

PLANNING AND ACCESS COMMITTEE

MEETING: NPA/PC/07/2014

DATE: 27 October 2014

REPORT No.	NPA/PC/07/2014/04
SUBMITTED BY:	Director of Operations
APPLICATION NUMBER:	2012/0064/DET
APPLICANT:	Harley Developments
LOCATION:	Scout Hall, Buchanan Place, Callander
PROPOSAL:	Erection of 4 No. flatted dwellings

NATIONAL PARK WARD:	Ward 7- Trossachs and Teith
COMMUNITY COUNCIL AREA:	Callander Community Council
CASE OFFICER:	Name: Vivien Emery Tel: 01389 722619 E-mail: vivien.emery@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This proposal relates to the redevelopment of the site of the former Scout Hall at Buchanan Place, Callander. The site is immediately adjacent to the north bank of the River Teith. The hall has not been used for a number of years. It is proposed to demolish the building (which will be subject to a separate application) and erect one block of flats with 4 no. units and parking fronting Buchanan Place.
- 1.2 SEPA has objected to the application on flood risk grounds and as a result, if approved, the application will require to be notified to Scottish Ministers. The determination of applications that require to be notified to the Scottish Ministers require to be subject of a report for consideration by the Planning and Access Committee in accordance with section 5.13 of the Scheme of Delegation.

2 RECOMMENDATION

That Members: Indicate to Scottish Ministers that the Authority is minded to **APPROVE** the proposed development, subject to the imposition of the conditions contained in Appendix 1 of this report and a legal agreement as set out in Appendix 2 of this report.

3 BACKGROUND

Site Description:

- 3.1 The application site is located near the centre of Callander within a principally residential area. A location plan is contained within Appendix 3 of the Report. It is located within Callander Conservation Area. Buchanan Place comprises a combination of single and two storey dwellings and a single storey nursing home. The application site is located between Buchanan Place to the north and the River Teith to the South. A public footpath along the river bank is located between the south of the site and the River. This footpath provides access into the grounds of the nearby Roman Camp Hotel.
- 3.2 A single storey, dilapidated building, last used as a scout hall, is located within the site. The site is currently overgrown and detracts from the amenity of the area. The hall has now been vacant for a number of years. Photographs of the site are outlined below.



Elevation Fronting Buchanan Place



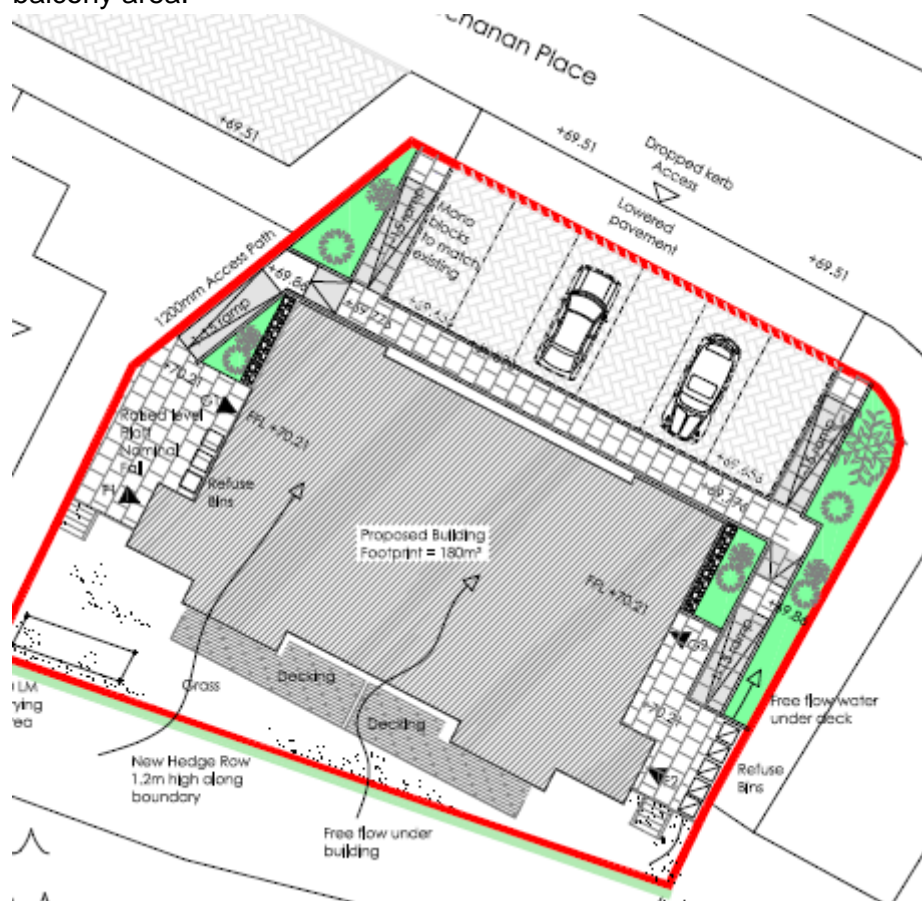
Elevation Fronting the River Teith

Environmental Impact Assessment (EIA):

3.3 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 1999 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance a screening opinion was undertaken and it has been determined that an EIA is not required. The screening opinion is available on the public file.

