



Planning and Access Committee

Meeting: 25 November 2024

Agenda item 6: 2024_0145_HAE Capercaillie Chalet Committee Report

SUBMITTED BY: Director of Place

APPLICATION NUMBER:	2024/0145/HAE
APPLICANT:	Colin Mackenzie
LOCATION:	Capercaillie Chalet Main Street Killin FK21 8UT
PROPOSAL:	Erection of ancillary building
NATIONAL PARK WARD:	Ward 2 - Breadalbane and the Trossachs
COMMUNITY COUNCIL AREA	Killin
CASE OFFICER:	Name: Jack Riggs Tel: 01389 722620 E-mail: jack.riggs@lochlomond-trossachs.org

CONTENTS

1. SUMMARY AND REASON FOR PRESENTATION	2
2. RECOMMENDATION	2
3. BACKGROUND	2
4. ENVIRONMENTAL IMPACT AND HABITAT REGULATIONS ASSESSMENT .	10
5. CONSULTATIONS AND REPRESENTATIONS.....	11
6. POLICY CONTEXT	12
7. SUMMARY OF SUPPORTING INFORMATION.....	15
8. PLANNING ASSESSMENT	15
9. APPENDIX 1 CONDITIONS	20

1. Summary and reason for presentation

- 1.1. It is proposed to erect an ancillary building within the garden ground of the dwellinghouse known as Capercaillie Chalet. The site is within the Killin Conservation Area and is in close proximity to the 'A' listed Bridge of Dochart.
- 1.2. The application is being presented to Committee because an objection has been received from Killin Community Council.

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 to the east of Main Street within Killin Conservation Area. It is adjacent to the River Dochart which is part of the River Tay Special Area of Conservation (SAC). To the south of the site lies the Bridge of Dochart which is a Category 'A' listed building. Across a branch of the river is the island of Innes Bhuidhe, the burial ground of the MacNabs which is a Scheduled Ancient Monument. A location plan is provided in Figure 1.
3.2.	The site lies at a significantly lower elevation than Main Street. The roof of the dwellinghouse is approximately in line with the ground level of Main Street.

Site Description

- 3.3. The garden ground is relatively flat, made of a shallow layer of vegetation on top of bedrock. It is bound by a buffer of trees and shrubs that slope sharply up to Main Street.
- 3.4. Photographs of the site are provided below at the two key locations of Main Street and the Bridge of Dochart. Figures 3-9 demonstrate the varying levels of growth at site throughout Spring, Summer, and Winter.

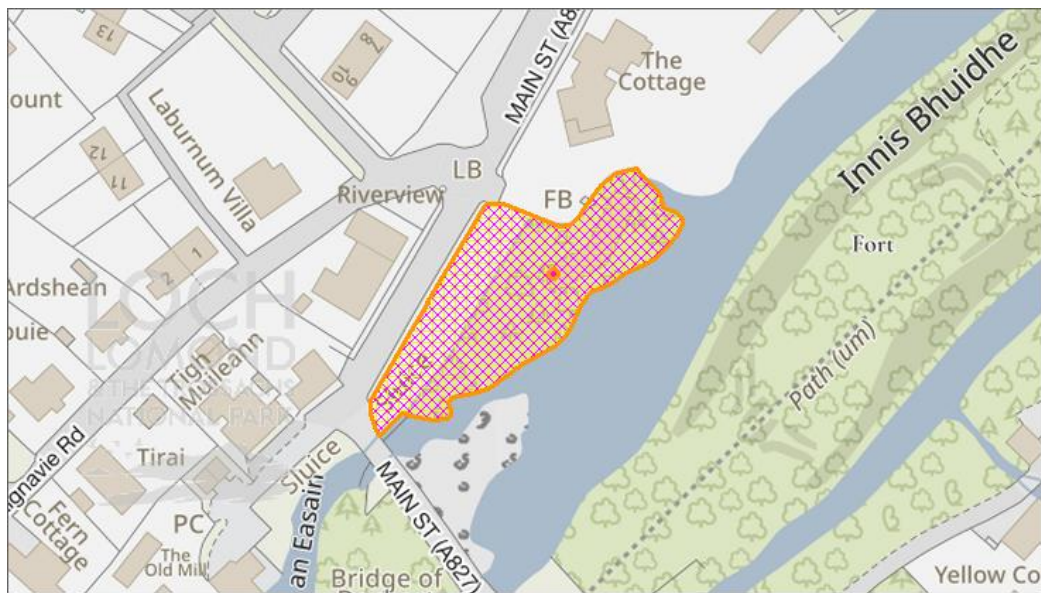


Figure 1: Location Plan.

