

## Planning and Access Committee

Meeting: 30<sup>th</sup> May 2022

Agenda item: 4

**SUBMITTED BY:** Director of Place

<b>APPLICATION NUMBER:</b>	2021/0356/DET
<b>APPLICANT:</b>	Balhousie Care Ltd
<b>LOCATION:</b>	Land at Lagrannoch, Stirling Road, Callander
<b>PROPOSAL:</b>	Erection of 50 bed care home with associated landscaping, parking, roadway and creation of a new access
<b>NATIONAL PARK WARD:</b>	Ward 3 - Callander
<b>COMMUNITY COUNCIL AREA</b>	Callander
<b>CASE OFFICER:</b>	Name: Julie Gray Tel: 01389 727753 E-mail: Julie.gray@lochlomond-trossachs.org

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## 1. Summary and reason for presentation

- 1.1. The application site is located 1.3km to the east of Callander Town Centre and it is allocated for retail use in the Adopted Local Development Plan (Callander RET1: Stirling Road). Permission is sought for the erection of a 50 bed care home and associated landscaping, parking, roadway and the formation of a new access. The proposed use is a material departure from the allocated land use.
- 1.2. In accordance with the National Park Authority's Scheme of Delegation Section 5.2, development that would, by determining that approval is appropriate, be considered to be a material departure from an approved Local Development Plan and where the officer recommendation is to approve, will be the subject of a report for consideration by the Planning and Access Committee.

## 2. Recommendation

- 2.1. That Members:

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

## 3. Background

Site Description	
3.1.	The application site is located at Lagrannoch, Stirling Road, Callander (see Site Location Plan in Appendix 2). The site area is 1.44 ha. It is located 1.3km east of Callander town centre, adjacent to the A84 trunk road (Stirling Road). The site is an allocated retail site (Callander, RET1, Stirling Road) and is an out-of-centre location.
3.2.	The site is currently vacant, grassed land. There are trees adjacent to the southern boundary. The Mellis burn flows to the west and south of the site into the River Teith (a Special Area of Conservation). Callander Sewage Works is located on the opposite side of the Mellis burn to the south west. Callander Medical Centre is located to the west of the site. Residential properties are located to the eastern boundary with rear gardens facing the site. The Dreadnought Garage and petrol filling station is located to the opposite side of Stirling Road together with one residential property and one office. A bus stop is located adjacent to the site on the approach into Callander.

## Site Description



**Figure 1: Aerial View**

3.3.	The site is located in a part of the settlement which is predominately residential. There are some community services and businesses in the immediate vicinity including the Callander Medical Centre, Callander Fire Station, petrol station and some small tourism accommodation providers (B&Bs).
3.4.	A number of trodden paths are evident on the site, the most prominent being from the north west corner, where a wooden kissing gate facilitates access across the site, to the south east corner. Other desire lines exist and another footpath runs north to south alongside the sites' eastern boundary providing access to the River Teith from the A84.
3.5.	The site has a gentle slope from north to south with the southern third of the site falling away more steeply towards the Mellis burn.

## Description of Proposal

3.6.	The proposed development is for a 50 bed care home to be privately operated by Balhousie Care Ltd. with a new access road and pedestrian access from the A84, car parking, landscaping and SUDS.
3.7.	The proposed care home would have a 'T' shaped plan form and is sited on the west most part of the site, it is set back approximately 20m from Stirling Road.
3.8.	The building is proposed to be two storey with double pitched roofs and projecting gable features. The roof would be covered with reconstituted slates



## Description of Proposal

with sections of zinc standing seam. The walls would be white render with stone gable features. Grey coloured windows are proposed.



**Figure 2: Proposed Site Plan**



**Figure 3: Visualisation - View looking west from Stirling Road**

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|-------|--|
| 3.9.  | A new access road is proposed from the A84 to provide vehicular access to the rear of the proposed building and a new car park would be located to the south and east of the building. |
| 3.10. | A new footpath would be provided adjacent to the new access road to provide access to the care home. A further section of footpath is proposed to provide                              |

## Description of Proposal

	access from the care home to the south east corner of the site which connects to the path network at the River Teith.
3.11.	The existing trodden path running along the eastern boundary, which provides access from the A84 to the River Teith path network, is proposed to be upgraded to a 2m wide all abilities path.
3.12.	Sustainable Urban Drainage (SUDs) is proposed in the form of local filter trenches, porous paving to parking areas, and a surface water storage structure to the south of the site with discharge to the Mellis Burn.
3.13.	Landscaping would comprise a random rubble wall set some 3.5m back from the pavement line on the northern boundary to the A84. The wall would be interspersed with small sections of fencing. A landscape garden would be provided between the new wall and building comprising a number of new trees, shrubs and paths.
3.14.	A further private landscaped garden would be provided to the west of the building with a 1.8m high timber panel fence on the western boundary with the Medical Centre. Car Parking with 23no. spaces including 4 accessible spaces; 2 electric vehicle charging points; and cycle parking would be provided to the east and south of the building. Tree planting is proposed to the car parking area.
3.15.	A limited amount of land raising would be required to land to the rear of the care home to facilitate a level plateau for the bin storage area and car parking.
3.16.	Approximately one third of the land to the east of the site is described as 'Phase 2 Future Development Site'. No plans have been provided as to the exact nature of potential development here, however, the applicant has indicated that a further care facility, retirement living or residential use are possibilities. For the avoidance of doubt, any future development would be subject to a separate planning application.

## Planning History

3.17.	2005/0188/OUT -Approve with Conditions -20 June 2008 Erection of residential development (1.4 ha)
3.18.	2011/0167/PPP -Approve -4 August 2014 Erection of supermarket including car parking, service, access and landscaping
3.19.	2017/0239/PPP – Pending consideration - this application was agreed with the applicant to remain 'on hold' while future options for the site were investigated – including its possible connection with a road bridge crossing as part of the South Callander Masterplanning exercise.

## Planning History

	Renewal of planning consent for the erection of supermarket including car parking, services, access and landscaping (application reference number: 2011/0167/PPP)
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## 4. Environmental impact and habitat regulations assessment

### Environmental Impact Assessment (EIA)

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|------|---|
| 4.1. | The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.  |
| 4.2. | The proposal constitutes an 'urban development project' under the infrastructure projects' category of Schedule 2 (10b) of the Regulations and therefore requires to be screened. The screening opinion concludes that the proposed development is not likely to give rise to significant environmental effects and an EIA is therefore not required. The screening opinion is available to view as part of the application file. |

### Habitat Regulations Assessment (HRA)

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|------|--|
| 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.  |
| 4.4. | In this instance it was concluded that the development proposal is likely to have a significant effect on the River Teith Special Area of Conservation. An Appropriate Assessment was therefore undertaken – this concluded that subject to the implementation of pollution prevention measures the proposal will not have an adverse effect on the integrity of the River Teith SAC. The Appropriate Assessment is available to view as part of the application file. |

## 5. Consultations and representations

### Responses to Consultations

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|------|--|
|      | <u>The Clackmannanshire and Stirling Health and Social Care Partnership</u>  |
| 5.1. | <b>No Objection.</b> The Clackmannanshire and Stirling Health and Social Care Partnership (CSHSCP) is broadly supportive of an application for an older adult care home in the Callander area. The CSHSCP strongly encourage any potential care home provider to engage with the Partnership at the earliest |

