



Planning and Access Committee

Meeting: Monday 29 April 2024

Agenda item 4:

SUBMITTED BY: **STUART MEARNS**
Director of Place

APPLICATION NUMBER: 2023/0377/DET

APPLICANT: Mr Iain Williamson

LOCATION: Land East Of Grianan
Balquhidder
Stirling

PROPOSAL: Erection of dwellinghouse (for holiday use)

NATIONAL PARK WARD: Ward 2 - Breadalbane and the Trossachs

COMMUNITY COUNCIL AREA Balquhidder, Locheearnhead and Strathyre

CASE OFFICER: Name: Kathryn Cockburn
Tel: 01389 722625
E-mail: Kathryn.cockburn@lochlomond-trossachs.org

Contents

1. Summary and reason for presentation.....	2
2. Recommendation	2
3. Background	2
4. Environmental impact and habitat regulations assessment	6
5. Consultations and representations	7
6. Policy context	8
7 Summary of supporting information	10
8 Planning assessment.....	11
APPENDIX 1: Conditions, Informatives and List of Plans	21
APPENDIX 2: Appropriate Assessment	29

1. Summary and reason for presentation

- 1.1 This is an application for the erection of a holiday lodge for short-term letting.
- 1.2 In accordance with section 5.6 of the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as Balquhidder, Lochearnhead and Strathyre (BLS) Community Council has formally objected, and the officer recommendation is to approve.

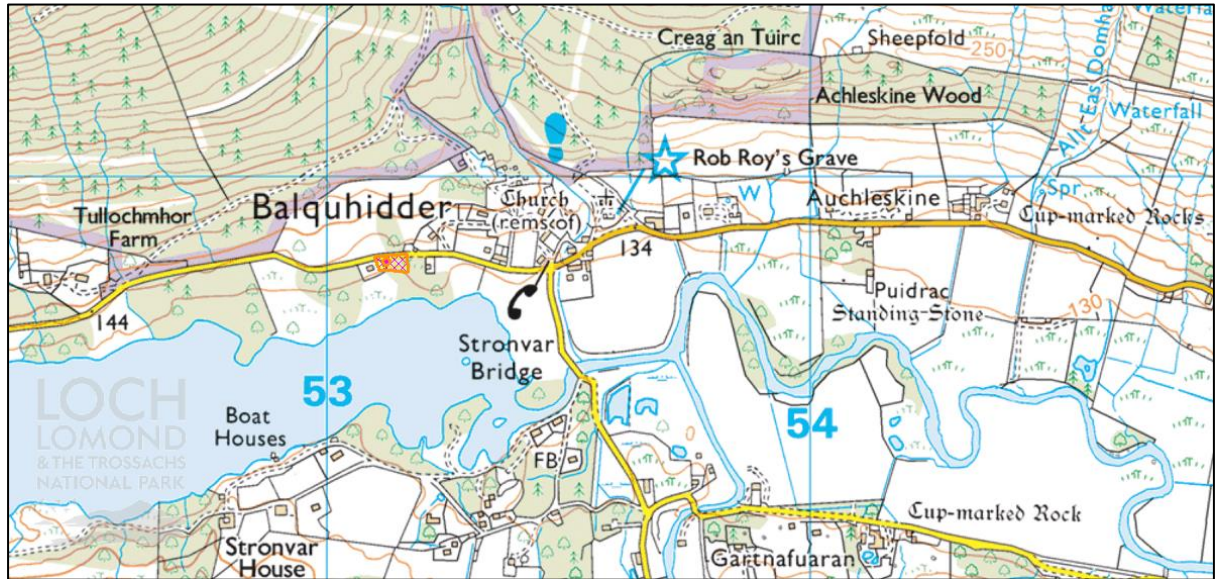
2. Recommendation

- 2.1 That Members: **APPROVE** the application subject to the imposition of the conditions set out in **Appendix 1** of the report.

