



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Malcolm Mahony, a reporter appointed by the Scottish Ministers

- Case reference: NA-LNP-009
- Site Address: land to the rear of St Fillans Village Store, Main St, St Fillans, PH6 2ND
- Application for planning permission, ref. 2016/0228/DET dated 13 July 2016, called in by notice dated 19 January 2017
- The development proposed: removal of double garage and erection of holiday let unit
- Date of site visit: 22 March 2017
- Procedure notices requiring further written submissions: 6 April and 3 May 2017

Date of this report and recommendation: 1 August 2017





Development proposed: the removal of double garage and erection of holiday let unit at land to rear of the Village Store, St Fillans

• Case reference	NA-LNP-009
• Case type	Notified application
• Reporter	Malcolm Mahony
• Applicant	Mr Liam Cayliss
• Planning authority	Loch Lomond and The Trossachs National Park Authority
• Other parties	Transport Scotland Scottish Water Anne-Marie McCarthy and Jim Campbell George and Catherine Lafferty Michael Lee
• Date of application	13 July 2016
• Date case received by DPEA	19 January 2017
• Method of consideration and date	Written submissions and accompanied site inspection on 22 nd March 2017
• Date of report	1 August 2017
• Reporter's recommendation	Refuse

The proposal

The applicant seeks to remove a double garage at the rear of the Village Store and café in St Fillans. In its place, he wishes to build a 1½ storey, single bedroom residential unit which would operate as a holiday let. The store is located on the main road through the village (the A85 trunk road).

The only access to the unit comprises a single-vehicle width lane which is shared with a dwellinghouse on a backland site to the rear of the shop and application site.

Direction by Ministers

The National Park Authority notified Ministers that they were minded to grant planning permission for the proposed development against the advice of Transport Scotland. Ministers subsequently directed that the application be referred to them for determination in view of the proposed development's potential implications for road safety and interference to traffic flow on the A85 trunk road at the location of the application.

Policy context

LivePark, the new local development plan for Loch Lomond and the Trossachs was adopted on 22 December 2016. It contains several policies of relevance to the application.

Overarching Policy 1: Development Requirements echoes the terms of the national park aims; it requires that development is sympathetic to local built forms and materials, including historic street pattern, scale, massing and design. Overarching Policy 2: Development Requirements includes the requirement that development proposals provide safe road access and appropriate parking provision. Visitor Experience Policy 1: Location and Scale of New Development supports new visitor accommodation where it is located in a village. Visitor Experience Policy 2: Delivering a World Class Visitor Experience states that the occupancy of new holiday letting developments will be controlled by conditions that limit the length of residency. Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options requires that all development proposals make a positive contribution towards encouraging safe, sustainable travel. Transport Policy 3: Impact Assessment and Design Standards of New Development requires all development proposals to conform to the design standards required by the roads authority or Transport Scotland.

Consultation response from Transport Scotland

Transport Scotland have recommended refusal of the application because there is insufficient off-street parking within the site which will encourage parking on the trunk road, and the access lane is not wide enough to cope with additional traffic.

They consider that occupiers of the holiday accommodation are likely to take their cars into the lane and then, in the absence of a turning space, be forced to reverse out onto the trunk road. Visibility for emerging traffic is substandard to the east and generally made worse by vehicles parked outside the store. Forward visibility for traffic on the trunk road is also substandard at this location. With parked cars, exiting vehicles would have to reverse into both lanes of traffic without any visibility of approaching traffic from either direction. Occupiers of the accommodation would be unfamiliar with the limitations, making the problems more likely to occur.

The shop car park was provided to satisfy a planning condition. Spaces there are intended for shop customers and not available for holiday cottage users.

The proposal would increase the risk of an accident on the trunk road. Were the road to be blocked, the only available diversion would add 30 miles to journeys. The potential impact on freight traffic between the east and west coasts could be detrimental to the national economy.

Representations

There have been representations from residents of three neighbouring properties objecting to the proposal on grounds including: parking, traffic hazard, obstruction of the access lane, amenity, and character of the conservation area.

Case for the applicant

The garage has a partly collapsed roof and has not been used for parking during the applicant's ownership (7½ years). The proposed accommodation unit can be conditioned

for short term holiday letting. The building would not affect daylighting to the adjoining property. It would satisfy policies relating to climate-friendly technology and disabled person access. Occupiers of the unit would be told to make vehicular drop offs at the A85 roadside and to park in the shop car park.