## Responses to Consultations

	<p>opportunity to ensure they offer a model of care and support that aligns with the priorities of the Partnership and local residents. They are interested to learn of proposals for the recruitment and retention of staff.</p> <p>Assurance is sought that the care home intends to operate under the terms and conditions of the National Care Home Contract. It is requested that the applicant commits to providing the information required for the Partnership to carry out standard due diligence checks before the Partnership could consider entering into a contract.</p>
	<u>Scottish Water</u>
5.2.	<b>No Objection.</b> They advise that there is currently sufficient capacity in the Turret Water Treatment Works. The proposed development would be serviced by Callander Waste Water Treatment Works, however Scottish Water has advised further investigations may be required to be carried out once a formal application is submitted to them. Scottish Water is unable to reserve capacity at the water and waste water treatment works.
5.3.	Scottish Water will not accept any surface water connections into the combined sewer system.
5.4.	<p>It is noted that the proposal impacts on the following Scottish Water assets in the site boundary:</p> <ul style="list-style-type: none"> <li>• 1 x 225mm foul sewer</li> <li>• 1 x 8" PVC water main</li> <li>• 1 x 6" AC water main</li> </ul>
	<u>Stirling Council Roads Authority</u>
5.5.	<b>No Objection.</b> The Roads Authority has requested a number of conditions including the width of footpaths, car parking bay dimensions, provision of cycle parking and electric vehicle charging points and the submission of a comprehensive travel plan.
	<u>West of Scotland Archaeological Service</u>
5.6.	<b>No Objection.</b> The site has the potential to produce potentially significant sub-surface archaeological material. A condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation is required.
	<u>Transport Scotland</u>
5.7.	<b>No Objection.</b> Transport Scotland has requested a number of conditions including the construction of a new access prior to commencement of the development, visibility splays and drainage.
	<u>Stirling Council Flood Authority</u>
5.8.	<b>No Objection.</b> This site lies outside flood risk zones according to the SEPA flood maps and the proposed drainage strategy can attenuate the 1 in 200 year plus 40% climate change uplift event. There is also use of SUDS on site.

## Responses to Consultations

	The Flood Authority recommend the developer sign up to SEPA flood line alerts to improve flood knowledge and resilience.
	<u>Stirling Council Environmental Health</u>
5.9.	<b>No Objection.</b> The Environmental Health Department has requested a number of conditions related to the presence of ground gas at the site including a contaminated land investigation, followed by a remediation strategy and works if required. Further conditions are required including dust mitigation measures, road, operational and plant noise, vibration mountings and kitchen ventilation.
	<u>Callander Community Council</u>
5.10.	<b>No response</b>
	<u>NatureScot</u>
5.11.	<b>No Objection.</b> The proposal is likely to have a significant effect on qualifying interests of the River Teith SAC (salmon and lamprey) and an appropriate assessment in view of the site's conservation objectives for its qualifying interests is required. The response advises that the appraisal carried out by NatureScot concluded that the mitigation measures proposed during construction and the proposed drainage strategy are appropriate to ensure that there will be no adverse effect on the integrity of the SAC. They advise that these measures are secured through suitable planning conditions

## Representations Received

5.12.	Three representations have been received. Two in objection and one neither objecting to nor supporting the proposal.
5.13.	In summary the matters raised in objection are: <ul style="list-style-type: none"> <li>• Impact on residents and staff as a result of smells from the sewage treatment plant.</li> <li>• The site is too far from Callander Town Centre for residents to retain day to day social interactions and the pavement is badly maintained.</li> <li>• The design of the proposed building is dull and unimaginative. Warmer colours should be considered.</li> <li>• Impact on residential amenity and privacy as a result of overlooking windows</li> <li>• Proximity of the proposed building to the road exposing residents to exhaust fumes and noise from vehicles using the trunk road.</li> <li>• Requirement for further care home provision in Callander</li> </ul>
5.14.	Responses to the points raised in objection to the proposal are provide in section 8 of the report.
5.15.	In summary the matter raised neither objecting to nor supporting the proposal is:



## Representations Received

	<ul style="list-style-type: none"> <li>Query regarding the proposed use of the land noted as 'phase 2 future development site'.</li> </ul>
5.16.	The full content of the representations is available to view on the <a href="#">National Park Authority's Public Access website</a> . Click on view applications, accept the terms and conditions then enter the search criteria as '2021/0356/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).
6.2.	<p><u>Local Development Plan (2017-2022)</u></p> <p>The <a href="#">Local Development Plan (LDP)</a> sets out the vision for how the National Park should change over the next 20 years.</p> <p>The following LDP Policies are relevant to the determination of this application:</p> <ul style="list-style-type: none"> <li>Overarching Policy 1 (OP1): Strategic Principles</li> <li>Overarching Policy 2 (OP2): Development Requirements</li> <li>Overarching Policy 3 (OP3): Developer Contributions</li> <li>Community Facilities Policy 1 (CFP1): Supporting New and Existing Community Facilities</li> <li>Retail Policy 1 (RP1): Development in Towns and Villages</li> <li>Transport Policy 2 (TP2): Promoting Sustainable Travel and Improved Active Travel Options</li> <li>Transport Policy 3 (TP3): Impact Assessment and Design Standards of New Development</li> <li>Natural Environment Policy 1 (NEP1): National Park Landscapes, Seascape and Visual Impact</li> <li>Natural Environment Policy 2 (NEP2): European sites - Special Areas of Conservation and Special Protection Areas</li> <li>Natural Environment Policy 4 (NEP4): Legally Protected Species</li> <li>Natural Environment Policy 5 (NEP45): Species and Habitat</li> </ul>

## The Development Plan

	<ul style="list-style-type: none"> <li>• Natural Environment Policy 6 (NEP6): Enhancing Biodiversity</li> <li>• Natural Environment Policy 9 (NEP9): Woodlands on or Adjacent to Development Sites</li> <li>• Natural Environment Policy 11 (NEP11): Protecting the Water Environment</li> <li>• Natural Environment Policy 12 (NEP12): Surface Water and Waste Water Management</li> <li>• Natural Environment Policy 13 (NEP13): Flood Risk</li> <li>• Natural Environment Policy 16 (NEP16): Land Contamination</li> <li>• Historic Environment Policy 7 (HEP7): Other Archaeological Resources</li> <li>• Historic Environment Policy 8 (HEP8): Sites with Unknown Archaeological</li> <li>• Waste Management Policy 1 (WMP1): Waste Management Requirement for New Developments</li> </ul>
6.3.	<p><u>Supplementary Guidance</u></p> <p>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:</p> <ul style="list-style-type: none"> <li>• Design and Placemaking</li> </ul>
6.4.	<p><u>Planning Guidance</u></p> <p>Planning guidance supports policies in the Local Development Plan and it is a material planning consideration in determining planning applications. The Planning Guidance of relevance to this application includes:</p> <ul style="list-style-type: none"> <li>• Callander South Masterplan Framework</li> </ul>

## Other Material Considerations

6.5.	<p><u>National Park Aims</u></p> <p>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:</p> <ul style="list-style-type: none"> <li>• to conserve and enhance the natural and cultural heritage of the area;</li> <li>• to promote sustainable use of the natural resources of the area;</li> <li>• to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and</li> <li>• to promote sustainable economic and social development of the area's communities.</li> </ul>
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## Other Material Considerations

