both the construction and operational phases. Conditions are recommended to secure the necessary measures including: a prohibition on alternative piling techniques, approval of the detailed SUDS drainage design and a plan detailing the measures and methods to be adopted during construction to prevent contamination of the loch by surface run-off water. These measures would ensure there would be no significant effects on the Qualifying Interests of the SAC.

*Protected Species*

- 8.76. Policy NEP4 does not permit developments that would have an adverse effect on species protected under the Conservation (Natural Habitats &c.) Regulations 1994. The policy requires full consideration of species protected under the Wildlife and Countryside Act 1981 (as amended), species listed in Annex 1 of the Birds Directive and badgers under the Protection of Badgers act 1992 (as amended).

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- 8.77. The applicant has submitted an Extended Phase 1 Habitat Assessment report which surveys the site for protected species and makes recommendations to ensure any species and habitats that are present are safeguarded. The specific impacts and recommendations are summarised below.

### Powan

- 8.78. The report advises that freshwater fish, including powan, are present in Loch Lomond. Powan are a UK Biodiversity Action Plan (BAP) Priority Species and only naturally occur in two sites within Scotland. Powan are vulnerable to declines in water quality, increased siltation and de-oxygenation. The report advises that construction operations might result in sediment entering Loch Lomond and that this should be strictly avoided during the powan spawning periods (from December to March inclusive). It is recommended that conditions secure the necessary measures to prevent surface water contaminants entering the loch during construction and control the methods and timing of any works directly affecting the loch (e.g. outfall structures for surface water). These controls are considered sufficient to mitigate potential impacts on powan.

### Bats

- 8.79. All the trees on the application site were assessed for bat roosts. Trees identified as having unknown or high potential during the ground survey (i.e. where presence could not be ruled out) were visually inspected with the aid of an endoscope, a strong torch and mirrors from ladders and rope and harness. The survey found no evidence of roosting bats in any of the trees during the ground or aerial visual inspections. However, six of the trees surveyed had features with moderate potential for one or two roosting bats. The report recommends a watching brief for bats in these trees if they are required to be felled or when managing them in the future. A condition is recommended to ensure that these trees are checked for bats prior to any works affecting them.
- 8.80. Although outside of the application site, the stables, bothy and pigsty buildings were also subject to an initial visual inspection and follow up dusk/dawn surveys to establish the presence/absence of bat roosts. The presence of one brown long-eared bat roost and one soprano pipistrelle bat roost was confirmed (both non-breeding) and the buildings were also assessed as having moderate potential for hibernating bats. The bats may be indirectly affected by any external lighting associated with the construction or operation due to their proximity. The Light Impact Mitigation Plan is required to give consideration to bat impacts and will control the design of lighting to ensure that any potential effects on bats are mitigated.

### Breeding Birds

- 8.81. The mixed/broadleaved woodland and scrub was surveyed as having good potential for foraging and nesting birds. A condition is recommended to ensure that trees and scrub clearance is undertaken outside of the bird breeding season unless a pre-clearance check is undertaken by a trained ecologist confirms absence of active nests. If nesting



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birds are found, the condition requires the details of mitigation that would be put in place to protect the nest until it is no longer in use.

- 8.82. A number of representations received highlighted that two ospreys had recently taken up residence within the grounds of Ross Priory. The National Park ecologist has advised that the nest site is likely to have been chosen during the uniquely quiet circumstances brought about by the onset of the Covid 19 pandemic and is not anticipated to remain a preferential nesting location due to the disturbance effects of the golf course. The nest site is not within the application site and would not be directly affected by the development. Nevertheless, as a precaution, the condition for a pre-development survey also includes a specific requirement to survey and mitigate any impacts on ospreys.

Badger, Reptiles, Red Squirrels, Otter, Water Vole and Pine Martin

- 8.83. The site and surrounds were surveyed for Badger, Reptiles, Red Squirrels, Otter, Water Vole and Pine Martin. Although in some cases the site provided suitable areas for foraging or good habitat, no presence or evidence of protected species was recorded during the walkover survey. The report makes recommendations for precautionary safeguarding measures including additional pre-development checks and the covering/ramping of any trenches / excavations during construction. Conditions are recommended to secure a pre-clearance red squirrel check, a reptile protection plan and adoption of measures to safeguard any mammals that may enter the site during construction.