Case for the national park authority

The authority are minded to allow the application subject to 5 conditions and 4 informatives (see appendices 1 and 2 at the end of the report). The proposed conditions include that the private shop parking shall always be available to occupants of the holiday apartment for car parking purposes. This is to ensure that off-street car parking is available in order to minimise on-street parking near the site. The informatives include that the shop and holiday apartment owner should advise visitors against driving into the lane. Instead visitors should be directed to leave their cars in the shop's private parking area. Those instructions should be highlighted in all correspondence with visitors and in external signage.

With reference to local policies, it is considered that: the site is located within an existing settlement and is close to services and amenities; the proposal would bring underutilised land into use; the building would be more attractive than the failing garage building; there would be no increase in the footprint of the building and only an additional half storey in height; the form, scale and finish would be sympathetic to the urban setting; the design and materials would be in keeping with the conservation area; overall the proposal would contribute positively with the character of the conservation area; the unit would add to the range of visitor accommodation in the area; and pedestrian access would be sufficient for the size of unit.

Although the proposal does not include on-site parking, it would not on account of its small size generate significant vehicular movements or parking issues, particularly not in relation to current levels associated with the shop and café. There is on-street parking and the shop has a nearby private car park, both of which could lawfully be used by occupants of the holiday unit.

On balance, the benefit of replacing a mediocre, unusable building with an attractive small holiday unit that is sympathetic in form, design and function with the location outweighs the parking concerns.

Overall conclusions

Having regard to the provisions of the development plan, I consider that the main issues in this appeal are: the effect of the proposed access and parking arrangements on traffic safety on the adjacent trunk road; the implications of any road traffic accident on strategic traffic movements and the national economy; visual and townscape effects; whether the development would preserve or enhance the conservation area; and the benefits of the proposal to the tourism economy.

The proposed unit would have no on-site parking and no turning area. In view of this, the applicant proposes to advise occupiers not to drive up to the property but instead to use the shop parking area, which is located on the opposite site of the trunk road and some 70 metres to the west.

The prospects of persuading occupiers to comply with that advice would appear poor. It is more likely that they would use the lane for dropping off and picking up purposes. The lack of a turning area is likely to lead to a variety of possible vehicles manoeuvres onto and off the trunk road which would be hazardous. The physical conditions at the junction between the lane and the trunk road mean that vehicles carrying out these manoeuvres would have poor visibility of traffic travelling on the trunk road. That is likely to be exacerbated by the parking which takes place in front of the shop. In addition, the geometry of the trunk road at this point already creates poor forward visibility for passing traffic.

There would be an increased risk of a road traffic accident. If this blocked the trunk road, the shortest alternative route would add some 30 miles to the east coast to west coast journey. The effect, in particular on freight traffic travelling between east and west coast locations, could have national economic significance.

For the above reasons, the proposal would be inconsistent with: Overarching Policy 1 of the local development plan in that it does not provide safe road access and appropriate parking provision; Transport Policy 2 in that it does not make a positive contribution towards encouraging safe travel; and Transport Policy 3 in that it fails to minimise adverse impact on traffic flows on the strategic road network and does not conform to the design standards required by Transport Scotland.

In view of the serious implications for road safety and interference to the flow of traffic on the A85, I consider that significant weight should be placed on the traffic-related considerations, including their inconsistency with development plan policies.

The proposal would replace a garage of utilitarian character on a backland site with a small dwelling of acceptable style and materials but which would appear crammed onto a tight plot and oriented differently from its neighbours. It would therefore not fully satisfy the requirements of Overarching Policy 1 of the local development plan, which requires that development be sympathetic to local built forms and materials, including historic street pattern, scale, massing and design. The net effect of the proposal would be neutral and therefore preserve the character of St Fillans Conservation Area. The addition of a small unit to the range of visitor accommodation available in the village would satisfy Visitor Experience Policy 1, and so be of some benefit. However, the advantages of the proposed development are relatively minor.

Recommendations

For these reasons, I consider that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. Accordingly, permission should be refused.

Should Ministers take a contrary view, I recommend that permission be granted subject to conditions 1-4 as suggested by the national park authority (see appendix 1), but not condition 5 (for reasons detailed in the main report). The authority's suggested informatives (appendix 2) should also be appended.