	<p>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.</p>
6.6.	<p><u>National Park Partnership Plan (2018-2023)</u></p> <p>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.</p> <ul style="list-style-type: none"><li>• Outcome 10: Placemaking</li><li>• Outcome 12: Sustainable Population</li><li>• Outcome 13: Community Empowerment</li></ul>
6.7.	<p><u>Scottish Planning Policy</u></p> <p>The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory but directly relates to the determination of planning applications and appeals. As a statement of Ministers' priorities, the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case.</p>

## 7. Summary of supporting information

### Supporting Information

7.1.	<p>The applicant has submitted the following documentation in support of the planning application:</p> <ul style="list-style-type: none"><li>• Planning Statement dated 25<sup>th</sup> October 2021, prepared by Derek Scott Planning, received 27<sup>th</sup> October 2021</li><li>• Potential for Retail Development: Assessment of Retail Market, Capacity and Impact dated October 2021, prepared by Hargest Planning Ltd, received 27<sup>th</sup> October 2021</li><li>• Drainage Strategy Report dated October 2021, prepared by Bayne Stevenson Associates Ltd, received 8<sup>th</sup> October 2021</li><li>• Design Statement dated October 2021, prepared by Planform Architects, received 8<sup>th</sup> October 2021</li></ul>
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## Supporting Information

- Archaeological Evaluation – Written Scheme of Investigation dated 9<sup>th</sup> September 2021, prepared by AOC Archaeology Group received 8<sup>th</sup> October 2021.
- Ecological Impact Assessment dated 3<sup>rd</sup> October 2022, prepared by R & D Ecology received 3<sup>rd</sup> November 2021
- Letter from Transport Planning in response to information request from Transport Scotland dated 12<sup>th</sup> November 2021, received 19<sup>th</sup> November 2021.

## 8. Planning assessment

### Key Issues

- 8.1. The key issues for consideration in the determination of this application are:
- Principle of Development
  - Roads and Accessibility
  - Flood Risk and Drainage
  - Design
  - Residential Amenity
  - Biodiversity
  - Archaeology
  - Developer Contributions

### Principle of Development

- 8.2. The principle of development is two-fold. Firstly, the loss of the allocated retail site must be assessed against the relevant retail policies and material considerations. Secondly, the principle of a care home on the site is considered.
- Retail Site
- 8.3. The application site is allocated in the LDP as RET1: Stirling Road. The history of the retail allocation dates back to the approval of a supermarket on the site in August 2014 (ref: 2011/0167/PPP). At the time of that planning application, the site was allocated for residential use. Further to the planning approval, the site was allocated for retail use in the subsequent Local Development Plan (2017-2021). Through the Local Development Plan process, it was deemed to be appropriate for the land allocation to reflect the most recent approval on the site.
- 8.4. The Examination report for the current LDP highlighted that this allocation would be reviewed annually through the Action Programme and should the

## Principle of Development

	permission lapse in the next review of the Plan, and the site remain undeveloped, this land use could be reviewed. The preferred process for a change to the allocated land use would be through the review of the next Local Development Plan. It is however possible for an alternative use of the site to be considered through the assessment of a planning application against the relevant policies.
8.5.	A Retail Impact Assessment (RIA) was submitted in support of the application. The RIA considered a number of scenarios for varying retail formats including the previously approved supermarket, discount food stores (e.g. Aldi, Lidl), freezer centres (e.g. Iceland) and M&S Food hall. The assessment concluded that these options were either unviable and/or would likely undermine the vitality and viability of Callander Town Centre. The exception to this would be the development of a small convenience store which could potentially be viable and not impact on Callander Town Centre – the market interest for this type of development is unknown.
8.6.	The conclusion of the RIA reflects a combination of factors including: <ul style="list-style-type: none"> <li>• changes to the convenience retail market;</li> <li>• reduced population growth; and</li> <li>• reduced expenditure growth compared to that anticipated in the 2011 RIA (submitted in support of the 2011 planning application for a supermarket on the site).</li> </ul>
8.7.	The RIA demonstrates that the development of the site for retail use as per the previous planning permission or an alternative retail format is not currently viable and/or would impact on the viability and vitality of Callander Town Centre. Since the grant of planning permission for a supermarket on the site in 2014, the site has remained undeveloped despite being actively marketed – confirming the findings of the RIA. The planning permission for the erection of a supermarket on the site has now also lapsed. The loss of the retail site can therefore be adequately justified and an alternative use for the site can be supported.
8.8.	Note - The previous grant of planning permission for a supermarket on the site required the provision of £450,000 in financial contributions. This comprised £200,000 towards the provision of affordable housing to offset the loss of an allocated housing site at the time of the application and £250,000 towards town centre improvements to offset potential impacts on the vitality and viability of Callander Town Centre.
	<u>Care Home Proposal</u>
8.9.	The provision of a new care home can be considered as a community facility. Community Facilities Policy 1: 'Supporting New and Existing Community Facilities' encourages the provision of new community facilities which contribute to the qualities of a successful place which are located in towns, villages and small rural communities.
8.10.	In considering the requirement for care home provision in the Callander area, the Planning Statement, as submitted in support of the application, provides an overview of the demographics of the Stirling area. The

## Principle of Development

	proportion of those aged over 75 years is projected to increase by 74.28% to the year 2043 – the percentage of those aged over 85 currently stands at 4.6% against the national UK average of 2.5%.
8.11.	The Callander catchment area for care home facilities, as defined by the applicant, is noted to include Aberfoyle, Kippen, Doune, Crianlarich, Tyndrum and Lochearnhead. The number of care home bed spaces purported to be required within the catchment area is c. 70-80.
8.12.	Existing care home provision in the Callander area comprises one care home offering 20 bed spaces. The submitted Planning Statement notes that of the existing provision, only 8 rooms have ensuite facilities with no wet rooms available. It is also noted that the facilities of the existing care home fall considerably short of the emerging standards required by the Care Inspectorate.
8.13.	The proposed care home would be a purpose built facility. The building would be split into five 'compartments', each comprising ten ensuite bedrooms and a communal living/dining room. Further communal and amenity spaces would also be provided as well as landscaped gardens.
8.14.	The Clackmannanshire and Stirling Health and Social Care Partnership (CSHSCP) has confirmed its broad support for the proposal. The partnership, comprising NHS Forth Valley, Stirling Council and Clackmannanshire Council, is responsible for planning and commissioning integrated health services and overseeing their delivery. The Partnership is therefore well placed to assess the need for a care home development in this location.
8.15.	A care home on the site is compatible with surrounding residential land uses and adjacent medical centre. No concerns have been raised by Stirling Council Environmental Health in relation to the proximity to the sewage works (approximately 80m to the south west) or adjacent A84 trunk road.
8.16.	The case for the provision of a high quality care home is supported by what appears to be a current shortfall in bed spaces in the Callander area; population projections towards an ageing population demographic; and directly expressed support received from CSHSCP. It is considered the provision of appropriate and high quality accommodation, as described will contribute to the qualities of a successful place in accordance with Policy CFP1.
8.17.	As referenced in paragraph 8.26, the footpath to the eastern boundary of the site is to be upgraded and is included within the red lined site boundary. The potential future use of the intervening land identified as 'Phase 2 Future Development Site' for a further care facility, retirement living or residential use would be subject to a separate planning application and no specific proposals have been brought forward at this time.