Description of Proposal:

3.4 The development proposed is for the erection of one block containing 4 two-bedroom flats. A site plan is located below. A total of six parking spaces would be provided at the front and access to the flats would be via side entrances. A small area of decking and garden would be provided to the south for the ground floor flats. The upper floor flats would have a small balcony area.



Site Plan

3.5 The block of flats would be two storey in height. They would be traditional in form with more contemporary glazing arrangements and distinctive projecting flat roof element to the frontage facing the River Teith. The maximum height of the building fronting Buchanan Place would be 9.6 metres. The building would be raised on steel legs to allow for a higher finished floor level and the free flow of potential flood water. The maximum height of the building from the gardens fronting the River Teith would be 10.5 metres. Overall the ridge height of the

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proposed flats would extend to 1.6 metres higher than the adjacent two storey dwelling.

- 3.6 Materials proposed include a concrete tile roof covering and off-white pebble dash render. The side entrances and projecting flat roofed area to the rear will be clad in horizontal timber boarding which would be painted green. Black aluminium windows and doors are proposed. The balconies are to have glazed balustrading.
- 3.7 Planning permission is not required for the demolition of the existing building, however as it is located within the Conservation Area, Conservation Area Consent will be required. The applicant intends to secure this at a later date. Whilst it would have been preferable for both applications to be submitted at the same time, there is no requirement to do so. The principal of the demolition of the existing building will therefore be determined at a later date. It can be however be noted that the existing building does not make a particular contribution to the character of the Conservation Area.

Planning History:

- 3.8 This application was submitted in March 2012. At that time all four of the flats were to be affordable and delivered by Rural Stirling Housing Association. The application was due to be presented to the Planning and Access Committee in August 2013, however prior to its consideration Rural Stirling Housing Association withdrew their interest in the site. Since that time the applicant/agent have been considering their options regarding the re-development of the site.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 4.1 SNH: The proposals lies immediately adjacent to the River Teith SAC. In their view, it is unlikely that the proposal will have a significant effect on any qualifying interests (salmon and lamprey) either directly or indirectly. An appropriate assessment is therefore not required. Given the scale and location of the proposal they consider that mandatory compliance with SEPA's General Binding Rules will be adequate to avoid a likely significant effect.
- 4.2 Stirling Council Roads: no objection to the proposal submitted provided conditions relating to vehicular access, parking bays and street lighting are attached to any consent granted.
- 4.3 SEPA:
Response Dated 30 September 2014 – they maintain their objection to the planning application on the grounds that the engineered design solution now being proposed for the development may place buildings and persons at flood risk contrary to Scottish Planning Policy. With regard to the strategy as proposed in the current submissions they would confirm that SPP states that "elevated buildings on structures such as stilts are unlikely to be acceptable" It is SEPA's opinion that stilts are not a sustainable method for flood risk management due to the possibility of blockage from the structure, the potential for scour of the stilts structure, level changes over the design life and possible land subsidence.

They are of the opinion that the development site is at high risk of flooding and cannot support the development proposal as it is contrary to Scottish Planning Policy, contrary to duties placed upon them under the Flood Risk Management Act (Scotland) and contrary to

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their policies. SEPA would only be in a position to support the redevelopment of the site to one of a similar use (not a more sensitive use) and one which does not increase the risk of flooding locally.

Response dated 13 May 2013 – as outlined previously they are of the opinion that the development site is at high risk of flooding and cannot support the development proposal. They note that the consultant has provided information in response to their last consultation response. They are still of the opinion that the development site is at risk of flooding based on the information submitted in earlier applications but also the more recent information contained with the FRA which states that Stirling Councils flood study predicts a level of 69.9mAOD.

Response dated 17th April 2013 – object to the proposed development on the grounds that it places buildings and persons at flood risk contrary to Scottish Planning Policy and PAN69. They are of the opinion that the hydraulic model used by the consultant under predicts the risk of flooding. Although there are a number of issues with the hydrological and hydraulic model (SEPA is of the opinion that the model underpredicts the risk of flooding), they would not request that further modelling is carried out. They are of the opinion that the development site is at risk of flooding based on the information contained within the Flood Risk Assessment (FRA) commissioned by the applicant and also in reviews of previous flood studies. The proposal in their view increases the risk of flooding by placing more people in a flood risk area and displacing flood water to neighbouring areas via the proposed raising of the site and the larger footprint of the building.