### *Invasive Species*

- 8.84. Policy NEP6 requires proposals to enhance biodiversity by preventing the spread of non-native invasive species and securing the protection management and enhancement of natural landscape, wildlife and habitat, including where possible, the creation of new wildlife habitats.
- 8.85. The report confirms no evidence of notifiable invasive species within the site although the Arboricultural Method Statement Report noted instances of Rhododendron at tree bases. The removal of non-native species is required to accord with Policy NEP6 and this is secured by a condition requiring a Non-Native Invasive Species Plan to ensure effective control and irradiation.
- 8.86. A condition is also recommended to prohibit the introduction of non-native fish species and the use of chemicals within the proposed 'reflecting pool'.

### *Conclusions on Biodiversity*

- 8.87. Overall, and subject to compliance with the recommended conditions, the proposal would safeguard the qualifying interests of the Loch Lomond SAC and other protected species. The removal of invasive species along with non-native larch trees combined with the additional native tree planting, new herbaceous planting and green roof will

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contribute positively to diversifying and enhancing the site's biodiversity value and interest in the longer term. The proposal therefore accords with Policies NEP2, NEP4 and NEP6.

- 8.88. Notwithstanding the revised submitted Landscape Plan, a condition is recommended to secure a more detailed Landscaping Planting Plan specifying the species mix, number and densities for all types of landscape planting within the site (including a specification for the species to be used on the green roof) to optimise the site's biodiversity potential.

### ***Transport***

- 8.89. Policy TP3 requires developments to minimise any adverse impacts on traffic flows and to meet the Road Authority's design specification and standards. Policy TP2 requires development proposals to promote accessibility by all modes prioritising walking, cycling and non-motorised forms of transport over the private car.
- 8.90. Ross Priory estate is accessed via Ross and Aber Road, a narrow country road (which is also a Core Path) that forms a horseshoe loop to the north of Gartocharn. Access to the driveway leading to Ross Priory is marked by the Gatehouse, located near the midpoint along the horseshoe loop. The horseshoe loop of Ross and Aber Road joins the A811 Old Military Road to the east and west of Gartocharn. Gartocharn Primary School is located at the western end near the intersection with the A811.
- 8.91. A regular bus Service 309 between Alexandria/Balloch and Balmaha via Gartocharn runs every 1 1/2 hours. From Gartocharn it is 2.5km (approximately a 30-minute walk) to the site via the Ross and Aber Road / Core Path. The location means that the private vehicle would be the predominant mode of transportation.
- 8.92. The submitted Travel Plan contains details of the anticipated traffic movements (including details of arrival and departure times and the number and type of vehicles) and a strategy for minimising travel by private car. These include:
- A minibus shuttle service to/from Balloch (maximum 16 seater) for THF event attendees and staff to link with Balloch train station;
  - A car / vehicle sharing policy for guests and staff;
  - Cycle storage provision.
- 8.93. In a typical week there would be 24 participants and 9 staff. If all participants opted to utilise the shuttle service, then traffic movements would be less than 20 two-way vehicle movements in total per week. For the occasional THF larger events (3 days per annum) there would be up to 100 guests and between 19 and 32 staff. If all guests used the 7 minibuses provided, then there would be between 14 and 16 two-way vehicle movements in total on those days.
- 8.94. In reality, it is likely that some attendees would travel independently to the site, although the total of 19 car parking spaces (plus 2 disabled and 2 ev charging spaces) would be a limiting factor. If the new car parking were utilised to capacity, then that might generate

around 20 two-way movements in addition to the above figures. Overall, whilst the proposal would increase traffic to and from the site, the likely additional movements are considered to be within acceptable limits. Although the location of the proposal is clearly not optimum for access by active travel modes, it has also to be recognised that Ross Priory is an existing tourism location. The proposed measures to minimise car use are appropriate and proportionate and the proposal therefore is considered to accord with Policy TP2.