3. Background

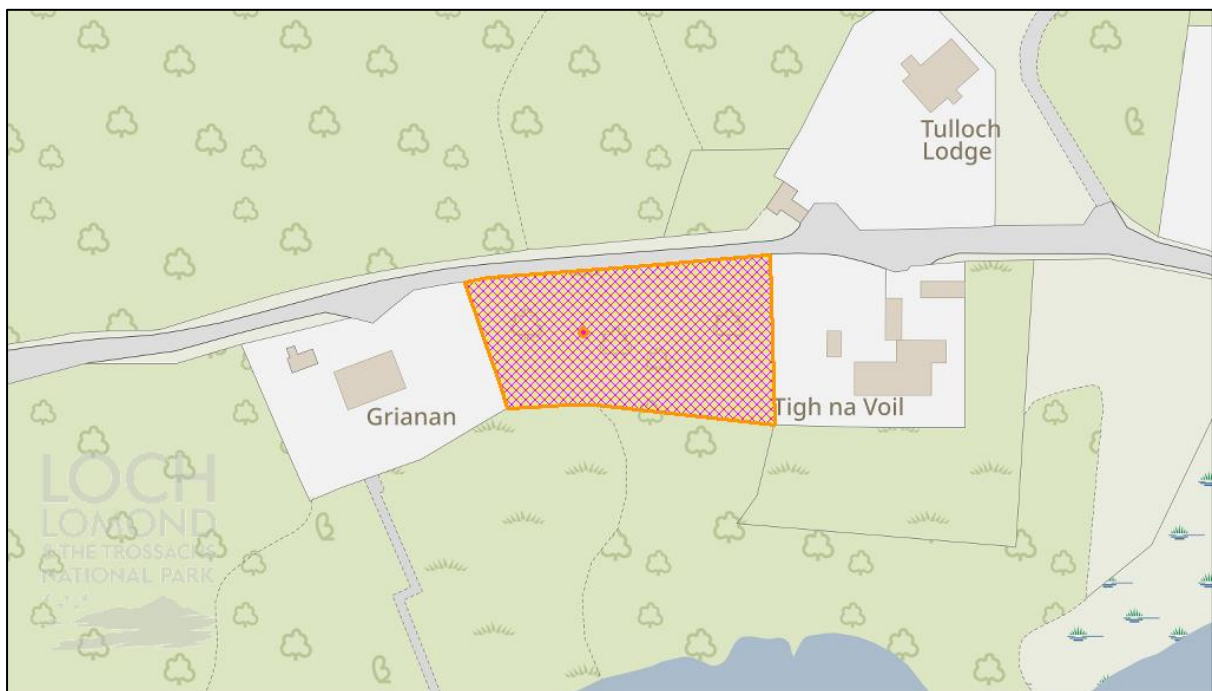
3.1 Site Description

- 3.1.1 The application site is located to the west of Balquhidder, to the north of Loch Voil. The application site is located on the south side of the public road; the site slopes steeply from north to south and is set down from the road. The site is a gap site which sits between two residential properties, 'Tigh na Voil' to the east and 'Grianan' to the west. There is no development currently on the site. The site had previously been cleared of vegetation prior to a previous application by a different applicant for planning permission in 2010 (ref. 2010/0192/DET for erection of dwellinghouse – refused). Vegetation growth on site since the grant of a later permission (2018/0099/DET) was again cleared late 2023.



© Crown copyright and database rights 2024 Ordnance Survey 100031883

Figure 1. Location Plan – Site Location Plan showing the site location within the wider Balquhiddar context.



© Crown copyright and database rights 2024 Ordnance Survey 100031883

Figure 2. Location Plan – Site Location Plan showing the site within its immediate context with neighbouring 'Grianan' to the west and 'Tigh na Voil' to the east.

3.2 Description of Proposal

- 3.2.1 It is proposed to erect a single storey lodge for holiday letting purposes. The proposed development was previously granted planning permission in 2018 (ref. 2018/0099/DET). This permission was extended to 31st March 2023 (with the Coronavirus emergency measures) but was not implemented. The proposal now under consideration is a resubmission of the previous application, with some minor landscaping updates.
- 3.2.2 The proposal is for a single storey holiday lodge with 3No. en-suite bedrooms, one living/dining area and a timber decked area to the rear elevation (facing Loch Voil). The design of the proposed holiday let is contemporary and is a simple uncomplicated structure to be constructed of natural materials, predominantly timber and incorporating a 'green roof'. The proposal would utilise sustainable materials and methods of insulation and heating – sheep's wool insulation and an air source heat pump are proposed.

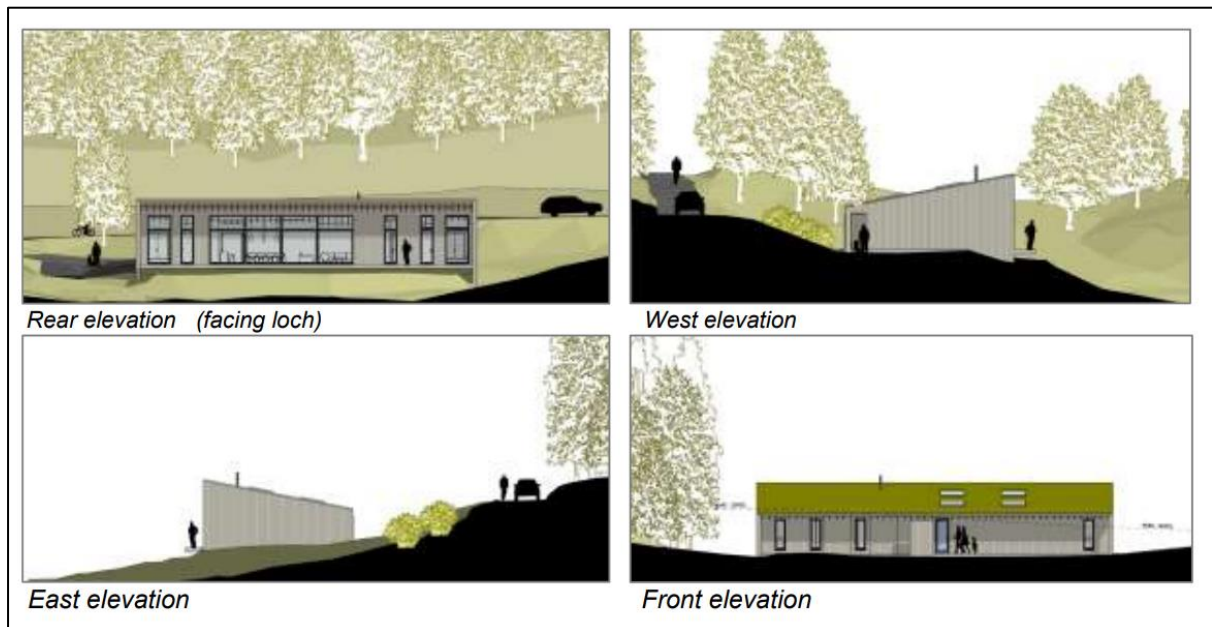


Figure 3. Elevations – Image showing the proposed building elevations within the site context – rear (loch-fronting), west, east and front (road-fronting)

- 3.2.3 The proposed holiday let property would be accessed via a new access to be formed off the single track public road (C33, also known as Glen Road) which runs along the north of Loch Voil. Glen Road is a typical rural road, being of limited width, with a number of passing places along its length. There is no connecting through road where the public road terminates c.9km west of the development site at Inverlochlarig. Traffic along the road is typically only associated with the requirements of the properties that are served by the road.



