

**PLANNING AND ACCESS COMMITTEE**

**MEETING: NPAPC/03/2014**

**DATE: 26<sup>th</sup> May 2014**

<b>REPORT No.</b>	<b>NPAPC/03/2014/02</b>
<b>SUBMITTED BY:</b>	<b>Executive Director of Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2014/0007/DET</b>
<b>APPLICANT:</b>	<b>Kettle Collective on behalf of Mr Ian McNicoll, "It's Good 2 Give"</b>
<b>LOCATION:</b>	<b>Land To North East Of West Dullater, Callander, Stirling</b>
<b>PROPOSAL:</b>	<b>Erection of a 'respite house' including access and associated landscaping</b>

<b>NATIONAL PARK WARD:</b>	Ward 3 Callander
<b>COMMUNITY COUNCIL AREA:</b>	Callander
<b>CASE OFFICER:</b>	Name: Diana Worthy Tel: 01389 722617 E-mail: <a href="mailto:diana.worthy@lochlomond-trossachs.org">diana.worthy@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This application is for the erection of a 'respite house' to be operated by a charity for use by young people with cancer and their families for short holiday respite breaks. The site is adjacent to Loch Venachar, Invertrossachs, near Callander.
- 1.2 This application is being presented to the Committee because the adopted local plan does not provide specific guidance on the principle of development for a 'respite house'. When assessed under the local plan's tourism policies, the development is not fully supported due to the site's rural, loch side location.

**2 RECOMMENDATION**

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

**3 BACKGROUND**

**Site Description**

3.1 The application site is located in the countryside directly adjacent to the south shore of Loch Venachar, Inverrossachs (refer to **Figure 1** below for a site location plan).



Key:  
★ = application site

**Fig. 1: Site Location Plan**

3.2 The site is the eastern area of a field associated with the house and grounds known as 'West Dullater'. The site is on a gentle slope, rising from the loch towards the south west (as shown in **Figures 2 and 3** below).



**Fig. 2: Existing site looking west.**



**Fig. 3: Existing site looking southeast.**

3.3 The site is adjacent to Inverrossachs Road, which is a core path and forms part of National Cycle Route 7. The site is accessed from an existing track off the road, through a pocket of ancient woodland. An attractive dry stone wall is located on the roadside boundary (as shown in **Figures 4 and 5** below).

Agenda Item 5



**Fig. 4:** Existing access off Invertrossachs Rd **Fig. 5:** Site and stone wall visible from track

3.4 The proposed design of the development is a linear building, orientated to the north-east of the site to take advantage of the views and location adjacent to the loch, outwith the identified flood risk area (as shown in **Figure 6** below).



**Fig. 6:** Proposed layout.

**Environmental Impact Assessment (EIA):**

3.5 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 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. In this particular instance it has been determined that an EIA is not required.



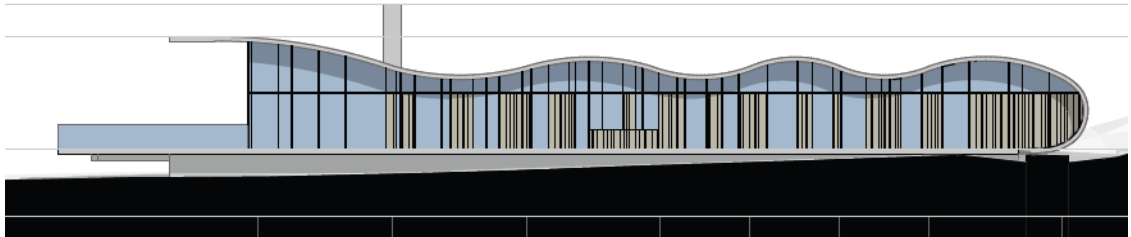
## Agenda Item 5

### **Description of Proposal**

3.6 This application is for:

- Erection of a 'respite house' (see **Figure 7** below);
- Upgrade and extension of existing access;
- Installation of site services including water and foul drainage arrangements; and
- Associated landscaping

**Fig. 7:** 2D and 3D elevations of proposed respite house.



### **Planning History:**

- 3.7
- 2008/0256/DET: Erection of chalet style dwellinghouse in connection with specific medical needs – Refused 21.10.2008
  - 2009/0091/DET: Erection of chalet style dwellinghouse in connection with specific medical needs (resubmission of previously refused application LT/2008/0256/DET) – Refused 09.07.2009

## **4 CONSULTATIONS AND REPRESENTATIONS**

### **Responses to Consultations:**

4.1 Stirling Council Flood Prevention: No objection.

Scottish Natural Heritage: No objection.

