

## **Stirling Council**

Agenda Item No. 6

Planning & Regulation Panel

Date of Meeting: 27 April 2021

Not Exempt

**Installation Of 6no. Glamping Pods, With Access Track, Parking Area And Associated Ground Works And Drainage For The Purpose Of Short Term Holiday Lets At Land 450m South East Of Meikle Drumquharn, Balfroun Station - Mr Mark Hamill - 20/00878/FUL**

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### **Purpose & Summary**

This application seeks to install six "Glamping Pods" including new access track, parking area, groundworks to install the pods and form paths and including foul drainage proposals for the purposes of short term holiday lets on land four hundred and fifty metres south east of Meikle Drumquharn, Balfroun Station.

The application is being reported at this Panel, as it has received more than five objections. This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

### **Recommendations**

Planning & Regulation Panel is asked to:

1. approve the application subject to the conditions set out at Appendix 1 to this report.

### **Resource Implications**

Not applicable.

### **Legal & Risk Implications**

Not applicable.

### **1. Background**

- 1.1. Not applicable.

## 2. Considerations

### The Site

- 2.1 **Site Location:** The site which undulates with a steep slope down to the Endrick River lies within the countryside and is located south and east of the A81 Glasgow to Aberfoyle Road, to the south of Balfron Station. The site is bounded to the south and east by the banks of the Endrick, with the Endrick just beyond, which is a designated Special Area of Conservation (SAC) and woodland to the north east, which is a Site of Special Scientific Interest (SSSI). The SSSI designation mirrors the area of the SAC. The SSSI citation is for Fluvial Geomorphology, Brook lamprey, River lamprey and Scottish dock. Although the woodland is included in the SSSI and the SAC it does not contain any of the qualifying features.
- 2.2 **Site Context:** The red line site is situated within seventy five acres of undulating farmland currently used for sheep and cattle grazing and includes riparian areas, which is the interface between land and river. The site subject of this application is located at the south eastern edge of the open field, close to the banks of The River Endrick. The A81 to the north east is a busy local and national transport route from which the pods do not feature prominently in views. A core path runs to the east of the site along the Drumtian Road. The Endrick River Special Area of Conservation lies immediately adjacent to the site.
- 2.3 **Landscape Character:** The topography across the site is generally undulating with a steep slope down to the River Endrick. The topography of the surrounding landscape is influenced by the river valley and the Campsie Fells to the south east, Kilpatrick Hills to the south and the range of hills at Moor Park, which run along east of Loch Lomond. This topography serves to enclose the wider landscape and localised variations in the topography combined with tree and woodland cover in the immediate landscape reduce long range views at ground level. The site subject of this application is located within Local Landscape Area (L9) (Supplementary Guidance 28), which is characterised by: Relatively robust landscape framework has the potential to absorb carefully scaled, sensitively sited and designed development. The land is sensitive to manmade elements of a scale and nature at odds with the small to medium scale of the rolling farmed and wooded landscape or impact on the geological resource.
- 2.4 **Infrastructure:** Site access is to be via Drumtian Road, which in turn leads to the existing junction with the A81 Trunk Road. The site access is to provide is to provide visibility splays of 2.4 metres by 56 metres (through hedgerow removal), within which there is to be no obstruction to visibility greater than one metre above carriageway level. This entrance is to incorporate an eight metre layby. An additional passing place is also to be constructed on Drumtian Road between the junction onto the A81 and the site access. Within the applicant's ownership the visibility splay at the Drumtian Road junction with the A81 is to be upgraded (through hedgerow removal) to improve the visibility splay to the south west by a factor of 2.66 ensuring a splay of 2.4 metres by 63 metres.

## **The Proposal**

- 2.5 Full Planning Permission is sought to install six timber pods with associated external decking and hot tubs. The pods will be clad in Accoya timber and stained to a colour sympathetic to the surrounding landscape. The proposals also involve associated ancillary buildings, landscaping, parking and site infrastructure works. The pods are to be accessed via a series of 1.2 metre wide permeable paths from the parking area proposed within the field to the north east of the pods. This parking area is to be accessed from a single track that is to run towards Drumtian road adjacent to the woodland. The development is low density with a minimum of twenty metres between each pod, which are sited in a linear fashion across the middle of the site leaving the necessary distance between the pods and the Endrick River. The remaining land within the red line site will remain as green space with landscaping including native hedge and trees being planted.
- 2.6 None of the pods are to be located within forty metres of the Endrick edge and they are to have a small footprint, with installation involving minimum disruption to the site with each pod being deposited onto foundations by standard crane. The sewage is to be processed via a twelve person biodisc treatment plant to a soakaway and a foul drainage plan and specification for the treatment plant is provided in support of this application, with no effluent being discharged into the Endrick. Secure cycle storage is also indicated within the proposed car parking area along with a generator to provide electricity to the pods.

## **Previous History**

- 2.7 Withdrawn Application: Installation of 6No. Glamping pods, with access track, parking area and associated ground works and drainage Ref: 20/00523/FUL.

## **Consultations**

### **Roads Development Control:**

- 2.8 No Objection.

### **Environmental Health:**

- 2.9 No objections.

### **Bridge & Flood Maintenance:**

- 2.10 No Objections.

### **Scottish Natural Heritage:**

- 2.11 No Objection.

### **Scottish Environment Protection Agency (East):**

- 2.12 No response to this application, but previously offered no objection to the similar proposals found within application 20/00523/FUL.