Response dated 30th April 2012 – They object to this planning application on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. The new development will increase the footprint of the development when compared to the existing scout hall. If the site was shown to be at risk of flooding from a 1 in 200 year flood event (based on the findings of a FRA), increasing the footprint would increase the risk of flooding to neighbouring areas. Furthermore the proposal is for a change of use to a more sensitive use and this should be taken into consideration when reviewing the planning application and FRA. They would highlight that if the findings of the FRA showed that there was a significant risk of flooding and unable to sustainably mitigate the risk of flooding, they are likely to object in principle to the proposed development.

4.4 Stirling Council, Assistant Flood Officer:

Response dated 1 October 2014 - Having reviewed the revised design, the removal of the footprint from impacting on the floodplain and taking into consideration that this is a brownfield site we would be prepared to remove our objection provided certain conditions are met:

1. FFLs no less than 70.21 mAOD.
2. No land-raising within the functional flood plain.
3. Flood Resilient construction inclusive of a non-return valve on foul and surface water discharge.
4. SuDs to be positioned out-with the functional floodplain (above 69.9 mAOD).

Response dated 10 April 2013 - Recommend that the application be refused on the grounds of flood risk. If the National Park decide to accept the risk and approve the application the site layout should be reconsidered to remove more of the building from the flood plain. It is also recommend that conditions regarding finished floor levels, no land raising, access, flood resilient construction and SUDS be attached to any consent granted.

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Representations Received:

4.5 None received at the time of writing the report.

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 Clackmannanshire and Stirling Structure Plan (Approved 2002)

Relevant Policies

- H3: Housing to Meet a Range of Needs
- H4: Housing in the Stirling Rural Villages Areas
- ENV9: Water Resources Management

5.4 National Park Local Plan (Adopted, Dec 2011)

Relevant Policies:

- NP1: Development in the National Park
- HOUS1: New Housing Development in Settlements
- HOUS6: Meeting the Range of Housing Needs
- D1: Design Quality
- SUSDEV1: Sustainable Development
- ENV10: Protecting the Water Environment
- ENV12: Surface Water Drainage
- ENV16: Development in Medium to High Flood Risk Areas
- ENV20: Conservation Areas

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Other Material Considerations:

5.5 National Park Partnership Plan (2012-2017)

On 22nd June 2012, the National Park Partnership Plan was approved by Scottish Ministers. All planning decisions within the National Park require to be guided by the policies of the 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 2: Natural Heritage

Con Policy 4: Water

Con Policy 6: Cultural Heritage

RD Policy 2: Spatial Development Strategy

RD Policy 7: Sustainable Design and Construction

5.6 Scottish Planning Policy (2014)

Scottish Planning Policy(SPP) is a statement of Scottish Government policy on land use planning. It states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Medium to high risk areas (annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years) are generally not suitable for the most vulnerable uses. Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated. Water-resistant materials and construction should be used where appropriate. Elevated buildings on structure such as stilts are unlikely to be acceptable.

6. SUMMARY OF SUPPORTING INFORMATION

6.1 A Design Statement was submitted with the application. During the consideration of the application a Flood Risk Assessment was submitted. These statements have been summarised below:

6.2 Design Statement: The architectural expression of the proposed building is intended to continue the vernacular details existing with the area. Entrances have been signified through a change in building material and a separate roof covering from the main building. The proposed layout has been designed to repeat the existing pattern established by adjacent dwellings. Openings on the rear of the proposed building are to be larger to make the most of the views available from the site out to the river.

The development has been designed on raised steel legs to reduce the impact on flooding by raising the building above the flood risk area and having an open solum for the water to flow free and uninterrupted, resulting in the new building having less of an impact on the flooding than the existing Scout Hall. This can be achieved by adopting a similar form and scale to the surrounding buildings. The flood risk to occupants is significantly less on this development than all other properties surrounding the site due to the raised levels and construction detailing to be adopted.

6.3 Flood Risk Assessment(FRA): The objective of the FRA was to analyse the flows in the watercourse and define the appropriate flood levels and flood envelope affecting the site. The FRA concludes that approximately one third of the site is predicted to flood during a 1 in 200 year flood event (the flowrate used is lower but similar to the figure given to them by

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Stirling Council). The consultant who carried out the FRA recommends that the finished floor level of the proposed building should be set at, or above, 70.14m AOD. It is important that no ground levels within the 1 in 200 year floodplain are raised as part of the proposed development. In order to avoid any increase in flood risk, surface water runoff generated by the site should be dealt with following the principals of SUDS.