Site Description



Figure 2: Aerial image with proposed location for the ancillary building/home office outlined in red.



Figure 3: View of application site from the Bridge of Dochart in June

Site Description

2023. A red arrow illustrates the proposed location for the ancillary building/home office.



Figure 4: View of application site from the Bridge of Dochart in February 2024. A red arrow illustrates the proposed location for the ancillary building/home office.



Site Description

Figure 5: View of application site from the Bridge of Dochart in April 2024. A red arrow illustrates the proposed location for the ancillary building/home office. (above)



Figure 6: View of application site from Main Street in June 2023. A red arrow illustrates the proposed location for the ancillary building/home office.

Site Description



Figure 7: View of application site from Main Street in February 2024. A red arrow illustrates the proposed location for the ancillary building/home office.



Site Description

Figure 8: View of application site from Main Street in April 2024. A red arrow illustrates the proposed location for the ancillary building / home office.



Figure 9: View from within garden curtilage of where the ancillary building is to be sited. The distance between the tree and the proposed building is 2.1 metres.

Description of Proposal

3.5.	The proposal concerns the erection of an ancillary building for use as a garden room/home office to the south of the host dwellinghouse. It is within the garden curtilage to the side of the principal elevation.
3.6.	The building is proposed to be sited the south of the dwellinghouse adjacent to a buffer strip of trees and shrubs.
3.7.	The proposed building is 3.76m by 5.57m, totalling 20.94sqm. It is 3.25m in height. The external materials are vertical timber cladding with grey aluminium details and a flat sedum roof. The building is comprised of two rooms and a small veranda.

Description of Proposal

- | | |
|------|--|
| 3.8. | It is 14.5m from Main St, 35m from the Bridge of Dochart, and approximately 5m below road level. |
| 3.9. | Figures 11 and 12 show a plan and elevation view of the proposal. |

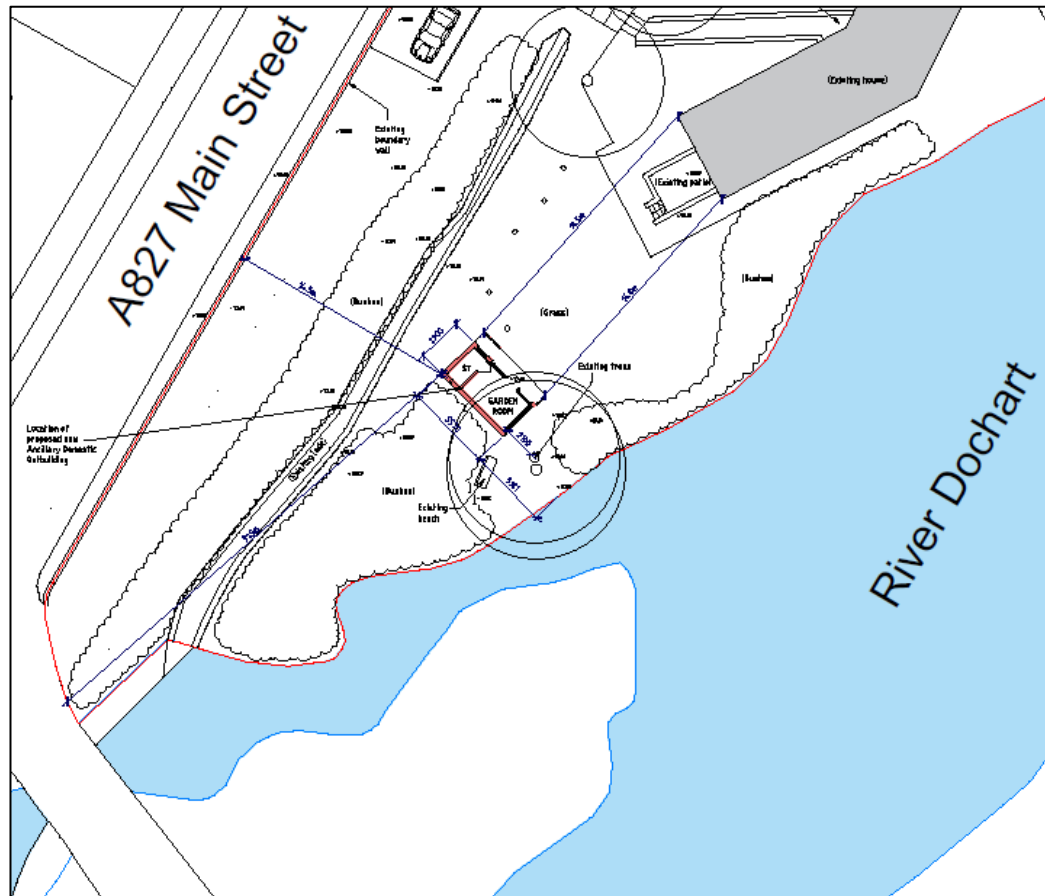


Figure 11: Site plan as proposed.

