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|  | *Report of Handling* |
| **Application Number:** | 2016/0259/DET |
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| **Location:** | Land West Of Garabel Farm, Inverarnan, Ardlui  |
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| **Proposal:** | Erection of dwellinghouse (for occupation by the estate manager/worker) |
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| **Case Officer:** | Craig Jardine |
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| **Target Decision Date:** | 18 Oct 2016 |

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|  | **Introduction** |
|  | *Site Description:*The application site is located within the larger Garabal Estate which amounts to a total of 1,705 hectares consisting of 605 hectares of woodland, 14 hectares of lochs and 1,086 hectares of open hillside. The site lies within the following designated areas:* Loch Lomond National Scenic Area (NSA);
* Glen Etive and Glen Fyne Special Protection Area (SPA); and
* Garabal Hill Site of Special Scientific Interest (SSSI).

*Proposal:*Permission is sought for the erection of a single dwellinghouse for the estate manager/owner to facilitate land management of the estate. No estate house currently exists for this use, although there is a ruinous farmhouse which is situated near to Inverarnan, adjacent to the A82 trunk road. The proposed house would be located on the eastern flank of Garabal Hill at approx. 145m AOD, north-west of Ardlui. The house would be sited on undeveloped land, adjacent to the estate track within the woodland sector of the estate. The development would result in only a small number of young sitka spruce trees being removed.Site access to the house is largely proposed from the A83 trunk road at “Butterbridge” in Glen Kinglas along approx. 12km of estate track which bisects the estate. Construction traffic will only utilise this access route to/from the A83. Upon completion of the house, the applicant requests that suitable light operational traffic be allowed to access the site to/from the A82. No upgrade works or widening of the private track is proposed. The proposed building would be of a single-storey contemporary pre-fabricated modular design which comprises of two equal sized blocks (product name: *LoftCubes*), staggered in position and connected by an enclosed entrance link. The building would be suspended above the existing ground level (between 1m at the west elevation and 2m at the east elevation) and would be fixed to the ground via stilts and struts (4no. stilts and 2no. struts per “cube”). The central link would be suspended between the two cubes with only its gangway ramp being grounded. The building would be of steel frame construction with a finished external appearance comprising of double/triple glazing; timber louvre facade panels; with the remainder of the outer walls, roof and base being fibreglass of a colour to be approved. Internal accommodation would comprise of main living and kitchen accommodation in one “cube” and three bedrooms and shower room/w.c. facilities in the other “cube”. An area of parking/turning space would be situated to the immediate north of the house, accessed from the estate track with a small section of path leading from this area to the entrance gangway of the house. The units would be acoustically and thermally insulated. Further proposals for servicing consist of a heat recovery ventilation system and a biomass stove. The house would benefit from solar gain heating and to reduce potential light pollution from the large areas of glazing, tinted glazing would be employed. The applicant has stated that, in addition to the above, an air source heat pump unit and micro hydro electric power plant for the estate is being investigated and, if considered feasible, will be the subject of a separate application. Water supply would be from a nearby watercourse and drainage requirements would be serviced by a septic tank and soakaway arrangement.*The key issues for consideration are:*This application is for the same development previously approved under permission reference 2011/0291/DET. A summary of the key issues previously assessed is provided in Section 8 of the report alongside an assessment against the Proposed Local Development Plan policies and any updated changes in planning recommendations. The key issues, as before are: * Principle of Development
* Natural Heritage - Impact on SPA Natura Site and SSSI
* Landscape & Visual Assessment
* Access & Servicing
* Design & Sustainability
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|  | **Relevant Planning History** |
|  |  2011/0291/DET - Erection of dwellinghouse (for occupation by the estate manager/worker). Approved on 21 October 2013. |
|  | **Policy Context** |