## Roads and Accessibility

	<u>Trunk Road</u>
8.18.	Transport Policy 2 requires proposals to encourage safe, sustainable and active travel options. Transport Policy 3 requires the submission of a transport assessment and a travel plan identifying measures to reduce the impact of travel. Policy TP3 part (b) requires roads infrastructure to comply with the design standards of the Roads Authority and/or Transport Scotland.
8.19.	The site is accessed off the trunk road (Stirling Road/A84) which can experience high volumes of traffic. A new access junction is proposed and has been agreed with Transport Scotland, subject to conditions relating to the timing of the construction of the junction being prior to the commencement of development, provision of visibility splays and drainage.
8.20.	Supporting information has been provided regarding the likely trip generation and distribution of traffic from the proposed use of the site. The statement indicates that at peak times (8am – 9am) the likely additional traffic generated would be approximately 5 cars into and 5 cars out of the site, with an even split of traffic from the east and from the west. It is noted that this would be of negligible consequence to other road users.
	<u>Car and Cycle Parking</u>
8.21.	Car parking for 23no cars is to be provided – this exceeds the parking requirement for the care home which is noted to be 13no spaces by Stirling Council Roads Authority. Given the discrete location of the parking, largely to the rear of the buildings; proposed tree planting; and potential future development to the east of the site, the over-allocation is acceptable. The level of parking proposed does not exceed the maximum provision set out in the National Roads Development Guide.
8.22.	Cycle storage for 4no. bikes is proposed. The applicant has also confirmed that shower and changing facilities will be provided for staff who wish to cycle to work.
8.23.	The application site is located in close proximity to well established pedestrian, cycle, and bus routes and enables the promotion of sustainable travel modes.
8.24.	It is estimated that the care home will generate 75 full and part-time jobs with a maximum of 20 staff being present in the building at any time.
8.25.	A condition is recommended requiring the submission and implementation of a travel plan to reduce the impact of travel from the development and promote sustainable modes of transport and alternatives to the private car.
	<u>Public Access</u>
8.26.	To the eastern boundary of the site there is an existing trodden path. This provides a valuable link to the River Teith. Through the course of the assessment of the application the Park Authority has negotiated improvement works to the path. The path will be increased to 2m wide with a sealed surface forming an all abilities path which will improve accessibility through the site and link to the wider path network at the river. In future, it would also be part of the wider path network connecting this area of Callander to the Callander South

## Roads and Accessibility

	Area via a pedestrian bridge as envisaged in the Callander South Masterplan Framework to deliver the ambition of a 20 minute neighbourhood. These wider public access rights would not exist on the separate proposed pavement located centrally in the site directly adjacent to the new access road due to its proximity to the care home and privacy required therein.
8.27.	Overall, the proposal accords with the requirements of Transport Policies 2 and 3. No concerns have been raised by the Roads Authority or Transport Scotland which cannot be addressed by condition.

## Flood Risk and Drainage

	<u>Flood Risk</u>
8.28.	Stirling Council as Flood Authority have confirmed that the site is not at risk of flooding.
	<u>Surface Water Drainage</u>
8.29.	Policy NEP12 requires the incorporation of sustainable urban drainage systems (SUDS) to manage surface water (including during the construction stage) and submission of a Drainage Assessment to demonstrate how surface water will be managed. The proposed drainage layout (Drawing J5398-011) includes filter strips, porous paving and a large underground surface water storage structure to the south west of the site. Surface water from the development would be directed and attenuated from this point. A hydro brake would control discharge from the water storage to the Mellis Burn. The drainage proposal is in accordance with Policy NEP12
	<u>Foul Drainage</u>
8.30.	Foul drainage will connect to an existing foul sewer at the southern edge of the site in accordance with Policy NEP 12.

## Design

8.31.	Overarching Policy 2 (OP2) requires a high quality design and layout which provides a positive sense of place and compliments local distinctiveness. Policy OP2 is supported by the Supplementary Guidance 'Design and Placemaking'.
8.32.	The layout of the development is well thought out with the building set back from the main road to maintain a notional building line with the properties at Finglas Gardens to the east and provide a front garden area thereby presenting a residential frontage. The 'T' Plan form provides a continuous and active frontage to Stirling Road. The perpendicular block to the rear provides a separation between the car parking area and service area to the east and the private garden ground for residents to the west. The parking has been split into two areas, to the side and rear, to reduce its visual impact and will be largely screened from wider view by the care home and tree planting. The front garden

## Design

	area will be bound with a low random rubble wall which is characteristic of the area. Tree and shrub planting will provide soft landscaping.
8.33.	The front elevation is articulated with projecting gable features clad in stone against white rendered walls. A central recessed area would be clad in zinc which has the visual effect of splitting the elevation in two thereby reducing its mass. Grey framed windows, doors and rainwater goods are proposed. It is recommended that a standard condition regarding the submission of material samples is applied to ensure the stone is an acceptable match within the Callander context.
8.34.	The roof is double pitched to reduce its height and to appear residential in scale, it would be covered in a reconstituted slate tile which is an acceptable choice given the site is not in the Conservation Area.
8.35.	The development is consistent with adjacent built development in terms of scale, massing, density of development, overall height and materiality. It will not appear incongruous in the streetscape and does not raise any landscape impact concerns in accordance with Policy NEP1.
8.36.	Policy OP2 requires that all new developments adopt renewable energy measures. The applicant is considering the use of a combined heat and power system, heat pump technology and photovoltaics as potential options to meet this requirement. A condition is recommended to ensure the development meets the climate friendly requirements of Policy OP2.
8.37.	Overall, the design of the care home, site layout and landscaping proposals meet the requirements of Policy OP2 and the Design and Placemaking Guidance.

## Residential Amenity

8.38.	Policy OP2 concerns amenity and environmental effects and requires development to avoid any significant adverse impacts of noise/vibration and air emissions/odour/fumes/dust and light pollution and loss of privacy/sunlight/daylight.
	<u>Privacy</u>
8.39.	Neighbouring residential properties to the east are approximately 75m from the proposed care home and will not be affected by the proposal. It is not anticipated that the improvement work to the path (see paragraph 8.26) at the boundary will impact on amenity.
8.40.	Concern has been raised by the neighbouring residential property, 'Corriemar', located to the north on the opposite side of Stirling Road, on grounds of impact on privacy to the property and front garden ground in terms of overlooking from the proposed care home. The proposed care home is set back from Stirling Road by approximately 17m, the trunk road is approximately 6m wide and benefits from a pavement to both sides. In total, the proposed care home would

## Residential Amenity

be approximately 37m from 'Corriemar'. Given the intervening distance between the properties and the presence of the trunk road, as a public space, there would not be a significant impact on the privacy of the neighbouring property. Additionally, any overlooking of the front garden ground would be consistent with what can reasonably be expected to the front facing garden of a residential property on a main public highway, notwithstanding the presence of a tall fence to the front boundary. The location of the property relative to the proposed care home is shown in Figure 4 below.



Figure 4: Block Plan illustrating distance to neighbouring properties

### Noise and Air Quality

- 8.41. Concern has been raised by one of the representations received regarding the impact on the amenity of potential future residents of the care home as a result of fumes and noise from the trunk road and smells from the sewage works. Stirling Council Environmental Health were consulted on the application and a condition is recommended to ensure noise levels within bedrooms and living areas do not exceed the maximum levels set out in the condition. No concern was raised regarding the sewage works or fumes from the road. The proposed care home is of equivalent distance from the sewage works and trunk road as nearby residential properties.

### Waste

- 8.42. Policy WMP1 concerns waste management for new development proposals and requires suitable provision for waste management for the storage and uplift of waste including recyclables.