- 8.95. West Dunbartonshire Council as Roads Authority advises that the proposal would use existing public roads and they raise no concerns regarding the development's impact on the road network. No works to the public road are required. They confirm that the proposed parking provision would meet the requisite standards and have no objection subject to a condition to ensure that the disabled bays meet the relevant design requirements.
- 8.96. The Travel Plan confirms that the applicant has voluntarily offered to undertake improvements to the approach roads, including additional laybys or traffic calming in the vicinity of the school. As the Roads Authority has not deemed such improvements necessary for this development to be acceptable, it would not be appropriate to make the offer of improvements the subject of a planning condition.
- 8.97. The applicant is mindful of the potential effects of construction traffic (particularly in relation to the school) and the Travel Plan sets out a number of measures to manage this which includes among the various measures a prohibition on construction traffic using the approach road during school pick up and drop off times. A condition is recommended to secure details of construction traffic management.
- 8.98. The Travel Plan refers to there being potential for a future water taxi service from the site to and from Balloch, however this does not form part of the present application. Any future proposal to increase activity on the loch by way of introducing new infrastructure (jetties, piers etc.) would be the subject of a future planning application.

### ***Archaeology***

- 8.99. Policy HEP7 requires developers to make appropriate provision for retention and preservation or the excavation and recording of archaeological resources that would otherwise be damaged or lost as a result of development.
- 8.100. WOSAS advise that the reclaimed land to the north and north-east of the application area is unlikely to be of archaeological interest. However, they have advised that there may be remnants of a former small walled garden in the area that would be impacted by the proposed development. Nevertheless, WOSAS confirm that presence of the walled garden is unlikely to raise an archaeological issue of such magnitude that planning permission ought to be withheld. Instead they have requested a programme of monitoring and recording to be carried out during construction to monitor, recover and record any artefacts of interest. This is recommended to be secured by condition in accordance with Policy HEP7.

***Geology***

- 8.101. Policy NEP3 seeks to prevent development that would undermine the objectives or integrity of a SSSI designation. Policy NEP7 similarly seeks to protect Geological Conservation Review (GCR) sites from development which would compromise their objectives and overall integrity.
- 8.102. The site is located immediately adjacent to the east but outwith the Portnellan - Ross Priory - Claddochside Site of Special Scientific Interest (SSSI) and GCR. This designation is important for its geology (specifically Quaternary geology and geomorphology which concerns the late glacial and post glacial processes of the Loch Lomond Re-advance).
- 8.103. As the development would have no direct impact on the SSSI and GCR designations, the proposal would not affect or compromise their objectives or overall integrity and, as such, the proposal complies with Policies NEP3 and NEP7. A representation has been received from Professor James Rose and Professor John Lowe of the Centre of Quaternary Research at the Royal Holloway University of London highlighting the importance of the geology of the site and their research interest. While they acknowledge that the proposed development does not impinge on the SSSI and GCR, they highlight that it will, nevertheless, have an impact on glacial landforms and sediments that form a continuum around the southern shore of Loch Lomond. They request that a watching brief is made a condition of planning approval such that an appropriately qualified person is given the opportunity to record and sample any exposed deposits that would help further research in this area.
- 8.104. Whilst the application site is of geological interest, there is no protection afforded to it in policy terms. As such it is not appropriate to make a watching brief, for the purposes of third-party research, a condition of planning approval. Whilst it would not be reasonable to impose a planning condition it would be open to the applicant to voluntarily permit access to the site for the purposes of research by interested parties in the light of their request.

***National Park Aims***

- 8.105. The four National Park Aims are material considerations when assessing development proposals in the National Park. The planning assessment describes how the proposal directly promotes immersion in nature and landscape as a means to inspire and to achieve learning goals. The proposal would have some direct local benefits but would also support Ross Priory in the longer term as well as contributing to wider economic and social sustainability nationally. As such it would contribute positively in respect of the third and fourth aims: 'to promote understanding and enjoyment of the special qualities of the area by the public'; and 'to promote sustainable economic and social development of the area's communities'.
- 8.106. The planning assessment has not identified any unacceptable environmental effects and the proposal would help protect and support the longer term enhancement of Ross

Priory's cultural heritage. There would therefore be no conflict with the first aim to 'to conserve and enhance the natural and cultural heritage of the area' and the Sandford principle does not apply. The second aim 'to promote sustainable use of the natural resources of the area' is not directly relevant. The proposal is therefore judged to accord with the National Park Aims.