### **Balfron Community Council**

- 2.13 Raised concerns and do not consider there to be a net benefit arising from the proposals.
- 2.14 In respect of road safety, that the increased traffic will increase the risk of accidents.
- 2.15 That the proposed development will undoubtedly be disruptive to the ecology and biodiversity of the area.

- 2.16 The proposals could result in accidental pollution of the Endrick SAC.
- 2.17 Raised concerns that the proposals are unsupervised.

### **Killearn Community Council**

- 2.18 Have also made comment raising the following:
- 2.19 In respect of road safety, that the increased traffic will increase the risk of accidents.
- 2.20 The remoteness of the Pods is unlikely to bring economic benefits to the area.
- 2.21 The proposals will be quite prominent and detract from the surroundings.
- 2.22 The creation of the access track will further detract from the greenfield site.
- 2.23 The proposals are contrary to policy.

### **Representations**

- 2.24 Twenty six representations have been received, fourteen objections to the proposals and eleven offering support towards the proposals. Within the objections Balfron Community Council and Killearn Community Council have also written. Furthermore The Scottish Wildlife Trust have made comment on the proposals.
- 2.25 The issues/support raised can be summarised as follows:
  - 2.25.1 Objection on the grounds that neighbouring properties were not notified:
  - 2.25.2 **Response:** As the site is surrounded by land with no buildings the application was advertised in accordance with Development Management Regulations.
  - 2.25.3 Objection on the grounds that these proposals will adversely impact upon the character of this rural location.
  - 2.25.4 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below.
  - 2.25.5 Objection on the grounds that the proposals will adversely impact upon species including European Protected Species and habitats.
  - 2.25.6 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below. NatureScot did not object to the proposals.
  - 2.25.7 Objection on the grounds that the proposals will adversely impact upon biodiversity/ecology.
  - 2.25.8 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below.
  - 2.25.9 Objection on the grounds the proposals do not meet local transport policies on road safety.
  - 2.25.10 **Response:** Subject to conditions Roads have not raised any objections.
  - 2.25.11 Objection on the grounds that the proposals do not meet with national and local policies for preserving and enhancing biodiversity and European Protected Species.
  - 2.25.12 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below.

- 2.25.13 Objection on the grounds the proposals are contrary to National and Local Adopted Development Plan Policies.
- 2.25.14 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below.
- 2.25.15 The proposals will have an adverse impact on the local landscape.
- 2.25.16 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below.
- 2.25.17 These proposals are likely to adversely impact upon the Endrick SAC and adjoining SSSI.
- 2.25.18 **Response:** The proposals are considered acceptable for the reasons set out in the Assessment section below. The appropriate assessment carried out within the Assessment section of this report has concluded the proposals will not have an adverse impact.
- 2.25.19 Local Business premises/enterprises and people have written in support of the proposals expressing that they will not look out of place and will boost the local economy.
- 2.25.20 **Response:** Noted.

### **Local Development Plan**

- 2.26 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Act, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application:
- 2.27 The Adopted Local Development Plan is the adopted Stirling Local Development Plan October 2018 (henceforth Local Development Plan). The following provisions of the Local Development Plan are considered relevant to the consideration of this application.
- 2.28 As per Supplementary Guidance: Chalet and Huts, it is considered that the proposed pods fall under the definition of huts, therefore the principle of the development will be assessed under Policy 15.1: The provision of tourist accommodation of the Adopted Local Development Plan and the associated Supplementary Guidance: Chalet and Huts. Policy 15.1 states that proposals will only be supported where they are commensurate in scale with the location, complement existing tourist facilities, promote the wider spread of visitors and promote reasonable access to natural environment. The associated Supplementary Guidance supports this policy by providing specific advice on siting and design.
- 2.29 The following adopted policies and the criteria/requirements set out within them are also relevant for these proposals: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 4: Green House Gas Reduction; Primary Policy 5: Flood Risk Management; Policy 6: Resource Use and Waste Management; Primary Policy 8: Conservation and Enhancement of Biodiversity; Primary Policy 9: Managing Landscape Change; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

## Other Planning Policy

- 2.30 National Policy: Scottish Planning Policy 2014, sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. As a statement of Ministers' priorities it carries significant weight in the determination of planning applications. Relevant to this application is to create successful, sustainable places by supporting the creation of well-designed, sustainable places and sustainable economic growth.
- 2.31 Supplementary Guidance: Biodiversity and Landscape.
- 2.32 Supplementary Guidance: Chalets and Huts.

## Submitted Assessments/Reports- Summary of Main Issues Raised

- 2.33 In assessing this application the following reports were considered and the main issues raised are set out below.
- 2.34 **Design and Access Statement:** Whilst not a statutory requirement for this application one was submitted with the application. It provides the applicant's approach to the design and layout and access arrangements, having regard to the Local Development Plan, design policies and guidance.
- 2.35 **Preliminary Ecological Appraisal:** The report details the results of survey work undertaken in 2021 including consideration of the potential impacts associated with the development and mitigation/recommendations required to address potentially harmful impacts. A Construction Environmental Management Plan will be required to mitigate any potential impacts through installation/development, preserving the River Endrick SAC.
- 2.36 **Visual Appraisal:** The appraisal focusses on the potential impacts upon the A81 road which runs to the west of the site, and in the landscape to the east of the bend in the River Endrick. This river flows to the east of the site and the Glamping Pods will site within the valley of the river as it descends to the riverside. Other views from adjacent properties and Drumtian Road to the north are also considered and in all nine viewpoint locations have been selected for analysis as best to assess the potential visual impacts from the proposed development. Photo Montages have been prepared for each location and analysis of the potential impacts upon the visual receptors provided.

