

**PLANNING AND ACCESS COMMITTEE**

**MEETING: 26 March 2018**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development and Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2016/0399/DET</b>
<b>APPLICANT:</b>	<b>Rural Stirling Housing Association</b>
<b>LOCATION:</b>	<b>Land to East of Montrose House, Balmaha</b>
<b>PROPOSAL:</b>	<b>20 unit affordable housing development (comprising 12no. houses and 8no. flats), formation of 2 housing plots, access road and associated infrastructure</b>

<b>NATIONAL PARK WARD:</b>	<b>7</b>
<b>COMMUNITY COUNCIL AREA:</b>	<b>Buchanan Community Council</b>
<b>CASE OFFICER:</b>	Name: Alison Williamson Tel: 01389 722 610 E-mail: <a href="mailto:alison.williamson@lochlomond-trossachs.org">alison.williamson@lochlomond-trossachs.org</a>

**1. SUMMARY AND REASON FOR PRESENTATION**

- 1.1 Planning Permission is sought by Rural Stirling Housing Association for a 20 unit affordable housing development comprising 12 houses and 8 flats, the formation of 2 self-build house plots, access road and associated infrastructure.
- 1.2 The National Park Authority's Scheme of Delegation, relative to planning, requires applications subject to a significant level of representation to be referred to the Planning and Access Committee. 115 letters of representation have been received to this application.

**2. RECOMMENDATION**

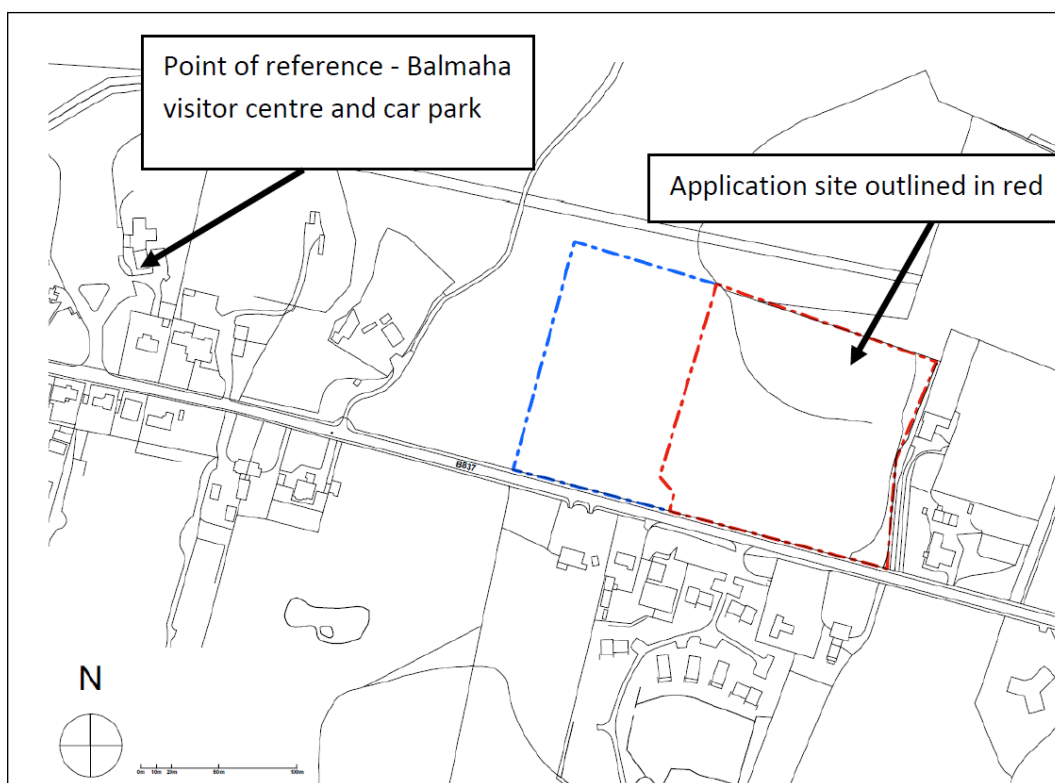
**That Members: Approve the application subject to the imposition of conditions as set out in Appendix 1 of the report.**

### 3. BACKGROUND

- 3.1 The current application was submitted on 23 December 2016. After a period of delay, as a result of discussions over foul drainage constraints, all information required to assess the application has now been submitted and considered. Given the significant level of representation (see section 4 of this report) received in relation to this application, it was agreed at a meeting of the Planning and Access Committee on 18<sup>th</sup> December 2017 that a special date would be convened, for a hearing, to allow the application to be determined.

#### ***Site Description:***

- 3.2 The application site is allocated for housing in the Adopted Local Development Plan 2017 – 2021 and is an undeveloped area of re-establishing native woodland (following the clear felling of conifers under the management of The Forestry Commission approximately 15-20 years ago). It is located to the north side of the B837 public road on the eastern approach to Balmaha. There is a moderate slope across the site with the lowest ground being at the southern boundary, rising to the north of the site and the base of Conic Hill beyond. The West Highland Way descends from Conic Hill to Balmaha Visitors Centre and car park, shown to the west of the application site in Figure 1 below. A small watercourse traverses the eastern boundary of the site before it is culverted under the B837 public road. Beyond this boundary is a residential property. To the south, at the opposite side of the public road are the Loch Lomond Waterfront holiday accommodation units. To the immediate west is further re-establishing woodland.



**Figure 1.** Location Plan. Application site outlined in red, area of additional land within ownership of Rural Stirling Housing Association outlined in blue.

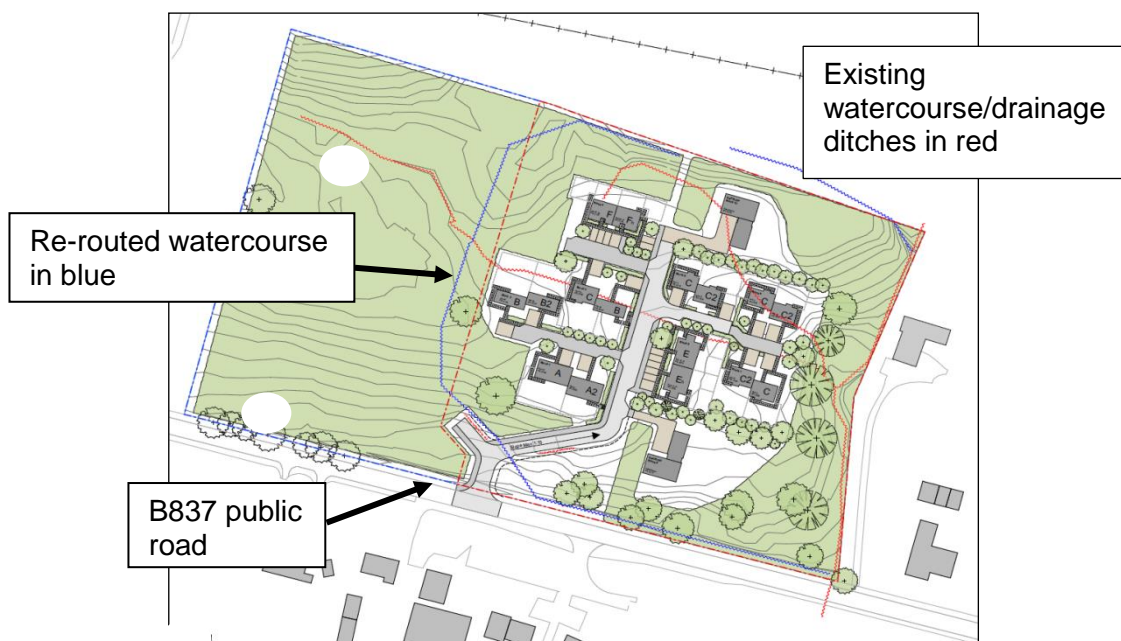
#### ***Environmental Impact Assessment (EIA):***

- 3.3 For the purposes of the Environmental Impact Assessment (Scotland) Regulations

2017 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. The proposal is a type of development described in Schedule 2 (Category 10- Urban Development Projects) of the Environmental Impact Assessment (Scotland) Regulations 2017. The proposal has been the subject of a negative screening opinion and EIA is therefore not required.

**Description of Proposal:**

- 3.4 This planning application proposes the residential development of the site to provide 20 affordable housing units, to be managed by Rural Stirling Housing Association, comprising 6 houses and 4 cottage flats for social rent, 6 houses for low cost home ownership (shared equity) and 4 cottage flats for local workers to rent. In addition, 2 self-build house plots are proposed for open market sale to ensure the financial viability of the project.
- 3.5 A central access road, designed to adoptable standards, is proposed to be constructed to serve the development site together with associated infrastructure including parking and drainage provision. The watercourse traversing the site would be rerouted to the western side and trees would be felled to accommodate the development footprint, which has been designed to avoid mature specimens.
- 3.6 The proposed layout, as can be seen in figure 2 below, is characterised by a cluster of courtyards accessed via short spurs extending from either side of the central spine road. The affordable houses consist of 1, 2 and 3 bed units across a range of sizes comprising both single and double storey arrangements. In curtilage parking would serve the houses, a shared parking court would be designated for the cottage flats (denoted 'E' on figure 2 below) together with visitor spaces. Plots to be sold as open market self-build opportunities (although with a specific 5 bedroom house design included as part of this application) feature to the north and south of the proposed development site. A clear separation is proposed between the B837 public road and the proposed building footprints (as can be seen in the visualisation in Figure 3 below). The watercourse (as described above) would be re-routed to the west of the proposed development footprint, cross under the proposed new access road and run along the southern site boundary to join the original culvert under the B837.
- 3.7



**Figure 2. Proposed site layout**

3.8



**Figure 3:** Visualisation of proposed development from B837 looking east

**Planning History:**

- 3.9 There are no previous planning applications or permissions pertaining to this site. The planning history with regards to the site allocation for housing in the Adopted Local Development Plan has been captured in section 7 'Planning Assessment.'