|  | National Park Local Plan (Adopted 2011)*Relevant Policies:*Policy HOUS5 – Housing in the CountrysidePolicy TRAN3 – Impact of New Development on the Road NetworkPolicy TRAN7 – Encouraging Outdoor AccessPolicy L1 – Conserving and Enhancing the Diversity and Quality of the Park’s LandscapesPolicy D1 – Design QualityPolicy SUSDEV1 – Sustainable DevelopmentPolicy ENV1 – European Sites (SACs and SPAs)Policy ENV2 – Sites of Special Scientific Interest, National Nature Reserves and RAMSAR SitesPolicy ENV6 – Enhancing Biodiversity in New DevelopmentsPolicy ENV 9 – Development Impacts on Trees and WoodlandsPolicy ENV11 – Connection to Sewerage and Water SupplyOther Material ConsiderationsNational Park AimsThe 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. Policy NP1 of the National Park Local Plan outlines the Park’s overarching policy position on new development with regard to the statutory aims. National Park Partnership Plan (2012-2017)*Relevant Policies:*Conservation Policy 2 – Natural HeritageConservation Policies 3 – LandscapesVisitor Experience Policy 1 – Visitor ManagementVisitor Experience Policy 2 – Sustainable TourismVisitor Experience Policy 3 – Recreation and AccessRural Development Policy 2 – Spatial Development StrategyRural Development Policy 3 – Rural EconomyRural Development Policy 7 – Sustainable Design and ConstructionProposed Local Development Plan (2015)The final consultation period for the Proposed Local Development Plan closed on 29 June 2015. The Proposed Local Development Plan was submitted to Scottish Ministers on 09 December 2015 to request an examination of unresolved representations. The Examination formally commenced on 04 February 2016. The Reporter will submit a report of their examination to the planning authority, containing their conclusions and recommendations on each issue and any modifications to the plan.  In the interim, the Proposed Local Development Plan is a material consideration in the assessment of planning applications and the amount and type of representations are key considerations in determining the weight given to each policy or proposal.*Relevant Policies:*Overarching Policy 1 – Strategic PrinciplesOverarching Policy 2 – Development RequirementsHousing Policy 2 – Location and types of new housing requiredTransport Policy 3 – Impact Assessment and Design Standards of New DevelopmentNatural Environment Policy 1 – National Park Landscapes, seascape and visual impactNatural Environment Policy 2 – European SitesNatural Environment Policy 3 – Sites of Special Scientific Interest, National Nature Reserves and RAMSAR SitesNatural Environment Policy 6 – Enhancing BiodiversityNatural Environment Policy 8 – Development Impacts on Trees and WoodlandsSupplementary Guidance (draft)Design and Placemaking Housing |
|  | **Environmental Appraisal** |
|  | Environmental Impact AssessmentThe National Park is identified as a ‘Sensitive Area’ within the Environmental Impact Assessment (Scotland) Regulations 2011. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.Habitats Regulations AssessmentFor completeness, a Habitat Regulations Assessment (otherwise referred to as an “Appropriate Assessment”) has been carried out for the current application and, as before, it has been concluded that, subject to SNH’s recommended conditions relating to restrictions on construction traffic, that there will be no adverse affect on the integrity of the SPA.  |
|  | **Summary of Consultations** |
|  | Transport Scotland - Trunk Road NetworkNo objections.Argyll & Bute Council - RoadsNo objections, subject to the same conditions as previously attached to permission 2011/0291/DET in relation to the A82/A83 access.Scottish Natural Heritage*Consultation response on previous 2011/0291/DET application unchanged* SNH objects to the proposal in relation to the Glen Etive and Glen Fyne SPA unless it is made subject to mitigation affecting site access during the eagle breeding season (February – July inclusive). This mitigation relates to construction traffic (including helicopter flights) but not to operational traffic (i.e. access to the house after it is built).There are geological interests of national importance on Garabal Hill SSSI, but these will not be affected by the proposal. The proposal may offer opportunities for rock exposures which could be of research interest, and SNH would encourage the retention of any existing and new exposures if possible.LLTNPA, as the competent authority, requires to conduct an appropriate assessment in view of the site’s conservation objectives for its qualifying interest. |
|  | **Summary of Representations** |
|  | No representations received. |
|  | **Summary of Supporting Information** |
|  | The applicant’s agent has confirmed that the undernoted documents submitted in support of the application 2011/0291/DET are still relevant and to be taken into consideration in the assessment of this current application:* A Design Statement was submitted on 3rd Dec 2011
* Business Plan received on 12th June 2012 and then revised (minus the Forestry Work) and re-submitted on 25th Jan 2013
* Photomontages of existing and proposed site from agreed viewpoints submitted in support of application (dated 29th Feb 2012)
* Photos of Loft Cubes in situ submitted by agent in support of planning application (in file, dated 12 Jan 2012)
* Woodland Management Plan for screening the house and for new planting proposals