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DPEA case reference: NA-LNP-009

The Scottish Ministers
Edinburgh

Ministers

I conducted an examination in connection with a planning application at St Fillans Village Store, St Fillans PH6 2ND. Loch Lomond and The Trossachs National Park Authority were minded to grant planning permission against the advice of Transport Scotland. Ministers have required the application to be referred to them for determination in view of the proposed development's potential implications for road safety and interference to traffic flow on the A85 trunk road at this location.

Further written submissions were requested from the principal parties in relation to the recently adopted local development plan and from Transport Scotland to clarify their position. An accompanied site inspection took place on 22nd March 2017.

My report takes account of my observations at the site inspection, and the written representations and statements, further written submissions and documents lodged by the parties. It is structured into the following chapters: 1) Background; 2) Direction by Scottish Ministers; 3) Consultation responses, representations and cases for the parties; and 4) Overall conclusions and recommendations. Appendix 1 contains the National Park Authority's proposed conditions, together with a list of submitted plans; Appendix 2 contains the National Park Authority's list of proposed informatives.

CHAPTER 1: BACKGROUND

Site and surroundings

1. St Fillans Village Shop is a ground floor unit located in the middle of St Fillans village fronting onto the A85 trunk road. An off-street parking area for the shop is situated some 70 metres to the west and on the opposite side of the road. A sign indicating that it provides parking for the shop stands at its eastern end. Attached to the rear of the shop is a flat roofed, single storey double garage. This is accessed via a side lane wide enough for a single car only. The lane also gives vehicular access to Craigen House, a dwelling on a backland plot at the rear of the shop. The lane has no turning facility other than that next to Craigen House, which is within a private garden. Part of the garage roof has collapsed and the garage is no longer in use.
2. Braehead Cottage stands to the east of the shop and extends above the shop. It includes a residence and a holiday let. To the west of the lane is Locheil, a dwellinghouse with large rear garden. The site lies within St Fillans Conservation Area.
3. The A85 road runs from Perth to Oban. At this location, it is of single carriageway construction and about 7.3 metres wide. It rises and then falls as it curves past the site. A bend to the east restricts visibility in that direction. It is subject to a 30 mph speed restriction through the village. It carries a mix of cars (including those of holiday makers), coaches, buses, and commercial traffic. I have not been made aware of any local accident records. The road is built up along the north side only. There are no features such as roundabouts or pedestrian crossings which would tend to reduce traffic speed in the vicinity of the site.
4. At the time of my visit in March, traffic along Main Street was fairly light. However, as a popular tourist route, the A85 will no doubt be subject to seasonal variations in traffic characteristics.

History

5. In 1985, an appeal (P/PPA/TC/169) was allowed for alterations and extension at premises which then included a shop, post office and associated proprietor's house. The extension included accommodation for a tea room and associated facilities as well as a double garage. The proposal had been refused by the district council on the grounds of over-development, an unacceptable increase in on-street car parking and insufficient off-street parking facilities for the proposed tea room. Permission was granted subject to conditions relating to the provision of parking on the opposite side of the A85.

The proposal

6. The proposal is to remove the double garage and erect in its place a self-contained, 1½ storey, one bedroom holiday apartment. The apartment would have its front door onto the lane. There would be no parking on the site. The building is designed as a traditional small house with a pitched roof in natural slate, wet dash render to the walls and timber window frames. There would be a central front door facing the lane and a symmetrical window arrangement with two dormer windows above. There would be two conservation style roof lights on the rear (east) pitch of the roof, but no other openings onto either of the adjoining residential gardens. An amended drawing had reversed that arrangement of

dormer windows and roof lights during processing of the planning application, in the interest of reducing overlooking of the property to the east.

Supporting information

7. A survey by an SNH licensed bat worker and experienced ecologist confirmed that the building has low potential for bats, but a precautionary approach was recommended because there was some evidence of previous transitory bat usage. A condition requiring a licence for lawful destruction of a transitory bat roost was recommended.

Policy context

8. The four statutory aims of the National Park are a material consideration. They are:

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

It is required that these aims should be achieved collectively. In the event of conflict between the aims, greater weight must be given to the first of them.

