



Delegated Report

Report of Handling

Application Number:	2013/0024/DET
Location:	Land At Site Of The Former Marie Stuart Hotel, Auchraw Terrace, Lochearnhead.
Proposal:	Erection of 3 No. dwelling houses
Case Officer:	Craig Jardine
Target Decision Date:	14 Apr 2013
Decision Level:	Delegated

1.	<p>Introduction:</p> <p>The site (0.58 ha) is located within Lochearnhead, to the north of the A85 trunk road. The site, part of which was formerly occupied by a hotel ('Marie Stuart Hotel') and a house ('Waverley Cottage'), is now vacant and currently overgrown whilst containing a number of semi-mature and mature trees. A gated site access exists from Auchraw Terrace.</p> <p>The site is located within SEPA's 1 in 200 year flood risk area.</p> <p>Permission for the erection of six houses was refused by Loch Lomond & The Trossachs National Park on January 2005 and was subsequently allowed on appeal on November 2005. This planning permission remained unimplemented and eventually expired on Nov 2010.</p> <p>Thereafter, the current planning application was submitted with the original proposal also being for six houses of the same layout, design and with the same proposed access (via Auchraw Terrace) as was previously allowed on appeal in 2005.</p> <p>Following amendment of the scheme for six houses by the applicant (discussed in more detail in section 7 of this report), it is now proposed to erect three detached one and a half storey dwellinghouses within the site with access via the A85 trunk road. The one and a half storey dwellings would each be orientated to front the A85 and would be aligned in a row. The average plot area measures 690m² and the frontage of each plot measures approx.19m in width. The dwellings would generally be of traditional appearance in form, design and finishes. Connection to the public water and drainage systems is proposed. At the applicant's request, it is the application for three houses which is assessed in the determination of this application.</p>
-----------	---

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 1 of 7

2.	Relevant Planning History
	2004/0335/DET - Demolition of cottage and erection of six dwellinghouses. Refused on 27 January 2005 and subsequently allowed on appeal (ref: 2005/046/REF, dated 16/11/05).
3.	Policy Context
	<p><u>National Park Aims</u></p> <p>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:</p> <ul style="list-style-type: none"> (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 the 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. <p><u>National Park Local Plan (Adopted 2011)</u> <u>Relevant Policies:</u> Policy NP1 – Development in the National Park Policy HOUS1 - New Housing Development in Settlements Policy HOUS6 – Meeting the Range of Housing Needs Policy TRAN3 – Impact of New Development on the Road Network Policy TRAN6 – Parking Provision Policy D1 – Design Quality Policy SUSDEV1 – Sustainable Development Policy ENV11 – Connection to Sewerage and Water Supply Policy ENV12 – Surface Water Drainage Policy ENV16 – Development in Medium to High Flood Risk Areas</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Partnership Plan (2012-2017)</u> <u>Relevant Policies:</u> Rural Development Policy 1 – Sustaining our Population Rural Development Policy 2 – Spatial Development Strategy Rural Development Policy 7 – Sustainable Design and Construction</p> <p><u>Housing Development Supplementary Planning Guidance (2012)</u> <u>Housing Development Supplementary Planning Guidance Delivery Notes (2012)</u> <u>Sustainable Design Supplementary Planning Guidance (2012)</u></p> <p><u>Scottish Planning Policy (February 2010)</u> Para 66: Housing Para 86-88: Affordable Housing Para196: Flooding and Drainage</p> <p><u>PAN2/2010 – Affordable Housing and Housing Land Audits (Aug 2010)</u></p> <p><u>Letter from Chief Planner – Planning for Affordable Housing (dated 15/03/2011)</u></p>
4.	Consultations
	<p><u>SEPA</u> <u>Response dated 29 Nov 2013 (following submission of a FRA and amended site layout for three houses)</u> No objection, subject to condition that no development or built development or land raising takes place within the 1: 200 year flood area (for Loch Earn) – as detailed in the submitted FRA by Allen, Gordon & co, dated May 2013.</p>

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 2 of 7

Stirling Council - Flood Prevention

No response received.

Transport Scotland

Response dated 7 May 2013

Transport Scotland would have a preference for a single access to be taken from the Trunk Road at a point located approx. at the bend just east of the Lochside Café access. The exact location would be determined from setting out the visibility splays in accordance with the Design Manual for Roads and Bridges, Volume 6, TD41/95. All other field accesses to the parcel of land would require to be closed. For the avoidance of doubt Transport Scotland would request that the new access be formed and visibility splays provided prior to any works commencing on site.