The applicant’s agent has submitted the following new information in support of the current application:* Photographs following the undertaking of the Track Remediation Proposals (approved under application 2011/0291/DET) of the previously exposed batters of the access track (along 250m of the most highly visible section);
* Letter (dated 10th October 2016) from the applicant’s Woodland Management Consultants providing confirmation that the Estate Business Plan and Labour Report supplied with the previous application is still valid, as is the Woodland Management Plan; and that they believe that the Track Remediation Proposals have been fully complied with. Furthermore, the letter includes an explanation for the delay in construction following the previous planning approval – being largely connected to the financial matters and civil negotiations with the neighbouring estate.
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|  | **Planning Assessment** |
|  | ***Principle of Development***The proposal and supporting case presented by the applicant in their previous application 2011/0291/DET is unchanged. The applicant has presented an explanation for why the development had not progressed to date. Regardless, the policy considerations and assessment taken with the 2011 application is unchanged and therefore the principle of development is still supported by Policy HOUS5 of the adopted National Park Plan, subject to occupancy restrictions being applied to the house through planning condition. Although, not yet fully adopted, albeit in the latter stages of its process, the policies of the National Park’s Proposed Local Development Plan are a key material consideration in the assessment of new applications. The policy approach to new housing in the countryside (as set out in the Proposed Local Development Plan, Housing Policy 2) is largely similar to that of the adopted Local Plan as it continues to support housing required to ensure the sustainable management of an established rural business such as a rural estate. As such, the assessment undertaken with application 2011/0291/DET is still relevant now and is supported under the housing policy of the Proposed Local Development Plan.***Natural Heritage***The proposal submitted and assessment made under application 2011/0291/DET in relation to the Special Protection Area and the SSSI is unchanged and, subject to mitigation measures being employed (as recommended by SNH) the current application still complies with the relevant Policies ENV1 and ENV2 of the National Park Local Plan. The relevant Natural Environment Policies 2 & 3 of the Proposed Local Development Plan raises no new policy issues in this regard.***Landscape & Visual Impact assessment***As with the previous 2011 application - Having given significant weight to the National Park Landscape Officer’s advice, having viewed the proposed site and surroundings from close proximity to distanced views, and having given further consideration to the proposed mitigation and remediation measures, it is considered, on balance, that this is a unique proposal which can be managed in such a way as to minimise any potential adverse impacts on the landscape character and views to an acceptable level. To ensure that this acceptability can be controlled effectively, the following measures should be conditioned: management of surrounding woodland and new planting; control over the final colour choice for the house; use of tinted glazing; management of internal and external lighting; and removal of permitted development rights. The access track from the A82 has been in-situ for some time. Photographic evidence that the track restoration proposals approved under 2011/0291/DET have been implemented was submitted in support of the current application. This appears to show relatively successful regeneration thus far but it is considered that further monitoring of this should take place over the next two years and where necessary any further restoration requirements fulfilled. It is recommended that a new condition relating to this should be applied if permission is approved.***Access & Servicing****Roads Access*The proposals for access are unchanged from the previous permission and updated responses from the Council Roads Officer (with respect to private access gradients) and Transport Scotland (with respect to access from the A82 and A83 trunk road junctions record no objection. Therefore, the proposal complies with Policy TRAN3 of the National Park Local Plan and raises no new policy issues with regards to Transport Policy 3 of the Proposed Local Development Plan. No conditions on the operational use of either access from public roads are required.*Public Access*The proposals will not result in an adverse impact to public access rights; in fact, the applicant aims to encourage public access through the estate as part of their improved management practices. Therefore, this meets the terms of Policy TRAN7 of the National Park Local Plan.*Servicing*Connection to public drainage/water services is not possible due to the isolated location and therefore the house must be self-sustaining (in relation to drainage, water, power). A planning condition is deemed unnecessary given that this matte affects a single house, will be self-regulating and otherwise consented by separate authorities. On this basis, the application complies with the terms of Policy ENV11 of the National Park Local Plan.***Design***The design of the unit is unchanged from the previous permission and is still considered to be an appropriate choice given the location and presence of the SSSI as it will help present a more transient, light-touch presence on the hillside. It is still considered relevant to apply conditions requiring final approval of colour finish and use of tinted glazing (to significantly reduce light pollution). Subject to this it is considered that the proposal would still meet the terms of Policies D1, SUSDEV1 and ENV2 and the comparative policies of the Proposed Local Development Plan and Supplementary Guidance.***Conclusion***In conclusion, it has been satisfactorily demonstrated that Garabal Estate is an established rural estate, which has no current operational house and that the existing redundant farmhouse is unsuitable for renovation and re-use. Furthermore, due to the nature of estate work and the number of labour hours involved, it is determined that an on-site residential presence within the estate is required and this proposal fulfils this need. This proposal therefore complies with Policy HOUS5 of the National Park Local Plan and Housing Policy 2 of the Proposed Local Development Plan, subject to restrictions being applied to the house to ensure that it is occupied only by the estate manager/worker for whom it is proposed. The proposal also complies with Policies ENV1, ENV2 and ENV6 of the National Park Local Plan and comparative policies of the Proposed Local Development Plan as it has been assessed that it is unlikely to have a significant adverse effect on the conservation objectives of the Site of Special Scientific Interest and that, subject to controlling conditions being applied, will not have an adverse effect on the conservation objectives or integrity of the Special Protection Area (European “Natura” Site) and furthermore presents an opportunity to assist improved estate management which could enhance biodiversity in the long-term. Having assessed the proposed siting and design of the proposed house it has been determined that it will not result in a significant adverse visual impact within the landscape or reduction in the quality of the landscape experience providing conditions are attached requiring that potential visual impacts from the building and access track are managed to ensure that the proposal complies with the general aims of Policy L1 and D1 of the National Park Local Plan and overarching policies of the Proposed Local Development Plan. It has been assessed that, subject to the recommended mitigation measures, the proposal does not raise any significant issues in relation to the four statutory aims of the National Park, in particular the first aim to conserve and enhance the natural and cultural heritage of the area.Therefore, it is confirmed that the proposal accords with the development plan and other material considerations do not outweigh this conclusion. As a result, the proposal is recommended for approval, subject to conditions. |