7 PLANNING ASSESSMENT

7.1 The main determining issues with this application are as follows:

- policy assessment of the principle of development
- siting and design, including impact on the Conservation Area
- flooding
- affordable housing

Each of these are addressed in turn below:

Policy Assessment of the Principle of Development

7.2 The proposal relates to the erection of 4 flats. Policy HOUS1 supports new housing development on appropriate housing sites within settlement boundaries. A percentage of affordable housing will be required on all allocated and infill sites of four or more units (for Callander this is 50%). On-site affordable housing provision will normally be required to be retained in perpetuity. Affordable housing is discussed further in Section 7.5 of the Report. Subject to a legal agreement relating to affordable housing issues, the proposal is considered to comply with Policy HOUS1.

Policy ENV16 Development in Medium to High Flood Risk Areas states that the National Park will not normally permit development in areas that are within existing settlements and that have been identified as medium to high risk. The exception to this is when a flood risk assessment is approved by the relevant flooding authority and can demonstrate that the assessment complies with SEPA's guidance, the site will not be at risk of flooding and the development will not increase the risk of flooding elsewhere. The proposed development would be contrary to this policy as the site is at risk of flooding and the flood risk assessment submitted in support of the application has not been approved by SEPA. Flood risk is discussed in more detail in paragraph 7.4 below.

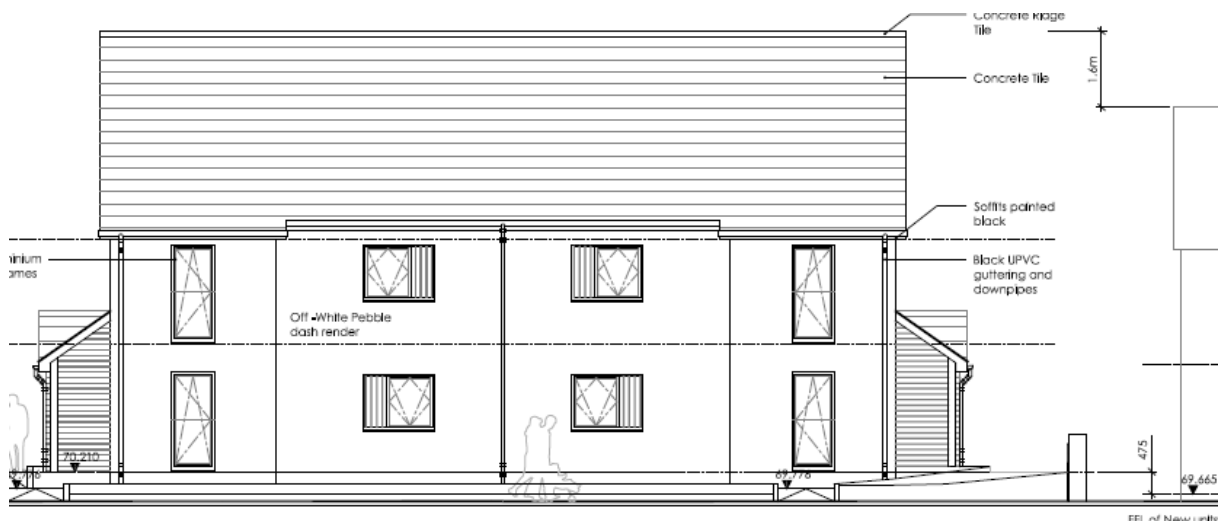
7.3 Siting and design, including impact on the Conservation Area

In terms of siting, the building is to follow the front street building line of the existing dwellings to the west. The rear building line will not project as far towards the riverbank as these existing dwellings. The rear of the site fronts a path and the river bank. A mature hedge defines the boundary between the open space along the river bank and the site. The existing hedge along the rear site boundary is proposed to be removed to allow the re-development of the site however a new hedge will be planted post construction. In a similar pattern to existing development in the locality, parking will be provided to the front.