A footway should be provided along the boundary of the site adjacent to the Trunk Road extending from the new access westward to the junction of Auchraw Terrace in order to tie into the existing footway network. In a easterly direction from the new access to the boundary of the site a 2 m wide service strip adjacent to the Trunk Road should be provided.

(revised plan showing access via the Trunk Road was subsequently submitted by the applicant on 18 July 2013)

Stirling Council – Roads

Response dated 7 May 2013

An improved access from the trunk road would be preferable.

Stirling Council would allow a private access for up to four dwellings. Stirling Council would look to adopt an access road serving five or more dwellings, so it would need to be designed and constructed to adoptable standards.

(revised plan showing access via the Trunk Road was subsequently submitted by the applicant on 18 July 2013)

Scottish Water

No response received.

National Park - Forward Planning

Response based on original scheme of six houses

The site is located within the existing settlement of Lochearnhead. The adopted local plan outlines a requirement for affordable housing on all allocated and infill sites of four or more units. New housing development in Lochearnhead is identified as having a 50% affordable housing requirement as per Policy Hous1.

The Housing Development SPG provides further guidance (pages 5-7) in terms of the practical application of policy HOUS1.

In consideration of the above policy and with regard to the proposed development, it is advised that there will be an affordable housing requirement for this development amounting to 3No units (50% of the total proposed number of units).

The information submitted by Stirling Council provides sufficient evidence that there is a requirement for affordable housing within the National Park and on this site. This information confirms that the National Park should insist on affordable housing for this site.

National Park - Ecology

No comments received.

National Park - Trees And Woodland

No comments received.

5. Summary of Representations	
	No letters of representation received.
6. Summary of Supporting Information	

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

A Flood Risk Assessment report was submitted in support of the application (conducted and prepared by Allen, Gordon & Co, dated 6th May 2013).

7. Planning Assessment

This application is duly considered in accordance with the relevant provisions of the development plan, unless other relevant material considerations indicate otherwise. On this basis, the following assessment of the application has been made:

The main issues to be assessed in this application, in relation to the development plan policies and other material considerations, are principle of development, road safety/access, design and layout, and tree/woodland issues.

Principle of Development

The application must firstly be considered against relevant housing policies contained within the Local Plan.

Policy HOUS1 of the adopted National Park Local Plan is the relevant housing policy for assessment of the principle of development of this application. HOUS1, and its associated Table 1, is supportive of new housing development providing a range of different house sizes, types and tenures on allocated housing sites, and appropriate sites within Lochearnhead.

The Housing Need Assessments carried out during the consultative stages of the National Park Local Plan established that the local requirements for affordable housing in the Lochearnhead area were high. For this reason a 50% affordable housing requirement figure for new developments in Lochearnhead was set in the current adopted Local Plan.

As a result Policy HOUS1, Table 1 states that, in Lochearnhead, there will be an affordable housing requirement of 50% for sites of four or more units. This affordable requirement is to be retained in perpetuity and commuted sums will only be supported where on-site provision of affordable housing is demonstrated as not to be feasible.

The HOUS1 'Reason for Policy' states that:

- "All sites should be developed in keeping with the surrounding built form and building density"; and
- "Proposals of under four units are not expected to be supported where a site is considered capable of accommodating a higher density of development."

Contact with Stirling Council, through the assessment of this current application, established sufficient evidence that there is a current requirement for affordable housing within the National Park and in Lochearnhead in particular. As a result, it was concluded by the Council that the National Park should ensure that some affordable housing provision results from this development.

The adopted guidance contained with the National Park's Housing Development Supplementary Planning Guidance provides a more detailed supplement to the Local Plan's Housing Policy and also reflects the following government guidance and planning advice.

Scottish Planning Policy (SPP) supports the inclusion of a percentage of affordable housing in new developments where this is justified by the housing need and demand assessment and is included in the local housing strategy and development plan. Scottish Planning Policy recognises that innovative and flexible approaches to delivering a suitable number of affordable housing are necessary in rural areas (i.e. *social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost housing for sale including plots for self build, and low-cost housing without subsidy*)

PAN 2/2010 advises that the affordable housing policy should be applied constructively and with flexibility in response to financial and market conditions. The key matters where flexibility may be exercised includes: the range of tenures; the percentage of affordable units identified in the development plan policy and on a specific site; provision on another site; and in some cases the use of a commuted

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 4 of 7

sum. PAN 2/2010 goes on to state that: *“The development industry has an important contribution to make to the delivery of affordable housing where a requirement for affordable housing is set out in a development plan. This contribution is likely to be made in a variety of ways, depending on the nature of the affordable housing required.”*

The Letter from Chief Planner of the Scottish Government, entitled ‘Planning for Affordable Housing’ instructs planning authorities to consider developer viability and economic conditions and be willing to respond flexibly to these matters in the application of policy.