***Overall Conclusion***

- 8.107. This application is for a unique new development in the National Park, which has been carefully considered. In assessing the application, consideration has been given to the provisions of the Local Development Plan (LDP), other policies and guidance, the representations received and the advice from all statutory consultees and other organisations. Significant weight is applied to the expertise and responses of NatureScot (formerly SNH), HES, Scottish Water and SEPA. None of these consultees have objected and their responses outline requirements and provide advice which has informed the planning assessment. There have been objections from the Community Council, local residents and the public. The particular concerns have been carefully considered, along with the case the applicant has made in the authority's planning assessment.
- 8.108. The National Park is place for people to enjoy the word class landscapes, natural and cultural heritage. It rightly attracts the ambition and aspiration of many, from individuals, communities, charities and businesses from across Scotland and beyond and there are many ways to experience and enjoy the National Park from recreational pursuits on land and water, to spending time taking in the views and also those that seek to live or work in the area. Whilst rare, there have been a small number of similar proposals since the Park's establishment that have been considered by exception in view of their purpose or mission reflecting the benefits for wellbeing, health and the inspiration that can be gained from the natural environment which, in turn, closely reflects the aims of the National Park Partnership Plan and National Park Aims. Examples include Robin House, on the edge of Balloch, Ripple Retreat on the southern shores of Loch Venachar and Ardoch by Gartocharn.
- 8.109. This proposal is for a unique facility of the highest architectural quality that the applicant states is a gift to the country; being a place to nurture and support future entrepreneurs and public sector leaders. The Park Authority has a responsibility to facilitate the protection and enhancement of the National Park's built heritage and it is significant that this application will help secure the Priory and its Estate in the longer term by extending and increasing the use. In this respect this is clearly a genuine, and hugely beneficial proposal for the National Park and Scotland in the long term.
- 8.110. There is always a careful balance to strike in considering new development in the National Park, to ensure this sensitive area is looked after while also supporting the social and economic wellbeing of the area. On balance the assessment of this application has concluded that the proposal complies with the Local Development Plan's policies for economic development and visitor experience taking into account the intent



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of the Local Plan's overall strategy and the wider benefits the development will bring as outlined. The application meets all other policy requirements set out in the Local Development Plan and is therefore recommended for approval subject to conditions and a Section 75 agreement.

**Appendix 1: Conditions**

- 1. Full Specifications:** Prior to the commencement of development full details and specifications for the following (based on the submitted Outline Specifications 1743-A-PP-9001 (1743d\_A15)) shall be submitted to and approved in writing by the planning authority:
- a. Finishing/cladding materials for the exterior of the buildings (with samples if requested);
  - b. External finishes (where this involves application of colour);
  - c. Proposed surface materials along with construction details for areas of new hardstanding including access roads and car parking, pedestrian areas and paths;
  - d. Details of the construction of the 'infinity reflecting pool';
  - e. Any proposed enclosures including fences, walls or gates;
  - f. Any ancillary structures (including bin stores);

Thereafter the development shall be constructed in accordance with the approved details and specifications.

REASON: To ensure details are acceptable in the interested of amenity of the area and in accordance with the objectives of Overarching Policy 2 and the Design and Placemaking Guidance of the Adopted Local Development Plan.

- 2. Light Impact Management Plan:** Prior to the commencement of development a detailed Light Impact Management Plan shall be submitted to and approved in writing by the planning authority. This shall be based on the submitted Light Pollution Planning Statement (December 2019) by Atelier Ten and include full details of the following:

- a. A final specification for all external lighting fixtures;
- b. Number and location of the above;
- c. Details of the specification and locations of blinds to be fitted within the buildings along with the automated systems and proposed programming to ensure effective and controlled mitigation of light pollution in hours of darkness;
- d. A method of demonstrating compliance including calculation areas with analysis of lighting levels on the vertical plane around the site perimeter and an upward light pollution calculation.

The above shall be informed by Guidelines produced by the Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light 2020 and the Bat Conservation Trust Guidance Note 08/18 – Bats and artificial lighting in the UK. Thereafter the approved Light Impact Management Plan shall be implemented in full prior to the development being brought into use.