**4. CONSULTATIONS AND REPRESENTATIONS**

**Summary of Responses to Consultations (full responses are available on the National Park Public Access Website):**

**4.1 Scottish Water**

There is currently limited biological capacity within the Scottish Water Wastewater Treatment Works at Balmaha and therefore the Treatment Works could not currently service the proposed development. A number of different options were investigated during the assessment of this planning application however Scottish Water have advised that the most feasible option at this time is to increase the biological capacity of the local treatment works at Balmaha. Scottish Water has now initiated a "Growth Project" to address this issue and completion of this project is estimated to take 4-6 years. Flow and load surveys and investigations of the public sewerage system are currently being programmed for the coming months as part of this project. The applicant's latest drainage layout proposals would not address the current load issue and therefore, the treatment works would only be able to accommodate these proposals once the Growth Project is completed. At the time of writing this report the applicant is continuing to investigate options for alternative on site treatment and if final effluent parameters and conditions can be achieved then an earlier connection to the Scottish Water network could be possible, prior to completion of the planned growth project. Obtaining planning permission for the proposed development would allow the applicant to access the funding required to investigate options for a foul drainage solution therefore allowing a connection in advance of the Growth Project

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being completed.

In terms of water supply Scottish Water has confirmed that there is currently sufficient capacity in the Carron Valley Water Treatment Works.

### 4.2 Scottish Environmental Protection Agency (SEPA)

SEPA initially objected to the application however they have since removed their objection based on the further information provided on flooding, the proposed foul drainage arrangements for the site and the diversion of the watercourse. SEPA are supportive of the applicant's plans to connect the foul drainage from the site to the public sewerage system vested by Scottish Water and would not support private treatment to a watercourse. In terms of the proposed diversion of the watercourse, SEPA require the applicant to agree all proposed engineering works at the site with them prior to works commencing on site as separate authorisation is required under the Controlled Activity Regulations.

### 4.3 West of Scotland Archaeology Service (WoSAS)

No features are recorded in the Historic Environment Record database from within the boundary of the area that is proposed for development. The ground is likely to have been subject to reasonably substantial levels of disturbance over the last 200 years as a result of forestry operations and the action of growing tree roots; the majority of the ground was shown as forming part of the Balmaha Plantation on the 1<sup>st</sup> edition Ordnance Survey map of the mid-19th century, was later used as a coniferous plantation and has also been subject to felling and regeneration. As a result of these factors, WoSAS would not consider archaeological work to be required in relation to the current application.

### 4.4 Stirling Council Roads

No objections to the proposal provided that conditions be applied to any consent granted in relation to vehicular access, swept path analysis, access within the site, driveway access/dimensions, parking provision, visibility sightlines, surface water management and waste management and that a separate application for Roads Construction Consent is made. The suggested conditions are included in the list of proposed conditions in Appendix 1.

### 4.5 Stirling Council Educational Services

The development falls within the catchment areas of Drymen Primary School and Balforn High School. Pupil product from the proposed development could be accommodated both within Drymen Primary School and Balforn High School and the Education Authority therefore finds the proposal acceptable.

## ***Summary of Representations Received:***

- 4.6 It was agreed by Members at a meeting of the Planning and Access Committee on 18<sup>th</sup> December 2017 that a special date would be convened, for a hearing, to allow the current application to be determined. All individuals who commented on the current application and Buchanan Community Council were advised on 7 December 2017 that after a period of delay, (refer to section 3.1 of this report) the application would be targeted for a special meeting. Recognising the time that has passed since initial comments were submitted, all parties were given the opportunity to submit further comment but noting it was not necessary to resubmit the same comments already made as these would be taken into account as part of the decision making process. One further representation was received and the points have been captured in the summary of the material concerns as set out below.
- 4.7 A total of 115 representations comprising 62 in support (including a letter of support from Buchanan Community Council and a petition in support of the application, containing 105 signatures) and 53 in objection to the application have been received at

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the time of writing this report. All the representations are available to view on our public website. The link is provided in section 'background documents' following the conclusion in section 8.

4.8 In terms of objections to the application, these can be summarised as follows. Where possible an officer response to each point is provided, otherwise a response to the range of concerns is provided within the Planning Assessment (section 7).

4.9 **Contrary to Development Plan:** A number of representations contend that the proposal is contrary to the Development Plan; contrary to National Park Aims; contrary to the site's allocation in the Local Development Plan; contrary to Balmaha's identification in the Local Development Plan as a small rural community and contrary to statements in the Buchanan South Rural Development Framework. Comments were made that the Main Issues Report did not take the Woodland Trust's objections for this development into consideration. Comments have been made that the proposal is contrary to the EU Biodiversity Action Plan and Scottish Biodiversity Strategy. Others state that the Forestry Strategy and Scottish Government Policy on Control of Woodland Removal have not been adhered to.

### Officer Response:

- *The principle of residential use of the site is established through its inclusion as an allocated site within the Local Development Plan. Scottish Planning Policy identifies that proposals which accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. It is acknowledged that the allocation of the site for housing in the Local Development Plan suggests 15 homes to be built on the site. This figure is indicative rather than prescriptive and Housing Policy 2 states that sites identified for housing in the Local Development Plan shall be developed to a density which is in keeping or where appropriate a higher density to its surroundings.*
- *An assessment against the National Park Aims is covered in section 7.54 of this report.*
- *The application site is identified for affordable housing in the Buchanan South Rural Development Framework and the proposed design and layout accords with the principles outlined in the framework.*
- *The proposed development would not alter the identification of Balmaha as a small rural community in the current Local Development Plan. In the next Local Development Plan a review of village boundaries and the status of small rural communities can be undertaken.*
- *In terms of the Main Issues Report any comments made at this time were assessed through the formal Local Development Plan process.*
- *1.5ha of new woodland planting will replace the degraded existing woodland and a Management Plan for the site will be produced. Section 7.14 onwards discusses the Scottish Government Policy on Control of Woodland Removal in further detail.*

4.10 **Over-development:** Comments were received expressing that the proposal is too large and of too high a density for the rural area and at an inappropriate scale. A number of comments were received stating that the proposal would double the size of Balmaha and that local infrastructure is not able to support this size of development (mains gas, sewerage, public transport and employment opportunities).

Officer Response: As above, it is acknowledged that the allocation of the site for housing in the Local Development Plan suggests 15 homes to be built on the site. This figure is indicative rather than prescriptive and Housing Policy 2 states that sites identified for housing in the Local Development Plan shall be developed to a density



*which is in keeping or where appropriate a higher density to its surroundings. It is considered that the type and mix of housing proposed accords with both Housing Policy 1 and Housing Policy 2 as a range of housing types are to be provided. No objections have been received from statutory consultees in terms of supporting infrastructure and, whilst it is acknowledged that there is currently insufficient biological capacity at Balmaha Waste Water Treatment Works to service the proposed development, Scottish Water have now initiated a Growth Project to address this issue.*

**4.11 Impact on Ecology and Protected Species**

A number of comments were made about the impact of the proposed development on wildlife, habitats and protected species on the site and in particular the use of the site by otters. Concerns were raised about the proposed development adversely impacting on the environment through population increase and that the development would have an adverse impact on the ecological diversity at the site. In addition comments were made that there would be loss of ecosystems and carbon storage. Concerns were raised that the proposed alterations to the drainage at the site could adversely affect priority habitats and pollute local streams, affecting the Endrick Water (SSSI, SAC, Natura).

**Officer Response:**

- *The original ecological survey identified a possible resting/holt structure. Camera traps were set up to establish if it was in use, but did not provide any evidence of use as a shelter.*
- *In terms of legally protected species a thorough ecological survey has been carried out as well as a further botanical survey. Surveys were carried out for otter, bat, badgers, red squirrel, water vole and pine martin. These surveys have concluded that further survey work will be required for otter and bat to determine mitigation however the area will be re-surveyed for all protected species prior to development.*
- *The botanical survey found that the site is of limited botanical diversity and the ecological report states that much of the woodland is considered to be of comparatively low ecological value.*
- *In terms of carbon storage, the compensatory planting and proposed tree planting at the application site would mitigate for the tree felling required.*
- *It is now proposed to connect the foul drainage from the site to an upgraded public network on completion of a "Growth Project" by Scottish Water at Balmaha Waste Water Treatment Works.*
- *The landscaping for the development will ensure that there is wildlife corridor retention.*

**4.12 Detriment to Road Safety:** Concerns were raised about increased traffic on an already busy road, a lack of parking and the impact on emergency services.