## Assessment

- 2.37 Section 37 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be assessed against the Development Plan taking into account material considerations.
- 2.38 The drawings and supporting documents submitted with the application have been considered in detail against Policy 15.1: The provision of tourist accommodation, the associated SG and wider Placemaking and Design policies all of which are outlined above and it is concluded that this application accords with these policies and material considerations and can be supported for the reasons, which follow. A key part of this assessment has been the responses of the statutory consultees, the conclusions of which are also assessed within the following paragraphs.
- 2.39 The continuing paragraphs cover these policy aspects of the proposals (highlighted in bold): Principle of Development; Landscape and Visual Impact Assessment; Place Making and Design; Traffic and Transport; Climate Change; Water Environment; Ecology/Biodiversity and Impact on Vegetation.

- 2.40 **Principle of Development:** Policy 15.1 states that proposals for tourist accommodation will only be supported where commensurate in scale with their location, complement existing tourist facilities, promote the wider spread of visitors and promote reasonable access to the natural environment.
- 2.41 For the reasons considered in the following paragraphs the application proposes tourist accommodation, which is considered commensurate in scale with the location and will fit with the landscape character without adversely impacting upon the natural environment (subject to conditions). Whilst there are no immediate existing tourist facilities at this location these proposals will complement the tourist facilities that exist within the wider area. The site is situated just off the main A81 road, which connects Glasgow to this rural location and the wider tourist facilities, including the Trossachs beyond and it is accepted that these pods will play a part in allowing the wider spread of tourists. This proposed development will also add value to the local and rural economy where visitors will eat in local cafes/restaurants and use the local shops.
- 2.42 Consequently, the principle of this development brought forward within the application accords with Local Development Plan in this regard.
- 2.43 **Landscape and Visual Impact Assessment:** The submitted Visual Appraisal was prepared for these proposals. It does not form a full visual assessment, it does though provide an indication of the likely effects on key views around the site, encompassing written descriptions of existing views and the extent of change as a result of the proposals.
- 2.44 National Policy and Guidance: Scottish Planning Policy (A Natural, Resilient Place) states that the Planning System should facilitate positive change while maintaining and enhancing distinctive landscape character. In doing so it states that the siting and design of development should take account of local landscape character, and requires decisions to take account of potential effects on landscapes. Developers should seek to minimise adverse impacts through careful planning and design, considering the services the natural environment is providing and maximising the potential for enhancement.
- 2.45 Local Development Plan and Associated Guidance: Primary Policy 9 (Managing Landscape Change) of the adopted Local Development Plan states that landscape and visual impacts will be important considerations in determining all proposals for development and land use change. To do so it requires, amongst other things, development to: demonstrate that the capacity of the local landscape to accommodate new development of the type and scale envisaged has been taken into account; avoid adverse cumulative effects in landscape character and visual amenity; and include appropriate provision for landscape and planting works to maintain or enhance landscape quality and contribute to the enhancement of the Green Network.
- 2.46 Primary Policy 1 (Placemaking) requires development to have regard to relevant landscape character guidance. Policy 10.1 (Development Impact on Trees and Hedgerows) requires, and sets out measures, to ensure that development proposals provide adequate protection from adverse impacts resulting from development to important individual trees, groups of trees or hedgerows that contribute to local amenity or have nature conservation or historic interest.

- 2.47 The Planning Authority accepts the findings of the Visual Appraisal and agrees that with the proposed mitigation. The landscape character of the site and its immediate context will be permanently altered from an essentially rural landscape to a landscape containing new development forms, and associated infrastructure and services. However, the potential impacts of the development on this environment and wider landscape can be accepted and appropriately mitigated through proposed and improved planting proposals. The impact is considered to be greatest during the construction phase, lessening over the medium term, as proposed planting matures.
- 2.48 Through the establishment of new planting, including structure planting and the scale and form of development, including, materials used, it will ultimately generate limited impacts on the wider setting. The pods are of a design, scale and density that can easily be accommodated within the site. In fact, the character of the site will change upon the maturing of the structure planting, to become a positive feature in this landscape with a greater sense of enclosure experienced. This support is predicated upon further detail of all planting proposals relative to the site being submitted in detail prior to the build commencing and confirmed as appropriate and acceptable, which is detailed through conditions, set out at Appendix 1 of this report where landscaping is to be agreed prior to works commencing on site.
- 2.49 Following careful consideration of the proposals and the proposed planting the applicant is willing to undertake, it is accepted that the site can be developed for the holiday pods and associated infrastructure proposed. The proposed planting will provide a backcloth to the proposed build from some views, particularly those longer-range views from the south and east.
- 2.50 Concerns have been raised in respect of an adverse impact to the local biodiversity through the loss of existing boundary hedge, however its removal is necessary to allow for the required roads visibility splays and it is a condition of the approval, that a suitable replacement is planted, which will restore and combined with all of the proposed planting will offer an enhancement to local biodiversity. The existing hedging is not to be removed during bird nesting season and this is a condition of the approval.
- 2.51 It is accepted by the Planning Authority that the development proposals, as expressed through the submitted documents and the associated site layout plans and landscape general arrangement plans, subject to conditions, demonstrate consideration of the landscape and visual impacts, and have sought to minimise development impacts in this regard. Overall, it is considered the development proposals will protect the visual amenities of the area and landscape character. On these points it is considered that the development would comply with the terms of adopted Development Plan policy. This conclusion is predicated upon securing the implementation of the required mitigation measures, as it relates to landscape and visual impact issues, via imposition of the conditions outlined at Appendix 1.
- 2.52 **Place Making and Design:** Scottish Planning Policy advises that planning should take every opportunity to create high quality places by taking a designed approach and planning should support development that is designed to a high quality, which demonstrates the six qualities of successful place. Those qualities are: distinctive; safe and pleasant; welcoming; adaptable; resource efficient; easy to move around and beyond.