## Residential Amenity

8.43.	Bin storage is proposed to the rear of the building and can be accessed via the main new access road into the development.
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## Biodiversity

	<u>River Teith SAC</u>
8.44.	The River Teith Special Area of Conservation (SAC) lies approximately 40m to the south of the site. The Mellis Burn runs adjacent to the southern site boundary and flows into the SAC. The qualifying interests of the SAC are Atlantic salmon and brook, river and sea lamprey. Salmon and lamprey both require high water quality therefore any reduction in water quality as a result of the proposal could be significant. There is therefore potential for construction works at the site to impact upon the SAC, for example, through pollution of the watercourse.
8.45.	Policy NEP2 requires proposals likely to have a significant effect on designated European sites to be subject to Appropriate Assessment under the Habitats Regulations. NatureScot and the NP Natural Heritage advisor advised that the proposal is likely to have a significant impact on the qualifying interest of the SAC – an appropriate assessment was therefore carried out and is appended to this report.
8.46.	The Appropriate Assessment concluded that there will be no adverse effect on the integrity of the SAC provided that mitigation measures are secured via planning condition. The mitigation measures will include pollution prevention measures, in particular sediment control during construction, to protect the water quality of the SAC.
8.47.	The implementation of pollution prevention measures secured via a planning condition will ensure there is no adverse impact on the integrity of the SAC – the proposal therefore complies with the requirements of Policy NEP2.
	<u>Protected Species</u>
8.48.	Policy NEP4 seeks to prevent development that would have an adverse impact on protected species.
8.49.	The Ecological Impact Assessment report submitted in support of the application found no evidence of protected species during the extended phase 1 habitat survey. The site was however judged to provide suitable habitat for badgers, otters, breeding birds and reptiles. A number of mitigation measures for protected species are detailed in Table 6-2 of the Ecological Impact Assessment report (R & D Ecology, October 2021). The implementation of these measures should be secured via planning condition.
	<u>Habitats</u>
8.50.	A total of nine habitat types were identified within the survey area during the extended Phase 1 Habitat survey. The most notable habitats identified within

## Biodiversity

	the application site were; semi-improved neutral grassland, marshy grassland and scattered broadleaved trees. Some areas of grassland will be lost as a result of the proposed development but these habitats were considered to be abundant in the local area. It also appears that some areas of scrub and self-seeded trees will be lost as a consequence of the development. The survey report recommends that retained areas of grassland are sensitively managed post construction to improve their ecological value. It is also recommended that native species are used in the landscaping plan for the development and tree protection measures implemented to protect all retained trees.
8.51.	To ensure that the impacts of the development are adequately addressed and biodiversity enhanced in line with the requirements Natural Environment Policy 6: Enhancing Biodiversity, it is recommended that a scheme for the enhancement of biodiversity is submitted for approval prior to works commencing. This should include the use of native species in the landscape plan and management measures to increase the biodiversity of retained grassland areas. All retained trees should be protected in line with BS5837: 'Trees in relation to design, demolition and construction'.
	Ground Water Dependent Terrestrial Ecosystems
8.52.	Although an area of marshy grassland was identified in the western corner of the application site, the survey report concludes that this habitat has formed as a result of surface water runoff from the higher areas within the site, rather than groundwater flows. As a result, no impacts on Ground Water Dependent Terrestrial Ecosystems (GWDTE) are predicted.

## Archaeology

8.53.	West of Scotland Archaeology notes that while no archaeology sites have been recorded within the application site, it is located within a landscape that is rich in archaeological material. The proposal will be constructed on previously undisturbed land and there is potential for there to be significant unrecorded sub-surface archaeological deposits present. A suspensive condition is included to secure completion of a programme of archaeological works in accordance with a written scheme of works to be approved by the Park Authority.
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## Developer Contributions

8.54.	Policy OP3 and the supporting Developer Contributions Supplementary Guidance set out circumstances in which developer contributions will be sought.
8.55.	The Clackmannanshire and Stirling HSCP has not raised any concern regarding the provision of local care services and no contribution is sought in this regard.



## Developer Contributions

8.56.	Developer contributions were sought to offset the potential loss of public access across the site. This would be addressed through the upgrade of the existing trodden path running along the eastern boundary of the site linking Stirling Road with the path network at the River Teith. This would be to form an all abilities path 2m wide. This has been agreed with the applicant and will be controlled by condition.
8.57.	The proposal does not impact on any other services which may require developer contributions and the proposal accords with Policy OP3.

## Conclusion

8.58.	The development would provide a 50 bed care home including new road access, car parking and landscaping within the Callander settlement. The care home would be managed by Balhousie Care Group, a private company which operates numerous care homes across Scotland.
8.59.	<p>This application would, if approved, be a material departure from the Local Development Plan as the site is currently identified for retail use. The LDP is up to date and carries full weight in the determination process. It must therefore be determined whether there are material considerations sufficient to outweigh the conflict with this aspect of the LDP. The assessment concludes:</p> <ol style="list-style-type: none"> <li>1. The site has had a retail permission for over seven years and despite being actively marketed has remained undeveloped – there is therefore no market demand for a retail site of this scale and location.</li> <li>2. Supporting information in the form of a retail impact assessment has demonstrated that the retail use of the site -depending on the type of potential offer- is no longer viable or could have an adverse impact on the vitality and viability of Callander Town Centre.</li> <li>3. The Examination report for the current LDP highlighted that the retail allocation on the site could be reviewed should the permission lapse and site remain undeveloped.</li> <li>4. The previous retail permission for the site included the provision of a financial contribution to offset potential negative impacts on the vitality and viability of Callander Town Centre as a result of retail development.</li> <li>5. The planning statement submitted in support of the application demonstrates a shortfall in care home bed spaces in the Callander area and population projections towards an ageing population demographic. The proposal has received directly expressed support from the Clackmannanshire and Stirling Health and Social Care Partnership.</li> <li>6. The proposal accords with all other policy and guidance requirements of the LDP and related planning guidance.</li> </ol>

## Conclusion

	<p>Given the history of the non-delivery of a retail use for this site; concerns regarding the potential impact on the vitality and viability of the Town Centre should the retail site be delivered; and acceptance in the LDP examination report that the land allocation could be reviewed should the site remain undeveloped, it would be unreasonable to maintain the view that a supermarket could be delivered on the site. There is clear support from the CSHSCP for the development of a care home in Callander and the planning assessment concludes that the proposed development would accord with all other policies of the LDP and relevant planning guidance. There are no objections from statutory consultees.</p>
8.60	<p>It is concluded that the material planning considerations, on balance, are sufficient to justify the departure from the LDP in this instance and there are no reasons to justify refusal of the application. Approval is recommended subject to the various conditions set out at Appendix 1.</p>