**Officer Response:** *The proposed layout provides sufficient parking off the public road for residents and visitors. Stirling Council Roads have commented on the application and have not raised any concerns in terms of road safety and parking. The Roads Authority does not object to the proposal subject to conditions.*

**4.13 Harm to neighbour amenity:** Concerns were raised about construction causing noise and pollution, the impact of the development on the approach to Balmaha and the West Highland Way and that the proposed development is not in keeping with the local character.

**Officer Response:** *The application site is within a rural village setting. No aspect of the submitted layout is considered to cause significant harm to residential amenity. It is acknowledged that there may be disturbance during construction works, however this*

*would be temporary and is not the basis for the refusal of planning permission. A condition has been included on construction hours designed to minimise adverse impact on neighbours. In addition the proposed layout includes significant separation buffers to the edges.*

- 4.14 **Inadequate ecological appraisal:** Ecological diversity has not been fully evaluated in the ecological report.

*Officer Response: The ecological report that was submitted in support of the application addressed bats, otter, badgers, pine martin, red squirrel, water vole, reptiles and birds as well as a National Vegetation Classification (NVC) survey. The Planning Authority is satisfied that relevant surveys have been carried out.*

- 4.15 **Surface water drainage and Flooding:** Draining of streams and tree removal may increase flooding events, the woodland already floods and the proposal could increase further flood risk. Access to septic tank outflows from nearby residential properties at Fir Tree Cottage and Arrochoile would have to be retained. This has been poorly managed and has led to flooding in the past, further housing will exacerbate flooding issue.

*Officer Response: It is proposed to divert the existing burn and informal drainage systems through the site, SEPA are content with this proposal subject to further authorisation from them. A SUDS scheme is proposed to achieve no net increase in surface water run-off post development. Any matters of rights of access are legal matters and not a planning consideration.*

- 4.16 **Loss of ancient woodland:** Objection to the land clearance and removal of woodland, the National Park has a duty of care to protect ancient woodland and it cannot be recreated elsewhere. The types of woodland found in site are classified as UK Biodiversity Action Plan Priority habitats and should not be deforested unless it is to a land use which is of greater environmental value. The proposal disregards the benefits of woodland wellbeing.

*Officer Response:*

*Whilst the woodland is recorded on the Ancient Woodland Inventory this identifies the mapped continuity of woodland on the site and does not indicate the current quality of the woodland on site. The assessments undertaken as part of this application found that the woodland does not have botanical diversity associated with ancient woodland. The species composition of the canopy and ground layers have been affected by non-natural modification and disturbance from draining the land for conifer planting and then by colonisation by rhododendron. Woodland would be retained on the site and native species are proposed to be planted on the site, meaning that the development would be within a woodland setting.*

- 4.17 **Landscape:** Concerns were raised that the proposal would adversely impact on the landscape, would adversely impact on views from the West Highland Way and detract from the scenic quality and natural beauty of the area.

*Officer Response: A Landscape Appraisal was undertaken as part of the application. Views from Conic Hill and the West Highland Way have been considered and it is not considered that the proposed development would have a significant impact on these views. Local visual impact was considered and photomontages were submitted to demonstrate how the proposed development would impact locally with views from the B837 to the site. It is considered that the proposed development would integrate successfully with the local landscape by retaining the key characteristics of being set back from the road and retention of the stone boundary wall and trees at the front of the proposed development. The design also follows design guidance from the Buchanan South Rural Development Framework.*



- 4.18 **Alternative Sites:** Comments were made that there are more suitable brownfield sites in Balmaha which have already been cleared and that affordable housing should be constructed near employment centres.

*Officer Response: The application site is allocated for housing in the Local Development Plan and no other sites in Balmaha have been identified as suitable for housing despite extensive engagement through the Plan's preparation. There is an established need and demand for affordable housing in Balmaha. The suggestion that an alternative site may be more suitable cannot be attributed weight as a material consideration.*

- 4.19 **Precedent:** Concerns were raised that the proposal sets a negative precedent and will facilitate future development on Balmaha plantation and on the side of Conic Hill. Comments were made that a precedent will be set for building on ancient woodland and on the shoreline of Loch Lomond and the development would set a bad precedent for the future generation.

*Officer Response: The proposed development would not be on the shoreline of Loch Lomond and therefore would not set a precedent. No other sites have been identified in the Local Development Plan for housing in Balmaha and any future development proposals would be considered on their merits.*

- 4.20 **Need/Necessity:**

Comments were made that there was uncertainty whether the proposed housing would meet the affordable housing criteria and that there is no demonstrative need due to lack of employment in the area. It was stated that need should not be at cost of loss of ancient woodland.

*Officer Response:*

- Housing Policy 1 of the Local Development Plan sets out that a diverse range of housing should be provided, including a range of house types, sizes and tenures. Housing Policy 2 states that development on sites within small rural communities should provide for 100% affordable housing. In this case 20 affordable housing units are proposed and 2 self-build house plots for open market sale required to make the development financially viable for the applicant. This is considered to be acceptable in this instance in accordance with the Housing Supplementary Guidance which allows for 25% open market housing. The proposed house types, tenures and sizes would deliver a mix in accordance with Housing Policy 1.*
- There is a demonstrated need for affordable housing in Balmaha and expressions of interest in all tenure types at the proposed development through community consultation suggest that there is a definite demand for affordable housing.*
- The loss of woodland has been assessed in accordance with Natural Environment Policy 8 and the Scottish Government Control of Woodland Removal Policy and whilst it is acknowledged that the site is recorded in the Ancient Woodland Inventory, this establishes the mapped continuity of the woodland and not the quality of the woodland. Given the evidence of the quality of the woodland within the Tree, Ecological and Botanical surveys submitted as part of this application it is considered that the loss of woodland can be justified in this instance with an area of compensatory planting off site.*

- 4.21 **Broadband**

Several comments were made that broadband and mobile coverage is already of poor quality and would be affected by the proposal.

*Officer Response: Overarching Policy 1 requires all development within the National Park to contribute to the Park being a more connected place by encouraging developers to explore opportunities for the provision of digital infrastructure to new homes as an integral part of development. It is Rural Stirling Housing Association's intention to provide broadband, television and phone lines to the dwellings, as standard.*

- 4.22 The representations made in **support** of the application can be summarised as follows:
- 4.23 **Need for Affordable Housing:** House prices in the area are prohibitive, there is currently no affordable housing in the area to buy or rent and the area is becoming exclusive to those on greater income. There is a need for affordable housing with many people wishing to stay in the area but not being able to afford to do so. Affordable housing is required to sustain the community and prevent depopulation and allow young people, families and elderly members of community to remain. The proposal would address the needs of the community and people that work there, and is needed to provide housing for key workers. This proposal would benefit the local community and local economy and would support local facilities.
- 4.24 **Balance Tourism:** Previously the focus of development in Balmaha has been on tourism this proposal would redress the balance. There is a need to ensure village is a community and not just a tourism destination- over 50% of housing in village is used for holiday lets with a lack of permanent dwellings.
- 4.25 **Design:** The proposal has been sensitively designed to fit well into the rural setting of Balmaha taking into account the Buchanan South Rural Development Framework. The proposed materials would be in keeping with the area and the proposed use of dark materials on the roofs and the retention of trees would help minimise any landscape impact. There would be no visual impact for visitors walking the West Highland Way and the proposal would not have a landscape visual impact on the character type of river Valley Farmland with Estates.
- 4.26 **Woodland:** The inclusion of this area as ancient woodland is inaccurate, as the land has been used in living memory for grazing, growing vegetables, storing ammunition during the war and as a conifer woodland. There is no evidence that there would be an impact on ecology and the ecology report addresses concerns adequately.

## 5. POLICY CONTEXT

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

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
  - (b) to promote sustainable use of the natural resources of the area;
  - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - (d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively.

However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

***Development Plan:***

5.3 National Park Local Development Plan (2017 - 2021):

**Relevant Policies:** The following Development Plan Policies are determined material to the assessment and determination of this application.

**Overarching Policy 1:** All development should contribute to the creation of a sustainable, low carbon, natural and resilient place and promote connectivity and a well-designed and attractive place.

**Overarching Policy 2:** provides support to developments which do not conflict with nearby land uses and where design and amenity impacts on the wider locality are acceptable. The aspiration for the delivery of climate friendly design is highlighted.

**Housing Policy 1:** commits to the delivery of diverse range of housing, sizes and tenures to meet the identified needs of the National Park population.

**Housing Policy 2 (c): Small Rural Communities in the Countryside** supports new affordable housing that is sensitive to the scale and character of the host community or where new houses will help reinforce the character of an existing building group.

**Transport Policy 3:** Requires new development proposals to follow place making principles and be of a design and specification that conforms with the requirements of the Roads Authority.

**Natural Environment Policy 1:** Requires development to be sympathetic to their setting and to protect the special landscape qualities of the National Park.

**Natural Environment Policy 4:** Identifies that development will not be permitted where it would have an adverse effect on protected species.

**Natural Environment Policy 5:** Development that would have an impact on habitats will only be permitted where it is demonstrated the need for the development outweighs contribution of the area of habitat and where compensatory or management measures are included where habitats will not be impaired in the medium to long term.

**Natural Environment Policy 6:** Requires development to enhance biodiversity through the habitat creation and the planting of native species.

**Natural Environment Policy 8:** Development proposals will not be supported when it would result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits that outweigh the loss of the woodland habitat.