The form and massing of the proposed flats are in proportion with surrounding dwellings. The flats would be approx 1.6 metres higher than the adjacent two storey dwelling – eaves heights would be similar, however the proposed flats have a steeper roof pitch. Whilst located within the Conservation Area, there are no traditional properties within the immediate locality and the site is characterised by modern buildings with dry dash render finish and concrete tiled roofs. The site does, however, have an attractive river frontage. The River Teith is an important asset to Callander and this development provides an opportunity to

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deliver a higher quality development adjacent to the river. The plans originally submitted related to a more pastiche design and amendments to the design were subsequently sought. The design now being considered, whilst traditional in form, incorporates contemporary glazing and timber cladding to deliver a more imaginative design proposal. Nevertheless, dry dash render and concrete roof tiles are proposed. The applicant was encouraged to use a natural slate however, for cost purposes, do not wish to do so. It is noted that surrounding buildings have concrete tiles, however there are also slate roofs within the vicinity. Development plan policy and associated guidance seeks to improve the design and materials of new development within the Park. It is therefore considered appropriate to require the roof of the building to be clad in a good quality slate substitute, the details of which would be agreed at a later date. The proposed elevations of the building are outlined below.



Proposed Elevation Fronting Buchanan Place

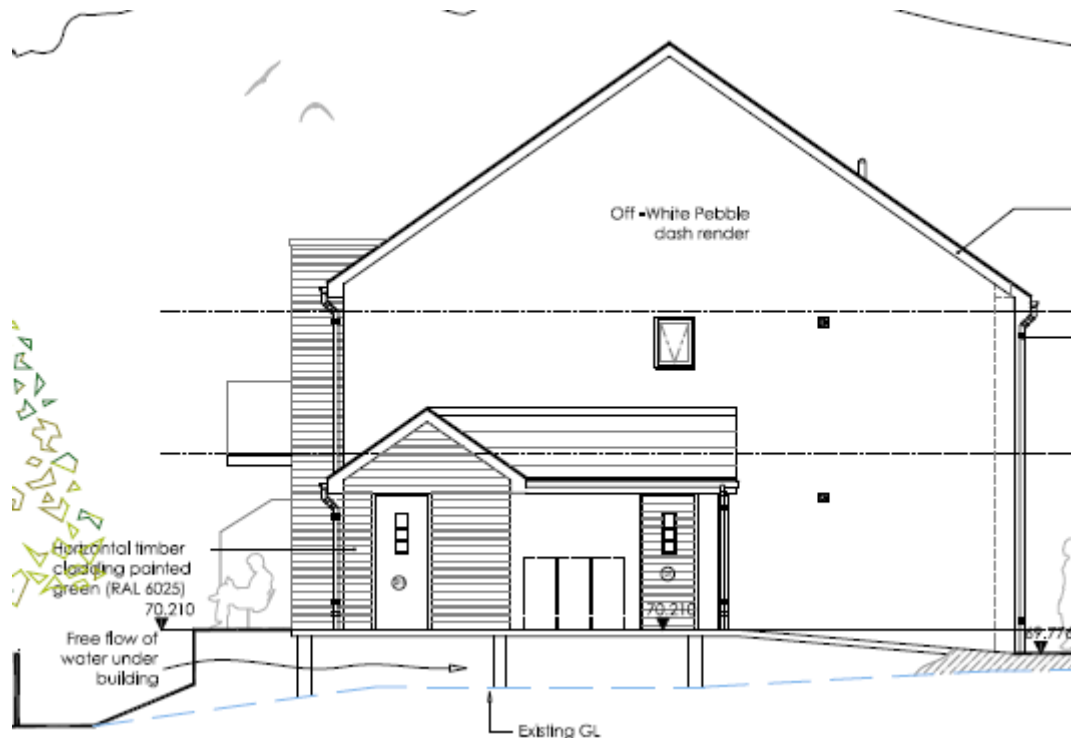


Proposed Elevation Fronting the River Teith

In accordance with the advice of Stirling Council Flood Officer the finished floor level of the flats has been raised to 70.210AOD, an increase in 0.545metres relative to the adjacent dwellings. The building would be constructed on raised steel legs. Due to the fact the site

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slopes from north to south, the visual impact of this design (in terms of undercroft) will be most significant to the riverside elevation. To soften this impact an area of raised decking is proposed to the rear and a new hedge proposed along the rear boundary. Whilst the decking area is located some 5 metres from the western boundary, to protect the privacy of the adjacent dwelling a condition requiring a suitable screen fence (or alternative) along part of the western boundary is recommended.



Proposed East Elevation Showing Open Solum

Local Plan policy ENV20 'Conservation Areas' states that development within Conservation Areas will only be supported where it preserves or enhances its character and appearance and where its design, materials, scale, layout and siting is appropriate to the character or appearance of the Conservation Area. It is considered that the development as proposed will enhance the Conservation Area by redeveloping brownfield land with a block of flats which would be sited to fit into the street scene, displaying a simple design concept with subtle contemporary features to add variety and interest. It should be noted that whilst the demolition of the existing building is not currently being considered (as it will require to be subject to a separate application for Conservation Area Consent), it is not considered to make a valuable or positive contribution to the character of the area.

