



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 23rd November 2015

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2015/0189/DET
APPLICANT:	William Smith
LOCATION:	Mansefield, Gartocharn
PROPOSAL:	Erection of 2No. dwellinghouses and minor alteration to an existing house

NATIONAL PARK WARD:	Lomond Ward
COMMUNITY COUNCIL AREA:	Kilmaronock Community Council
CASE OFFICER:	Name: Kirsty Sweeney Tel: 01389 722622 E-mail: kirsty.sweeney@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This application is for the erection of two dwelling houses within the grounds of an existing house, known as Mansefield, on the main road in Gartocharn, as shown in figure 1 on Page 2. The proposal also involves renovation of the existing house with only a small element requiring planning permission.
- 1.2 The proposal will be determined against the new housing policy within the Proposed Local Development Plan in relation to taking commuted sums for infill houses in Loch Lomondside area of the Park. In accordance with the National Park Authority's Scheme of Delegation, it is considered that this application should be determined by the Planning and Access Committee. This paper presents the officer's assessment of the planning application and the officer's recommendation.

2 RECOMMENDATION

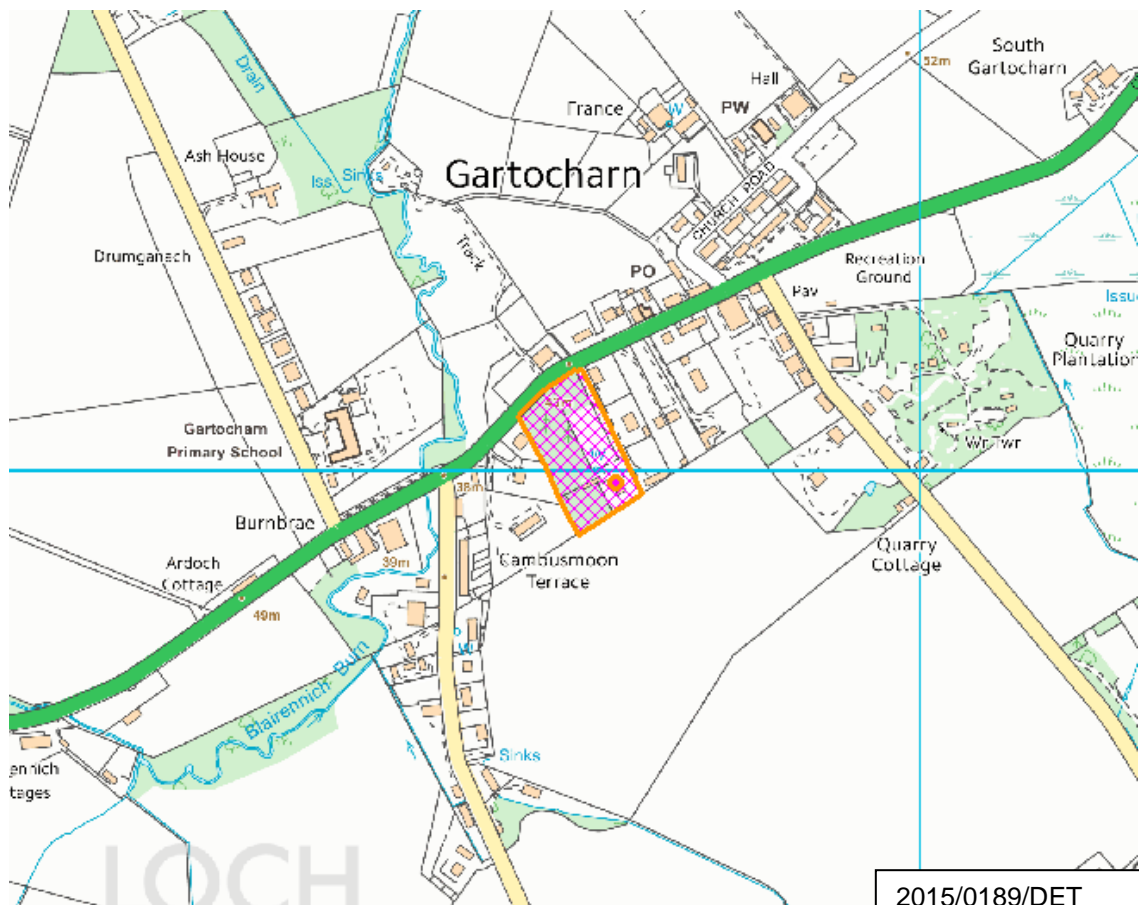
That Members:

APPROVE the application subject to the imposition of the conditions and a planning obligation (Section 75 agreement) set out in Appendix 1 of the report.

3 BACKGROUND

Site Description:

- 3.1 The application site as shown in Figure 1 is located on the south of the main road within the village of Gartocharn. The existing house is not visible from the main road due to the extensive wooded grounds. The entrance is bounded by stone gate posts.



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Figure 1. Site Location Plan. Application site delineated in orange.