Figure 4. Site Plan – Site Plan showing the proposed access arrangements from Glen Road: tarmac passing place created at entrance, permeable whindust surface driveway, in-curtilage turning area, 3No. parking spaces.

3.2.4 The building is of a modest scale for a single unit and is proposed to be sited on an existing compacted hardcore area. It is noted that this area of hardcore aggregate was laid by a previous site owner, presumably in conjunction with the previous tree/vegetation clearance. Notwithstanding the above, the area is identified by the applicant as being appropriate for siting the holiday let proposal as it is at the centre of the site and is a relatively level part of the site. The proposal also includes further planting to re-establish the woodland setting.

3.2.5 A private system of foul drainage is proposed. The proposed sewage treatment tank is an industry standard 'BioDisc' active sewage treatment plant. A 'BioDisc' is designed to meet the British Standards Code of practice BS6297 for the design of domestic sewage treatment works. There will be no discharge to the loch and all percolation of treated water will be to ground Infiltration (soakaway).

3.3 Planning History

3.3.1 The undernoted refusals for single dwellinghouses on this site are of relevance:

- 94/00081/OUT/S – Refused. This application precedes the designation of the National Park.
- 2002/0156/DET – Refused. This application for a 1.5 storey dwelling house was refused on grounds of landscape impact, highway safety

and was contrary to the policy framework in place at that time (Clackmannanshire and Stirling Structure Plan 2002).

- 2010/0192/DET – Refused. This application was for a single storey dwelling and was refused on grounds of being contrary to housing policy in the Clackmannanshire and Stirling Structure Plan 2002 and also National Park Local Plan 2010 policy as it did not meet the policy criteria for housing in this location.

3.3.2 Planning permission was granted subject to conditions for the erection of a holiday lodge on this site on recommendation to the Planning & Access Committee on 28th November 2018:

- 2018/0099/DET – Approved and expired on 31st March 2023 following extensions of time granted under Coronavirus Legislation. This application under consideration is a resubmission of this proposal with minor updates in accordance with the current Development Plan (e.g. to provide biodiversity enhancement on site).

4. Environmental impact and habitat regulations assessment

4.1 Environmental Impact Assessment (EIA)

- 4.1.1 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2017 the National Park is identified as a ‘Sensitive Area’. As a ‘Competent Body’ the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.
- 4.1.2 The proposal falls under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 within the ‘urban infrastructure project’ category. A screening opinion was adopted and, in this instance, it has been determined that there would unlikely be ‘significant’ environmental effects as a result of the proposed development and therefore an EIA is not required.
- 4.1.3 The screening opinion 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 ‘2023/0377/DET’).

4.2 Habitat Regulations Assessment (HRA)

- 4.2.1 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.

- 4.2.2 The application site is approximately 50 metres from the edge of Loch Voil which is part of the River Teith Special Area of Conservation (SAC). Two small drainage ditches run through the development site and these are hydrologically connected to the River Teith SAC via Loch Voil.
- 4.2.3 It is considered that there will be no adverse effect on the integrity of the SAC if the recommended mitigation measures are applied. The Appropriate Assessment can be found in Appendix 2.

5. Consultations and representations

5.1 Responses to Consultations

5.1.1 Balquhidder, Lochearnhead and Strathyre Community Council

Objection - The Community Council raised an objection to the proposed development on a similar basis to the objection raised to the 2018 application. This objection highlights the Balquhidder, Lochearnhead and Strathyre Local Place Plan 2022 priority for Balquhidder: "*To balance new housing building without spoiling the glen with overdevelopment or increasing the number of holiday homes.*" The Community Council would prefer the development of a permanent dwellinghouse rather than a holiday lodge on this site.

5.1.2 Stirling Council Transport Development (Roads Authority)

No objection - It is not anticipated that the proposed dwelling will have a significant impact upon the existing public road network, should the access be formed to an agreed construction, and provide sufficient visibility. Noting the restricted carriageway width and limited opportunities for passing along Glen Road, the new access should be formed as an access lay-by, providing improved opportunities for vehicles to pass along the road, whilst also providing a temporary waiting space for non-resident vehicles associated with the property. Given the scale of the dwelling (providing 3No. bedrooms), 2No. parking spaces are required to be provided within the curtilage of the site, with sufficient space for vehicles to turn and exit the site in a forward gear. Conditions are recommended regarding the vehicular access, visibility splays, parking, access gates and household waste servicing arrangements.

5.1.3 Scottish Water (Glasgow)

No objection - Advised that capacity cannot be confirmed for a water connection and that a formal connection application should be made directly to Scottish Water following grant of planning consent. Advised that there is no wastewater infrastructure in the vicinity and that private options should be investigated. Surface water drainage connection is not normally available.

5.2 Representations Received

- 5.2.1 One letter of objection was received from a neighbouring property noting that the site is within an area of native wet woodland recorded on the Native Woodland Survey of Scotland. The objector highlighted that the vegetation on

site had been cleared while this planning permission was pending consideration and this loss of woodland should be assessed. This is addressed under 'Planning Assessment' (Biodiversity, Landscape and Trees).

5.2.2 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 '2023/0377/DET').

6. Policy context

6.1 The Development Plan

6.1.1 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 National Planning Framework 4 (NPF4) (adopted February 2023) and the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) along with Supplementary Guidance (SG).