9. LivePark, the new local development plan for Loch Lomond and the Trossachs was adopted on 22 December 2016. It contains several policies of relevance to the application. Overarching Policy 1: Development Requirements echoes the terms of the national park aims; it requires that development is sympathetic to local built forms and materials, including historic street pattern, scale, massing and design. Overarching Policy 2: Development Requirements includes the requirement that development proposals provide safe road access and appropriate parking provision. Visitor Experience Policy 1: Location and Scale of New Development supports new visitor accommodation where it is located in a village. Visitor Experience Policy 2: Delivering a World Class Visitor Experience states that the occupancy of new holiday letting developments will be controlled by conditions that limit the length of residency. Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options requires that all development proposals make a positive contribution towards encouraging safe, sustainable travel. Transport Policy 3: Impact Assessment and Design Standards of New Development requires all development proposals to conform to the design standards required by the roads authority or Transport Scotland.

10. St Fillans is described in the plan as: *'This picturesque, planned estate, lochside village enjoys a spectacular landscape setting, and responds to the topography of its site in a sensitive and charming manner. Its single sided main street is lined with a mixture of small cottages and later Victorian villas, displaying traditional Perthshire details including tree trunk porches, overhanging timber eaves and decorative bargeboards. Future development is focussed on additional housing development and realising opportunities for the local community and businesses such as path improvements.'*

11. Because adoption of the plan post-dated the authority's consideration of the application, the principal parties were given the opportunity to comment on its relevance to their cases and these are recorded below.

CHAPTER 2: DIRECTION BY SCOTTISH MINISTERS

12. On 19th January 2017, the Scottish Ministers directed that the application be referred to them for determination in view of the proposed development's potential implications for road safety and interference to traffic flow on the A85 trunk road at this location.

CHAPTER 3: CONSULTATION RESPONSES, REPRESENTATIONS AND CASES FOR THE PARTIES

Consultation response from Transport Scotland

13. In their initial response, dated 5 August 2016, Transport Scotland stated that they did not propose to advise against the granting of permission and did not advise that any conditions be attached if permission were granted. This was on the understanding that the double garage was in daily use and would be replaced by the cottage, representing a reduction in traffic using the access.

14. In a second response, dated 12 October, they stated that, following receipt of additional information regarding use of the garage (namely that it was not in daily use as a garage, but generally used for storage), they had reconsidered their position and recommended refusal of the application for the following reasons:

- i. insufficient off-street parking within the site which will encourage parking on the trunk road; and
- ii. access not wide enough to cope with additional traffic.

15. In an email to the authority dated 14 October, the Transport Scotland contact explained that they had a concern regarding the arrival and departure of guests at the apartment. It was felt unlikely that people would park in the car park down the road and carry cases, etc. to the holiday accommodation. They were more likely to take their cars to the house and then be forced to reverse back down the lane and onto the trunk road. If a turning area could be provided Transport Scotland might be able to amend their view, but they thought there was no space for a turning area.

16. Following a subsequent request for further observations, Transport Scotland have enlarged on their views. They point to the advice in PAN 66 Annex A (Advice on Minor Applications affecting Trunk Roads) that increased traffic from minor developments can affect the safety of trunk roads, and that even a small increase using a substandard access can have a significant impact. Failure to provide in-curtilage parking is contrary to SPP, which is not acceptable. Nor is it consistent with local policy.

17. Increased use of the substandard access junction would require that appropriate standards were met. For traffic emerging from the junction, available visibility to the right is 70 metres, which meets the standard in the Design Manual for Road and Bridge Works. However, to the left it is only 30 metres; that equates to only having time to respond to traffic on the trunk road where it is approaching at 18mph as against the permitted 30mph.

18. The presence of cars parked around the junction reduces visibility to almost zero. Lack of parking space associated with the development can only exacerbate that problem. There is evidence that the Keep Clear marking on the road is often ignored, further restricting visibility.

19. Existing parking in front of the shop already reduces forward visibility for traffic on the trunk road to around 30 metres. The required visibility is around 140 metres to allow for cars moving to the opposite side of the road to pass the parked cars and see approaching traffic in sufficient time to stop.

20. As no turning space would be available at the cottage, vehicles entering the lane would require to reverse to exit. This would be difficult even without parked cars on the road. With parked cars, the exiting vehicle would have to reverse into both lanes of traffic without any visibility of approaching traffic from either direction.