Scottish Environmental Protection Agency (East Kilbride): No objection subject to conditions.

*Record of SEPA correspondence:*

## Agenda Item 5

*Email letter 28.01.14:* Object to the application in its present form as the proposed development may place buildings and persons at flood risk contrary to SPP and PAN69; and due to lack of information regarding foul drainage.

*Email letter 11.02.14:* Object to the application unless modifications can be made to the site layout utilising the design level of 83.3 mAOD, and information is provided relating to flood mitigation measures and how they are incorporated into the design. Also object regarding lack of information relating to foul drainage.

*Email letter 01.04.14:* Object to the application unless clarification is provided regarding the proposed revised design which incorporates a cantilevered terrace located in the flood risk area. Also object regarding lack of information relating to foul drainage.

*Email letter 05.05.14:* Remove objection to the proposed development on flood risk grounds, subject to conditions to ensure that no built development is located below 83.3 mAOD and no land raising occurs below this level. No objection in relation to the proposed foul drainage arrangements which are proposed to be discharged to a soakaway system, via a package plant.

Stirling Council Roads: No objection.

Confirms that there are no road conditions to be applied should the NPA be minded to grant consent.

Callander Community Council: No objection.

Accepts that the application is on a greenfield site but feels that the use calls for a relaxation on this point. Requests that safeguards are in place to ensure that the building is only used for its intended purpose as a respite centre.

NP Access Team:

- There is a core path/National Cycle Route 7 immediately to the south of the proposed development site following the single track road along the south shore of Loch Venachar (Invertrossachs Road). Another core path is located in the vicinity, heading southwest through the forest network.
- Access rights apply to the wider area surrounding the proposed development site, including both the foreshore immediately to the north of the proposed development site and the existing field. It is noted that the south shore of Loch Venachar is a popular location for fishing, and the Loch Venachar Sailing Club is situated to the east of the proposed site.
- It is anticipated that vehicles associated with the construction phase of the development may impact on the experience of access users in the vicinity of the site and conditions are recommended to ensure appropriate mitigation is in place.

NP Ecology: The otter survey was carried out to best practice guidelines and the recommendations provided in the survey report should be adhered to by a condition to ensure that mitigation is in place to protect otters within the area. The site is adjacent to the River Teith Special Area of Conservation and an appropriate assessment was undertaken which concluded that provided the proposed mitigation is put in place, the proposal is unlikely to have a significant effect on the SAC.

NP Landscape: Agrees with the landscape and site assessment, particularly that:

- the character of the site is loch shore fringe and not forested parallel ridge
- along Loch Venacher there are scattered traditional dwellings and boat houses/slipways
- the site is the only open field to the north-east of Loch Venacher and is partially enclosed by trees
- that the quality of openness is unique on this site.

The building has an innovative design and natural form as a ripple to reflect the water side location and other metaphors. Giving cognisance to the unique set of circumstances of the

## Agenda Item 5

proposal for a respite house, if any development is required on this site, then the proposed building fits within the landscape setting. It is recommended that a condition is attached requiring a landscaping plan to enhance the setting of the site.

### ***Representations Received:***

4.2 None received.

## **5 POLICY CONTEXT**

### ***National Park Aims:***

5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

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

5.2 Section 9 of the Act then 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.

### ***Development Plan:***

5.3 National Park Local Plan (adopted December 2011)

Relevant Policies:

- Policy HOUS5 Housing in the Countryside
- Policy TOUR1 New Tourism Developments
- Policy TRAN3 Impact of New Development on the Road Network
- Policy TRAN7 Encouraging Outdoor Access
- Policy L1 Conserving and Enhancing the Diversity and Quality of the Park's Landscapes
- Policy D1 Design Quality
- Policy SUSDEV1 Sustainable Development
- Policy ENV1 European Sites (SACs and SPAs)
- Policy ENV11 Connection to Sewerage and Water Supply
- Policy ENV12 Surface Water Drainage
- Policy ENV16 Development in Medium to High Flood Risk Areas

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

5.4 National Park Partnership Plan (2012-2017)

Relevant Policies:

- RD Policy 2: Spatial Development Strategy
- RD Policy 7: Sustainable Design and Construction

## **6 SUMMARY OF SUPPORTING INFORMATION**

- 6.1
- Design Statement, prepared by Kettle Collective, received 08.01.14
  - Otter Survey (Nov. 2013), prepared by Stuart Spray Wildlife Consultancy, received

## Agenda Item 5

08.01.14

- Sustainability Checklist, received 08.01.2014
- Supporting Statement on proposed use of building, prepared by Kettle Collective, received 07.02.14
- Drainage Report and Proposed Strategy, prepared by Harley Haddow Consulting Engineers, received 23.02.14
- Site Appraisal, prepared by Kettle Collective, received 23.04.14
- Proposed Pollution Prevention Measures, prepared by Kettle Collective, received 29.04.14
- Design Statement: Landscape Assessment, prepared by Kettle Collective, received 07.05.14

### **7 PLANNING ASSESSMENT**

7.1 The application site is located in a field adjacent to Loch Venachar, Invertrossachs. The location of the site is shown in **Figure 1**.

7.2 In determining this application the key considerations are as follows:

- Background and principle of development;
- Design and landscape considerations;
- Flood Risk;
- Other planning considerations such as roads and access, ecology, water and foul drainage arrangements.

These are considered in turn below.

#### ***Background: "It's Good 2 Give"***

7.3 "It's Good 2 Give" is a registered charity based in Edinburgh, raising money for local young people with cancer and their families. On a day-to-day basis, the charity seeks to provide support to help make the lives of those impacted by cancer easier. The charity's long term aim is to raise £1 million to fund the build of a purpose-built 'respite house' to allow families to use it for a short break together in a purpose-built, restful, safe place.

7.4 It's Good 2 Give's vision to build a respite house gained momentum in summer 2013 when landowners at West Dullater, Invertrossachs, approached the charity with an offer to donate land on the edge of Loch Venachar to locate the proposed respite house. A working group was formed and pre-application advice was sought from Park Authority planners on the proposal. Tony Kettle, an internationally renowned architect who designed the Falkirk Wheel, offered his expertise and support through his architectural firm (Kettle Collective), and the proposal developed into the application Members are now presented to consider.

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

7.5 The applicant's supporting statement details that the respite house is proposed to be made available for young persons who has, or is recovering from cancer, and their family members for a short respite family break. It is proposed that an expected stay for a family would be between 4-7 days, with a maximum 7 days to enable other families to benefit from the retreat. The statement also details that it is not intended that any one will live at the retreat on a full time basis, although a 'caretaker room' has been incorporated into the proposed design to allow someone to look after the building, normally in the period between each family's occupation.

## Agenda Item 5

- 7.6 There is no local plan policy which specifically considers such a bespoke proposal for a 'respite house' and an assessment could be made under either the housing or tourism policies. It is noted that in order to protect the Park's landscapes, the local plan generally does not support the principle of development for a new standalone house or holiday let in a rural, loch side location such as this. In considering the local plan's housing policies, Policy HOUS5 only supports new houses in the countryside in connection with the operation of an established rural business or in exceptional circumstances for a retiring rural household. The proposal does not meet these criteria.
- 7.7 Given that the charity proposes to operate the building for short term holiday use, albeit for special occupants, it is more relevant to consider the proposal under the local plan's sustainable tourism policies. Policy TOUR1 and Schedule 5 do not identify this area around Loch Venachar as an opportunity for new tourism accommodation. However, the application site is located near the periphery of Queen Elizabeth Forest Park where the local plan supports new self catering accommodation. The site is also linked to the wider forest area and Callander by the core path and National Cycle Route 7, located on the adjacent Invertrossachs Road. The site's accessibility to these routes and sustainable travel options accords with the access considerations of Policy TOUR1.
- 7.8 Policy TOUR1 and Schedule 5 requires that the proposed site is within an appropriate landscape setting based on an understanding of the landscape character, landscape and visual impacts, and landscape sensitivities and character. As discussed further below (Paragraphs 7.10-7.13), it is concluded that the proposal is for a special, contemporary building which is designed and located to accord with the landscape considerations of the policy.
- 7.9 In conclusion, it is acknowledged that the principle of development is not fully supported by the sustainable tourism policy context due to the site's rural, loch side location. However, other planning considerations of this policy are met.