6.1.2 National Planning Framework 4 (NPF4) (February 2023)

NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Government's priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 supports the achievement of six overarching spatial principles (just transition, conserving and recycling assets, local living, compact urban growth, rebalanced development, and rural revitalisation) through the planning and delivery of sustainable, liveable and productive places. NPF4 contains 33 policies to guide development management decisions. The following NPF4 policies are relevant to this proposal (the full policy wording can be viewed on the Scottish Government's website at <https://www.gov.scot/publications/national-planning-framework-4/pages/3/>):

Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 6 – Forestry, woodland and trees

Policy 11 – Energy

Policy 13 – Sustainable transport

Policy 14 – Design, quality and place

Policy 29 – Rural development

Policy 30 – Tourism

6.1.3 Local Development Plan (LDP) (2017-2022)

The LDP outlines the vision for how the National Park should change over the next 20 years, including the strategy for development and the policy approach for key topics. There remains broad alignment between the LDP and NPF4 policies however, where any incompatibility does arise, then NPF4 prevails as the more recent policy. The following LDP policies are relevant to this proposal (full details of the policies can be viewed at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>):

Overarching Policy 1: Strategic Principles

Overarching Policy 2: Development Requirements

Visitor Experience Policy 1: Location and Scale of new development

Visitor Experience Policy 2: Delivering a World Class Visitor Experience

Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options

Transport Policy 3: Impact Assessment and Design Standards of New Development

Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

Natural Environment Policy 2: European sites - Special Areas of Conservation and Special Protection Areas

Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

Natural Environment Policy 6: Enhancing Biodiversity

Natural Environment Policy 12: Surface Water and Wastewater Management

6.1.4 Supplementary Guidance

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 Supplementary Guidance

6.2 **Material Considerations**

6.2.1 National Park Aims

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:

- to conserve and enhance the natural and cultural heritage of the area;
- to promote sustainable use of the natural resources of the area;
- to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- to promote sustainable economic and social development of the area's communities.

6.2.2 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.

6.2.3 National Park Partnership Plan (2024-2029)

The National Park Partnership Plan (NPPP) is the overarching vision to guide how all those with a role in looking after the National Park will work together to ensure a successful, sustainable future. By 2045 the NPPP aims to deliver nine outcomes by focussing on 31 objectives from 2024-2029 which are listed under three themes: Restoring Nature, Creating a Low Carbon Place and Designing a Greener Way of Living. The following outcomes and objectives are relevant to this proposal:

Section 2.1: Connection Everyone with Nature and Climate- 2045 Outcome: A place for all to enjoy safely and responsibly.

Section 2.2: Improving Popular Places and Routes - 2045 Outcome: High quality visitor infrastructure and facilities.

Section 3.1: Transitioning to a Greener Economy - 2045 Outcome: A greener and more diverse rural economy.

6.2.4 Planning Guidance

The Planning Guidance does not form part of the Development Plan, but it supports the LDP and is a material consideration in decision making. The following Planning Guidance is of relevance to the determination of this application:

Visitor Experience Planning Guidance

6.2.5 Local Place Plan

Community or Local Place Plans are community-led plans setting out proposals for the development and use of land. Introduced by the Planning (Scotland) Act 2019, these plans set out a community's aspirations for its future development. Once completed and then registered by the planning authority, they are to be taken into account in the preparation of the relevant Local Development Plan. Balquhidder, Lochearnhead and Strathyre's Local Place Plan 2022 has been registered with the National Park Authority, is a material consideration in the determination of the planning application, and will be taken into account during the preparation of the National Park's Local Development Plan and Partnership Plan.

7 **Summary of supporting information**

7.1 The applicant has submitted the following documentation in support of the planning application:

Design Statement – The Design Statement sets out the design principles, proposed materials, sustainability credentials e.g. use of sustainable construction materials, energy efficiency measures, green roof and how the

building will harmonise with the landscape, topography and woodland. This also provides some market context for the proposed tourism business.

Protected Species Walkover Survey – The study comprised a walkover of the development site, including a 50m buffer zone and a Preliminary Roost Appraisal for bats (PRA) on any trees which might be affected by the development while looking for evidence of red squirrels dreys within 30m of the site. Otter, pine marten and badger walkover surveys were also undertaken. It is likely that otters are foraging close to the site but there is no evidence that they are using the development site to rest or to access resting places. No resting places were confirmed within 250m of the development site. No further survey work in respect of any of the species considered in this report is required. Mitigation measures and an emergency procedure for otters are recommended.

8 Planning assessment

8.0.1 The key issues for consideration for this application are:

- The principle of development;
- Siting, scale and design;
- Impact on the SAC and protected species;
- Biodiversity, landscape and trees; and
- Impact on neighbouring residential amenity.

8.0.2 The planning assessment focusses on these main areas and other matters which arose during the processing of the application.

8.1 Principle of Development

8.1.1 The intention of Policy 30 (Tourism) of NPF4 is to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland. NPF4 is supportive of proposals for new tourist accommodation in locations identified in the LDP.

8.1.2 Policy 30 also states that proposals for tourism related development will take into account:

- i. contribution to the local economy;
- ii. compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions; and

vii. Opportunities to provide access to the natural environment.

- 8.1.3 This is a small-scale proposal for 1No. self-catering property, typically for a family, and so the contribution to the local economy will be minimal. The proposal would be compatible and well-integrated with the surrounding landscape. The proposal would not hinder the provision of homes in this area as the land is not allocated for housing and there is no alternative proposal for housing or policy support for housing at this site. Also, as a new build, the development does not involve loss of local housing via a change of use of an existing dwelling. The need to balance the provision of homes and tourist accommodation in the Balquhiddy area is highlighted in the BLS Local Place Plan 2022, however there is currently no mechanism in place for the planning authority to restrict the number of properties available to holiday let in this area. The proposal is located sustainably for access to the cycle network and includes screened cycle storage to the road-facing elevation. The site will accommodate 2No. cars, the addition of which to the local road network is acceptable. The property is single storey with all accommodation at ground level, thus it is generally accessible. The proposed design includes measures to minimise carbon emissions including the use of sustainable materials, wool insulation and an air source heat pump and wood burning stove for hot water and heating. The intention of the proposed development is to increase access/opportunity for visitors to enjoy the natural environment in the National Park by providing high quality accommodation.
- 8.1.4 Overall, NPF4 Policy 30 is supportive of proposals for new tourist accommodation in locations identified in the LDP. The current LDP policy VE1 provides continued support for small-scale tourist development in areas of the countryside identified within the green shaded area of the Development Strategy Map which benefit from access to recreational path and cycling networks. The site benefits from having access to the existing recreational network of paths (the road is a core path and national cycle routes are nearby) and is within an existing Small Rural Community and cluster of properties.
- 8.1.5 This proposal is for a single holiday lodge and meets the policy criteria by virtue of its location in the green shaded area for Balquhiddy (see Figure 5).

development within the countryside which has access to a network of paths, recreational opportunity and some amenities. The other material considerations raised have been taken into account but do not outweigh the support provided by the Development Plan.