- 2.53 Primary Policy 1 (Placemaking) of the adopted Local Development Plan requires development of all scales to contribute to achieving the Council's Placemaking objectives. It requires development to not only be designed and sited with reference to their own specifications, but also in relation to the character and amenity of their wider location. Development is expected to take account of any relevant design or landscape guidance, safeguard and enhance built and natural heritage and contribute to Green Network objectives and have minimal adverse impact on air quality.
- 2.54 Policy 1.1 (Site Planning) requires all new development to contribute, in a positive manner, to the quality of the surrounding built and natural environment. To do so, it sets a series of more detailed design criteria relative to design and site planning which development is expected to meet. This includes working with site topography and skylines, ensuring delivery of buildings of an appropriate size, scale and design. Also Supplementary Guidance: Chalets and Huts is relevant to the siting and design assessment of these proposals.
- 2.55 In terms of building design and appearance it is considered that the architectural approach taken and use of materials results in a building appearance that has an appropriately rural nature and quality. Moreover, the palette of materials proposed will fit within the context of site and wider location. The content of the Visual Appraisal, including its visualisations are considered to demonstrate that the materials are appropriate in terms of attempts to assimilate the buildings into the landscape. Conditions are set out at Appendix 1 to this report requiring the submission and approval of all intended building materials relative to external elevations and roof.
- 2.56 Furthermore, the submission demonstrates that a number of elements of the building design, not least the installation of air source heat pumps to provide all heating and cooling, have considered issues of sustainability. This is supported, and considered consistent with both wider LDP aims, relative to 'the creation of a development underpinned by the principles of sustainable development'.
- 2.57 In terms of detailed site planning the provision of multi-use open space areas within the site is considered positive from a Placemaking perspective, and consistent with Policy 1.1: Site Planning relative to the inclusion of good quality open space and amenity areas for users and visitors of the proposed development. Conditions are attached, relative to the type and location of any lighting, the specification of which is to be considered prior to works starting to ensure any means of reducing light pollution. Conditions are also attached requiring the submission and approval of all hard landscaping materials.
- 2.58 Overall it is considered the development proposals have been sited and designed with reference to their own specifications, but also in relation to the character and amenity of their wider location, taking account of the relevant design or landscape guidance. The design of the pods and low density siting safeguard and enhance the natural heritage and the proposed landscaping will contribute to Green Network objectives.
- 2.59 **Traffic and Transport:** The impact of the development on the operational efficiency and safety of the transport network is an important material consideration in the assessment of the application. As part of the assessment Stirling Council Roads were consulted on the development. This Service has offered no objections subject to the conditions set out at Appendix 1 to this report.

- 2.60 The access arrangements of the development site has been considered and as part of the proposals and it is intended to upgrade the visibility to the west at the Drumtian Road junction with the A81, which will provide an enhancement to road safety. The accessibility of the development site has been considered with walking and cycling options available and the development can be reasonably served by a number of different mode choices. The parking provision has been assessed against the parking requirements set out in the Council's Draft Supplementary Guidance: Transport and Access for New Development and is found to comply.
- 2.61 Maximising the ability of trips to be made by walking, cycling and public transport, ties with the sustainable development criteria set out in the Overarching Policy of the adopted Local Development Plan. The principles of sustainable travel are a central thread running through the provisions of Development Plan policies, namely Primary Policy 1 (Placemaking), Policy 1.1 (Site Planning), Policy 1.3 (Green Infrastructure and Open Space), Policy 3.1 (Addressing the Travel Demands of New Development) and Primary Policy 4 (Greenhouse Gas Reduction).
- 2.62 In this respect the proposals are located adjacent to a core path that runs along Drumtian Road and provision is shown for cycle storage to encourage a shift from the use of the private car towards active travel. An appropriately worded condition is attached to secure adequate cycle parking facilities. Consequently, it is considered that the proposal could comply with the Council's guidance on cycle parking standards in this respect.
- 2.63 **Climate Change:** Primary Policy 4 (Greenhouse Gas Reduction); Policy 4.1 (Low and Zero Carbon Buildings), and Policy 4.3 (Heat Generation) seek to support: energy-efficient, low-emission, climate-adapted development.
- 2.64 The Submitted Statements provide an overview of the approach taken to sustainable 'low carbon' 'green' building design, e.g. The use of air source heat pumps to provide all heating and cooling, with heat recovery heat pump air handling units providing the ventilation. This accords with the requirements of Policy 4.1: Low and Zero Carbon Buildings.
- 2.65 **Water Environment:** The potential impacts can be summarised as follows:
- 2.66 The impacts of the development on fluvial (river) flooding;
- 2.67 The impacts of the development on pluvial (surface water) flooding; and,
- 2.68 The impacts of the development on water quality.
- 2.69 The Scottish Planning Policy paragraph 255 indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas.
- 2.70 Primary Policy 5: Flood Risk Management of the Local Development Plan states that a precautionary approach to flood risk from all sources will be taken. It also states that development proposals on areas shown to be at risk of flooding on Scottish Environment Protection Agency (SEPA) Flood Maps should be avoided.