The National Park Partnership Plan is the management plan for the National Park and sets out a range of policies which seek to deliver the plan and are also relevant to this proposal, namely: Rural Development Policies 1, 2 and 7. These policies seek to sustain the Park’s population (e.g. access to affordable housing), locate development within sustainable locations (e.g. within settlements) and provide sustainable design and siting which safeguards and enhances the special qualities of the area.

Therefore, planning policy and national policy strongly supports the provision of affordable housing through new housing development sites. Further recent guidance on the various formats of this affordable housing provision is set out in the National Park’s Housing Development SPG. The policy guidance and planning advice directs planning authority’s towards a flexible approach being taken to the application of affordable housing policy. It was recognised at an early stage by the planning officer that a flexible approach to affordable housing could be taken on this site. A summary of the sequence of events with this particular application now follows:

Discussions/Negotiations with applicant/agent –

On the basis of the above policy guidance and advice from Stirling Council on the current affordable housing need for Lochearnhead, the applicant was informed that Policy HOUS1 required that their (original) scheme of 6no. units would require to provide a percentage of affordable housing (i.e. 50% of the total number of units/3no. affordable houses). It was acknowledged that the previous planning permission (ref: 2004/0335/DET allowed on appeal, dated 16/11/05) was for open-market housing only; however, no affordable housing policy existed at that time. This policy guidance was the starting point for discussion, to be followed by further discussions regarding applicable delivery mechanisms, tenure and final affordable percentages.

However, before these discussions could progress, and in knowledge that some affordable provision would be required, the applicant subsequently reduced their proposal from 6no. houses to 3no. houses. This dropped the number of houses below the Policy HOUS1 affordable housing threshold (i.e. four or more houses). This led to the officer’s concerns that this revision was to avoid the affordable housing requirement. Furthermore, the applicant’s scheme presents three large detached houses of a single house type. Accordingly, this fails to meet the Policy HOUS1 aims of providing a range of house sizes/types within new housing developments.

In consideration of this revised proposal for three houses, the ‘reason’ for Policy HOUS1 states that: *“Proposals of under four units are not expected to be supported where the site is considered capable of accommodating a higher density of development”.*

The National Park’s Housing Development SPG also states (in para 5.1) that *“Proposals for less than 4 units will be discouraged where it is considered a higher density is possible, relative to the built environment setting”*

Further to consideration of the proposed site layout itself it was concluded that the surrounding built context does indeed present housing of a similar low density to this layout (to the immediate north-east and east), but there is a greater number of higher density housing elsewhere in the settlement (i.e Auchraw Terrace, Vorlich Road, Auchraw Brae). Therefore it is concluded that there is a mix of densities in the surrounding area and that a higher density than the 3no. houses presented would not be out of keeping with the built environment setting. This analysis of the site and surrounding built context points to the fact that a proposal that consisted of a minimum of 4no. houses would be required if it were to be considered as maximising the site’s potential to enable it to be supported in principle.

Meetings/discussions with the applicant and the applicant’s agent took place to both explain the officer’s determination and explain the options available for providing some on-site affordable housing provision. The principle of alternative schemes was discussed - for example, a development of 4no. houses with at least 1no. affordable house provided on-site; and other layouts that could offer a greater number and

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34’24”W Lat: 56°00’12”N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 5 of 7

range of house sizes and types. Furthermore, the various options of affordable housing delivery and tenure were also discussed.

On the basis of the Housing Development SPG's sequential approach (para 6.7) it was agreed with the applicant's agent that contact would be made, by them, with the local Registered Social Landlord with a view to firstly establishing their interest of providing on-site affordable provision, before the alternative delivery/tenure options would be investigated.

It is believed that these discussions were underway between the agent and the local RSL; however, at this point the applicant notified the planning officer that they would not be proceeding with any affordable housing provision and requested that the application be determined on the basis of the 3no. open-market house layout.