8.2 Siting, Scale and Design

- 8.2.1 There is a compacted area of hardcore at the centre of the site which was laid by the previous site owner. The siting of the holiday let is proposed to be in the same footprint as the compacted area. The proposed lodge is single storey and is of relatively modest proportions relative to the plot size. The majority of the site will remain undeveloped, and the proposed lodge is of an appropriate scale.
- 8.2.2 The design is contemporary and utilises natural materials. The structure and cladding will be of Scottish sourced timber and the design incorporates a 'green roof'. The green roof planting comprises of a native Scottish grass and meadow mix to provide biodiversity enhancement on site. The natural materials are intended to harmonise with the surrounding landscape and minimise potential visual impact. The proposal is generally compliant with the Development Plan in terms of sustainable and quality design.
- 8.2.3 An air source heat pump is proposed for heating and this is located to the front of the holiday let and be partially enclosed by a timber screen. The inclusion of renewable energy technologies is supported by policies 1 of NPF4 and OP2 of the LDP.





Figure 6. Visualisations – Images of the proposed development in situ as viewed from the south side of the plot (loch side) and east of the plot from the road.

8.3 Impact on protected species and the River Teith SAC

- 8.3.1 A key consideration for this planning application is the potential impact on protected species and the River Teith Special Area of Conservation (SAC). The SAC is approximately 60m from the southern boundary of the site and the proposal is approximately 125m from the Stronvar Marshes Site of Special Scientific Interest (SSSI). Due to this proximity to the River Teith SAC, a Habitat Regulations Appraisal (HRA) was carried out and an Appropriate Assessment was undertaken as part of this process (see Appendix 2). In summary, the lamprey and salmon require a high-quality water habitat, and the risk of sedimentation was identified as having potential to affect the integrity of the site. The assessment concluded that an appropriately worded planning condition to require a Construction Method Statement (CMS) would be sufficient mitigation to prevent potential adverse impact. The Construction Method Statement required by condition (see Appendix 1 for further detail) will ensure that appropriate measures are in place to avoid the potential for silt run off from the construction phase and to ensure other best practice construction methods are implemented in relation to wildlife and ecology.
- 8.3.2 A walkover survey of the development site for protected species was undertaken on 5 March 2024. The results of this survey along with a number of recommended mitigation measures are detailed in Protected Species Walkover Survey report (TransTech Environmental, March 2024).
- 8.3.3 The Survey report found that there are no active or potential otter holts, resting up places or feeding remains during the survey of the site and no potential otter runs were identified in any long vegetation. Whilst the survey report highlights that there is anecdotal evidence of a holt on private land beyond the

development site, it is concluded that this holt is at extremely low risk of disturbance from the proposal due to the topography of the area and the existing fencing that restricts access to this area. As otters are present in the wider area and may occasionally pass through the development site, it is recommended that mitigation measures are secured to ensure that no offences are committed under protected species legislation with regards to otter (see Appendix 1 for further detail of this condition).

- 8.3.4 Freshwater pearl mussels are present in the River Teith system and are protected under the Wildlife and Countryside Act 1981 (as amended). Freshwater pearl mussels are vulnerable to water pollution. Any impacts are fully addressed by the mitigation identified for the River Teith SAC.
- 8.3.5 Despite the presence of potential foraging habitat for red squirrels/pine martens, no evidence of these protected species was recorded during the walkover survey. As both species are known to be present in the wider area, mitigation measures are required to ensure that no offences are committed under protected species legislation (see Appendix 1 for further detail of this condition).
- 8.3.6 The development site has the potential to support breeding birds and mitigation measures are required to ensure that no offences are committed with regards to breeding birds (see Appendix 1). Whilst the survey report concludes that there is foraging and commuting habitat for bats, no potential roosting features will be affected by the proposal as no mature trees are to be felled to accommodate the development. As a result, no specific mitigation measures are required for bats. No evidence of badgers was recorded during the walkover survey and no specific mitigation measures are required for badgers.

8.4 Biodiversity, Landscape and Trees

- 8.4.1 Policy 3 of NPF4 and NEP6 of the LDP require that the proposal incorporates measures for the enhancement of biodiversity. The application site was recorded as wet woodland in the Native Woodland Survey of Scotland which was carried out between 2006 and 2013. However, the site was subsequently cleared of trees by a previous owner around 2010 and an area of hardcore was also laid around this time. As a consequence of these works, no tree removal was required to accommodate the 2018 application (2018/0099/DET – approved but not implemented). Significant tree regeneration occurred in the interim and this can be observed in the July 2023 and May 2022 Google Street View images of the site. This tree regeneration led to the site being classified as broadleaved woodland in the more recent National Forest Inventory Scotland 2021 but a site visit in January 2024 confirmed that the majority of these sapling trees have now been removed from the site.
- 8.4.2 The proposed building and access were repositioned to avoid root protection areas and ensure that existing mature trees are retained (revised Site Plan BQ_PL 03c & Root Protection Zone BQ_PL 19). In addition, a Planting

Schedule (Ref: BQ_PL 18) has been submitted that confirms that the originally proposed non-native sedum green roof is to be replaced by a biodiverse green roof using locally native species and additional native tree, shrub and woodland meadow planting is proposed. The use of native species will deliver greater biodiversity benefits and provide a better landscape fit for the development. The additional native tree and shrub planting will also help to re-establish ecological connectivity across the site following the recent clearance works.