No construction works are permitted to be undertaken under artificial external lighting unless with the prior agreement in writing by the planning authority.

REASON: To mitigate visual impact of light pollution and to safeguard the qualities of the dark skies and protected species (bats).

- 3. Tree Retention and Protection:** No trees, other than those identified for removal on the Tree Retention Plan 1743A-A-PP-1012 shall be removed or otherwise lopped, chopped or pruned unless agreed in writing by the planning authority. All retained trees shall be protected in accordance with the methods set out in the submitted Tree Protection & Arboricultural Method Statement by Langton Tree Specialists and as indicated on the Tree Protection Plan 0117(118)-01 – Prot. dated 15.05.20 contained at Appendix 3 therein).

REASON: To ensure that important trees that contribute to the amenity of the area and the Designed Landscape are retained and appropriately protected throughout construction.

- 4. Connection to the Public Drainage Network:** The foul flows from the development hereby permitted shall connect to the Scottish Water public drainage network.

REASON: To safeguard the water quality and protected species within Loch Lomond.

- 5. Surface Water:** Prior to the commencement of the development hereby permitted, details of the sustainable urban drainage system (SUDS) for the management and treatment of surface water for the operation of the development shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scheme shall incorporate the principles of The CIRIA SuDS Manual, SEPA's Regulatory Method for SuDS (WAT-RM-08), Water Assessment and Drainage Assessment Guide (Sustainable Urban Drainage Scottish Working Party) and Guidance and Sewers for Scotland (v4.0), or any subsequent revisions/equivalent publications. Thereafter the development shall be implemented in strict accordance with the approved scheme.

REASON: To ensure that the SUDS design accords with the requirements of the Local Plan and Supplementary Guidance and incorporates adequate pollution control measures to protect the water quality of Loch Lomond and the qualifying interests of the Endrick Water SAC during the development's operation.

- 6. Control of Surface Water During Construction:** Prior to commencement of construction full details of the pollution prevention safeguards to protect the water quality of Loch Lomond during construction works in line with Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: Works and maintenance in or near water (February 2018) and other relevant Guidance for Pollution Prevention (GPP)/Pollution Prevention Guidance (PPG) shall be submitted to and approved in writing by the planning authority in consultation with SEPA. Thereafter the details shall be implemented as approved.

REASON: To ensure that adequate pollution control measures are implemented during the construction of the development to protect the water quality of Loch Lomond and the qualifying interests of the Endrick Water SAC.

- 7. Works in the water environment:** Construction methods for the alteration or installation any structures within Loch Lomond shall be in line with The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) General Binding Rules. No works to existing or new outfall structures or other works directly affecting the loch waters shall be

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undertaken during the powan spawning season (which runs from December to March inclusive).

REASON: To ensure appropriate protection during construction for species which inhabit Loch Lomond including powan and the qualifying interests of the Endrick Water SAC.

- 8. Flood Risk:** The finished floor levels within the development hereby approved shall be a minimum of 12m AOD unless otherwise agreed in writing by the planning authority in consultation with SEPA.

REASON: To ensure that the buildings are not at risk of flooding in the 1 in 200-year flood event.

- 9. Piling Techniques:** All piling activity shall be undertaken using helical piling techniques as referenced in the Design Statement by Kettle Collective. No alternative piling techniques shall be adopted in the construction of the development unless agreed in writing by the Planning Authority in consultation with SNH.

REASON: To protect the qualifying interests of the Endrick Water SAC from the effects of vibration damage during construction.

- 10. Nesting Birds Protection (including Osprey):** If undertaking site clearance works within the bird breeding season (March to August inclusive) a pre-works survey for nesting birds shall first be carried out by a suitably qualified person no more than 5 days prior to the clearance works commencing. The survey shall establish:

- a. The measures to ensure that ospreys are protected from disturbance during the osprey breeding season (April to August inclusive);
- b. The presence or absence of active nests within the application site; and in the event and active nest is found on site;
- c. The mitigation measures and procedures to be followed to protect the nest until it is no longer in use.

The pre-works survey shall be submitted to the planning authority prior to clearance works commencing and thereafter the mitigation measures and procedures shall be implemented in full.