**Natural Environment Policy 11:** Development will be required to ensure no significant adverse impact on the water environment.

**Natural Environment Policy 12:** Requires the provision of suitable SUDs drainage for development sites of 2 houses or more.

**Natural Environment Policy 13:** Identifies that development will not normally be permitted within existing settlements that have been identified as being at medium risk of flooding unless it is demonstrated that the site will not be at risk of flooding and will not increase the risk of flooding elsewhere.

**Historic Environment Policy 7:** Highlights the value of archaeological resources and identifies the obligation on the developer for site investigation and recording prior to construction.

**Waste Management Policy 1:** Development proposals will be required to demonstrate suitable provision for waste management for the storage and uplift of waste including recyclables.

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

***Other Material Considerations:***

5.4 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

- Con Policy 3: Landscapes
- RD Policy 2: Spatial Development Strategy
- RD Policy 7: Sustainable Design and Construction

5.5 National Park Partnership Plan (2018-2023)

The National Park Board approved the new National Park Partnership Plan 2018-2023 on Monday 11<sup>th</sup> December 2017 and is therefore a material consideration in the assessment of the current planning application. The Plan has been sent to Scottish Ministers for their approval and identifies a number of priorities and targeted outcomes for the Park. Those relevant to the current application are as follows:

- RD3: Addressing population decline by attracting and retaining more skilled working age and young people within the National Park.
- RD2: Supporting the rural economy
- RD1: Placemaking and local distinctiveness and sustainable new development

<http://www.lochlomond-trossachs.org/park-authority/get-involved/consultations/nppp/rural-development/>

5.6 Draft Supplementary & Planning Guidance

- Design & Placemaking
- Housing
- Buchanan South Rural Development Framework

5.7 Scottish Government Planning Advice

- Scottish Planning Policy
- Scottish Government Policy on Control of Woodland Removal
- Designing Streets

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- PAN 78 – Inclusive Design

### 5.8 Stirling Council Local Housing Strategy Documents

Stirling Council's **Affordable Housing Supply Programme** that accompanies the **Strategic Housing Investment Plan (SHIP) 2018/19 to 2022/23** identifies the Balmaha site as a 'high priority' site for delivering affordable housing.

## 6. SUMMARY OF SUPPORTING INFORMATION

- 6.1
- **Botanical Survey by Ben and Alison Averis dated March 2017** is a National Vegetation Classification (NVC) with particular reference to woodland indicator species for each NVC type.
  - **Ecology Report by Etive Ecology dated December 2016** is a habitat survey with reference to Invasive non-natives. It is also a detailed protected species survey.
  - **Tree Survey by TD Tree and Land Services Ltd dated June 2017**
  - **Flood Risk and Drainage Assessment by JBA Consulting dated February 2017**
  - **Design and Access Statement by John Gilbert Architects dated March 2017**

## 7. PLANNING ASSESSMENT

- 7.1 The following are the key determining considerations for this application:

- Principle of development
- Affordable housing
- Woodland
- Compensatory Planting
- Drainage
- Flooding
- Site layout, Climate Friendly Design and Access
- Natural Heritage
- Landscape
- Residential amenity
- Representations submitted

### **Principle of Development**

#### *Site allocation in Adopted Local Development Plan 2017-2021*

- 7.2 This planning application is for the development of 20 affordable housing units, to be managed by Rural Stirling Housing Association, comprising 6 houses and 4 flats for social rent, 6 houses for low cost home ownership (shared equity) and 4 cottage flats for local workers to rent at social rent or sell as shared equity. In addition, 2 house plots are proposed for open market sale to ensure the financial viability of the project. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.3 The application site was initially identified in the Local Development Plan Charrette Report (2013) as an area where residential development could be accommodated and

then considered at the Main Issues Report consultation stage (April 2014) in the process to prepare the now adopted Local Development Plan (LDP) 2017 - 2021. Prior to this the site had been identified as a potential affordable housing site by the Forestry Commission as part of the then 'National Forest Land Scheme' whereby land could be made available, by the Forestry Commission estate, for affordable housing purposes. In addition, the local Community Action Plan had identified the need for affordable housing in the community and a local housing need survey had similarly identified affordable housing need. At the time of preparing the LDP, Rural Stirling Housing Association was already working in conjunction with the local community to consider options for affordable housing delivery in Balmaha.

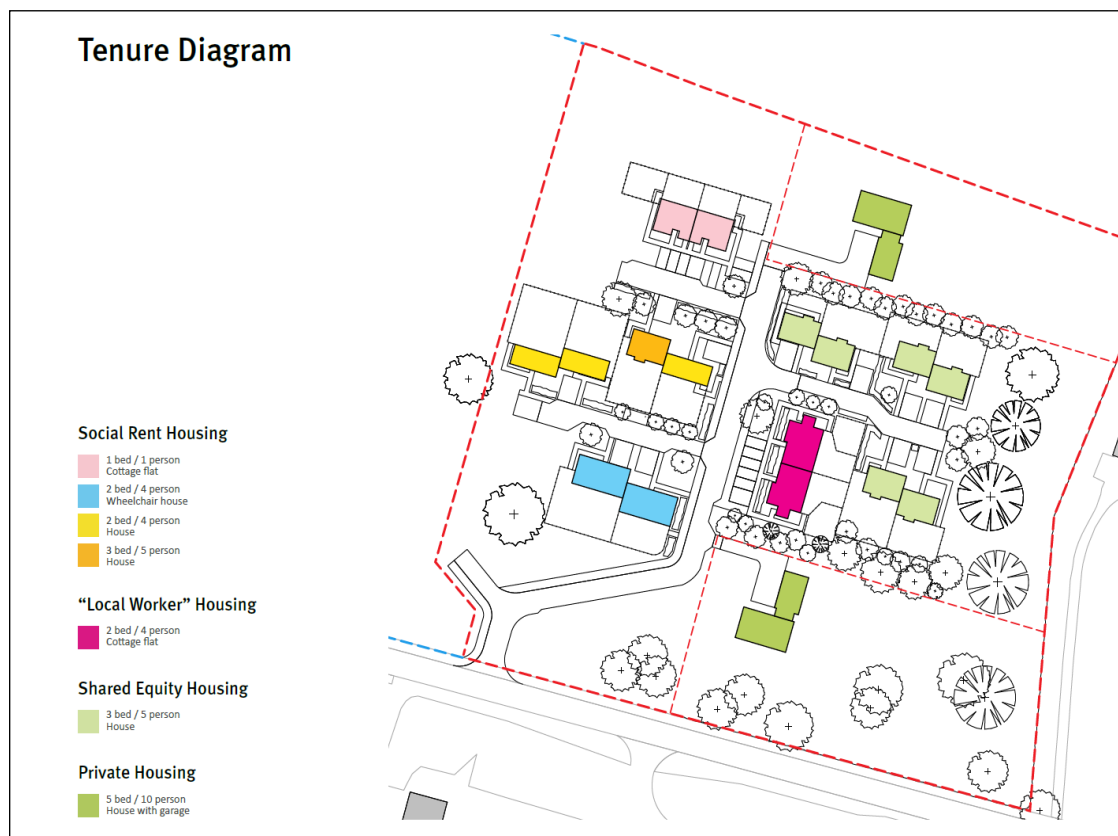
- 7.4 The process to prepare the Main Issues Report included a site assessment of all proposed development sites in Balmaha. This assessment included an evaluation of the appropriateness of sites for development in terms of landscape, ecology, impact on water environment and flooding and the view of key agencies and the community. The Site Assessment report for the application site as part of the preparation of the Local Development Plan stated that *"The site is considered suitable for development at an appropriate density. It is currently the subject of pre application advice to Rural Stirling Housing Association who is working in partnership with the community to progress it."*
- 7.5 Comments in support and objection to the application site being allocated for housing were received to the Main Issues Report consultation with the key themes of objection being impact on habitat and scale, location and type of development, and those of support centring on the need for affordable housing in Balmaha. The comments received were reported to the National Park Board on 27 April 2017, in a paper that summarised the outcome of the Main Issues Report consultation, and the site was recommended for inclusion as a housing allocation in the Proposed LDP. Members upheld the recommendation.
- 7.6 Public consultation on the Proposed LDP was undertaken from 18 May to 29 June 2015. Representations were made in respect of the proposed site allocation which were then considered by a Scottish Government Reporter at the final examination stage in the process to prepare the Plan (January to September 2016). In the Report on Examination, the Reporter did not make any recommended modifications to the site allocation and therefore the Adopted LDP now allocates the site, unambiguously, for residential development (Proposal H1 – 'Forestry Commission Site, Balmaha').
- 7.7 Site allocation H1 in the LDP estimates the site as having capacity for a 15 unit residential development. This figure derived from the number of units that was initially considered necessary to meet affordable housing need in Balmaha (10 units for affordable housing) and to make the development financially viable (5 units for open market sale). The applicant states in the Design and Access Statement submitted in support of this application that it became apparent through public consultation\* spanning 2015/16 that there was local demand for further affordable housing options which has resulted in the current application proposal for 20 affordable units comprising 6 houses and 4 flats for social rent, 6 houses for low cost home ownership and 4 cottage flats for local workers to rent. The 2 self-build plots for open market sale are proposed to secure the financial viability of the affordable aspect of the proposed development.