- 2.71 All proposed development (buildings) are placed outwith the defined functional floodplain in compliance with the requirements of the adopted Local Development Plan and Scottish Planning Policy. The detailed layout shows that the functional flood plain and medium to high risk areas would be avoided due to the sites topography and the proposed development can be accommodated without significant probability of being flooded or increasing the probability of flooding elsewhere.
- 2.72 Any overland flows generated following the development of the site will be managed through the provision of the surface water drainage network which will include sustainable drainage (SuDS) features for capturing, conveying, attenuating and treating the flows.
- 2.73 The impact of the development on water quality has been assessed, due to the presence of watercourses within and close to the site.
- 2.74 Dealing firstly with foul drainage, the development will connect to a private sewer system. With regard to surface water drainage, the biggest risk would be during construction where there is the potential for fine sediments to be washed into watercourses from areas of exposed soil and stockpiles, and as a result of earthworks including the construction of watercourse crossings. Pollution from chemicals and contaminants released from plant, machinery and on site works during construction could also enter the water environment.
- 2.75 The conditions require construction phase mitigation measures to avoid any impact. These are largely good construction practice measures which would be encompassed within a Construction Environmental Management Plan (CEMP) for the site and will detail all mitigation measures relating to surface water management, pollution prevention, and best practice methods of construction.
- 2.76 With sufficient mitigation in the form of a Construction Environmental Management Plan, the development would have no adverse impact in terms of water quality within the adjacent water courses. In particular The River Endrick SAC.
- 2.77 **Ecology/Appropriate Assessment:** Scottish Planning Policy (paragraph 202) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration.
- 2.78 Primary Policy 8 (Conservation and Enhancement of Biodiversity) of the adopted Local Development Plan states that the protection, conservation and enhancement of wildlife, its habits and other natural features in international designated sites will be supported in line with statutory requirements. Where adverse impacts on existing assets are unavoidable, the Development Plan will only support proposals where these impacts will be satisfactorily mitigated.
- 2.79 The submitted proposals consider the impact of the development on national designations. This includes considering the impact on the River Endrick Special Area of Conservation. SACs are areas of water that Scottish Natural Heritage (SNH) considers to best represent Scotland's natural heritage in terms of their flora and fauna, and a mixture of these natural features. The Endrick SAC is designated for its Lamprey species and Salmon species.

- 2.80 The Planning Authority considers that, whilst the SAC and the development site are not physically connected, the sites are connected through the water environment. Thus, the Planning Authority recognises that the development has the potential to affect the Endrick SAC as a consequence of drainage related impacts on the water environment. In response there is a need for SuDS and a Construction Environmental Management Plan (CEMP) to avoid pollutants entering the water environment both during construction and throughout. This detail will need to be submitted and ensure that the effects of the proposed development on the water environment can be mitigated, which is then accepted by the Planning Authority. This can be reasonably dealt with by condition of any planning permission and would provide sufficient mitigation to avoid this potential indirect impact on the Endrick SAC.
- 2.81 In response to the NatureScot response to the application and with consideration of proposal affecting Natura sites under Regulation 48 of the Habitats Regulations (Conservation (Natural Habitats, &c.) Regulations 1994 as amended). The Planning Authority is required to carry out an appropriate assessment for these proposals before any approval can be granted. This is set out below.
- 2.82 **Appropriate Assessment:** This is required to assess the impacts on River Endrick Special Area of Conservation. The development site is immediately adjacent to the banks of the River Endrick, which is a designated Special Area of Conservation (SAC). SACs and Special Protection Areas (SPAs) form part of a European network - called the Natura 2000 Network - which seek to conserve Europe's most endangered and valuable habitats and species and avert global biodiversity loss.
- 2.83 Given the direct connection between the development proposal and the River there is likely to be a significant effect (LSE) on the qualifying interests of this SAC, i.e. Atlantic Salmon and Brook, River Lamprey. Under relevant Habitats Regulations Stirling Council, as competent authority, has to carry out, before planning permission can be granted, what is known as an appropriate assessment to ascertain the development will not adversely affect the integrity of the site.
- 2.84 Local Development Plan Primary Policy 8: Conservation and Enhancement of Biodiversity also requires an appropriate assessment to be carried out when required.
- 2.85 It has been determined LSEs will be associated with potential impacts on water quality, both during the construction stage and when the building is operational. For example, a significant spillage of diesel during the construction phase would have obviously detrimental impacts.
- 2.86 NatureScot has assisted the Council in carrying out this assessment and have carried out an appraisal of the proposals and the submitted drawings/supporting information. This has concluded that provided the works are carried out, as per the submissions and in accordance with the proposed sewage plans the development will not adversely affect the integrity of the SAC. Furthermore, detailed information is to be provided as part of the application conditions, in the form of a Construction and Environment Management Plan or Pollution Prevention Plan which is in accordance with SEPA guidance (available on the SEPA website) and includes site specific measures to avoid the risk of impacts on the species for which the site is designated.