Conclusion – It is concluded that the proposal for 3no. houses fails to comply with the terms of Policy HOUS1 and the guidance contained in the Housing Development SPG as the site is capable of providing more units (and thus some affordable housing provision) and no mix of size or type of house is proposed. As a result, it is recommended that the principle of development cannot be supported.

Whilst the principle of development cannot be supported, the remaining elements of the development are considered below for completeness.

Flood Risk

Further to analysis of the site and submission of a report of findings by the applicant's consultants, SEPA were satisfied that the recommendations set out in the consultant's report and the proposed layout would not place the proposed development at risk from flooding. The application therefore complies with the terms of Policy ENV16 of the National Park Local Plan.

Access & Parking

The proposed single access, visibility splays and parking/turning areas are deemed to be in accordance with the requirements of both Transport Scotland (as Trunk Roads Authority) and Stirling Council (Local Roads Authority).

The following matters would require to be addressed, prior to any works commencing on site:

- all other field accesses being closed;
- the new access formed and visibility splays provided;
- a footway shall be provided along the boundary of the site adjacent to the Trunk Road extending from the new access westward to the junction of Auchraw Terrace in order to tie into the existing footway network; and
- In a easterly direction from the new access to the boundary of the site a 2 m wide service strip adjacent to the Trunk Road should be provided.

Subject to the access being formed in accordance with the submitted plan and being in accordance with the above requirements, it is deemed that the access and parking would comply with Policies TRAN3 and TRAN6 of the adopted National Park Local Plan.

Layout & Design

The layout has largely been determined by the requirements of the flood risk avoidance and visibility splays which has resulted in the large front garden areas and set-back distances.

The large plot sizes and large house size of the 3no. units proposed are unlikely to be appropriate as affordable housing – being “*of a reasonable quality that is affordable to people on modest incomes*” (ref: para 86 of SPP). Therefore, a revised proposal that maximises the site and provides affordable housing would also require some modification of layout and plot and house size. It is considered that there is much scope to devise a layout of at least 4no. houses on the site, whilst meeting the visibility splay and flood risk avoidance zones.

That said, dealing with the proposals in isolation of any HOUS1 assessment, it is determined that the house style is of an acceptable standard of form, design and appearance for the context of the site location.

Park Aims

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 6 of 7

The proposal fails to meet the fourth statutory aim of the National Park which is '*to promote sustainable economic and social development of the area's communities*'. The application therefore does not collectively meet the National Park's aims.

Overall conclusion

The proposal has been considered with respect to the provisions of the development plan and all other relevant material considerations. It is determined that the layout does not maximise the site's potential and that the site could easily accommodate more housing. As such it appears to have been designed to avoid the affordable housing requirements set out in Policy HOUS1 of the National Park Local Plan and also the guidance set out in the National Park's Housing Development SPG. Discussions had begun to take place regarding the percentages, tenure and methods of delivery of affordable housing provision - with intimations that a flexible approach would be taken by the planning authority. Unfortunately, the applicant has decided not to proceed along this affordable housing route and requested that the development of three large open market houses be determined - in knowledge that the application was at risk of refusal. In conclusion, it is recommended that the proposal does not accord with the development plan, that no other material considerations are sufficient to overcome this development plan departure, and as a result the principle of development cannot be supported for approval.

Recommendation:

Refuse

Reasons for Refusal:

1. It is determined that the layout does not maximise the site's potential and that the site could easily accommodate more housing. As such it fails to provide a varied range of house sizes and types and it appears to have been designed to avoid the affordable housing requirements set out in Policy HOUS1 of the National Park Local Plan and also the guidance set out in the National Park's Housing Development SPG. For this reason it represents a development plan departure and cannot be supported for approval.
2. Due to the absence of the provision of affordable housing, the proposal would not promote the sustainable social development of the area's communities (fourth aim). Therefore, it would not collectively meet the four statutory aims of the National Park and as a result would also not comply with Policy NP1 of the National Park Local Plan.

List of Plans

The plans to which this decision relates are listed below:

Title	Reference	Date on Plan*	Date Received
Location Plan	P06		25/01/13
Site Plan	P01		18/07/13
Proposed Floor Plans House Type 1	P02		25/01/13
Proposed Elevations House Type 1	P03		25/01/13
General Flood Risk Assessment	ALLEN GORDON & CO, dated 06.05.13		20/11/13

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

Signed: Craig Jardine
Development Management Planner

Dated: 24/04/14

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

Page 7 of 7