*\*Although not a statutory requirement for the current application, Rural Stirling Housing Association consulted with the local community on the proposed development proposals, independently of the planning process, through a series of meetings organised via Buchanan Community Council and also at two independent community events in 2014 and 2016.*



### **Affordable Housing**

- 7.8 The popularity of the National Park, as a place to live, makes it one of the most expensive areas in Scotland to purchase a home due to high demand for commuting, retirement and second/or holiday homes. In Balmaha, over 50% of the housing stock is used as holiday accommodation. With around 70% of houses sold in the National Park being purchased by people from outside the area, access to housing for many local people, younger households and those not able to afford full market value for a home, is difficult. The need to attract and retain more skilled working age and young people to address population decline is recognised, to improve the economy of the National Park.
- 7.9 Assessment of housing need and demand has identified the requirement for more homes in the National Park to sustain and support the rural economy, as well as meeting communities' housing needs and this is recognised by the Local Development Plan through housing land allocations, such as the application site, and the framework of planning policy. Stirling Council's Affordable Housing Supply Programme, accompanying the Strategic Housing Investment Plan, (SHIP) which sets out funding priorities for affordable housing in the Stirling Council area identifies the Balmaha site as a 'high priority' site for delivering affordable housing.
- 7.10 Just over 100 households have to date registered interest in one or more of the different housing tenures proposed to be developed at the application site. A significant number (65) of these households are either living in the local area or have a need to move there because of local employment or family support needs. Many have expressed an interest in more than one of the proposed housing tenures. In addition several local businesses have expressed initial interest in the "Local Worker" housing proposal.
- 7.11 A need for affordable housing in Balmaha was first identified in 2003 and evidenced in 2004 through a Local Housing Need Study. Since then the applicant has been engaged with the local community developing proposals for the site. More recently Stirling Council's Strategic Housing Investment Plan 2018/19 to 2022/23 identifies the application site as a "high priority" site for delivering affordable housing. This application is an opportunity for affordable housing to be delivered in Balmaha to address the identified need and demand.
- 7.12 In terms of the proposed housing tenures a mix is proposed in accordance with Housing Policy 1. 20 affordable housing units are proposed with 6 houses and 4 cottage flats for social rent, 6 houses for low cost home ownership (shared equity) and 4 cottage flats for local workers to rent. See figure 4 Tenure Diagram below. Within this tenure mix a range of house types are proposed including 1 bedroom cottage flats, 2 bedroom bungalows, and 2 and 3 bedroom semi-detached houses. The proposed development would therefore accord with Housing Policy 1 of the Local Development Plan being an allocated site with identified need and demand for affordable housing and the diversity of house sizes and tenures meets with the aspirations of the National Park Affordable Housing policy.
- 7.13 Housing Policy 2 of the Local Development Plan requires affordable housing to be maintained in perpetuity, as such a condition has been included to ensure the houses and flats will remain affordable homes. This is proposed to be managed by Rural Stirling Housing Association through title conditions via the Rural Housing Burden.



**Figure 4: Proposed Tenure Diagram**

## Woodland

- 7.14 The application site is currently woodland comprising of self-seeded regeneration following the felling of conifers 15-20 years ago. Scottish Planning Policy sets out that woodland removal should only be permitted where it would achieve significant and clearly defined additional public benefits and, where woodland is removed in association with development; developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Scottish Government Control of Woodland Removal Policy. The policy states that there is a strong presumption against removing ancient semi-natural woodland. Natural Environment Policy 8 of the LDP reflects Scottish Government policy and does not support proposals that would result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the proposed development that outweigh the loss of the woodland habitat.
- 7.15 The majority of the site is recorded as 'Long Established Plantation Origin' on the Ancient Woodland Inventory (AWI) with the exception of a small area at the north east corner of the site. The category Ancient comprises woods recorded as being of semi-natural origin on either the 1750 Roy maps or the 1st Edition Ordnance Survey maps of 1860. The Ancient Woodland Inventory therefore records the mapped continuity of woodland cover at a site and not the age of the trees themselves.
- 7.16 Whilst the application site is not recorded on the Roy Military Survey of Scotland Maps 1747-1755, it is present on OS first edition maps (1863) where the site is referred to as 'Balmaha Plantation.' At this time the site was predominantly broadleaves, however, a later map dated 1967 shows the site was then a conifer plantation. The site was last cleared of conifers approximately 15-20 years ago.

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- 7.17 The tree survey submitted in support of the application describes the site as a self-colonised, semi-natural broad-leaved woodland, populated (approximately 90%) with young semi-mature silver birch. Non-native Italian Alder is also present alongside a small population of mature oak. Some scattered groups of young self-seeded non-native coniferous trees are present throughout the site. To the east of the site a population of large non-native coniferous trees dominate the eastern boundary. There are areas of wet woodland to the north and north-west of the site, populated mainly with small scrub willow species. These areas will not be developed. In 2015 The Forestry Commission carried out woodland management works at the site and cleared (but did not completely eradicate) invasive non-native scrub (mainly rhododendron) from the site leaving a bare understory.
- 7.18 The tree survey report concludes that approximately 400 trees require removal to facilitate the proposed development. The tree survey categorises the trees within the site using a retention category as per BS 5837:2012.
- 7.19 The individual trees and two groups of trees proposed for removal are all Category C, which is trees of low quality and value or young trees, mainly Silver Birch and non-native Italian Alder. The mature oak trees are considered to be the most valuable feature of the woodland and it is proposed to retain these trees. In total more than 90 trees will be retained within the development area, supplemented by approximately 100 native trees to be planted within the site.
- 7.20 The ecology report (prepared by Etive Ecology December 2016) concludes overall that the tree felling and clearance will largely be restricted to semi-natural broad-leaved woodland and that marshy grassland and swamp communities will not be directly affected by the development.
- 7.21 Therefore whilst the site is within the Ancient Woodland Inventory, the recent survey works conclude that the woodland does not have botanical diversity associated with ancient woodland. Given the limited diversity of the existing woodland it is considered that the public benefits of development would outweigh the loss of the woodland habitat in accordance with Natural Environment Policy 8.
- 7.22 The woodland is not subject to any other designation, in a Conservation Area or covered by a Tree Preservation Order so could be felled independently of the planning process.

#### **Compensatory Planting**

- 7.23 As explained in the previous section the criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Scottish Government Control of Woodland Removal Policy.
- 7.24 The Forestry Commission as the former owners of the site has agreed to provide land for compensatory planting. The proposed compensatory planting would establish 1.5 ha of new native woodland on an open hill in Gleann Riabhach; north west of Aberfoyle adjacent to a Forestry Commission restock area in the Achray Land Management Plan area and will be planted prior to clearance of the site. The proposed compensatory planting would create Birch/Oak/Scots Pine woodland. Additionally the proposals will include replanting more than 100 native species (including early mature Scots pine and oak species) through the centre of the site and around the housing to mitigate the loss of trees on site, provide new habitats and retain the woodland setting. This would be managed in the long term in accordance with a woodland management plan.

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- 7.25 The “public benefit assessment” is not entirely straightforward as the assessment of the potential public benefits associated with compensatory planting has to recognise that it may take many years to match those of the woodland being removed. Nevertheless, and given the assessment of the limited quality of the existing woodland as already set out in paragraphs 7.17 to 7.21, it is considered that the public benefits of securing high quality, energy efficient affordable housing in a small rural community (and the opportunity to redress the lack of housing opportunities and unbalanced proportion of holiday accommodation in Balmaha) outweighs the loss of the woodland at this site.

### **Drainage**

- 7.26 There is currently limited capacity within Scottish Water's Wastewater Treatment Works at Balmaha and it has been advised that the specific concern is in relation to the biological load (domestic foul waste) rather than the flow within the network and so removing surface water would not be beneficial in this case. Scottish Water has advised that a temporary connection would also not be feasible.
- 7.27 The applicant's current drainage proposals ('Proposed Main Drainage Layout' (L(52)01) and 'Proposed Foul Water Layout' (L(52)11) would not address the load issue. The treatment works would only be able to accommodate these proposals once a 'Growth Project' is completed to upgrade the treatment works to increase biological capacity. The applicant formally submitted a request to Scottish Water to initiate such a project and Scottish Water has confirmed that they have initiated the required project. The upgrading works to the Waste Water Treatment Plant is currently estimated to take 4-6 years and only at this time would the treatment works be able to accommodate the domestic foul flows from the proposed development. It is however possible that an alternative option for the pre-treatment of foul drainage on site could be developed, allowing an earlier connection to the existing waste water treatment works.
- 7.28 Natural Environment Policy 12: Surface Water and Waste Water Management states that development within or adjacent to publicly sewered areas must connect to the public network unless the development is in an area where connection to the public sewer is not possible due to lack of capacity, and in such cases a private wastewater system must be designed and built and the development is required to connect to the public system once the connection is available. In this case SEPA have advised that they would not accept a private wastewater system and therefore connection to the public treatment works and the proposed “Growth project” is required.
- 7.29 This issue does not prevent the planning application being progressed to determination but if Members are otherwise minded to approve the application a suspensive condition is required to ensure that ground works do not start until a connection has been granted by Scottish Water.
- 7.30 In terms of surface water drainage the proposed development incorporates the principles of Sustainable Urban Drainage Systems (SUDS) with areas of hardstanding minimised by design and porous pavements proposed for courts and parking spaces. A surface water drainage system is proposed with a soakaway and it is proposed to discharge to the eastern burn immediately upstream of the B837. The proposed surface water drainage would accord with Natural Environment Policy 12 which requires all developments to incorporate SUDS into the overall design.