- 2.87 These measures should ensure there is minimal direct disturbance of the qualifying features, and protect against adverse indirect impacts on important ecological requirements such as water quality, water flow and/or river channel substrate. If the proposal is then undertaken strictly in accordance with the CEMP, the proposal will not adversely affect the integrity of the site.
- 2.88 Surface water drainage from the site, for example run off from the pods, roads and car parking areas, will be discharged into the River Endrick via a Sustainable Drainage Scheme (SuDS), which also has to meet relevant requirements of SEPA in respect of water quality standards. It is proposed also to attach safeguarding conditions to ensure works are carried out in accordance with the submitted CEMP and SuDS.
- 2.89 Following from the above it is concluded for the purposes of the Habitats Regulations the development will not adversely affect the integrity of the River Endrick SAC. The SSSI features of Brook and River Lamprey will be protected by this same mitigation, as above; and the Scottish dock, fluvial geomorphology and quaternary geology features will not be directly impacted as the development is not within the SSSI boundary.
- 2.90 **Impact on Protected Species:** The site and surrounding area was assessed for the presence of European and national (UK) protected species. The applicant submitted a Preliminary Ecological Appraisal in this regard.
- 2.91 **Impact on Bat Species:** No potential bat roost features were observed within the site boundaries. Several of the mature and dead trees recorded along the woodland edge and banks of the Endrick Water displayed features that may have the potential to support roosting bats. The woodland edge and Endrick Water also provide suitable foraging and commuting habitat for bats. These trees will be retained as part of the proposed development and the current development footprint is located at least thirty metres from the potential bat roost features. In addition, no intrusive groundworks or heavy engineering works, such as piling or blasting, are currently proposed. Biodiversity measures and good practice recommendations have been provided within the appraisal to reduce potential negative impacts to bats during and post-construction.
- 2.92 **Impact on Otter:** The Endrick Water and associated riparian corridor provide suitable commuting and foraging habitat for otter. The current proposed development footprint is located at least fifty metres from the edge of the watercourse and no intrusive groundworks or heavy engineering works, such as piling or blasting, are proposed. Biodiversity measures and good practice recommendations have been provided within the appraisal to reduce potential negative impacts to bats during and post-construction.
- 2.93 **Impact on Badger Species:** Badgers and their Setts are protected from disturbance under Scottish law, specifically under the Protection of Badgers Act 1992. Badgers have a low sensitivity to development impacts as they have some ability to tolerate and adapt to changes in their territory. A condition is added to this planning recommendation requiring the development to provide Badger Protection.

- 2.94 **Impact on Ornithology:** There are no statutorily or locally designated sites related to ornithology within or adjacent to the boundary of the site. The assessment focuses on the impacts associated with the proposed development on bird species within the site and surrounding area. The main impacts on ornithology will arise from individual tree loss and loss of grassland and hedgerow habitats during, and as a result of, construction. Development would also be brought closer to existing habitats to be retained, with the likely effects being that birds would be deterred from utilising these areas for breeding as previously. In addition, the assessment notes that disturbance of existing habitats during construction is likely to result in many of the species leaving the site either permanently or temporarily. Creation of new and the enhancement of existing habitats must also be put in place.
- 2.95 Overall, through the proposed mitigation and enhancement there will be no significant impact on local ornithology and breeding birds from this development.
- 2.96 **Ancient Woodland:** The woodland adjacent to the south-east site boundary is recorded as Ancient Woodland of semi-natural origin (Appendix A). It is recommended that the development footprint avoids the Root Protection Area (RPA) of the trees. The majority of the proposed development footprint, including the glamping pods and access track, is located greater than fifteen metres from the edge of woodland. However, the proposed car park area is currently located within the potential RPA of the woodland. It is therefore recommended that tree root protection measures, informed by an Arboriculturist, are implemented in this area. These measures may include 'no dig' methods and the use of a 3-dimensional cellular confinement system, which will reduce negative impacts on the roots and structural integrity of the trees. This is conditioned and set out at Appendix 1 to this report.
- 2.97 **Conclusions on Ecological/Biodiversity and Ornithological Impacts:** The conclusion relies entirely upon the delivery of the designed-in mitigation measures and additional mitigation measures to be secured by condition to negate any adverse effects of the proposed development. Key to achieving this will be the delivery of the proposals put forward regarding habitat creation and enhancement through planting. The improvement and creation of landscaping, involving introducing wildlife friendly vegetation will require to be supported by long-term management and maintenance. The conditions put forward in this recommendation will secure these mitigation measures.
- 2.98 It is therefore considered that subject to the use of conditions on the planning permission to secure the above mitigation measures that the proposal, as it relates to ecological/biodiversity and ornithology issues, would comply with the terms of National and Development Plan policy.
- 2.99 **Conclusion:** For the reasons set out above the development is supported subject to the conditions set out at appendix one to this report.

### 3. Implications

#### **Equalities Impact**

- 3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### **Fairer Scotland Duty**

3.2 This section is not applicable.

### **Climate Change, Sustainability and Environmental Impact**

3.3 An Environmental Impact Assessment is not required

### **Other Policy Implications**

3.4 All relevant policies have been set out in Section 2.

### **Consultations**

3.5 As set out in Section 2.

## **4. Background Papers**

4.1 Planning Application file 20/00878/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

<b>Stirling Council Plan No.</b>	<b>Name</b>	<b>Ref on Plan</b>
01	Location Plan	200607-01-01A
03A	Site Plan	200607-01-04G
02A	Site Plan	200607-01-06E
04	General	
01	Location Plan	
06A	Drainage Plan	200607-01-05B

## **5. Appendices**

5.1 Appendix 1 – Conditions and Reasons.

Author(s)

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Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	29 March 2021

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager – Infrastructure	29 March 2021

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Cllr Alasdair MacPherson Cllr Danny Gibson
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Wards affected:	Ward 2 Forth & Endrick
Key Priorities:	N/A
Key Priority Considerations:	N/A
Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan)	N/A