### ***Design and Landscaping Considerations***

- 7.10 The proposed building is rectangular in plan, nestled in the site's south-west corner and orientated on an angle across the site to face towards the north-east. The applicant's design statement details that the design is inspired by the waterside setting, by the ripples in the loch and the way they sparkle as they catch the sun – and this is reflected in the proposed 'rippled' roof (see Figure 7 above). The proposed internal living and sleeping spaces cleverly takes advantage of this rippled roof effect, with low vaulted spaces for sleeping and higher volumes for living and play. The proposed use of materials seek to sympathetically fit the building within the local landscape and the building is proposed to be constructed from a mixture of zinc roof, glass and oak timber panels, and render 'dwarf walls' and cantilever balcony. The building is proposed to be of a sustainable design and materials, making best use of passive solar gain. The building is proposed to be called 'Ripples Retreat'.
- 7.11 The applicant's design statement notes that the application site occupies the corner of a wider open field along the southern shore of Loch Venachar, with 'loch shore fringe' landscape character. The field is partially enclosed by a loch-side tree belt and is set against a dramatic backdrop of forested hills, which contribute to the loch's sense of place. There are a limited number of traditional cottage buildings on this loch shore, in addition to the more modern, timber-clad Loch Venachar sailing club. The Park Authority's Landscape Officer notes that the proposed building is at a sufficient interval from other dwellings and buildings along the southern shore to enable it to be viewed in isolation. The proposed building would fit within the existing pattern of development when viewed from the A821 and other receptors on the



## Agenda Item 5

northern loch side. It is recommended that a condition is attached requiring the submitted landscaping plan to include 'specimen' tree planting to further enhance the setting of the site.

- 7.12 The Park Authority's Design Guidance states that 'landmark buildings' are appropriate in some countryside locations, their use and importance needs to reflect their location, and a high standard of design is essential. The proposed design is for a special, contemporary building which has the potential to be a 'landmark building', yet remain in keeping with the waterside setting, maximizing the potential for views out, while minimizing visual impact on the landscape. The proposal is supported by the principles of Policy D1, L1 and SUSDEV1.
- 7.13 It is noted that an application (2009/0091/DET) for a house (in connection with special medical needs) was refused on appeal on land near the application site, at the western end of this wider open field. The Scottish Government appointed Reporter stated that in relation to landscape impact that, "*I consider that the unjustified erection of a dwelling at this location would adversely affect the rural character and visual amenity of the surrounding area*". Although both applications consider landscape impact and the concept of introducing a new building on the loch side, the circumstances of each application is very different in terms of material considerations, which are detailed in relation to this proposal in Paragraphs 7.19-7.21 below.

### ***Flood Risk***

- 7.14 The site is partially located within SEPA's 1 in 200 year flood risk area. Stirling Council, as the local flood authority, has no objection to the application. The applicant originally proposed to locate the building in the north-eastern corner of the site, set at an angle to the loch edge. The proposed design very much sought to reflect the close relationship with the loch through the rippled roof and linear balcony, reminiscent of a 'pier'. SEPA initially objected to the application as they considered that the proposed development could place buildings and persons at flood risk contrary to SPP and PAN69. After much discussion between the applicant and SEPA's hydrologists, the location of the building was moved within the site to be above a contour level of 83.30mAOD, outwith the risk of flooding. The proposed design incorporates a cantilevered balcony which is below the agreed 83.30mAOD level. However, it is not fixed to the ground and SEPA is satisfied by this design, subject to conditions.

### ***Other Planning Considerations***

#### *Roads and Access*

- 7.15 As noted above, the site is accessed from Invertrossachs Road which is a popular core path and forms part of National Cycle Route 7. For this reason, the Park Authority's Access Officer recommends conditions to ensure that construction traffic associated with the development is mitigated. Stirling Council Roads has no objection to the application.