- 8.4.3 The applicant has submitted a Tree Survey and has demonstrated that there are 4No. trees with Root Protection Areas within 5m of the proposed construction (a Downy Birch and a Sycamore adjacent to the road, a Downy Birch towards the west side of the site and a Beech to the east side), which will be retained. A large part of the site towards the south will be a bracken control area and replanted with native woodland wildflower mix. Native tree and shrub mix regeneration areas are also proposed throughout the site. Whilst contributing to the 'wild woodland setting,' the addition of this native planting will enhance biodiversity on site in line with policy 3 of NPF4 and NEP6 of the LDP.
- 8.4.4 The Trees and Woodland Advisor for the National Park has recommended a condition to ensure the protection of the existing trees on site. It is recommended that the proposed tree protection measures and native species planting are implemented and that these are secured via condition (refer to Appendix 1).
- 8.4.5 Japanese Knotweed was previously recorded on site (noted in the Otter Survey conducted in September 2017). A condition is therefore recommended to agree a programme of eradication prior to commencement of development.



Figure 7. *Site Photo – photo from the east side of the site looking west towards Grianan (January 2024).*



Figure 8. *Proposed Planting – Plan showing the proposed landscaping and planting across the site including areas of native tree and shrub mix and woodland meadow mix.*

8.5 Impact on neighbouring residential amenity

- 8.5.1 The potential impact on the privacy of the neighbouring properties is mitigated by the design; the majority of the timber decked area is formed in a recess on the rear elevation and is enclosed by timber screening.
- 8.5.2 Additional planting will also take place to create a ‘buffer’ for noise mitigation and add an element of visual screening. Additional planting is proposed throughout the site to re-establish a ‘woodland setting’. The topography and the existing vegetation and tree cover at the eastern edge of the site will provide noise mitigation to the property ‘Tigh na Voil’.
- 8.5.3 The plot is generously proportioned. There is no intention to develop any ‘curtilage’ for the holiday let and instead it is proposed to have a natural woodland setting as opposed to the defined curtilage that is normally associated with residential properties. This should also help to integrate the lodge to its surroundings and also ensure that any noise and activity is more contained within the lodge itself.

8.6 Other Matters

- 8.6.1 The Community Council affirmed that a permanent residential dwellinghouse in this location would be preferable. Due to the lengthy history of refusals on the site dating from 1994 for a single house, it is worth noting that there was provision, albeit limited, for housing on the site but that none of the previous

proposals met the specific policy criteria at that time for a house in this location. The principle of a residential dwelling house in this location could be supported under the adopted Development Plan provided it was 100% affordable. However, as the proposal is for a holiday let and not a residential dwelling house only the application as submitted can be assessed. It has been assessed against tourism policies and, if approved, occupancy restrictions would apply to the unit in perpetuity.

8.7 Conclusion

8.7.1 The principle of the development is supported by the Development Plan due to its location within an area of the LDP Development Strategy Map “the green shaded area” which supports small-scale tourist development. The proposal is of a small scale and comprises of a single holiday-let lodge. The site is a gap site which sits between two existing residential properties. The holiday lodge will bring some limited economic benefits to the area in terms of visitor spend in the local economy. The design is contemporary and is appropriate to the landscape setting due to being a single storey design and also by the use of natural and sustainable materials. The proposed development will provide quality holiday accommodation which will be integrated well within the landscape. The proposal meets the policy criteria and the use of conditions will ensure that the build is carried out in accordance with mitigation measures to preserve the integrity of the SAC and best practice methods are implemented for ecology and wildlife. Additional planting is proposed to strengthen the boundary and create a buffer between the site and the neighbouring property to the west. It is recommended that the planning application is approved with conditions.

9 Background Documents:

<http://www.lochlomond-trossachs.org/planning/> Click on view applications, accept the terms and conditions then enter the search criteria as “2023/0377/DET”.

10 List of Appendices:

Appendix 1 Conditions, Informatives and List of Plans
Appendix 2 Appropriate Assessment

APPENDIX 1: Conditions, Informatives and List of Plans

- 1. Duration of Permission:** This permission lapses on the expiration of 3 years beginning from the date of this permission unless the development to which this permission relates is begun before that expiration.

REASON: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. Construction Method Statement:** Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to, and approved in writing by, the Planning Authority. The CMS shall detail the following:

- a) Method of working and mitigation measures to control pollution, dust and vibration and measures to control the emission of dust and dirt during construction;
- b) Method of controlling pollution and sediment release to the water environment including Loch Voil and the River Teith Special Area of Conservation. All works in proximity (50 metres) to waterbodies or watercourses must follow SEPA guidance to ensure their complete protection against pollution, silting and erosion. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: Works and maintenance in or near water (February 2018) or such replacement guidance;
- c) Method of controlling surface water runoff during construction;
- d) The location of the site compound and the parking area for vehicles of site operatives and visitors and loading and unloading of plant and materials. The location of the storage area for plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding as required;
- f) Details of wheel washing facilities for vehicles joining the public road;
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) Arrangements for responding to complaints including contact details.

Thereafter all works shall be carried out in accordance with the agreed Construction Method Statement.