## 9. Appendix 1 Conditions

Conditions	
9.1.	<p><b>Agreement of Materials and Specifications:</b> Prior to the commencement of building on site, a further detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use.</p> <ul style="list-style-type: none"> <li>a) The slate to be used on the roof surfaces of the building (sample of slate)</li> <li>b) The stone to be used on the walls (sample required);</li> <li>c) The zinc cladding to be used on the walls and roof</li> <li>d) The material to be used to form the raised terraced areas:</li> <li>e) Manufacturers details of the windows and the glazed folding screen units; and</li> <li>f) The details of the material and colour of rainwater goods, barge boards and fascias.</li> </ul> <p>REASON: To ensure that the external appearance of the development complements the rural character of the area and to ensure the implementation of the development in accordance with the further details as may be approved in compliance with the conditions attached to this permission.</p>
9.2.	<p><b>Energy statement:</b> Prior to commencement of construction works on the care home hereby permitted, an energy statement must be submitted to and approved in writing by the planning authority. The statement shall include details of the zero and low carbon technologies as defined in our supplementary design guidance to be utilised in the proposed care home. It shall also demonstrate ways that heat loss will be minimised in the design of the care home. Thereafter, the energy conservation and zero/low carbon technologies shall be incorporated into the design of the new house.</p> <p>Reason: To comply with Policy OP2 in relation to providing 20% of energy requirements from zero and low carbon technology.</p>
9.3.	<p><b>Details of Landscaping:</b> Prior to the commencement of construction works within the development site, a landscape scheme/plan shall be submitted to and approved in writing by the Planning Authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:</p> <ul style="list-style-type: none"> <li>a) proposed finished levels or contours</li> <li>b) new tree planting to the south west boundary to the Melis Burn</li> <li>c) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths</li> <li>d) any new walls, fences, hedges, gates</li> <li>e) any minor structures (e.g. furniture, play equipment, refuse or other storage units) and</li> <li>f) existing trees and hedgerows to be integrated into the scheme</li> <li>g) retained historic landscape features and proposals for restoration, where relevant</li> </ul>

	<p>h) planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and</p> <p>i) a programme of implementation</p> <p>REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.</p>
9.4.	<p><b>Construction Method Statement (CMS):</b> Full details of the pollution prevention safeguards that will be implemented to protect the water quality of the River Teith SAC during construction works are submitted to, and approved in writing by, the Planning Authority prior to the commencement of development. These details shall accord with relevant best practice guidance including, Guidance for Pollution Prevention (GPP) 5: <i>Works and maintenance in or near water</i> (February 2018), GPP 21 <i>Pollution incident response planning</i> and GPP 22: <i>Dealing with spills</i>.</p> <p>Reason: To ensure that the proposal does not have an adverse effect on the integrity of the River Teith SAC.</p>
9.5.	<p><b>Protected species:</b> The mitigation measures for protected species detailed in Table 6-2 of the Ecological Impact Assessment report (R &amp; D Ecology, October 2021) shall be implemented in full. This includes specific mitigation measures for breeding birds, badgers, bats, otters and reptiles. A repeat survey for protected species shall be undertaken if works have not commenced by March 2023.</p> <p>Reason: To minimise impacts on protected species and ensure that no offences are committed under protected species legislation.</p>
9.6.	<p><b>Biodiversity enhancement:</b> Prior to the commencement of the development hereby permitted, a scheme for the enhancement of biodiversity within the development site shall be submitted to, and approved in writing by, the Planning Authority. This scheme shall then be implemented in full in a timescale to be agreed in writing with the Planning Authority.</p> <p>Reason: To secure biodiversity enhancement as required under adopted local development plan Natural Environment Policy 6: Enhancing Biodiversity.</p>
9.7.	<p><b>Trees:</b> All retained trees shall be protected in line with BS5837 Trees in relation to design, demolition and construction (see draft Tree protection condition below).</p> <p>Reason: To protect retained trees from damage during the construction of the development.</p>
9.8.	<p><b>Car parking:</b> Standard bays should measure 2.5m x 5m and be served by a minimum 6m aisle width. Accessible bays shall provide minimum dimensions of 3.6m x 6.6m. Their accompanying markings shall comply with the standards set out in Transport Scotland's Roads for All and the Department for Transport's Inclusive Mobility guidance.</p>

	Reason: To ensure adequate parking provision is provided within the curtilage of the care home hereby approved.
9.9.	<p><b>Cycle Parking:</b> No development shall commence until the specification and details of cycle parking provision and storage have been provided in line with the standards set out within Stirling Councils Draft Supplementary Guidance: Transport &amp; Access for New Developments. The proposals shall be submitted to, for approval in writing by, the Planning Authority in consultation with Transport Development. The approved shall be implemented prior to the care home becoming operational.</p> <p>Reason: In the interests of road safety and to accord with adopted local development plan Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options.</p>
9.10.	<p><b>Electric Vehicle Charging:</b> Prior to the care home being occupied the two electric vehicle charge points, as highlighted on drg. no. 172-201 Rev. A – Site Plan as Proposed, shall be provided in accordance with the specifications set out in the Design Statement. The electric vehicle charge points shall be available for use prior to the care home being occupied.</p> <p>Reason: To comply with the requirements of Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options</p>
9.11.	<p><b>Travel Plan:</b> Prior to the care home being occupied a comprehensive Travel Plan shall be submitted to and approved in writing by the Planning Authority. The Travel Plan shall set out proposals for reducing dependency on the private car and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangements to sustain commitments for the duration of the plan.</p> <p>Reason: To comply with the requirements of Transport Policy 3 to reduce the impact of travel from the development.</p>
9.12.	<p><b>Archaeological Investigation:</b> No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.</p> <p>Reason: To safeguard the archaeological value of the site in accordance with Historic Environment Policy 8.</p>
9.13.	<p><b>Contaminated Land:</b> Prior to commencement of any site works, a comprehensive contaminated land investigation shall be submitted to and approved by the planning authority in writing, in consultation with the relevant Environmental Health Officer. The investigation shall be completed in accordance with a recognised code of practice such as 'British Standards Institution' The investigation of potentially contaminated sites - Code of Practice</p>

	<p>(BS 10175:2011+A2 2017)'. Guidance within CIRIA C665 and BS8485:2015 should be used in the identification of gas regimes. The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.</p> <p>Reason: To ensure potential risks arising from previous site uses have been fully assessed.</p>
9.14.	<p><b>Remediation Strategy:</b> Where the risk assessment pursuant to condition 9.13 above identifies any unacceptable risk, as defined in relevant planning guidance, a detailed remediation strategy shall be submitted to the planning authority for approval. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the planning authority.</p> <p>Reason: To ensure the proposed remediation plan is suitable.</p>
9.15.	<p><b>Undertaking of Remedial Works:</b> Remediation of the site shall be carried out in full accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.</p> <p>Reason: To ensure the remedial works are carried out to the agreed protocol.</p>
9.16.	<p><b>Completion of Remedial Works:</b> On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the planning authority confirming the works have been carried out in accordance with the remediation plan.</p> <p>Reason: In order to provide verification the remediation has been carried out as approved by the Planning Authority.</p>
9.17.	<p><b>Reporting Discovery of Contaminated Land:</b> The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week and a comprehensive contaminated land investigation shall be carried out by the developer if requested.</p> <p>Reason: To ensure all contamination within the site is dealt with.</p>
9.18.	<p><b>Contaminated Land – importation of soil material:</b> No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to, and approved in writing by, the Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Planning Authority</p> <p>Reason: To prevent contamination of the site.</p>