#### *Ecology*

- 7.16 The application site is directly adjacent to Loch Venachar which forms part of the River Teith Special Area of Conservation (SAC). The qualifying interests of this SAC are lamprey (sea, brook and river) and Atlantic salmon. Under the Habitat Regulations, the Park Authority is required to carry out an appropriate assessment where a proposal is likely to have a significant effect on a European site such as the SAC. This assessment was undertaken and it concluded that provided the proposed mitigation is implemented, the proposal is unlikely to have a significant effect on the SAC (either alone or in combination with other plans or projects).
- 7.17 It is noted that an otter survey was undertaken and the report identifies that although no otters

## Agenda Item 5

were found to be using the application site, there is suitable foraging habitat for otters (which are known to be in the wider area). The proposed mitigation measures identified in the survey report should be implemented through a condition. The proposal is in accordance with Policies ENV1 and ENV4.

### *Water and foul drainage connections*

- 7.18 The site is proposed to be serviced by a private water borehole. SEPA has no objection to the proposed foul drainage arrangements which includes an onsite treatment plant with discharge to soakaway.

### ***Proposed Building Use as a 'Respite House' (Material Consideration)***

- 7.19 As outlined above, it is acknowledged that the principle of development is not fully supported by the sustainable tourism policy context due to the site's rural, loch side location. Legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. This section considers the reasonable weight that can be applied to the special circumstances of this proposal.
- 7.20 The application is for a charity-operated 'respite house' to be used by young cancer patients and their families for a short respite family break. The land has been donated for this special purpose. As detailed in the applicant's design statement, the charity aims for the proposed building to be an 'uplifting' retreat, giving families somewhere special to come together as a family while being 'barrier free' to cater for their special needs. The building has been designed by a highly regarded design team and seeks to create a 'landmark building' of an innovative and sustainable design, while being sympathetic to the local landscape character.
- 7.21 It is considered that it is appropriate to apply significant weight to the special circumstances of this proposal, and that on balance the rural, loch side location is fitting for the proposed respite house. It is noted that all other planning considerations have been satisfied and are supported by the relevant local plan policies. Callander Community Council has no objection to the proposal and no other representations were received regarding the application. It is recommended that the occupancy of the building is restricted through a condition to ensure that it is only used for this special purpose. Furthermore, in the interests of landscape considerations, it is also recommended that a condition is attached removing permitted development rights within the site to ensure that any new ancillary development is undertaken in a sensitive manner with written approval from the Planning Authority.

## **8 CONCLUSION**

It is recommended to approve this application given the special circumstances of the proposal for a 'respite house'. On balance the rural, loch side location is fitting for the proposed building of an exemplar design which seeks to provide a retreat to young people with cancer and their families for short holiday breaks. A number of conditions are recommended to ensure the building is used for this purpose and that any impact of the development is mitigated.

**Background Documents:** <http://www.lochlomond-trossachs.org/planning/>

**List of Appendices:** ***Click on view applications, accept the terms and conditions then enter the search criteria as 2014/0007/DET***

**Appendix 1 Conditions, Proposed Reason for Approval, and Informatives**

**Appendix 1: Conditions, Proposed Reason for Approval and Informatives**

**Conditions:**

1. **Short Term Occupancy:** The building hereby approved shall be managed by a registered charity and occupied solely for short-term holiday respite use by patients with, or recovering from, a life-threatening illness requiring specialist palliative care, and their families and not for permanent residential use. Additionally, the building 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 site is located within the countryside area and permission has been granted as an exception to policies contained in the adopted local plan in recognition of the special use and occupancy of the building.

2. The building hereby approved shall be managed by a registered charity and occupied solely for short-term holiday respite use by cancer patients and their families and not for permanent residential use. Additionally, the building 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 site is located within the countryside area and permission has been granted as an exception to policies contained in the adopted local plan in recognition of the special use and occupancy of the building.

3. **Agreement of Materials and Specifications:** Prior to the commencement of any building work 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 Local Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall thereafter be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use.

- a) Manufacturers details of the zinc roof;
- b) The render to be used on the dwarf walls (sample required);
- c) Manufacturers details of the windows and doors;
- d) The colour/treatment/finishes of all exposed timberwork;
- e) Finishing materials of the cantilever balcony (including balustrade); and
- e) Rainwater goods.

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.

4. **Landscape Planting:** Notwithstanding drawing 1318.L.G(92)001 Rev B (Landscape Layout Plan, received 25.04.14), enhancement tree planting (including birch and oak) shall be included in the landscape scheme, the details of which shall be submitted for the approval in writing of the Planning Authority. Thereafter, the landscape scheme shall be implemented in accordance with the details approved under the terms of Condition 4 below.

## Agenda Item 5

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.