Description of Proposal

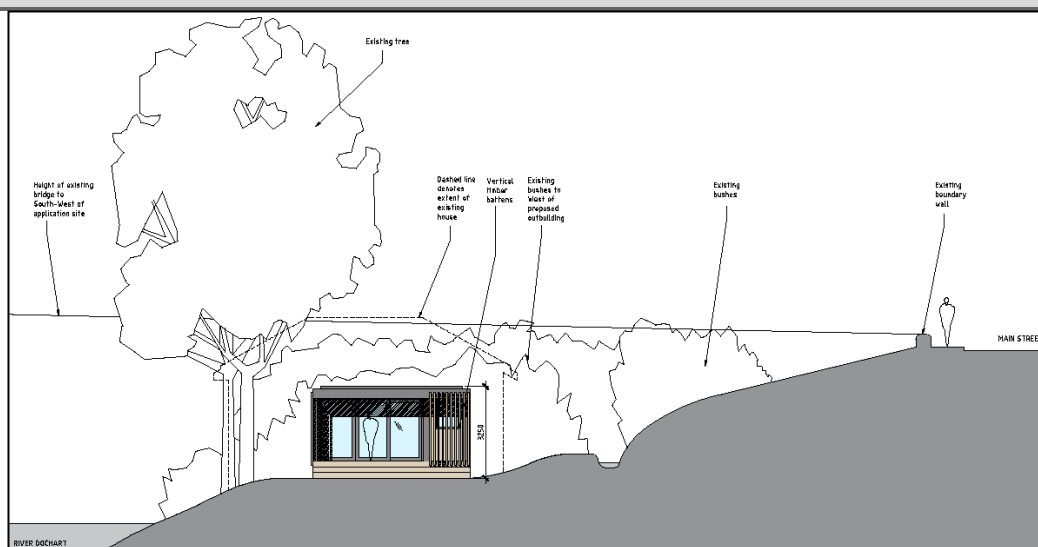


Figure 12: Northeast elevation as proposed.

Planning History

- 3.10. 2023/0440/HAE - Withdrawn -17 April 2024
Erection of ancillary building and installation of ground mounted solar array
- 2014/0171/DET - Approve -20 November 2014
Amendment to planning permission 2008/0288/DET for erection of dwellinghouse - revised design
- 2008/0288/DET - Approve with Conditions -27 July 2009
Erection of two storey dwellinghouse
- 2007/0062/DET - Refuse -22 August 2007
Erection of dwellinghouse

4. Environmental impact and habitat regulations assessment

Environmental Impact Assessment (EIA)

- 4.1. The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011. As a

Environmental Impact Assessment (EIA)

	‘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.	In this instance it has been determined that an Environmental Impact Assessment (EIA) is not required as the proposal is not within Schedule 1 or 2 of the Regulations.

Habitat Regulations Assessment (HRA)

4.3.	The Habitats Regulations require that where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC) it must undertake an Appropriate Assessment (AA) of its implications for the European site in view of the site’s conservation objectives.
4.4.	The proposed development is near the River Tay SAC. Given the scale of development which only affects the existing garden ground an AA is not considered to be required in this instance.
4.5.	A condition is recommended in Annex 1 of this report to ensure that construction works prevent pollution or contamination of the SAC.

5. Consultations and representations

Responses to Consultations

5.1.	<u>Scottish Environment Protection Agency (SEPA)</u> No objection.
5.2.	<u>Historic Environment Scotland (HES)</u> The proposal is considered to affect the Category ‘A’ listed Bridge of Dochart. In considering the information received HES do not have any comments to make on the proposals.
5.3.	<u>Killin Community Council (KCC)</u> Objects to the development on the grounds that the proposal would be detrimental to the amenity and overall economic wellbeing of the village.

Responses to Consultations

	The Falls and Bridge of Dochart are our most important and significant tourist attraction, by far, and we feel that this small area should be protected from the encroachment of purely domestic development.
5.4.	<u>West of Scotland Archaeology Service (WoSAS)</u> No objection.

Representations Received

5.5.	3 representations received in support of the proposal.
5.6.	In summary the matters raised in support are: <ul style="list-style-type: none"> • Proposal provides a useful home office space. • Building would be invisible in the landscape. • Proposal is in keeping with existing house.
5.7.	No matters were raised in objection .
5.8.	The full content of the representations is available to view on the National Park Authority's Public Access website . Click on view applications, accept the terms and conditions then enter the search criteria as '2024/0145/HAE'.