**Installation of 6No. glamping pods, with access track, parking area and associated ground works and drainage for the purpose of short term holiday lets at Land 450M South East Of Meikle Drumquharn, Balfroun Station - Mr Mark Hamill - 20/00878/FUL**

**Approve**, subject to the following conditions

- 1     **Details of Materials:** Samples of the materials to be used for the external walls and roof of the development granted permission shall be submitted to, and approved in writing by, the Planning Authority before any work starts on site.
- 2     **Occupancy Restriction:** The lodges/chalets shall be used solely for holiday accommodation only, and shall not be occupied by the same person for more than twenty eight days in any calendar year, all to the satisfaction of the Council as Planning Authority.
- 3     **Removal of Permitted Development Rights:** Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order, (As Amended 2011), no extensions shall be erected, garden buildings erected, decking or fencing erected within the garden grounds or to the chalets hereby granted permission without the prior submission and approval of a planning application.
- 4     **Species Protection Plan:** No development shall commence until a Species Protection Plan (SPP) for breeding birds has been submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
- 5     **Construction Method Statement:** No development shall commence until a Construction Method Statement incorporating the latest good practice guidelines and statutory advice (GPP5: Works and maintenance in or near water) to protect the Endrick shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved scheme.
- 6     **Conservation Lighting Scheme:** Prior to commencement of development, a conservation lighting scheme shall be submitted to and approved in writing by the Planning Authority. No development shall be undertaken except in accordance with the approved lighting scheme.
- 7     **Levels and Sections:** Prior to works commencing on site detailed levels/sections of the proposed levels round each pods/decking are to be submitted for the written approval of the Planning Authority. This detail is to include the extent of the reinstatement and planting of wildflowers. This is currently not illustrated or specified on the Landscape Proposals plan.

- 8 **Landscaping:** Prior to the commencement of development on site, details of all new planting proposals including all tree planting, shrubs, hedges and grass seed mixes (including the sustainable urban drainage areas and areas where hedging is removed to form splays) shall be annotated on a planting plan at 1:500 scale, including the planting schedule and specification. This plan will clearly detail the ground preparation, species, nursery stock, size and density of planting and areas of grass seed/turf/wild flower meadows and shall be approved in writing by the Planning Authority. This plan shall also include annotated detail on the shrub planting layout, detailed planting plans including plant numbers in planting beds, density, planting details, specification.
- 9 **First Planting Season:** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
- 10 **Landscape - Hard Landscaping:** No development shall take place until details of proposed means of boundary treatment, enclosures, screening, walls and fences, paving and hard surfacing materials have been submitted to and approved in writing by the Planning Authority.
- 11 **Landscape - Maintenance:** No development shall take place until a detailed statement illustrating the proposed provisions for the establishment and maintenance of all areas of landscaping including identification of persons responsible for maintenance, and any proposed phasing of works has been submitted to and approved in writing by the Planning Authority.
- 12 **Landscape - Replacement Planting (3 Years):** Within three years of the completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased, or areas of grass which become eroded or damaged shall be replaced and reinstated by the end of the next planting season, to the satisfaction of the Planning Authority.
- 13 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.
- 14 **Cycle Parking/Ancillary Buildings:** No development shall commence on site until the specification and details of the necessary cycle parking and ancillary buildings to be provided, including visitor parking, has been submitted and approved in writing by the Planning Authority.
- 15 **Sustainable Drainage Systems (SuDS):** Prior to commencement of development, detailed surface water drainage drawings shall be submitted to and approved in writing by the Planning Authority.
- 16 **Nesting Season:** All clearance of vegetation on site and off shall take place outside of the breeding bird season (March to August). Where vegetation clearance cannot be undertaken outwith the bird breeding season, then all land, trees or scrub shall be checked prior to any clearance by a qualified ecologist. Any areas with active nests will be left intact until the nestlings have fledged.