21. Greater use of the narrow lane would increase the likelihood that vehicles would meet and be unable to pass. Where one is leaving whilst another tries to enter, the latter would have to stop on the trunk road, possibly reversing to make space, while the other exited. This would block trunk road traffic in both directions.

22. Visitors renting the holiday cottage would be unfamiliar with the limitations and difficulties, making the above problems more likely to occur.

23. The 1985 application to extend the shop and provide a tearoom was subject to objections from the then roads authority on similar ground to those described above. It was allowed on appeal subject to a condition for construction of a separate car park 45 metres to the south. The car park subsequently approved was between 70 and 90 metres away. Signing to encourage use of the car park is limited and ineffective. It is obvious that it is not used by customers and mostly filled by staff. Spaces at this car park are intended for the tearoom and are not available for holiday cottage users.

24. The above defects increase the risk of an accident on the trunk road. Were the road to be blocked, the only available diversion would add 30 miles to journeys between Perth, Dundee and the east coast through to Fort William, Oban and the west coast ports to the islands. A diversion would take traffic away from the trunk road network. This would have an adverse effect on freight movements, increasing the possibility of sailings being missed. As such, there could be a detrimental impact on the national economy. Scottish Planning Policy requires that potential impacts on the strategic transport network are fully assessed.

Other consultation responses

25. The Transport Planning service at Perth and Kinross Council observed that trunk road access matters were for Transport Scotland, and offered no additional comments. They therefore had no objection to the proposal. They stated that points made by an objector were a civil matter (presumably those relating to private access rights).

26. The National Park Authority's Built Heritage Advisor considered that the proposal would contribute positively to the character of the conservation area.

27. Scottish Water raised no objections.

Representations

28. Representations have been received from owners and residents of the three adjacent properties objecting to the proposal. They complain of a history of problems

arising from inconsiderate parking by users of the shop and of nearby holiday accommodation. They claim the following in relation to parking and other matters:

- Store users park across the lane to Craigen House.
- Store customers have been abusive when asked to move their vehicles.
- Vehicles double park, park on both sides of the road and park on the pavement.
- Successive owners of the shop have failed to encourage customers to use the car park and have parked their own vehicles on the pavement and the road nearby.
- Several photographs of parking issues have been submitted
- Pedestrian and disabled access is affected.
- The customer car park is empty most of the time.
- The police have been called to deal with access issues on many occasions over the years.
- There is a problem of traffic speeding through the village.
- The holiday let unit would have no parking provision.
- Removal of the garage and therefore two parking spaces for the store is not acceptable. The garage provides the only turning point for vehicles on this part of the lane. Consequently, any vehicle delivering to the new house would require to make a dangerous reversing manoeuvre onto the main road.
- There are other holiday let units nearby. Cramming in another one would increase the noise and inconvenience.
- Adjacent properties would be overshadowed and their privacy reduced.
- Refuse bins would be stored at the front of the new house, additional to those for the existing store, increasing the unsightly appearance of this area.
- It would be dangerous for the front door of the new house to open so close to the lane.
- The lane is not owned by the appellant. Consequently, building on the restricted site would be impracticable in view of the need to keep the lane clear.
- The proposal is out of character when judged in relation to St Fillans Conservation Area Appraisal.
- The resulting street pattern, density, building type and lack of garden space would be inappropriate.
- The feasibility of demolishing the garage and building the house without disturbing bats in the neighbouring section of property is questioned.

29. Issues are raised regarding access rights and title deeds, but these are not planning matters.

Case for the applicant

30. The garage has a partly collapsed roof and that it has not been used for car parking during the applicant's period of ownership (7½ years) or by the previous owner. It is currently used for incidental storage of disused shop fittings but not for goods intended for the shop.

31. It is proposed to note within the marketing literature for the holiday accommodation that there is no vehicular access to the lane, and that drop-offs would be to the footpath of the A85 road only, with parking and turning in the car park further west.

32. Climate-friendly technology would be incorporated into the unit to comply with building warrant regulations. Access to and use of the unit by disabled persons would

require to comply with current building regulations. The relevant policies in the local development plan would therefore be satisfied.