### **Flooding**

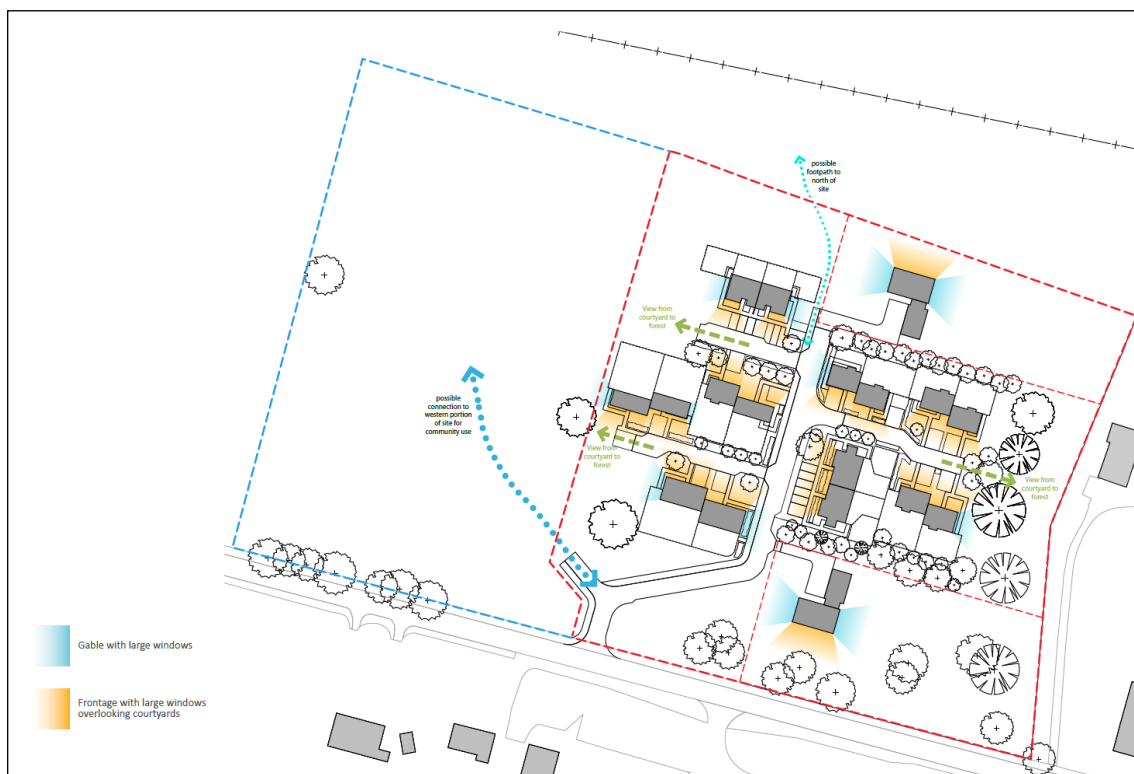
- 7.31 The SEPA indicative flood maps indicate that the site is not within an area at risk of flooding from fluvial or surface water; however a minor watercourse (with a catchment area less than the 3km<sup>2</sup> threshold used for inclusion within the Flood Map) flows along

the eastern site boundary and has culverted sections. SEPA advised that they have no record of historical flooding in the area but that the watercourse could represent a potential flood risk. In addition a small unnamed burn crosses the site flowing from west to east and there are a number of informal land drainage systems and ditches within the site that direct flow towards the burns and a culvert in the south east corner of the site. A Flood Risk and Drainage Strategy was submitted in support of the application and this report suggested that flood risk to the site is likely to occur from the overland flow of surface water given the informal land drainage systems across the site which are of too small a scale to be picked up by the SEPA flood maps.

- 7.32 The proposed mitigation to the existing flood risk is to divert the burn flowing across the site and the informal land drainage systems south and around the proposed properties. This would require a culvert under the proposed access road. SEPA have advised that they require the applicant to liaise with them further on the proposed diversion of the watercourse to ensure that all engineering works proposed at the site are agreed and authorised by SEPA, as per the requirements of the Controlled Activity Regulations.
- 7.33 Local Development Plan Natural Environment Policy 11: Protecting the Water Environment gives a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. In this case the culverting of the minor watercourse and informal drainage systems through the application site is necessary in order to mitigate against any flood risk to the proposed residential properties.

### **Site Layout, Climate Friendly Design and Access**

- 7.34 The proposed layout is characterised by a cluster of courtyards accessed via short spurs extending from either side of a central spine road with access taken from the B837. The affordable houses consist of 1, 2 and 3 bed units across a range of sizes comprising both single and double storey arrangements. In curtilage parking would serve the houses, a shared parking court would be designated for the cottage flats together with visitor spaces. Plots to be sold as open market self-build opportunities are proposed to the north and south of the eastern aspect of the proposed development site. The proposed design for these self-build plots is two and a half storey 5 bedroom houses with attached garages. A clear separation is proposed between the B837 public road and the proposed building footprints. See Figure 5 Proposed Layout below.



**Figure 5: Proposed Layout**

- 7.35 The proposed layout diagram above shows that the development has been designed with large windows on gable ends and frontage with large windows overlooking courtyards. Views from the courtyards to the woodland areas would be a feature of the site.
- 7.36 Balmaha has a dispersed development pattern with development set back from the road edge screened by trees and hedges. The South Buchanan Rural Development Framework that supplements the Local Development Plan provides detailed guidance for development proposals within the southern part of the Buchanan Community Council area which extends from Balmaha to Buchanan Castle Estate. The guidance identifies the application site for development and outlines key characteristics and design principles for Balmaha.
- 7.37 The proposed development would reflect the existing development pattern in Balmaha as the housing would be set back from the road edge and the tree lined approach to Balmaha along the B837 would be retained. It is considered that the proposed development would provide low density quality housing in a woodland setting, see figure 6 below.
- 7.38 The proposed development has been designed to provide energy efficient homes, which would minimise heat loss and benefit from solar gain. Walls, roofs and floors would be highly insulated and solar thermal panels and air source heat pumps are proposed to generate domestic hot water. The proposed dwellings would accord with the principles of Overarching Policy 1 of the Local Development Plan by contributing to the National Park being a low carbon place and would accord with the Design and Placemaking Supplementary Guidance on designing developments with energy conservation and zero/low carbon technology.





**Figure 6:** *Artists Impression of proposed courtyard with woodland to the rear*

- 7.39 The materials proposed for the houses and flats include Scottish larch cladding, white render, dark slate effect roofs and timber windows with final details of materials to be agreed by condition. The proposed materials would accord with both the Design and Placemaking Supplementary Guidance and the guidance on materials within the Buchanan South Rural Development Framework.
- 7.40 The proposed development would accord with Housing Policy 1 by providing a diverse range of housing types, sizes and tenures and would accord with the design guidance within the South Buchanan Rural Development Framework. This document sets out that new development should aim for variety in massing and scale and reflect Balmaha's variety of building materials and styles with a contemporary approach to design adding character to the area.

### **Natural Heritage**

- 7.41 The application site is not a designated nature conservation site; in terms of legally protected species a thorough ecological survey has been carried out as well as a further botanical survey. As part of the supporting information for the application the applicant prepared an ecology report which addresses bats, otters, badgers, pine martin, red squirrel, water voles, reptiles and birds. These surveys have concluded that badger, pine martin and water vole are considered to be absent from the development area and that there would be no significant effects on these species as a result of the development.
- 7.42 The ecological report concludes that the impact of the proposed development on bats is likely to be low and not significant, no roosts would be disturbed or lost and the clearance of the woodland from some of the survey area is unlikely to result in a significant loss of foraging habitat for bat species. The report states that the proposed development could yield some positive impacts on bat species by opening up the woodland through felling creating an increased edge habitat with more linear features and open space for foraging bats.

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- 7.43 The Ecology report includes an otter survey which explains that during initial survey work on the site a potential resting/holt structure was identified on the western boundary of the site. Monitoring of the area has yielded little evidence of further otter activity in this area despite camera monitoring pre-rhododendron removal and after.
- 7.44 An assessment of the site suggests that red squirrels are not using the proposed development area and that the proposed development would not result in any significant effects on the species; however the report recommends that as a precaution trees should be checked again for dreys before any felling is undertaken. A condition has been proposed which requires that further survey work is undertaken prior to commencement of development to safeguard protection species and nature conservation.
- 7.45 The ecology survey work identified that the only part of the site with suitability for reptile species is the southern margin of the proposed development area, during survey work a single slow-worm was recorded on the grass edge at the southern margin of the site. The survey work concluded that it is likely that this margin of the site supports a small population of slow-worm and possibly common lizard and that potential reptile habitat could therefore be affected by the proposed development. Impacts would be limited however to the area where access would be made on the southern boundary. The report suggests mitigation measures to avoid harm to any potential reptiles and these measures have been included as proposed conditions.
- 7.46 During the ecological survey work robin, tawny owl, chaffinch, blackbird and long-tailed tit were all recorded within the site, however the ecology report states that the site largely provides sub-optimal nesting bird habitat as it is dominated by young birch trees and lacks a well-developed ground layer. The ecology report concludes that although some nesting habitat will be lost as a result of felling and clearance works the effect is unlikely to be significant on local bird populations provided that clearance is carried out outwith the nesting bird season. Again this timing can be addressed by condition.
- 7.47 The Botanical Survey submitted as part of this application concluded that the woodland is of limited botanical diversity and the species composition of the canopy and ground layers have been affected by both non-natural modification and disturbance from draining and planting with conifers and colonisation by rhododendron. Almost all of the plant species found on site are common in Britain generally and none are classified as Nationally Rare or Nationally Scarce.
- 7.48 Therefore in terms of Natural Heritage it is considered that with appropriate mitigation measures and a habitat management plan in place the proposed development would not adversely impact on protected species or nature conservation interests.