**Recommendation:**

Approve, subject to conditions

**Conditions**

1 **Occupancy:** The dwellinghouse hereby approved shall not be occupied other than by a person who is responsible for the management of the estate or who is employed by the estate as the estate manager and/or estate worker in the undertaking of the business of Garabal Estate, which relates to the land edged blue on the approved plan (dwg. no. Loc2, received on 19/08/16), or a family member, resident dependant, widow or widower of such a person.

REASON: Permission has been approved to accommodate an essential need for manager/worker’s dwellinghouse accommodation on the land in conjunction with the existing rural estate business

2. **Construction Access Restrictions:** There shall be no construction vehicular access to, or egress from, the site of the development hereby permitted via the A83 trunk road at “Butterbridge” during the eagle breeding season (February to July inclusive) and there shall be no construction vehicle access to, or egress from, the A82 trunk road at any time.

REASON: To ensure construction vehicle traffic utilises a route which does not impact on road or vehicular safety and does not disturb eagles during breeding season nor impact on the conservation objectives of the Glen Etive and Glen Fyne Special Protection Area.

3 **Helicopter Flights Restriction:** Any helicopter flights (including flying in of pre-fabricated units) during the eagle breeding season (February - July inclusive) should be checked with the Planning Authority, in consultation with Scottish Natural Heritage, to ensure that the flights are more than 1km from any eagle nest sites. At least five working days prior advance notice of any proposed flights shall be given to the Planning Authority and shall not commence until approval in writing has been provided by the Planning Authority.

REASON: To provide further advance notice of flights to ensure that helicopter activity does not disturb eagles during breeding season nor impact on the conservation objectives of the Glen Etive and Glen Fyne Special Protection Area.

4. **Agreement of Materials and Specifications:** Prior to their installation on the development hereby approved, a further detailed specification or sample of the undernoted details shall be submitted to and approved in writing by the planning authority. Thereafter the specification and materials approved in accordance with this condition shall be used in the completion of the project:

(a) the colour of the external fibreglass cladding (sample of proposed and alternative RAL colours to be submitted, or made available for inspection);

(b) the timber louvre facade (sample section of panel to be submitted or made available for inspection);

(c) the product specification and percentage level of tint to be utilised in all glazing. For the avoidance of doubt, a minimum tint of 15% shall be employed;

 (d) the surfacing material for all new paths, access roads and parking areas (details of

materials and construction method to be submitted). For the avoidance of doubt, they shall be constructed using a “no-dig” method using a suitable aggregate sub-base (type 1 with low fines content) and geogrid, or a suitable alternative;

(e) Lighting Assessment & Management Plan - external lighting and internal lighting details to be used within the site and the building, or along the access route to the building – such details shall include the location, specification/type, angle of direction, wattage (degree of illumination as expressed by Ev and Eh) and lumens of each light which shall be so positioned to prevent any glare or light spillage outwith the site boundary.

REASON: To ensure a high quality design finish in keeping with the character of the design approved and to minimise the visual impact within this rural setting.

5 **Woodland Management:** Within the first planting season, following the completion of the development hereby approved, the approved Woodland Management Plan (dated 16/09/13) for the re-stocking, selective felling and management of the area delineated with a dashed line and shown for retention of woodland on the approved plan (dwg. no. 3918 P01 RevB, dated 19/08/16) shall be carried out and thereafter managed in accordance with the approved Woodland Management Plan. Any new trees forming part of the approved management area 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 ensure the long term future of the landscaped setting for the development that integrates it with its surroundings and safeguards the visual amenities of the area.