33. With respect to the impact of the proposal on daylighting to the adjoining property and decking, only the top 800mm of the roof gable is intersected by a 25 degree angle on the west elevation as proposed. The intention is to use high performance, pre-finished timber windows, whose sectional details can be subject to prior written approval. A condition limiting use to short term holiday let is acceptable to the applicant. There appears to be no evidence of bats or birds roosting or nesting within the garage.

Case for the National Park Authority

34. A report on the application was submitted to the Planning and Access Committee of the National Park Authority on 28 November 2016 recommending approval, subject to conditions and including informatives.

35. The committee accepted the recommendations and was minded to allow the application subject to 5 conditions and 4 informatives (see appendices 1 and 2 below). The proposed conditions include that the private shop parking shall always be available to occupants of the holiday apartment for car parking purposes. This is to ensure that off-street car parking is available in order to minimise on-street parking near the site. The informatives include that the shop and holiday apartment owner should advise visitors against driving into the lane. Instead visitors should be directed to leave their cars in the shop's private parking area. Those instructions should be highlighted in all correspondence with visitors and in external signage.

36. With reference to local policies, it is considered that the site is close to services and amenities; the building would be more attractive than the failing garage building; there would be no increase in the footprint of the building and only an additional half storey in height; the design and materials are in keeping with the conservation area; overall the proposal would contribute positively with the character of the conservation area; and the unit would add to the range of visitor accommodation in the area.

37. In response to representations: a garden is not essential for holiday use; the building has low potential for bats and any loss of the limited usage bats might make of the building would not affect the local conservation status of pipistrelle bats; the unit's small size would limit the potential for noise disturbance; the proposal has been amended to move the dormer windows from east-facing to west-facing so that they would not overlook the adjoining garden; additional shadowing and blocking of the southerly view from the decking would not measurably harm the amenity of the adjoining property; and the legality of access to land is a private matter.

38. The proposal complies with Overarching Policy 1 where it would: be located within an existing settlement, reuse land which is currently underutilised, be sympathetic in form, scale and finish with the urban setting. Whilst St Fillans is not well served by public transport, there is safe pedestrian and cycle access within the settlement and nearby.

39. The proposal complies with Overarching Policy 2 in that: its design and finish would be in keeping; It would occupy more than the footprint of the existing garage; parking would be available within some 70 metres; pedestrian access would be sufficient for the size of unit; and it is well located to the footpath network and wider tourist attractions. However, it

is not suitable for disabled users and incorporation of climate friendly technology has not been demonstrated.

40. Its location within a village accords with Visitor Experience Policy 1. In relation to Visitor Experience Policy 2, it would provide accommodation of traditional appearance, similar in appearance and lack of amenity space to traditional mews housing. It would appeal to couples and single visitors.

41. Although the proposal does not include on-site parking, it would not on account of its small size generate significant vehicular movements or parking issues, particularly not in relation to current levels associated with the shop and café. There is on-street parking and the shop has a nearby private car park, both of which could lawfully be used by occupants of the holiday unit.

42. On balance, the benefit of replacing a mediocre, unusable building with an attractive small holiday unit that is sympathetic in form, design and function with the location outweighs the parking concerns.

CHAPTER 4: OVERALL CONCLUSIONS AND RECOMMENDATIONS

43. This application requires to be determined in accordance with the development plan, unless material considerations indicate otherwise.

44. As the proposal lies within St Fillans Conservation Area, special regard must be had to the preservation or enhancement of the conservation area.

45. Having regard to the provisions of the development plan, I consider that the main issues in this appeal are: the effect of the proposed access and parking arrangements on traffic safety on the adjacent trunk road; the implications of any road traffic accident on strategic traffic movements and the national economy; visual and townscape effects; whether the development would preserve or enhance the conservation area; and the benefits of the proposal to the tourism economy.

Access, parking and traffic

46. With regard to the issue of parking, I consider that visitors occupying the proposed cottage are likely to find the lack of off-street parking at the site inconvenient. The shop parking area which the National Park Authority wish occupants to use is located some 100 metres from the front door of the proposed cottage and would involve walking across the trunk road. This seems likely to tempt those occupants to find some alternative.