### **Landscape**

- 7.49 A Landscape Assessment was undertaken focusing on views from Conic Hill and The West Highland Way as well as views from the B837 to the site. The retention of the woodland edge and the existing stone boundary wall along the B837 would ensure that the proposed development successfully integrates with the local landscape and the woodland setting of the site would be retained and enhanced.
- 7.50 In terms of landscaping proposals for the site, to mitigate for the loss of trees from the site and to enhance the woodland setting of the proposed development it is proposed to plant approximately 100 native species trees through the centre of the site and around the housing to provide new habitats and retain the woodland setting. Hedges are proposed at key areas within the site and wildlife corridors will be created with tree planting. Fencing and paving will be in natural materials to fit into the existing

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landscape. Rural Stirling Housing Association intend to implement a landscape management strategy which will include the management of the remaining woodland and rhododendron.

- 7.51 Careful consideration of the boundaries of the site and the overall landscape strategy through the agreement of final landscaping proposals for the site will be managed by condition.

### **Residential Amenity**

- 7.52 The application site has two neighbouring residential properties to the east and to the south of the application site on the opposite side of the B837 there are the Loch Lomond Waterfront holiday accommodation units. To both the western and northern boundaries are wooded areas. Given the distances between the proposed residential properties and the existing residential and holiday units the proposal does not raise any concerns in terms of residential amenity. Significant buffer zones will be provided by existing and supplementary woodland at the boundaries of the site.

### **7.53 Representations**

The representations submitted in relation to this application are acknowledged and all points 'material' to the consideration of this application and have been summarised in section 4 of this report with an "officer response" when appropriate. The key determining issues and the corresponding planning assessment are captured under this section (section 7) of the report and the balance of considerations are drawn together in the conclusion.

### **7.54 National Park Aims**

The proposal must be assessed as to whether it contributes to the National Park aims, as required by Local Development Plan Overarching Policy 1: Strategic Principles which states that all development should contribute to the National Park being a successful, sustainable place by contributing to the collective enhancement of the 4 aims of the National Parks (Scotland) Act, and giving greater weight to the first aim of the National Park if it appears to be in conflict with other National Park aims.

- 7.55 With regard to the first aim there are no specific natural heritage designations on the application site, the site is allocated for housing within the Local Development Plan and the proposed housing would be well integrated with its surroundings with the retention of the woodland setting, additional tree planting, appropriate design and materials and a landscaping scheme. Whilst trees would be felled to facilitate the development, a significant number of trees will be retained on the site including the mature oak trees and it is proposed to plant 100 native species throughout the site. In addition compensatory planting would establish 1.5 ha of new native woodland. Protected species will be safeguarded through further survey work and appropriate mitigation measures. It is therefore considered that the proposal is in accordance with the first aim.
- 7.56 With regard to the second aim and the sustainable use of natural resources, as above mature species within the site will be retained, a SUDs drainage system will service the development and the proposed houses and flats have been designed be energy efficient and with low carbon technology, in accordance with the second aim.
- 7.57 The site is within Balmaha with access to local services and public transport, woodland will be retained on the site and will be enhanced through a Woodland Management Plan and the proposed development would integrate with the surrounding landscape, in accordance with the third aim.

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- 7.58 There is clear evidence of strong demand for affordable housing in Balmaha and the proposed development would contribute to the sustainable economic and social development of the area's community in accordance with the fourth aim.
- 7.59 There is no conflict between the first and the other aims; therefore, there is no requirement to invoke the "Sandford Principle" (Section 9 (6) of the National Parks (Scotland) Act 2000) giving greater weight to the first National Park aim.

## 8. CONCLUSION

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that proposals are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 8.2 Although representations have been submitted by individuals and groups that object to the principle and the detail of the proposal, these have been carefully considered and either do not raise material considerations of sufficient weight to justify refusal of planning permission or can be mitigated, or evidence has been provided to address concerns.
- 8.3 The proposal for 20 units of affordable housing and 2 self-build housing plots is supported because the site is identified as an allocated housing site within the Adopted Local Development Plan and there are no objections from statutory consultees. The proposal would comply with the relevant Local Development Plan policies and would provide high quality, energy efficient affordable housing in a woodland setting and would relate to the existing development pattern, scale and design of development in Balmaha and integrate into the rural village setting.
- 8.4 There is strong community support for the proposal, with individual representations and a petition submitted in support of the proposed development as well as support from Buchanan Community Council.
- 8.5 A detailed assessment has been undertaken of the woodland at the site, including a tree survey, ecological survey and a botanical survey. Whilst the woodland is recorded on the Ancient Woodland Inventory this identifies the mapped continuity of woodland on the site and does not indicate the current quality of the woodland on site. The assessments undertaken as part of this application found that the woodland does not have botanical diversity associated with ancient woodland. Given the low quality of the existing woodland, it is considered that the public benefits of development would outweigh the loss of the woodland habitat. In addition, the woodland at the site would be enhanced by a Woodland Management Plan and further tree planting and landscaping proposals and an area of compensatory planting has been secured within the National Park.
- 8.6 There remains an issue of foul drainage connection to resolve, however there is the prospect of a connection being achieved and a condition requires this to be further addressed and confirmed prior to development commencing on site. Planning permission being granted for the development would enable the applicant to release funding to investigate further alternative foul drainage solutions meaning that a connection could be achieved earlier than the anticipated completion of the Growth Project.
- 8.7 The proposal presents an opportunity to deliver a range of new affordable housing within one of the key areas of the National Park where an affordable housing need has been established. The proposal accords with the Local Development Plan and

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there are no material planning considerations which would outweigh the provisions of the plan. It is therefore recommended that planning permission is granted with conditions.

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

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0399/DET'*

**List of**

**Appendices:** *Appendix 1 - Conditions and Informatives*

## **Appendix 1: Planning Conditions and Informatives**

### **Conditions**

1. Affordable Housing: The development hereby approved shall provide 20 affordable homes in perpetuity, including 10x social rented, 6x low cost home ownership (shared equity) and 4x key workers accommodation either to be provided as social rent or shared equity. Any alternative tenure of affordable housing shall be agreed in writing by the Local Planning Authority prior to the change, and a justification (including housing needs and demands information) shall also be submitted.

REASON: To ensure the provision of affordable housing and the mix of affordable housing tenure in accordance with Housing Policy 1 and 2 of the Adopted Local Development Plan 2017-2021.

2. Foul Drainage: No work shall commence on the development hereby approved prior to the submission of further details and the written confirmation that connection to the public network for foul drainage has been agreed with Scottish Water and will be provided. In the event that an alternative proposal for foul drainage is proposed this must be first agreed with the planning authority and may require the submission of a further application for planning permission. Notwithstanding this, the approved method of foul drainage shall be implemented prior to first occupation of any building.

REASON: To ensure that the development, once occupied, conforms with the appropriate standards of the relevant Water Authority.

3. Diversion of Water Course: Prior to the commencement of the development hereby permitted further details shall be submitted for the approval of the planning authority of the proposed diversion and culverting of the existing water course and informal drainage ditches. Following this the water course and drainage ditches shall be culverted in accordance with the approved details.

REASON: To mitigate the risk of surface water flooding on the site and to accord with Natural Environment Policy 12 of the adopted Loch Lomond and The Trossachs National Park Local Development Plan.

4. 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 extensions shall be undertaken, nor shall any building or enclosure be provided within the garden curtilage of any of the houses larger than 4sqm, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that such development should be subject to formal control in order to ensure the houses remain a modest affordable size and having regard to the context and setting of the development.

5. Vehicular Access: Vehicular access shall be constructed at right angles to the public road, with a bellmouth formed comprising 6m radii, leading to an entrance throat width of 5.5m. The throat width shall be maintained for a minimum distance of 10m from the edge of the carriageway. The access should be formed with a vehicular dwell area (initial 5m from the nearside edge of the public road) of gradient 0 – 2% and which thereafter achieves a gradient of no greater than 6.67% (1:15 ). Visibility shall be provided and maintained by forming visibility splays of 4.5m x 120m in either direction from the centre of the proposed access, within



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which there should be no obstruction to visibility above carriageway level, thus allowing vehicles exiting the development to see and be seen by vehicles on the carriageway and join the traffic stream safely. The applicant must demonstrate that they have ownership / control of sufficient land to create and preserve the requirements.

REASON: To ensure vehicular and pedestrian safety.