9.19.	<p><b>Dust:</b> Prior to works commencing on site, dust mitigation measures are to be submitted for the written approval of the Planning Authority and once approved the agreed measures must be implemented at the site.</p> <p>Reason: In the interests of residential amenity.</p>
9.20.	<p><b>Road Noise:</b> Prior to works commencing on site, details shall be provided for the written approval of the Planning Authority that ensure the following maximum noise levels (set out below) are met within all bedrooms and living areas. Prior to occupation, written evidence of these noise levels being achieved is to be submitted to the Planning Authority for written approval in consultation with Environmental Health.</p> <p>Maximum Target Noise Levels Trigger Criteria (Free Field) Compliance Criteria 55dB LAeq, 16h (07:00-23:00) 40dB LAeq, 16h (07:00-23:00) (Internal with Windows Closed) 45dB LAeq, 8h (23:00-07:00) 30dB LAeq, 8h (23:00-07:00) (Internal with Windows Closed)</p> <p>Noise mitigation measures include acoustic glazing, acoustic trickle vents and a suitable means of alternative ventilation (to allow windows to remain closed) as well as a suitable external wall construction must be included in the design and construction of the development to ensure these maximum noise levels are met within all bedrooms and living areas. The detailed specifications for these measures must be provided by a suitably qualified noise consultant once the detailed design process has been completed.</p> <p>Reason: To protect occupants from noise nuisance</p>
9.21.	<p><b>Operational Noise:</b> Prior to works commencing on site, details of sound proofing is to be submitted for the written approval of the Planning Authority to ensure that the design and construction of the development will meet Noise Rating Curve 15 in any adjoining individual sleeping unit. Operational noise includes music noise, impact noise, voices and kitchen activities etc.</p> <p>Reason: To protect occupants from noise nuisance</p>
9.22.	<p><b>Plant Noise:</b> Noise from plant, equipment and machinery at the proposed development shall not exceed Noise Rating Curve 25 in any individual sleeping unit within the development or adjacent residential property.</p> <p>Reason: To protect the occupants of the care home and nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.</p>
9.23.	<p><b>Vibration Mountings:</b> Plant and ventilation systems shall be attached to building structures using anti-vibration mounts to prevent transmission of noise or vibration to living or sleeping spaces forming part of the buildings.</p> <p>Reason: To protect occupants from noise nuisance</p>
9.24.	<p><b>Kitchen Ventilation:</b> The ventilation system installed in any kitchen area shall comply with the EMAQ updated DEFRA guidance entitled "Control of Odour and</p>

	<p>Noise from Commercial Kitchen Exhaust Systems". Details of the system(s) must be agreed in writing by the Planning Authority in advance of installation.</p> <p>Reason: To protect the occupants of the care home and nearby dwellings from excessive noise and odour associated with the implementation of this permission.</p>
9.25.	<p><b>Construction of Access:</b> Prior to the commencement of the development, the proposed access on the A84 trunk road shall be constructed generally in accordance with Bayne Stevenson Associates Ltd Drawing J 5398-SK002 dated 15.11.21, to the satisfaction of the Planning Authority, after consultation with Transport Scotland.</p> <p>Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished</p>
9.26.	<p><b>Visibility Splays:</b> Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.</p> <p>Reason: To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.</p>
9.27.	<p><b>Road Drainage:</b> There shall be no drainage connections to the trunk road drainage system.</p> <p>Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the road boundary.</p>
9.28.	<p><b>Public Access:</b> Prior to the completion of the development hereby approved, the upgrade work to the path along the eastern boundary of the site shall be completed to the satisfaction of the Planning Authority.</p> <p>Reason: To comply with the requirements of Overarching Policy 3: Developer Contributions and to offset the loss of public access across the site.</p>

## 10. Appendix 2 Location Plan

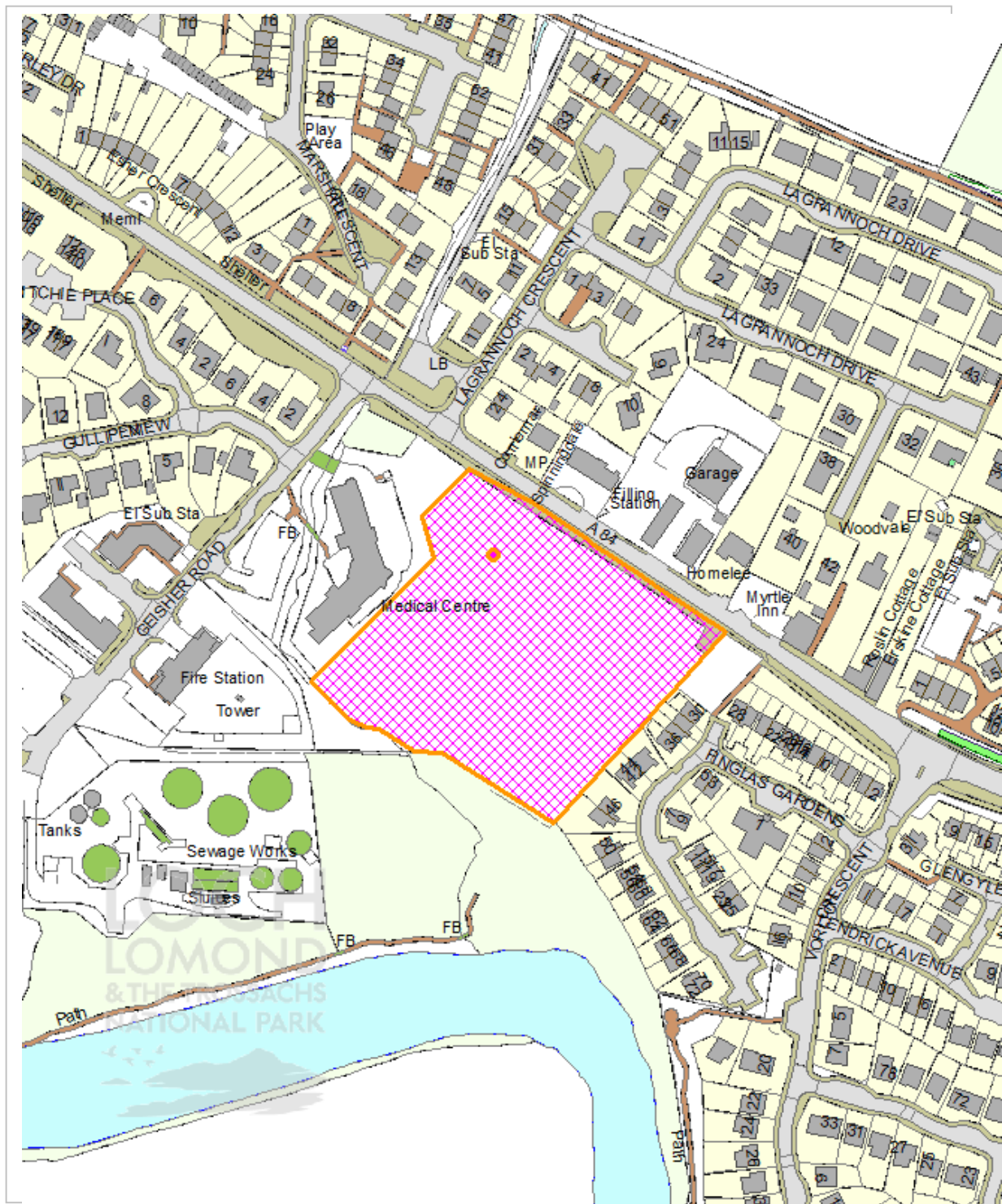
Land At Lagrannoch, Stirling Road, Callander



2021/0356/DET

Not to Scale

© Crown copyright and database right 2022. All rights reserved. Ordnance Survey Licence number 100031883. This map was produced by LLTNPA for neighbour notification for the site as referenced above. The representation of features or boundaries in which LLTNPA or others have an interest does not necessarily imply their true positions. For further information please contact the appropriate authority



## 11. Appendix 3 Appropriate Assessment

### Requirements of the Habitats Regulations

European Sites are **Special Areas of Conservation (SACs)** designated under the EC Habitats Directive to protect particular habitats and non-bird species and **Special Protection Areas (SPAs)** designated under the EC Birds Directive to protect wild birds.