47. One such option would be to park for short or long term periods on the trunk road near to the lane access. Regular parking near the shop would reduce parking space for its customers and potentially disperse them along other parts of the street. However, although the stretch of road directly in front of the lane and an adjacent lane is marked "Keep Clear", there are no other restrictions to parking along nearby lengths of the trunk road on either side. This would suggest that on-street parking in this location has not been regarded by the roads authority as sufficiently hazardous to require controls over parking. Even with parked vehicles on one side, the road is wide enough for a two-way flow of traffic. It seems to me that the potential additional parking on the trunk road which might be generated by the holiday unit would be marginal.

48. Another option would be the obvious temptation for visitors to drive to the front of the apartment in order to off-load luggage, shopping, passengers, etc., especially in bad weather. If that was performed in forward gear, it would subsequently require the driver to reverse out into Main Rd, across the eastbound lane, before driving westwards to leave the car in the shop parking area. That would be a dangerous manoeuvre.

49. A somewhat safer option would be for the driver to reverse into the lane, although space in front of the shop from which to initiate a reverse turn is often occupied by customers' vehicles, and the geometry of the junction with the lane from this direction is restrictive. This would allow the vehicle to subsequently emerge onto the trunk road in forward gear, albeit visibility to the east is restricted by the curve and vertical alignment of the road.

50. The only other option is for the driver to approach the site from the east, pull over to the opposite side of the road and then reverse in from that direction. The subsequent emergence would be as for the previous manoeuvre.

51. Clearly, most of these manoeuvres are unsatisfactory or dangerous and their use cannot be reliably controlled. They would be more likely to take place at times of year when the trunk road was busier.

52. It is also possible that a visiting driver could start to enter the lane, but find his way blocked by a vehicle exiting Craigen House, there being no space to pass within the lane. If the vehicle then reversed out, that would result in an obstruction to the flow of traffic on the trunk road.

53. The authority considers that the potential number of traffic movements would not be significant, particularly by comparison with those at the shop and café. However, as the shop and café traffic is not likely to undertake similar hazardous manoeuvres, the comparison is not appropriate. Moreover, traffic movements from the holiday accommodation are likely to be fairly frequent during the holiday season, and the visitors involved will not be familiar with the road conditions and potential hazards at this location.

54. I consider that it is unacceptable to permit a development which is likely to encourage dangerous traffic manoeuvres on the trunk road, particularly in a location where forward visibility for traffic approaching from the east to see potential hazards is reduced by the bend in the road and its vertical alignment. Visibility is likely to be further obstructed by vehicles parked in front of the village store. The encouragement of additional on-street parking on this section of the trunk road is not ideal from a traffic safety point of view but would not in itself be sufficient to reject the proposal.

55. For the reasons set out by Transport Scotland, the increased risk of an accident which blocked the trunk road would have adverse implications for traffic movements, and especially freight, between east and west coast and island locations, potentially harming the national economy.

56. I am not convinced that the proposal to advise visitors against driving into the lane would be effective. The lane is not overlooked by the shop so it would be difficult to supervise its use. As the apartment would be used by a succession of short-term visitors, the prospects of persuading them to reliably adhere to that advice seem uncertain at best.

57. In an attempt to ensure that off-street parking is available for the holiday unit and thereby minimise on-street parking, the park authority has drafted a planning condition requiring that the private shop parking area shall always be available to occupants of the holiday apartment for car parking purposes. However, the application site comprises the footprint of the double garage only. It does not include the separate car park site. A condition of this kind can only be imposed on the application site. (It would not be possible to devise a suspensive form of the condition.) The proposed condition is not therefore valid in relation to the application as submitted.

58. The proposed condition also poses a difficulty should a future owner wish to sever the holiday unit from the village store. Application could be made for release from the condition and it could be argued, with some justification, that it was unreasonable to insist on the two enterprises being forever linked. On this basis, I consider that the condition fails the test of reasonableness as set out in Circular 4/1998: The Use of Conditions in Planning Permissions.

59. The authority has also sought to supplement its requirement regarding parking by drafting an informative stating that the holiday accommodation owner should advise visitors against using the lane (which it acknowledges would result in an unsafe reversing manoeuvre onto the trunk road). However, an informative to the accommodation owner cannot, of course, be enforced. Nor can advice to visitors be relied on to avoid unsafe traffic manoeuvres.

60. For the above reasons, the proposal would be inconsistent with: Overarching Policy 1 of the recently adopted local development plan in that it does not provide safe road access and appropriate parking provision; Transport Policy 2 in that it does not make a positive contribution towards encouraging safe travel; and Transport Policy 3 in that it fails to minimise adverse impact on traffic flows on the strategic road network and does not conform to the design standards required by Transport Scotland.