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 National Planning Framework 4 (NPF4) and the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2016) along with Supplementary Guidance.
------	--

The Development Plan

6.2.	<p><u>National Planning Framework 4 (NPF4) (Feb 2023)</u></p> <p>NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Governments 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:</p> <p>Policy 1 - Tackling the climate and nature crises Policy 2 - Climate mitigation and adaptation Policy 4 - Natural places Policy 7 - Historic assets and places Policy 14 - Design, quality and place Policy 15 - Local living and 20-minute neighbourhoods Policy 16 - Quality homes Policy 22 - Flood risk and water management</p>
6.3.	<p><u>Local Development Plan 2017-2021 (LDP) (Adopted 2016)</u></p> <p>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:</p> <p>OP1 - Overarching Policy 1: Strategic Principles OP2 - Overarching Policy 2: Development Requirements NEP2 - Natural Environment Policy 2: European sites - Special Areas of Conservation and Special Protection Areas NEP11 - Natural Environment Policy 11: Protecting the Water Environment NEP13 - Natural Environment Policy 13: Flood Risk HEP1 - Historic Environment Policy 1: Listed Buildings HEP2 - Historic Environment Policy 2: Conservation Areas</p>

The Development Plan

6.4. 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

Other Material Considerations

6.5. 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.

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.

6.6. 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 3.2: Supporting Thriving Rural Communities - 2045 Outcome:
More Resilient Rural Communities

1. Enable more local living and working

Other Material Considerations

	2. Meet housing needs 3. Build community wealth
6.7.	<u>Planning Guidance</u> Listed Buildings and Conservation Areas
6.8.	Killin & Ardeonaig Community Place Plan (2021-2031)
6.9.	Killin Conservation Area Appraisal

7. Summary of supporting information

Supporting Information

7.1.	The applicant has submitted the following documentation in support of the planning application: <ul style="list-style-type: none">• Design Statement
------	--

8. Planning assessment

Key Issues

8.1.	The key issues for consideration in the determination of this application are: <ul style="list-style-type: none">• Principle of development, design, and residential amenity• Impact on the Killin Conservation Area and the setting of the listed Bridge of Dochart• Impact on the River Tay SAC• Impact on trees
------	---

Principle of Development, Design, and Residential Amenity

8.2.	NPF4 Policy 16: Quality homes supports householder development proposals where they:
------	--

Principle of Development, Design, and Residential Amenity

	<ul style="list-style-type: none"> i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. <p>The requirements of NPF4 Policy 16 are consistent with the requirements of LDP Overarching Policy 2 and the National Park Design and Placemaking guidance relative to householder developments.</p>
8.3.	The scale of the proposed ancillary building is subordinate to the existing dwellinghouse in terms of size.
8.4.	The proposed design of the building includes a veranda on the elevation that fronts the host dwellinghouse. It is accessed by two steps. The veranda has vertical timber battens as screens in front of the door and on the elevation that fronts the bridge. This design aids to protect the development from views into the site from the elevated positions at the bridge and road.
8.5.	The materiality of the proposal follows that of the existing dwellinghouse by using timber cladding and a sedum roof. The external materials are recessive within the setting and screen the domestic garden ground when viewed from the bridge. A condition is recommended to remove permitted development rights to ensure that the external finish of the ancillary building cannot be modified by the installation of solar equipment.
8.6.	There will be no detrimental impact on the existing dwellinghouse. Impacts on the surrounding area are assessed in sections 8.8-8.16 of the report.
8.7.	The site is low-lying and isolated from neighbouring properties, the proposed development will not have a physical impact, overshadow, or overlook neighbouring properties.

Impact on the Killin Conservation Area the setting of the listed Bridge of Dochart

8.8.	<p>NPF4 Policy 7: Historic assets and places supports development proposals in conservation areas where the character and appearance of the conservation area and its setting is preserved or enhanced.</p> <p>Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.</p>
------	--

Impact on the Killin Conservation Area the setting of the listed Bridge of Dochart