Flooding

- 7.4 The Flood Risk Assessment concludes that approximately one third of the site is predicted to flood during a 1 in 200 year flood event. Based on the consultants data it is concluded that part of the site will flood during a 1 in 200 year flood event, including ground currently occupied by the former scout hut. The consultant has estimated the flood level to be 69.54m AOD (above ordnance datum). Allowing for a freeboard of 0.6m (a height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding) the FRA recommends a finished floor level of 70.14m AOD. The report concludes that the current proposals are acceptable in terms of flood risk due to the proposed mitigation and that a safe, dry access route to and from the

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new building can be maintained throughout a 1 in 200 year flood event. Since the FRA was submitted the design of the building has been altered. The building will now be constructed on raised steel legs to provide an open solum.

SEPA has objected to the principle of the proposed use of the land, and to the design strategy, on the grounds that the whole development site is at high risk of flooding, and it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN69. They are of the opinion that the FRA model under predicts the risk of flooding within the site. SEPA estimate the flood level to be 69.9m AOD or possibly higher. Allowing also for a freeboard of 0.6m this would require finished floor level of at least 70.5m AOD. Consideration has been given to whether the floor level could be further increased in line with SEPA's data however, this would raise the height of the open solum and have an adverse impact upon the design of the building and the character of the area. SEPA has not requested that any further modelling be carried out. As noted in paragraph 4.3, SEPA also objects to the principle of the open solum "stilt" design. They do not consider this to be sustainable method for flood risk management due to the possibility of blockage, scouring, level changes over time and possible land subsidence.

The applicants consultants have used data based on the latest results provided by Stirling Council(SC). SC's Flooding Advisor has indicated that they are confident that it is currently the best model for the area. Stirling Council has taken the level of 69.9mAOD from their model as opposed to the consultants as it is more conservative and closer to SEPA's flows. Taking their level and adding freeboard they recommended the finished floor level be no less than 70.21mAOD. This is the floor level that is proposed. Stirling Council has no objection to the principle of the "stilt" design, giving consideration to all other issues i.e. this is a brownfield site, it has a safe access/egress route and that finished floor levels have been set using Stirling Council's flood model.

The National Parks, Water Environment Adviser has considered the proposal and the consultation responses received from both SEPA and Stirling Council. She has advised that in the light of the additional response/information provided by Stirling Council (SC) she would be inclined to accept the SC model as the best estimate of flood flows and therefore the FFL set by SC. Though, in the plan view, the development appears to be within the flood extent, the inclusion in the design of a solum could be considered to effectively place the property above the flood extent. The design shows that property and any occupants within the building should remain operational during a flood event, with access and egress being maintained. The FFL is deemed to be above the medium risk flood event, therefore risk to property and human health can be considered to be reasonably managed. The current non-residential property within the site is within the flood extent, therefore removal of this building and construction of the flood resilient building could be considered to reduce both risk to property and human health.

There is no dispute between the concerned parties (including the National Park) that the site (or part thereof) is located within the functional flood plain. It is, however clear, that SEPA and the applicant's consultant cannot agree on the hydrological and hydraulic model. SEPA has indicated however, that, whichever data is used, the site occupies the functional flood plain. It is therefore accepted by that the site is at risk of flooding however consideration has to be given to the proposed mitigation measures and site characteristics.

The application site is surrounded by existing development, including a nursing home and residential development, that would have lower floor levels than the proposed building. These buildings are also located within the functional flood plain and are at risk of flooding. The proposed development would be at no greater risk than these existing "vulnerable uses"

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and indeed, as a result of the increased floor level and open solum design, the building would be above the flood extent (based on Stirling Council's advice). Furthermore, the building has been designed to ensure the building should remain operational during a flood event with access and egress being maintained. The risk to property and human health can therefore be considered to be reasonably managed. It should also be noted that with the open solum design, the proposal would result in the removal of a vulnerable property from the floodplain.

Though the SPP (para 263) states that 'Elevated buildings on structures such as stilts are unlikely to be acceptable', Stirling Council has accepted this design. It is considered that an exception can be made for the following reasons: the FFL has been set using SC flood model, access and egress will be maintained during the design flood event and risk to human health and damage to property from flooding has been minimised through design.

The proposed development represents an opportunity to delivery four flats within a sustainable location. Furthermore, it would enhance the character of the area by redeveloping an overgrown brownfield site containing a dilapidated building. This is an important material consideration in the determination of the application.