61. I consider that significant weight should be placed on the traffic-related considerations, including their inconsistency with development plan policies.

Other material considerations

62. The authority considers that parking concerns are outweighed by the benefit of replacing a mediocre, unusable building with an attractive and sympathetically designed small holiday unit. However, views of the existing garage are screened by existing buildings from all but a narrow angle at the end of the lane. The garage building is utilitarian in design but not unsightly or visibly derelict. It is not clear why the authority regards it as unusable; there is no obvious reason why it could not be restored to its former purpose. The style and materials of the proposed building would be in character, but it would be smaller in scale than the surrounding buildings in the conservation area, be oriented at right angles to other buildings in the locality and appear crammed onto a tight site. It would therefore not fully satisfy the requirements of Overarching Policy 1 of the local development plan, which requires that development be sympathetic to local built forms and materials, including historic street pattern, scale, massing and design.

63. The net effect of the proposal would, however, be neutral and therefore preserve the character of St Fillans Conservation Area. The addition of a small unit to the range of visitor

accommodation available in the village would be supported by Visitor Experience Policy 1. This would be of some benefit to the tourism economy and would promote the fourth statutory aim of the National Park. Holiday occupancy of the unit could be controlled under Visitor Experience Policy 2.

64. The proposal's climate-friendly and disabled person design attributes are not specified. What is described would simply meet the current building regulations.

65. Regarding the other issues raised by objectors, I accept the authority's arguments, as summarised at paragraph 37 above.

Recommendation

66. In summary, I consider that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. Accordingly, permission should be refused.

67. Should Ministers take a contrary view, I recommend that permission should be granted subject to conditions 1-4 as suggested by the national park authority (see appendix 1), but not condition 5, for the reasons set out in paragraphs 57-58 above. The authority's suggested informatives (appendix 2) should also be appended.

Malcolm Mahony
Reporter

APPENDIX 1

National Park Authority's proposed conditions and list of plans

1. Finishing Materials The materials used to finish the development hereby permitted shall be as described on the approved plans unless otherwise agreed by the planning authority in writing.

REASON: to ensure the development finish is in keeping with the conservation area setting.

2. Short Term Holiday Accommodation The unit hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The unit shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupants' details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

[Note: This condition does not prohibit the letting of the units by a management company or other management arrangement on behalf of the owner]

REASON: the proposal has been assessed as a tourism development and the approval of a permanent residence would be contrary to the policies contained in the adopted development plan.

3. 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 be sited, without application to, and the grant of permission by, the planning authority.

REASON: the planning authority considers that these should be subject to formal planning control to safeguard the visual amenities of the surrounding conservation area.

4. Bat Licence Prior to the start of works notably removal of the existing garage building, a derogation licence shall be applied for and obtained from Scottish Natural Heritage (SNH) to allow the lawful destruction of a transitory bat roost and thereafter that any conditions including the timing of works shall be adhered to in their entirety unless otherwise agreed in writing by SNH and the planning authority to whom a copy of the licence and bat protection plan should be given prior to the start of works on site.

REASON: as a precautionary measure in case there is a small roost present.

5. Access to private car park The private shop parking area shall always be available to occupants of the holiday apartment for car parking purposes.

REASON: to ensure off-street car parking is available in order to minimise on-street parking near the site.

List of Plans

Title	Reference	Date Received
Site / Location Plan	Maps Now	13/07/16
Plan – existing elevations and layout	CD 300/01	13/07//16
Plan – proposed elevations and floor plan	CD 300/04 (Revision described in paragraph 6 of the report.)	

APPENDIX 2

National Park Authority's proposed informatives

1. In accordance with section the Town and Country Planning (General Permitted Development) (Scotland) Act 1992 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this decision unless the approved development 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.
4. The shop and holiday apartment owner should advise visitors against using the lane as this would result in their having to reverse onto the trunk road which is unsafe. Visitors should instead be directed to leave their cars in the nearby private parking area for the shop and walk over to the shop and holiday apartment. These instructions should be highlighted in all correspondence with visitors and in external signage falling within Schedule 4 (advertisements with deemed consent) in The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.