REASON: To ensure that the proposal does not have an adverse effect on the integrity of the River Teith SAC and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 3. Short Term Holiday Accommodation:** The unit hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The unit shall not be occupied by any one individual or group for a period

exceeding 90 days in any one calendar year. A register of occupant's details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

REASON: The proposal has been assessed as a tourism development and the approval of a permanent residence would be subject to a different policy assessment.

- 4. Removal of Permitted Development Rights:** Notwithstanding the provisions of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order with or without modification) no extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, be built within the curtilage of the building hereby approved, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that such development should be subject to formal control in order to safeguard the amenities of the area.

- 5. Vehicular Access:** The proposed access shall be formed as an access lay-by junction constructed at right angles to the public road, leading to a minimum track width of 3m, as shown in plan reference BLQ_PL BQ_PL03 C received on 17 April 2024, unless otherwise agreed in writing with the planning authority. The surfacing of the access shall match that of the adjacent carriageway, with the connecting driveway being suitably surfaced and sufficiently drained to ensure no loose material or surface water is discharged from it onto the public road. Should the driveway fall towards the public road at the vehicular access point, a surface water interceptor drain shall be provided across the driveway to the rear of the lay-by with a positive drainage connection discharging into the site. All works shall be carried out to the satisfaction of Stirling Council's Roads Authority. Any access gates should be set back a minimum of 6 metres measured from the edge of the adjacent public road and open inwards only. The vehicular access shall be implemented as agreed in writing with the planning authority prior to operation of the development.

REASON: To ensure a minimum standard of provision following the commencement of the approved use and thereafter.

- 6. Visibility Sightlines:** Visibility shall be provided and maintained by forming visibility splays of 2.4 metres x 43 metres in either direction from the centre of the proposed access, within which there should be no obstruction to visibility more than 1.05 metres above carriageway level (with the exception of the existing birch tree), thus allowing vehicles exiting the development to see and be seen by vehicles on the carriageway and join the traffic stream safely. The visibility splays shall be implemented prior to commencement of the development as shown in plan reference BLQ_PL BQ_PL03 C received on 17 April 2024 unless otherwise agreed in writing with the planning authority.

REASON: To ensure a minimum standard of provision following the commencement of the approved use and thereafter.

7. **Parking provision:** A minimum of 2no. vehicular parking spaces shall be provided within the curtilage of the site prior to the operation of the holiday lodge.

REASON: To ensure adequate parking provision is provided for the development hereby permitted.

8. **Refuse and Recycling Facilities:** Prior to commencement of the development hereby permitted details on the servicing arrangements for the site, including any waste collection services, shall be submitted to, and approved in writing by the planning authority. Should any roadside waste collection services be required, a formal bin store area shall be required adjacent to the site access from the public road. The bin store area should be located outwith the required visibility splay areas.

REASON: Collection vehicles will not enter private driveways to collect domestic waste and provision should be made for a properly designed collection point at the roadside for bins awaiting collection. To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality and to accord with adopted local development plan Waste Management Policy 1: Waste Management Requirement for New Developments.

9. **Japanese Knotweed Management Plan:** Prior to commencement of the development hereby permitted, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to, and approved in writing by, the planning authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

REASON: To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works

10. **Implementation of Invasive Species Management Plan:** The invasive species management plan agreed under condition 9 shall be implemented in full and a validation report confirming the remediation treatment has been carried out and that the site is free of Japanese Knotweed shall be submitted to and approved in writing by the planning authority.

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

11. **Protection of Existing Trees:** No tree on the site of the development hereby permitted shall be topped, lopped, modified or felled without the express permission of the Planning Authority and all such trees shall be protected

during the course of the development by the erection of protective fencing (which meets the standard shown in BS 5837:2012 'Trees in Relation to Demolition, Construction and Design – Recommendations') not closer to any tree than the edge of its Root Protection Area. No storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition.

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

- 12. Protected Species:** The emergency procedure detailed in section 3.2.6 of the Protected Species Walkover Survey report (TransTech Environmental, March 2024) shall be implemented in full if any potential evidence of otter activity is encountered during construction. All exposed pipe systems shall be capped when contractors are off site and exposed trenches or holes covered or exist ramps provided to prevent animals from becoming trapped. If the development has not commenced by September 2025 (18 months since the March 2024 survey), an updated protected species survey must be undertaken prior to works commencing. In these circumstances, the results, together with a scheme of mitigation measures, shall be submitted to, and approved in writing by, the planning authority prior to works commencing. Thereafter, the scheme of mitigation measures shall be implemented in full as agreed.

REASON: To ensure that impacts on protected species are addressed and no offences are committed under protected species legislation.

- 13. Breeding Birds:** No vegetation clearance works shall take place between March and August (inclusive) unless a pre-works check for active nests has been carried out by a suitably qualified ecologist immediately prior to the works commencing. Should any active nests be recorded, a suitable buffer must be put in place until the nest is no longer in use.

REASON: To ensure that no offences are committed under protected species legislation with regards to breeding birds.

- 14. Biodiversity Enhancement:** Within the planting season following the date of this development hereby permitted, the landscaping shall be undertaken in accordance with the approved Planting Schedule (Ref: BQ_PL 18). Any trees or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the planning authority gives written approval to any variation.

REASON: To secure biodiversity enhancement as required under adopted local development plan Natural Environment Policy 6: Enhancing Biodiversity and NPF4 Policy 3: Biodiversity.

15. Agreement of Materials and Specifications: Prior to the commencement of the 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:

- a) vertical larch cladding;
- b) timber/aluminium windows;
- c) railing/balustrade details (if subsequently required following advice from Building Standards).

REASON: To ensure that the external appearance of the development complements the rural character of the area and the appearance of the existing house 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.

16. Foul Drainage: No development shall take place until full details of the proposed means of foul drainage and soakaway treatment have been submitted to and approved for use in writing by the planning authority. These details shall accord with the Guidance for Pollution Prevention 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer (November 2017) or such replacement guidance.