Affordable Housing

- 7.5 The site is located within a residential area and would be compatible with surrounding land uses. It would be accessed via a public road and appropriate in-curtilage parking can be provided. It is therefore considered to be an appropriate infill site. It was originally proposed that the development would be delivered by Rural Stirling Housing Association (through a design and build contract), however they have since withdrawn their interest in this development. The principal directors of the company who own the Scout Hall site have recently received approval for a development of 23 affordable flats (100% of the units) at the Old Telephone Exchange, Station Road, Callander. The affordable requirement at this site was also 50%, i.e. a maximum of 12 affordable units were required to comply with local plan policy on affordable housing. As an additional 11 affordable units, over and above what was required, will be delivered at the nearby site, the developer is seeking consent for an exception from the normal 100% private units to be provided at the Scout Hall Site. The developer has indicated that the projections of the Station Road site are dependant on both sites being developed. Given that 100% of the units at Station Road will be affordable, it is considered reasonable that the normal affordable housing requirement at the Scout Hall be waived. This is however dependant on two factors that will require to form part of a Section 75 Legal Agreement (a legal agreement would be necessary given that issues relate to two independent sites):

- a. That development of the Scout Hall does not proceed until at least 50% of the total number of units for both sites i.e. 14, have been constructed and a contract is in place between the developer and a Registered Social Landlord, or suitable equivalent, in relation to the provision of these units for affordable housing. Details of the contract shall have been previously submitted to, and accepted in writing by, the Local Planning Authority as a commitment to provision of the affordable housing within the site.
- b. That both sites are developed by the same company.

Subject to the satisfactory conclusion of such an agreement the proposal is considered to comply with Policy HOUS1.

8 CONCLUSION

8.1 In conclusion this scheme complies with the housing policies contained within the development plan in that it is for a flatted development within the settlement boundary on a previously developed site. Essentially the affordable housing requirement for this site will be delivered as part of another development (Old Telephone Exchange, Station Road). As a result of the exceptional circumstances with the link between the two sites, and the acceptance of the applicant to enter into a legal agreement, this is considered to be acceptable. The proposed siting, layout and design are acceptable and will enhance this part of Callander Conservation Area.

It is acknowledged that the site is located within the functional flood plain and is at risk of flooding. A number of flood mitigation measures are however proposed. These have been accepted by Stirling Council but not by SEPA. Given the objection from SEPA and the proposed “stilt” design, the proposed development would be contrary to, Policy ENV16 of the Adopted Local Plan and Scottish Planning Policy (paragraph 263). The risk of flooding must, however, be considered in association with the location of the site, the design criteria proposed to mitigate the risks and the existence of an existing building within it. Although the use of the proposed building will be more vulnerable than the existing use, in weighting the flood risk of this scheme it is considered that the risks have been appropriately mitigated.

Having duly considered the development plan and all other material considerations it is therefore recommended that Members indicate to Scottish Ministers that the Authority is minded to approve the proposed development, subject to the imposition of the conditions contained in Appendix 1 of this report and the satisfactory conclusion of a Section 75 Agreement.

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

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as ‘2012/0064/DET’*

List of **Appendix 1 Conditions**

Appendices: **Appendix 2 Heads of Agreement of Section 75**

Appendix 3 Location Plan

Appendix 4 Site Plan

Appendix 1 Conditions, Reasons for Approval, Plans List and Informatives

- 1 Agreement of Materials and Specifications:** Prior to the commencement of work on site, a further detailed specification of the proposed external finishing materials to be utilised on the building, including samples as indicated shall be submitted to, and agreed in writing by, the Local Planning Authority as follows:
- a) Sample of the slate substitute to be used on the roof.
 - b) A sample panel of the painted horizontal timber cladding.

The specification and materials as may be approved in accordance with this condition shall thereafter be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use

REASON: To ensure that the external appearance of the development complements the prominent location of the building within Callander Outstanding Conservation Area and that the building is best assimilated into the streetscape.

- 2 Details of Landscaping:** Prior to the commencement of the development hereby permitted full details of all proposed soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include the planting of a new hedge along the southern boundary of the site. Unless otherwise agreed in writing with the Planning Authority, all landscaping works as approved shall be carried out during the first planting season following the commencement of development and any trees or plants that, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species.

REASON: In the interests of amenity, to ensure that the proposed development is provided with a suitable standard of landscaping and is assimilated into the surrounding Callander Conservation Area.

- 3 Hard Landscaping/Boundary Treatments:** Prior to work commencing, full details of a scheme of hard landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include:

- details of proposed means of boundary treatment enclosures (including height, location and materials), retaining walls and fences. This shall include a screen fence along the western boundary;
- details of a screen fence (or other suitable alternative), including height and materials, to be erected between the principal rear building line of the flats and the south west corner of the site. This screen fence shall be erected prior to the occupation of the flats and shall thereafter be retained in situ in perpetuity;
- details of access road, footpaths, parking areas, paving and hard landscaping;
- details of external lighting;
- details of the refuse enclosures.