The EC Directive is applied in Scotland through the *Conservation (Natural Habitats &c) Regulations 1994*, which is known as the “Habitats Regulations”.

The requirements of the Habitats Regulations are summarised in Planning Circular 6/1995 as amended June 2000.

The Habitats Regulations require that:

**Where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC), it must undertake an appropriate assessment of its implications for the European site in view of the site’s conservation objectives.**

The need for appropriate assessment extends to projects outwith the boundary of the SAC or SPA, in order to determine their implications for the interest protected within the site.

#### Significance Test

Regulation 48(1) of the Habitats Regulations requires the competent authority to first carry out a ‘significance test’. The test for significant effects acts simply as a filter to exclude any projects which have no possible connection to the interests of the SAC or SPA.

Under Regulation 48 of the Habitats Regulations, the LLTNPA, as a competent authority, has a duty to:

- determine whether or not the proposal is directly connected with or necessary to SAC/SPA management for conservation; and, if not,
- determine whether the proposal is likely to have a **significant effect** on the SAC/SPA either individually or in combination with any other plans or projects; and, if so, then
- make an **appropriate assessment** of the implications (of the proposal) for the SAC/SPA in view of that site's conservation objectives.

The first bullet should only be accepted where it is part of a fully assessed, and agreed, management programme.

#### Appropriate Assessment

Habitats Regulation 48 (5) requires that *“in the light of the conclusions of the assessment, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”*, in relation to its conservation objectives.

## Agency Role

In undertaking the Appropriate Assessment, the Habitats Regulations require LLTNPA to have regard to the advice we receive from statutory consultees including SNH, SEPA and HSE (Health and Safety Executive). However, the responsibility for undertaking the Appropriate Assessment rests with LLTNPA.

## Background Information on the River Teith SAC

Name of European site: River Teith	
Site Type: Special Area of Conservation (SAC)	
Qualifying Interests:	
SCIENTIFIC NAME	COMMON NAME
<i>Salmo salar</i>	Atlantic salmon
<i>Lampetra planeri</i>	Brook lamprey
<i>Lampetra fluviatilis</i>	River lamprey
<i>Petromyzon marinus</i>	Sea lamprey
Conservation Objectives:	
To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and	
To ensure for the qualifying species that the following are maintained in the long term:	
<ul style="list-style-type: none"><li>• Population of the species, including range of genetic types for salmon, as a viable component of the site</li><li>• Distribution of the species within site</li><li>• Distribution and extent of habitats supporting the species</li><li>• Structure, function and supporting processes of habitats supporting the species</li><li>• No significant disturbance of the species</li></ul>	
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## Project Information

A planning application (2021/0356/DET) has been submitted to Loch Lomond & The Trossachs National Park Authority for the erection of a 50 bed care home with associated landscaping, parking, roadway and creation of a new access.

### Qualifying Features of the SAC

As listed above, the Qualifying Interests of the River Teith Special Area of Conservation are:

- River lamprey (*Lampetra fluviatilis*)
- Brook lamprey (*Lampetra planeri*)
- Sea lamprey (*Petromyzon marinus*)
- Atlantic salmon (*Salmo salar*)

The Conservation Objectives for the River Teith SAC are detailed in the background information above.

### Significance Test

The application site is situated around 40m away from the boundary of the River Teith SAC and a small tributary of the SAC runs along part of the south-western boundary of the site. The qualifying interests of the River Teith SAC are Atlantic salmon and brook, river and sea lamprey.

Given that construction works are proposed in close proximity to SAC and the small tributary that runs along part of the south-western boundary of the site, there is potential for pollution from the development site (e.g. silt or fuel oil) to enter the River Teith SAC and impact on the qualifying interests of the SAC.

Salmon and lamprey both require high water quality therefore any reduction in water quality as a result of the proposal could be significant. In the short-term, if sediment is released into the SAC during construction, this could result in the gills of salmon or lamprey being smothered, or their upstream passage impeded. It can also smother the gravels used for spawning salmon and lamprey or the areas used by juvenile fish, making them unsuitable. There is also a possible risk of contamination of the watercourse from the fuel and chemicals used on site.

**As a consequence, the proposal is likely to have a significant effect on the qualifying interests of the SAC and an appropriate assessment is required.**

A Drainage Strategy Report (Bayne Stevenson Associates Ltd, October 2021) has been submitted in support of the proposal. This report details the surface water treatment strategy and foul water drainage strategy for the proposed development. The report confirms that the surface water treatment strategy is compliant with the principles of General Binding Rules 10 and 11, SEPA Regulatory Method (WAT-RM-08) Sustainable Urban Drainage Systems and includes the use of filter strips and porous paving. As a result, the impact of surface water drainage from the completed development is not considered further in the appropriate assessment.

Foul drainage from the proposed development is to be designed in accordance with Sewers for Scotland Version 4 (Scottish Water, October 2018) and will connect to the public drainage network via the existing foul sewer in the southern edge of the site. Scottish Water have confirmed that there is currently capacity at the Callander Waste Water Treatment to accommodate the additional load from the proposed development. As a result, there will be no deterioration in the water quality of the River Teith SAC as a result of foul drainage from the development and this matter is not considered further in the appropriate assessment.



## Appropriate Assessment

Elements of project likely to give rise to significant effects on the site.	As highlighted above, the proposal includes construction works close to the boundary of the SAC and adjacent to a small tributary of the SAC. As a result, there is potential for pollution from the development site (e.g. silt or fuel oil) to enter the River Teith SAC and impact on the qualifying interests of the SAC.
Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes etc.).	Although the proposal lies entirely outwith the boundary of the SAC and will not directly impact on the site, salmon and lamprey both require high quality water and any reduction in water quality as a result of the proposal could be significant. If sediment is released into the SAC during construction, this could result in the gills of salmon or lamprey being smothered, or their upstream passage impeded. It can also smother the gravels used for spawning salmon and lamprey or the areas used by juvenile fish, making them unsuitable. There is also a possible risk of contamination of the SAC from any fuel and chemicals used on site.
Describe what mitigation measures are to be introduced to avoid any adverse effects on the integrity of the site.	<p>There will be no adverse effect on the integrity of the SAC if the following mitigation measures are implemented:</p> <ul style="list-style-type: none"> <li> <b>Construction Method Statement (CMS):</b> Full details of the pollution prevention safeguards that will be implemented to protect the water quality of the River Teith SAC during construction works are submitted to, and approved in writing by, the Planning Authority prior to the commencement of development. These details shall accord with relevant best practice guidance including, Guidance for Pollution Prevention (GPP) 5: <i>Works and maintenance in or near water</i> (February 2018), GPP 21 <i>Pollution incident response planning</i> and GPP 22: <i>Dealing with spills</i>. </li> </ul> <p>Implementation of these mitigation measures will ensure that adequate pollution control measures are implemented during the construction of the development to ensure that there will be no deterioration in the water quality of the SAC in the longer term.</p>
Conclusion	Provided the above mitigation measures are secured via appropriately worded planning conditions, the proposal will not have an adverse effect on the integrity of the River Teith SAC.