REASON: To ensure that no offences are committed with regards to nesting birds.

- 11. Tree Bat Check Survey:** No works shall be carried out on any of the trees identified with moderate suitability for roosting bats (i.e. Trees numbered 1624, 1561, 1560, 1604, 1603 & 1503 in the Tree Survey and Arboricultural Report (dated April 2019 and revised November 2019) by Langton Tree Specialists unless a pre-works survey has first been carried out by a suitably qualified person to establish the presence or absence of roosts immediately prior to works commencing and the results of the survey submitted to the planning authority.

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REASON: To ensure that no offences are committed with regards to bats.

- 12. Reptile Protection:** Prior to site clearance works commencing a reptile protection plan shall be submitted to and approved in writing by the planning authority. The plan shall detail the mitigation measures that will be implemented to ensure that no reptiles are killed or injured during the clearance works or construction of the development including the measures to protect hibernacula during the hibernation period (October-March inclusive).

REASON: To ensure that no offences are committed under the Wildlife and Countryside Act 1981 (as amended) with regards to reptiles.

- 13. Red Squirrel Check Survey:** A pre-works survey for red squirrel dreys shall be carried out by a suitably qualified person prior to site works commencing. The survey shall establish:

- a. The presence or absence of red squirrel dreys within the application site; and in the event a drey is found on site;
- b. The mitigation measures and procedures to be followed to protect the drey.

The pre-works survey shall be submitted to the planning authority prior to clearance works commencing and thereafter the mitigation measures and procedures shall be implemented in full.

REASON: To ensure that no offences are committed with regards to red squirrels.

- 14. Wildlife Protection During Construction:** Throughout the construction period all exposed pipe systems shall be capped when contractors are off site and any exposed trenches or holes shall be covered or exit ramps provided to prevent animals from becoming trapped.

REASON: To ensure that no offences are committed with regards to protected species.

- 15. Control of invasive non-native species:** Prior to site clearance works commencing an Invasive Non-Native Species (INNS) management plan to irradiate any INNS present on the site (including *Rhododendron ponticum*) and prevent spread shall be submitted to and approved in writing by the planning authority. This plan shall be informed by the results of a pre-clearance INNS survey. Thereafter the INNS shall be implemented as approved prior to construction works commencing.

REASON: To prevent the spread of invasive non-native species to comply with Policy NEP6.

- 16. Reflecting Pool:** At no time shall the water within the proposed reflecting pool be chemically treated nor shall any non-native fish or other non-native species of flora or fauna be introduced.

REASON: To remove the risk of chemical pollution or invasive species entering Loch Lomond and in the interests of safeguarding its ecology.

- 17. Detailed Landscape Planting Scheme:** The development hereby approved shall only take place in accordance with a Detailed Landscape Planting Scheme which shall be submitted

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to and approved in writing by the planning authority prior to the commencement of development. The scheme (incorporating plans at a scale of 1:500 or greater) shall be based on the approved Landscape Plan reference 1743A-A-PP-1013 P2 and the Outline Specifications 1743-A-PP-9001 (1743d\_A15)) and in addition shall incorporate the following information:

- a. Proposed finished levels or contours;
- b. Schedules of plants, noting species, plant sizes and proposed numbers/densities;
- c. A proposed species mix for the green-roof (sedum must not make up more than 30% of the species composition);
- d. Planting methods and measures to ensure establishment of all planting;
- e. A 5-year maintenance regime for all new planting.

The development hereby approved shall not be brought into use until such time as the landscaping (including the additional planting proposed to the south of the application site), has been implemented in accordance with the approved plan.

Thereafter the landscaping shall be managed in accordance with the approved regime. Any trees or plants that are removed, dying, damaged or diseased within 3 years of planting shall be replaced and reinstated by the end of the next available planting season, to the satisfaction of the Planning Authority.

REASON: To ensure the development is appropriately integrated into the surroundings and to ensure that the proposed scheme of landscaping is established and maintained in the interests of the visual amenity of the site, managing visual impacts on the wider landscape and its built heritage and to safeguard the character of the Designed Landscape.