	LDP HEP1 and HEP2 is consistent with the requirements of NPF4 Policy 7. The Killin Conservation Area Appraisal recognises the Bridge of Dochart as a focal point within the conservation area.
8.9.	KCC have objected to the proposal on the grounds that the amenity, overall economic wellbeing, and the visitor experience of the village will be detrimentally impacted.
8.10.	The proposed building is subordinate to the dwellinghouse. It is of small scale in the context of the curtilage.
8.11.	The siting of the proposed building is discreet in the landscape. It is screened by an adjacent mature tree and other existing mature vegetation when viewed from the bridge. This buffer of vegetated land is within the control of the applicant.
8.12.	The application site is low lying. The roofs of the proposal and the host dwellinghouse are both below road level. The view from the bridge and views towards the conservation area are therefore not detrimentally impacted by the proposal.
8.13.	The proposed external materials, following the palette of the host dwellinghouse, are recessive and integrate into the surroundings.
8.14.	The proposed building is orientated to face away from the public aspect of the view from the bridge. This will minimise the impacts of the proposal on the visitor experience of the conservation area.
8.15.	Visits to the site have been undertaken across three seasons to consider views from the conservation area into the site and the potential impact on the setting of the listed building. Figures 3-8 in section 3.4 show the impact of the proposal with various stages of vegetation growth and colour at the two key locations of the Bridge of Dochart and Main Street. The proposal remains screened by existing vegetation to the south and west across all seasons. The peak visitor season of Summer offers the most complete level of screening.
8.16.	The scale, siting, and form of the proposed ancillary building are not considered to detract from the Bridge of Dochart as a focal point for the conservation area. The proposal preserves the character and special interest of the conservation area and listed building. The proposal is not considered to detract from the visitor experience of the location. It is therefore acceptable in relation to LDP HEP1 and HEP2, and NPF 4 Policy 7: Historic assets and places.

Impact on the Killin Conservation Area the setting of the listed Bridge of Dochart

Impact on the River Tay SAC

- | | |
|-------|---|
| 8.17. | The proposal is sited near the River Tay SAC. LDP NEP2 constrains development that is likely to have a significant effect on European Sites. The proposal is not considered to have a significant effect on the SAC due to the small scale of the proposal. |
| 8.18. | However, the proximity of the SAC is such that a condition is recommended requiring details of measures to secure the protection of water quality within the River Dochart during construction works. The proposal is therefore acceptable in relation to NPF4 Policy 4: Natural places and LDP NEP2. |

Impact on trees

- | | |
|-------|--|
| 8.19. | The proposal is sited in close proximity to existing trees. The siting is balanced against historic environment considerations. |
| 8.20. | No trees are proposed to be removed. The immediate ground of the site, being composed of a shallow layer of vegetation on bedrock, are such that a condition to submit a method statement detailing measures to be taken during construction, including foundation method, to protect the health of the existing trees is recommended. The proposal is therefore acceptable in relation to NPF4 Policy 6: Forestry, woodland and trees and LDP NEP6. |

Conclusion

- | | |
|-------|--|
| 8.21. | The principle of the proposal is supported by NPF4 Policy 16: Quality homes, consistent with LDP OP2. |
| 8.22. | The potential impacts of the proposal on the conservation area and the listed building have been addressed through appropriate siting, design, and use of external materials. The character of the conservation area and setting of the listed building are preserved. The proposal is therefore |

Conclusion

	acceptable in relation to NPF4 Policy 7: Historic assets and places and LDP HEP1 and HEP2.
8.23.	The potential impact on the SAC can be mitigated by a condition requiring further submission of details of measures to secure the protection of water quality within the River Dochart during construction works. The proposal is therefore acceptable in relation to NPF4 Policy 4: Natural places and LDP NEP2.
8.24.	The potential impact on trees can be mitigated by a condition for a method statement detailing measures to be taken during construction, including foundation method, to protect the health of the existing trees. The proposal is therefore acceptable in relation to NPF4 Policy 6: Forestry, woodland and trees and LDP NEP6.

9. Appendix 1 Conditions

Conditions	
9.1.	<p>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.</p> <p>REASON: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).</p>
9.2.	<p>Permitted Development: 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) the land to which this permission relates shall not benefit from permitted development rights concerning the installation, alteration or replacement of solar PV or solar thermal equipment on a building situated within the curtilage of a dwelling.</p> <p>REASON: The Planning Authority considers that such development should be subject to formal control in order to safeguard the amenities of the area.</p>
9.3.	<p>Tree Method Statement: Prior to the commencement of construction works within the development site, a method statement detailing measures to be taken during construction, including foundation method, to protect the health of the existing trees shall be submitted to, and approved in writing by, the Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase.</p> <p>REASON: To prevent damage to trees in the interests of the visual amenity of the area</p>
9.4.	<p>Construction Works: Details of measures to secure the protection of water quality within the River Dochart during construction works shall be 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 Pollution Prevention Guidelines 5 and 6.</p> <p>REASON: To prevent pollution or contamination of the River Tay Special Area of Conservation during the construction period.</p>