The existing stone wall along the eastern boundary of the site shall be retained in its current form.

REASON: The proposed development, and its location within Callander Conservation Area, is such that detailed consideration of hard landscaping, lighting and landscaping is necessary to enable it to fit in with its surroundings and to ensure a suitable quality of development in itself and for those using it and those affected by it.

- 4 Surface Water and Drainage:** Prior to the commencement of the development hereby permitted details of a scheme for the treatment of surface water and foul drainage for the entirety of the application site shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Scottish Environmental Protection Agency. Such a scheme shall incorporate the principles of Sustainable Urban Drainage (SUDS) as contained in PAN 61 – Planning and Sustainable Urban Drainage Schemes and the Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland (Sustainable Urban Drainage Scottish Working Party), or any subsequent revisions/equivalent publications. For the avoidance of doubt SUDS shall be positioned out-with the functional floodplain (above 69.9mAOD).

REASON: In the interests of sustainability and to ensure that the development, once occupied, conforms to the reasonable standards of the Water Authority and SEPA.

- 5 Maintenance of Landscaping and SUDS:** No development shall take place until details of the future management and aftercare of proposed soft and hard landscaping (including SUDS) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority: Thereafter the management and aftercare shall be carried out through an appointed factor in accordance with these approved details. The factoring arrangements shall continue in perpetuity in accordance with legal requirements of the Deed of Conditions, a copy of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the first dwellinghouse.

REASON: To ensure that the schemes of landscaping (conditions 2 & 3) and SUDS (condition 4) for the proposed development is maintained to a satisfactory standard relative to the functional requirements and visual amenity of the site.

- 8 Flooding:** The finished floor level of the building hereby approved shall be set at 70.21mAOD. The building hereby approved shall be constructed using flood resilient materials and construction methods (inclusive of a non-return valve on foul and surface water discharge), details of which shall be submitted to, and agreed in writing by, the Planning Authority prior to the commencement of development. For the avoidance of doubt, there shall be no landraising.

- 9 Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at 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 or a recognised Scottish Bank Holiday; unless otherwise agreed in writing by the Planning Authority. This condition shall not apply to works internal to the proposed building which are not audible at the boundary of the site.

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

- 10 Vehicular Access:** Vehicular access to the parking bays shall be provided via an extended footway crossing with all works being carried out in accordance with Stirling Council's "Development Roads Guidelines and Specifications".

REASON: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the public road is not diminished.

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- 11 Parking Bays:** Parking bays shall be suitably constructed in a manner which ensures that no surface water is discharged or loose material carried from it out onto the public road.

REASON: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the public road is not diminished.

- 12 Drainage Arrangements:** The flats hereby approved shall be serviced by public sewerage infrastructure and no work shall commence on site until such times as the developer has provided the Local Planning Authority with written confirmation from Scottish Water that there is in place adequate drainage infrastructure capacity sufficient to accommodate the proposed development.

Reason: To ensure satisfactory drainage arrangements on the site and avoid pollution.

Reasons for decision: The proposal complies with adopted Local Plan policies E35, H1 and H6. The principle of a flatted development within the settlement boundary on a previously developed site is accepted. The proposed siting, layout and design will enhance Callander Conservation Area. Although the site is at risk of flooding, given the proposed mitigation measures and the location of the site within a built up area (with safe access and egress), it is considered to be acceptable.

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. Demolition of Existing Building –** No consent is hereby given for the demolition of the existing building within the site. An application for Conservation Consent for its demolition will require to be submitted to the National Park for consideration.
- 5 Street Lighting:** Forming an extended vehicular footway crossing at the proposed location may require the relocation of a street lighting column to the front of the

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building, with the work being carried out at the applicants expense. The applicant should liaise with Stirling Councils Street Lighting Section before any works commence.

Appendix 2: Heads of Agreement

A section 75 legal agreement will require to be prepared between the National Park (as planning authority), and the applicant, in relation to the timing of the development and provision of affordable housing within a nearby site. The heads of agreement are summarised as follows:

- a. That development of the Scout Hall does not proceed until at least 50% of the total number of units for both sites i.e. 14, have been constructed and a contract is in place between the developer and a Registered Social Landlord, or suitable equivalent, in relation to the provision of these units for affordable housing. Details of the contract shall have been previously submitted to, and accepted in writing by, the Local Planning Authority as a commitment to provision of the affordable housing within the site.
- b. That both sites are developed by the same company.