- 18. Construction Traffic Management:** Prior to commencement of construction the details of the proposed measures to manage construction traffic shall be submitted to and approved in writing by the planning authority in consultation with the roads authority. Thereafter the measures shall be implemented in accordance with the approved details for the duration of construction.

REASON: To manage the impacts of construction traffic on the approach roads / Core Paths in the interests of pedestrian and road safety.

- 19. Disabled Parking:** The development shall provide a minimum of 2 disabled parking bays which shall be designed to accord with Diagram 661A of the Traffic Signs Regulations and General Directions (TSRGD).

REASON: To ensure the development meets the Road Authority's standards for accessibility in accordance with Policy TP3

- 20. Archaeological Watching Brief:** The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. A method statement for the watching brief shall be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the development. The name of the archaeological organisation retained by the developer



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shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds.

REASON: To ensure that features of archaeological interest are excavated and recorded in accordance with Policy HEP7.

- 21. Working hours:** Construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: In the interests of safeguarding the amenity of the occupiers of Ross Priory and the surrounding area.

### List of Plans

Plan Title	Reference	Date Received
Location Plan	A-PP-1001	02 March 2020
Site Plan	1743A-A-PP-1011 Rev P1	02 March 2020
Site Elevations	1743A-A-PP-1021 Rev P1	02 March 2020
Site Sections 1 & 2	1743A-A-PP-1031 Rev P1	02 March 2020
HGLC Building Ground Floor Plan	1743B-A-PP-1010 Rev P1	02 March 2020
HGLC Building Roof Level Plan	1743B-A-PP-1011 Rev P1	02 March 2020
HGLC Building Elevations	1743B-A-PP-2001 Rev P1	02 March 2020
HGLC Building Sections 1 & 2	1743B-A-PP-3001 Rev P1	02 March 2020
Residential Pod Layouts	1743C-A-PP-1001 Rev P1	02 March 2020
Residential Pod Elevations	1743C-A-PP-2001 Rev P1	02 March 2020
Residential Pod Sections	1743C-A-PP-3001 Rev P1	02 March 2020
Tree Retention Plan	1743A-A-PP-1012 Rev P1	02 March 2020
Tree Protection Plan (Plan 2) dated 15.05.20	0117(118)-01 - Prot	22 May 2020
Landscape Plan	1743A-A-PP-1013 Rev P2	27 October 2020

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***Appendix 2 Section 75 Heads of Terms***

8.111. A Section 75 legal agreement is required to secure the following:

1) A financial contribution of £150,000 to be secured for the purposes of protection and enhancement of the estate's built heritage (with priority given to the stables, both and pigsty ruins) and;

2) A Tree and Woodland Management Plan to secure appropriate management and intervention as required in respect of trees, and woodlands in and outside of the application site in the interests of securing protection and enhancement of native woodland and the Designed Landscape in the longer term.

**Appendix 3: Supporting Information**

<b>Document</b>	<b>Author</b>	<b>Date Received</b>
Design Statement revised pages 72-89 (Amended Landscape Section)	Kettle Collective	27 October
Drainage Assessment Issue 3 (3 October 2020) DA/267878/S001	Ove Arup & Partners, Scotland	14 October
Travel Plan (dated 14 October 2020)	Kettle Collective	14 October
New Drain Notional Route Layout A-PP-1014	Kettle Collective	14 October
Tree Protection Plan Ref. 0117(118) 01 Prot.	Langton Tree Specialists	22 May 2020
Tree Protection & Arboricultural Method Statement	Langton Tree Specialists	22 May 2020
Design Statement	Kettle Collective	02 March 2020
Extended Phase 1 Habitat Survey (November 2019)	Stuart Spray Wildlife Consultancy	02 March 2020
Landscape and Visual Appraisal (December 2019)	Stephenson Halliday	02 March 2020
Light Pollution Planning Statement	Atelier Ten	02 March 2020
Phase 1 Flood Risk Review (April 2019)	Surface	02 March 2020
Sustainability Statement	Atelier Ten	02 March 2020
Tree Survey and Arboricultural Report (April 2019 – Revised November 2019)	Langton Tree Specialists	02 March 2020
Outline Specifications (02.03.20) Ref. 1743-A-PP-9001 (1743d_A15)	Kettle Collective	02 March 2020