REASON: To ensure that the proposal does not have an adverse effect on the integrity of the River Teith SAC.

17. External Lighting: No external lighting should be installed on site unless with prior written agreement from the planning authority. Prior to their installation full details to include the location, type, angle of direction and wattage [degree of illumination as expressed by E_v and E_h] of the lighting shall be submitted to and agreed in writing by, the planning authority.

REASON: To allow for consideration of the proposed specifications and potential glare in order to safeguard the night sky experience and prevent inadvertent light pollution.

18. Hours of Construction: Unless otherwise agreed in writing by the planning authority no construction shall take place outwith these hours:
Monday to Friday 8.00 am - 6.00 pm
Saturday 8.00 am - 1.00 pm
Sundays and Public Holidays – no construction permitted.

REASON: To protect the occupants of nearby dwellings from excessive noise and disturbance associated with construction works.

19. Air Source Heat Pump: The air source heat pump must comply with MCS Planning Standards or equivalent (For the avoidance of doubt these are the product and installation standards for air source heat pumps specified in the Microgeneration Certification Scheme MCS 020(a) Issue 1.2 dated 1st May 2015 at http://www.microgenerationcertification.org/images/MCS_020_Planning_Standards_Issue_1.2.pdf Prior to the installation of the air source heat pump, full details of the model specification and compliance with the MSC Planning Standards must be submitted to and approved in writing by the planning authority in consultation with Environmental Health. These measures shall thereafter be adhered to as approved and shall not be removed or altered without the prior written approval of the Planning Authority.

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

List of Plans

Title	Reference	Date Received
Root Protection Detail	BQ_PL 22	01/04/24
Root Protection Plan	BQ_PL 21	01/04/24
Tree Details	BQ_PL 23	01/04/24
Tree Survey Plan	BQ_PL 20	01/04/24
Proposed Site Plan	BLQ_PL BQ_PL03 C	17/04/24
Planting Schedule	BQ_PL 18	18/03/24
Root Protection Zone	BQ_PL 19	18/03/24
Site Location Plan	BQ_PL	20/10/23
Site Location Map	BQ_PL	11/10/23
Existing Site Plan	BQ_PL 02	11/10/23
Loch Voil Elevation	BQ_PL 04a	11/10/23

Side Elevation	BQ_PL 05a	11/10/23
Side Elevation	BQ_PL 06a	11/10/23
Road Facing Elevation	BQ_PL 07	11/10/23
Floor Plan	BQ_PL 08	11/10/23
Roof Plan	BQ_PL 09	11/10/23
Cross Section	BQ_PL 10a	11/10/23
Proposed Materials	BQ_PL 11	11/10/23

Informatives

1. **Notification of Initiation of Development** - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. **Notification of Completion of Development** - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
3. **Scottish Water** – All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via the Customer Portal prior to any formal Technical Application being submitted. This will allow full appraisal of the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.
4. **Short-Term Let Licencing** – The applicant should note that properties used for short-term letting are regulated under The Civic Government (Scotland)

Act 1982 (Licensing of Short-term Lets) Order 2022 and a licence should be obtained from your local licensing authority. Further details can be obtained from Stirling Council.

5. **Protected species in vicinity** - Otters are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places.
6. **Surface Water** - Disposal of surface water from the site must comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPA's website or from SEPA's Environmental Protection and Improvement Team on 01738 627989.
7. **Foul drainage** – Foul drainage works must comply with SEPA's GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer.
8. **SEPA Pollution Prevention Guidance** – Works near water should comply with SEPA's Pollution Prevention Guidelines: PPG1 July 2013 and SEPA's Guidance for Pollution Prevention Works and maintenance in or near water: GPP 5 February 2018.
9. **Electric Vehicle Charging** – The applicant should consider the provision of Electric Vehicle Charge Points within car parking areas to support the use of sustainable modes of transport.
10. **Roads Authority Consent** – The applicant will require to apply to the Roads Authority for permission to create the proposed access, prior to the commencement of any works, in accordance with Section 56 of the Roads (Scotland) Act 1984.

APPENDIX 2: Appropriate Assessment

<p>Elements of project likely to give rise to significant effects on the site.</p>	<p>The proposal includes construction works around 50 metres from Loch Voil which is part of the River Teith SAC. Two small drainage ditches run through the development site and these are hydrologically connected to the River Teith SAC. As a result, there is potential for pollution from the development site to enter the River Teith SAC via these ditches and for this to impact on the qualifying interests of the SAC during construction (e.g. silt or fuel oil). In addition, there is also potential for foul drainage from the development to impact on the water quality of the SAC as the development will not be connected to the public drainage network.</p>
<p>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.).</p>	<p>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 watercourses 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 watercourses from the fuel and chemicals used on site, or in the longer term, pollution from the drainage system.</p>
<p>Describe what mitigation measures are to be introduced to avoid any adverse effects on the integrity of the site.</p>	<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"> <p>Construction Method Statement (CMS): 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 the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: <i>Works and</i></p>

	<p><i>maintenance in or near water</i> (February 2018) or such replacement guidance.</p> <ul style="list-style-type: none"> • Foul Drainage: No development shall take place until full details of the proposed means of foul drainage and soakaway treatment have been submitted to and approved for use in writing by the Planning Authority. These details shall accord with the Guidance for Pollution Prevention 4: <i>Treatment and disposal of wastewater where there is no connection to the public foul sewer</i> (November 2017) or such replacement guidance. <p>Implementation of these mitigation measures will ensure that adequate pollution control measures are implemented during the construction of the development and that the sewage treatment arrangements are appropriately designed to ensure that there will be no deterioration in the water quality of the SAC in the longer term.</p>
Conclusion	<p>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.</p>