6. Swept Path Analysis: A swept path analysis showing the manoeuvrability of HGV's and other service vehicles negotiating the new access road within the site is required. If the design of the road layout requires amending as a result of this analysis then the amended plans shall be first submitted and agreed in writing by the planning authority.

REASON: To ensure the service vehicles (such as bin lorries) can negotiate the new access road and any final amendments are agreed.

7. Access/Road: The design and construction of all roads, 2m footways, sustainable road drainage (SUDS) and street lighting, within the proposed residential development, shall be in accordance with the requirements of Stirling Council's "Development Roads Guidelines and Specification", which upon their satisfactory completion would be considered for adoption by Stirling Council.

REASON: To ensure the roads are designed in such a manner than result in adoption of the road access.

8. Driveway Access/Dimensions: Driveways and car parking areas shall be dimensioned 3 metres wide x 5.5 metres long (single car) or 3m wide x 11m long, or 5.5 metres wide x 5.5 metres long (2 cars). Driveways shall be at right angles to the public road and served via a standard or extended footway crossing point. The gradients shall not exceed 1:10 and shall be suitably drained and surfaced to ensure no surface water is discharged or loose material carried from it onto the adjacent road. Where driveways fall towards the access road, a surface water interceptor drain should be provided across the driveway to the rear of the footway to ensure that no water discharges out over the footway. Any access gates shall open inwards only.

REASON: To ensure adequate provision for off street car parking, vehicular and pedestrian safety.

9. Driveway Visibility: There should be no obstruction to visibility over 1.05m in height above road level within 2.0m of the carriageway edge over each plot's frontage with the road. Any proposed landscaping, including trees and hedging, should not encroach on or obstruct the visibility splays or envelopes.

REASON: In the interests of road safety.

10. Ecology Report: Pre-development surveys shall be carried out strictly in accordance with the recommendations of the Ecology Report prepared by Etive Ecology (dated December 2016) in relation to bats, pine martin, red squirrels and breeding birds, unless otherwise approved in writing by the Planning Authority. The surveys should be submitted to the planning authority for approval prior to ground clearance works and development.

REASON: To safeguard protected species and nature conservation interests and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

11. Pre-Commencement Otter Survey: Prior to commencement of development hereby approved, the otter shelter identified in the Ecology Report by Etive Ecology dated December 2016 shall be monitored for three months prior to ground clearance works to determine mitigation and/or need for a licence for disturbance. The monitoring report shall be submitted to and approved in writing by the planning authority for approval to start works on site.

REASON: To safeguard protected species and nature conservation interests in accordance with adopted local development plan Natural Environment Policy 4: Legally Protected Species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

12. Badgers: Prior to commencement of development hereby approved, a walkover survey for badgers shall be undertaken. A summary report shall be submitted to and approved in writing by the planning authority prior to works on site.

REASON: To safeguard protected species in accordance with Natural Environment Policy 5 Species and Habitats.

13. Compensatory Tree Planting: Prior to commencement of the development the 1.5ha of new oak, birch and scots pine compensatory native tree planting in Gleann Riabhach in the Achray Land Management Area (EIA Determination Number 300) (or another alternative location agreed with the planning authority) shall be planted and confirmation of the planting being completed shall be submitted to the planning authority prior to start of works on site.

REASON: To compensate for the loss of the native woodland to be removed to accommodate the dwellings in accordance with the National Park's local development plan Natural Environment Policy 8 in relation to semi-natural woodland.

14. Woodland Management Plan: The woodland surrounding the proposed houses, within the application site boundary, must be managed in accordance with a 5 year Woodland Management Plan, first submitted to and approved in writing by the planning authority. All subsequent revisions of the 5 year Plan must be approved in writing by the planning authority. For the avoidance of doubt no tree within the woodland management plan area shall be topped, lopped or felled without the prior approval of the planning authority.

REASON: In the interests of visual amenity and protect the woodland from gradual erosion due to the close proximity of the housing and to accord with adopted local development plan Natural Environment Policy 8 Development Impacts on Trees and Woodlands.

15. Tree Protection: Tree felling within the development site shall be undertaken in accordance with Drawing (PP) 11 Rev A – Tree Felling Proposals, received 27 Feb 2018, or any amended version agreed with the planning authority. A Tree Protection Plan shall be submitted and approved in writing by the planning authority prior to the commencement of construction works.

REASON: To protect the trees in the adjacent woodland from root damage and to accord with adopted local development plan Natural Environment Policy 9 Woodlands on or adjacent to development sites.

16. Details of Landscaping: Prior to the commencement of construction works within the development site, a 5 year landscape scheme/plan shall be submitted to and

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approved in writing by the Planning Authority for all landscape areas, other than small privately owned domestic gardens, including long term design objectives, management responsibilities and maintenance schedules (including review period) shall be submitted to, and approved in writing by the planning authority prior to the first occupation of the development or any phase of the development whichever is sooner. The said scheme/plan (at a scale of 1:500 or greater) shall include:

- a) proposed finished levels or contours
- b) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths
- c) any new walls, fences, hedges, gates
- d) any minor structures (e.g. furniture, play equipment, refuse or other storage units) and
- e) existing trees and hedgerows to be integrated into the scheme
- f) planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and include some native planting.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings. In order to ensure the landscape plan maximises the ecological gain and compensates the tree removal.

17. Materials: Prior to the commencement of development hereby permitted, a revised schedule of the:

- a) external built finishes and materials,
- b) roof coverings,
- c) external wall finish,
- d) windows and doors,
- e) rainwater goods,
- f) roads path, paving and surfaces

shall be submitted for the written approval of the Authority. At the request of the Authority samples of the materials proposed for use during implementation of the development shall first be submitted for the written approval of the Authority. The development shall thereafter be implemented to accord with the approved details and samples unless otherwise agreed in writing by the Authority.

REASON: To ensure details are acceptable in the interested of amenity of the area and in accordance with the objectives of Overarching Policy 2 and the Design and Placemaking Guidance of the Adopted Local Development Plan 2017-2021.

18. External Lighting: An external lighting plan shall be produced with a lighting management strategy. Details of design and any positioning of any outdoor lights should be submitted and approved by the Planning Authority prior to their installation

REASON: To lessen landscape impact and possible impact on otters.

19. Hours of construction: No machinery shall be operated, no activities carried out and no deliveries received or despatched from the site outwith the hours of 8:00am to 6:00pm Monday to Friday, and 9:00am to 1:00pm on Saturdays, nor at any time on Sundays on any recognised Scottish Bank Holiday; unless otherwise agreed in writing by the Planning Authority. This limitation does not apply to internal works that are not audible at the boundaries of the site.

REASON: To protect the occupants of nearby properties from excessive noise/disturbance associated with the implementation of this permission in

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accordance with the objectives of Overarching Policy 2 of the adopted Loch Lomond & The Trossachs National Park Local Development Plan.

20. Bin Store: No development of the flatted development shall commence until the design details of the communal bin store has been submitted to and approved in writing by the National Park. The new communal bin store shall be complete and available for use prior to the first occupation of any flat.

REASON: To exercise planning control over the design and appearance of the bin store.

21. Zero Carbon technology: The solar thermal panels and air source heat pumps as proposed, shall be installed prior to the first occupation of the houses hereby approved. Further details, including revised elevation drawings, of the pumps and the panels shall be submitted and approved in writing by the planning authority prior to installation. If there is a change to the technology then this shall be first approved in writing by the planning authority.

REASON: To ensure the detailing and siting of the panels and units do not cause adverse impact on the design and appearance of the development and to comply with Policy OP2 in relation to providing 10% of energy requirements from zero and low carbon technology.

22. Construction Management Plan: At least one month prior to commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the planning authority. The CMP shall detail the following matters in particular:

- Details of sediment control during the construction phase including contingency plans designed to prevent run-off from entering the watercourse during construction.
- Measures to control the emission of dust and noise during construction
- Arrangements for storing plant and materials used in constructing the development

Thereafter all works shall be carried out in accordance with the agreed CMP.

REASON: To minimise the impact of the construction phase on the surrounding environment, including the amenity of neighbouring properties during construction.

23. Protection and repair of boundary walls: Prior to the commencement of the development hereby approved, details of a scheme for the protection and repair of the drystone walls to the site boundary shall be submitted to, and approved in writing by, the planning authority. All works shall be carried out in accordance with the agreed details.

REASON: To ensure the retention of the landscape character of the site.

#### Informatives:

1. **Duration of permission**: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
4. **Surface Water Management:** The surface water drainage system shall be designed to the requirements and satisfaction of SEPA, The Water Authority and Stirling Council, taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in 'SUDS for Roads'. The SUDS strategy will include details of measures to be employed during the construction phase of the project.
5. **Waste Management:** Waste collection provisions shall be in accordance with Stirling Council Supplementary Guidance SG19: Waste Management – Requirements for Development Sites.
6. **Roads Construction Consent:** The applicant will require to apply to Stirling Council Roads Authority for Roads Construction Consent for the construction of the new access road footways verges and associated works prior to the works commencing on site.
7. **Private Foul Drainage/Water Supply** - This permission does not relate to the provision of foul drainage facilities and public water connection. In the event that the proposed development cannot be connected to the public water and wastewater network then contact SEPA and ourselves in order to clarify whether a further planning application or other consents would be required for installation of separate private foul drainage facilities or water supply.