6 **Landscaping:** Unless otherwise agreed in writing with the Planning Authority, new landscape planting and tree protection measures, as detailed in the approved Woodland Management Plan (dated 16/09/13) and shown as the area delineated as “new tree planting” on the approved site plan dwg. no. 3918 P01 REVB, dated 19/08/16) shall be carried out within the first planting season following completion of the development hereby approved. Any trees 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 ensure that any landscaping proposals for the development integrate with its surroundings and safeguard the visual amenities of the area.

7 **Restoration of Access Track Batters:** The slope batters of the Garabal Access track (within the area highlighted on the approved drawing, entitled “Garabal Access Track”, dated 15/08/13) which have been re-vegetated and restored in accordance with the approved scheme of mitigation (Landscape Impact Improvements, received on 13 May 2013 under planning permission ref: 2011/0291/DET) shall be subject to further monitoring (conducted each September on an annual basis) submitted to the Planning Authority (in the form of a report containing photographic evidence and written commentary) by the end of October for a period of two further years following the date of this permission (namely 2017 & 2018). In the event that the Planning Authority decide that the re-vegetation techniques have been unsuccessful, or only partially successful, then further intervention shall be carried out, in consultation with the Planning Authority, until such times as restoration has become established.

 REASON: To ensure adequate mitigation to reduce the visual impact of the existing track as a compensatory measure.

8 **Permitted Development:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no material alterations or extensions shall be undertaken, nor shall any building or enclosure, fence, wall, hard surface, oil or gas storage tank, satellite antenna or other installation, be provided, or any private way be installed or altered within the site, without application to, and the subsequent 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 visual amenities of the rural area.

**Planning Obligations**

None

**Reason for Decision**

It has been satisfactorily demonstrated that Garabal Estate is an established rural estate, which has no current operational house and that the existing redundant farmhouse is unsuitable for renovation and re-use. Furthermore, due to the nature of estate work and the number of labour hours involved, it is determined that an on-site residential presence within the estate is required and this proposal fulfils this need. This proposal therefore complies with Policy HOUS5 of the National Park Local Plan and Housing Policy 2 of the Proposed Local Development Plan, subject to restrictions being applied to the house to ensure that it is occupied only by the estate manager/worker for whom it is proposed. The proposal also complies with Policies ENV1, ENV2 and ENV6 of the National Park Local Plan and comparative policies of the Proposed Local Development Plan as it has been assessed that it is unlikely to have a significant adverse effect on the conservation objectives of the Site of Special Scientific Interest and that, subject to controlling conditions being applied, will not have an adverse effect on the conservation objectives or integrity of the Special Protection Area (European “Natura” Site) and furthermore presents an opportunity to assist improved estate management which could enhance biodiversity in the long-term. Having assessed the proposed siting and design of the proposed house it has been determined that it will not result in a significant adverse visual impact within the landscape or reduction in the quality of the landscape experience providing conditions are attached requiring that potential visual impacts from the building and access track are managed to ensure that the proposal complies with the general aims of Policy L1 and D1 of the National Park Local Plan and overarching policies of the Proposed Local Development Plan. It has been assessed that, subject to the recommended mitigation measures, the proposal does not raise any significant issues in relation to the four statutory aims of the National Park, in particular the first aim to conserve and enhance the natural and cultural heritage of the area.

**List of Plans**

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| **Title** | **Reference** | **Date Received** |
| Location Plan | 3918 LOC1 | 19 Aug 2016 |
| Site Plan | 3918 P01 REVB | 19 Aug 2016 |
| Proposed Elevations | 590 | 19 Aug 2016 |
| PlanGarabal Estate Access Track |  | 15 Aug 2013 |
| PlanEstate Boundary | LOC2 | 19 Aug 2016 |
| GeneralWoodland Management Plan |  | 16 Sep 2013 |

**Informatives**.

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

**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.

**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

 **Surface Water** - Disposal of surface water from the site should 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 SEPAs website or from SEPAs Perth Environmental Protection and Improvement Team on 01738 627989.

**CAR Licence** - Contact should be made with SEPA’s local regulatory team regarding any proposals to undertake alterations to or works on the bank or bed of the watercourse as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Details of regulatory requirements and good practice advice can be found on SEPA’s website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Balloch Office**,** Carrochan, Carrochan Road, Balloch G83 8EG (tel no. 01389 727770).

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| Signed: Craig Jardine **Development Management Planner** | Dated: 03/11/16 |