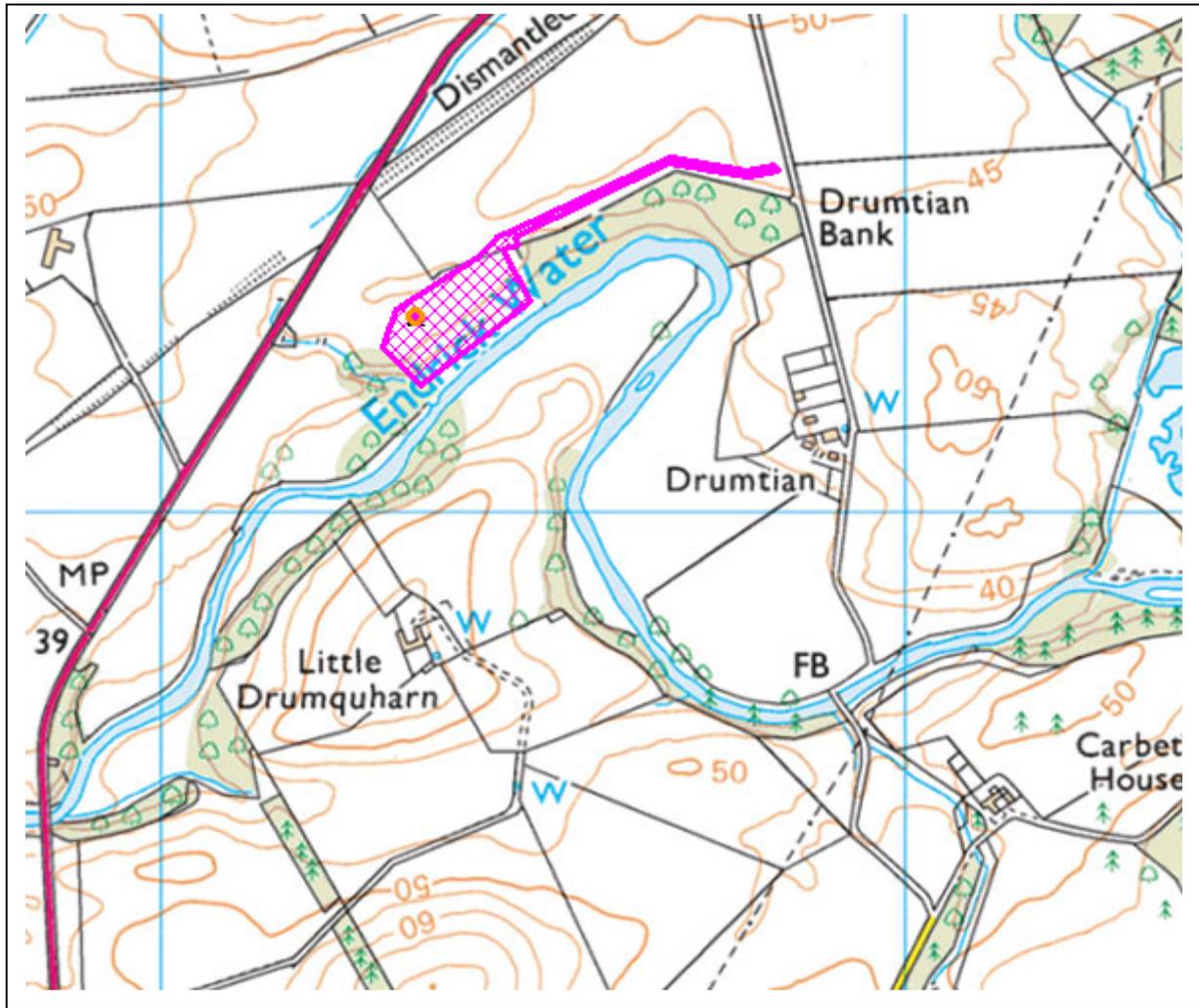
- 17 **Access:** The site access shall be formed as an access lay-by in accordance with Stirling Councils Road's specifications/detail, and be fully constructed prior to the glamping pods becoming available for use.
- 18 **Access Visibility:** Visibility splays of 2.4m x 56m, within which there shall be no obstruction to visibility greater than 1m above adjacent carriageway level, shall be provided in either direction from the centre of the new access. The required splays shall be fully formed prior to the glamping pods becoming available for use.
- 19 **Passing Place:** A passing place shall be provided at the location detailed in the Design and Access Statement, and dimensioned as a 6m bay, with 2.5m depth, with tapered splays at either end. The surface finish of the lay-by shall match that used for Drumtian Road. The passing place shall be fully formed prior to the glamping pods becoming available for use.
- 20 **A91/Drumtian Road Junction:** The junction visibility splay improvement to the west of the A91/Drumtian Road junction, as detailed in the Design and Access Statement, shall be provided in full prior to the glamping pods becoming available for use.
- 21 **Root Protection Zone Car Park:** Prior to works commencing on site, the Root Protection Zone relating to the Ancient Woodland trees adjacent to the proposed car park is to be clearly set out on a plan and submitted for the written approval of the Planning Authority. The works to form the car park within the Root Protection Zone will follow tree root protection measures, informed by an Arboriculturist and implemented in this area. These measures are to include 'no dig' methods and the use of a 3-dimensional cellular confinement system.

## Reasons

- 1 In order to achieve an acceptable form of external treatment.
- 2 The site lies in an area where permission for residential development, unrelated to holiday let, would not normally be permitted.
- 3 In order to ensure any of these future alterations are applied for and to ensure they are respectful to the character of the development and its countryside setting.
- 4 In order to protect birds during nesting season.
- 5 In order to protect the ecology of the site and prevent environmental damage being caused to the River Teith SAC.
- 6 In order to agree the design and illuminance levels of the lighting. Species appropriate lighting is to be installed.
- 7 In order to ensure the full detail of the works required to install each pod and the proposed necessary replanting.
- 8 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.

- 9 To ensure that the proposed scheme of landscaping is established and maintained in the interests of the amenity of the site and the surrounding area.
- 10 To ensure that the scheme of hard landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of hard landscaping have been submitted with the application.
- 11 To ensure that the proposed scheme of landscaping is established and maintained in the interests of the amenity of the site and the surrounding area.
- 12 To ensure that the proposed scheme of landscaping is established and maintained in the interests of the amenity of the site and the surrounding area.
- 13 To ensure all contamination within the site is dealt with.
- 14 In order to ensure this detail is submitted and approved by the Planning Authority.
- 15 In order to protect the ecology of the site and prevent environmental damage being caused to the River Endrick SAC.
- 16 In order to protect birds during nesting season.
- 17 In order to ensure the site access is formed as an access lay-by in accordance with Stirling Council's Roads specifications/detail.
- 18 In order to ensure the necessary sight lines are provided in either direction from the centre of the new access prior to the glamping pods becoming available for use.
- 19 In order to ensure the passing place indicated is fully formed to the specification stated prior to the glamping pods becoming available for use.
- 20 In order to ensure the necessary sight lines are provided in either direction from the centre of the new access prior to the glamping pods becoming available for use.
- 21 In order to ensure the Root Protection Zone is clear and all works necessary in this zone are carried out following tree root protection measures fully informed by an Arboriculturist.

### Location of Development



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