- 5. Implementation of Landscaping:** Within the planting season following the completion date of this development hereby permitted the landscaping shall be undertaken in accordance with the approved landscape scheme. 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: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.

- 6. Road Condition Survey:** Prior to commencement of construction works, the developer will undertake a local road condition survey (such as video survey) of Invertrossachs Road between Callander and the application site. The survey should include an assessment of the road's condition prior to commencement of any works. Deterioration of the local road network during construction shall be monitored by the developer. A report addressing the scope of repairs to be undertaken (as necessary) shall be prepared by the developer and agreed in writing by the Planning Authority. Thereafter the developer shall be responsible for all undertaking of repairs and costs of repair work required as a result of development traffic, and the completion of such repair work shall be agreed in writing by the Planning Authority.

REASON: To ensure that the road surface, which is a designated core path/National Cycle Route 7, does not fall into disrepair as a result of the development.

- 7. Hours of Construction Traffic:** Unless otherwise agreed in writing by the Planning Authority, there shall be no construction vehicular access to, or egress from, the site of development hereby permitted via Invertrossachs Road (a core path/NCR7) outwith the hours of:

Monday to Friday      8.00 am - 6.00 pm

Saturdays, Sundays and Public Holidays – no construction traffic permitted.

REASON: In the interests of road safety and to ensure construction vehicle traffic does not impact on other recreational road users, such as cyclists.

- 8. Flood Protection:** No built development or landraising is permitted below the contour line of 83.3 mAOD as shown in drawing 1643 PL 003 Rev A (Site Plan/Roof Plan, received 23.04.14), with the exception of the proposed cantilevered balcony, as shown in drawing 1643 PL 006 Rev A (Elevations, received 23.04.14).

REASON: To ensure the development is outwith the risk of flooding as supported by local plan Policy ENV16.

- 9. Otter Mitigation Measures:** The development will be carried out strictly in accordance with the otter mitigation measures detailed in Section 5 Recommendations of the Otter Survey prepared by Stuart Spray Wildlife Consultancy (dated November 2013 and received 08.01.2014), unless otherwise approved in writing by the Local Planning Authority. If the development does not commence before June 2015, an otter re-survey including proposed mitigation measures will be submitted to, and agreed in writing by,

## Agenda Item 5

the Local Planning Authority prior to development commencing.

REASON: To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 10. Pollution Prevention Measures:** The development will be carried out strictly in accordance with the pollution prevention measures detailed in the supporting letter prepared by Kettle Collective (dated 28.04.2014 and received 29.04.2014), unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to the qualifying interests of the River Teith Special Area of Conservation and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 11. 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) no material alterations or extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, or satellite antenna provided within the curtilage of the dwellinghouse, 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 landscape character and amenities of the area.

- 12. Permitted Development:** Notwithstanding the provisions of Part 2, Class 7, 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 gate, fence, wall or other means of enclosure on the land to which this permission relates shall be erected or materially altered, 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 landscape character and amenities of the area.

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### Proposed Reason for Approval:

This proposal is for a 'respite house' to be operated by a charity for use by young people with cancer and their families to have short holiday breaks. Although the principle of development is not fully supported by Policy TOUR1 due to the site's rural, loch side location, on balance this location is fitting for the proposed use. The proposal has been designed to create a 'landmark building' of an innovative and sustainable design, while being sympathetic to the local landscape character as supported by Policies D1, SUSDEV1 and L1.

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## Agenda Item 5

### List of Plans

Title	Reference	Date Received
Location Plan/Site Plan	1643 PL 0001 REV A	23/04/14
Plan Existing Survey (Topographic)	1643 PL 002 REV A	23/04/14
Site Plan	1643 PL 003 REV A	23/04/14
Plan Ground Floor Plan	1643 PL 004 REV A	23/04/14
Sections	1643 PL 005 REV A	23/04/14
Proposed Elevations	1643 PL 006 REV A	23/04/14
Landscaping	1318.L.G(92).001 REV B	25/04/14
Plan Landscape Cut/Fill Diagram	1643 SK 007	07/05/14
General Otter Survey (November 2013) - prepared by Stuart Spray Wildlife Consultancy		08/01/14
General Proposed Pollution Prevention Measures (dated 28.04.2014)		29/04/14

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### Informatives:

1. 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.
  2. 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.
  3. 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.
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