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Not to Scale

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3.2 The proposed development area is within an unmanaged area of woodland to the west of the existing house (see Figure 2). One plot would be to the rear, in line with Mansfield the existing house (known from now on as 'the house') and the other plot fronts the main road (known from now on a 'the cottage').



Figure 2. Photo of Existing House, Mansfield

3.3 To the southern (rear) boundary of the application site is an agricultural field. There are neighbouring properties of Dunelm (to the west) and Auchenreach (to the east) set forward on the same building line as the cottage plot. The neighbouring houses, Aber House and Robinhill, also have boundaries with the proposed house plots. The plot appears as a wooded site from the main road as can be seen in figure 3.



Figure 3. Photo of site of proposed cottage from the main road

Description of Proposal:

- 3.4 The proposal involves the construction of 2no new dwelling houses within the grounds of the existing house (Mansefield) as shown in figure 4:
- 1no. 4bed 2 storey house to the rear (new house); and
 - 1no. 3bed one and half storey cottage to the front of the plot (new cottage).



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Figure 4. Site Layout.

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3.5



Figure 5. *New House and Cottage Proposed Elevations (not to scale)*

- 3.6 Both are of contemporary design (see Figure 5) but echoing traditional form and materials with pitched slate roofs, local red sandstone and wet dash render but with the contemporary use of untreated timber.
- 3.7 The development would be serviced by the following:
- Public water supply and foul drainage connection;
 - Wood burning stoves and geothermal heat pump systems; and
 - Solar photovoltaic and solar thermal panels on the new house.

Environmental Impact Assessment (EIA):

- 3.8 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 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 falls under Schedule 2 of Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion was adopted and in this particular instance it has been determined that there would be unlikely 'significant' environmental effects as a result of the proposed development and therefore an EIA is not required. The screening opinion is available to view on our website.

Planning History:

- 3.9 No relevant planning history.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 West Dunbartonshire Council - Roads

No objection, subject to conditions The hedge should be reduced in height to 1 metre to achieve the best sightline possible (2.5m x 83m). The hedge should be trimmed to allow the full width of the footway to be utilised. The intended upgrade to the access should conform with Road Authority guidelines. The width of 5.5m should continue for 10m to act as a passing place. It is desirable for the access towards the new cottage to be widened to act as a further passing place. The parking is suitable – 2no for the new cottage and 3no for the new house

4.2 Kilmaronock Community Council

Support for the application.

Representations Received:

4.8 At the timing of writing this report 2 representations of support but with concerns had been received in relation to this application from neighbours.

4.9 A summary of the main issues from these representations now follows. A response to the concerns is provided within the text on the Planning Assessment (Section 7) or, where appropriate, under the specific point of concern in this section of the report:

4.10 Drainage – assessment of representations contained in report section 7: ‘Water & Drainage Infrastructure and Refuse’

- There have been historical drainage issues at the property and neighbouring properties due to blocking of a field drain in the adjacent agricultural land. The new ditch was completed in October 2012. Water also runs out onto the road from the proposed development site after heavy rain and damages the road, and creates a driving hazard.

Planning Officer comment: *This background information has been passed on to the applicant.*

4.11 Trees – assessment of representations contained in report section 7: ‘Trees’

- Any trees that are surveyed that are at risk to neighbouring properties should be removed.

Planning Officer comment: *The applicant has undertaken a tree survey and trees that are at risk of windthrow or are structural unstable due to health reasons will be removed.*

4.12 Boundary Treatment – assessment of representations contained in report section 7: ‘Landscaping’

- Any new fence should be a design complementing the design and style of existing fencing.

Planning Officer comment: *A condition in relation to a landscape scheme is*

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proposed and this includes the requirement to agree the details of any new fencing.

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.

The aims are discussed in section 7 of this report.

Development Plan:

5.3 National Park Local Plan (Adopted 2011):

Relevant Policies:

- HOUS1 – New Housing Development in Settlements
- HOUS 2- Local Housing Needs in Loch Lomondside Area
- HOUS6 – Meeting the Range of Housing Needs
- HOUS7 – Alterations and Extension to Dwellings
- TRAN3 - Impact of New Development on the Road Network
- TRAN6 - Parking Provision
- D1 - Design Quality
- L1 - Conserving and Enhancing the Diversity and Quality of the Park's Landscapes
- SUSDEV1 - Sustainable Development
- ENV4 – Legally Protected Species
- ENV6 – Enhancing Biodiversity
- ENV9 – Development Impacts on Trees and Woodlands
- ENV11 - Connection to Sewerage and Water Supply
- ENV12 - Surface Water Drainage
- WAS1 – Waste Management Requirements for New Developments

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan/menu-id-904.html>

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Adopted Supplementary Planning Guidance

Housing Development SPG

Sustainable Design SPG

Details of these guidance documents can be found on our website at:

<http://www.lochlomond-trossachs.org/planning/supplementary-planning-guidance/menu-id-903.html>

Other Material Considerations:

5.4 National Park Proposed Local Development Plan

The 'Proposed Local Development Plan' (LDP) was approved by the National Park Board on 27th April 2015. The 'Proposed Plan' has since been through a six-week period of public consultation and is due to be submitted to Scottish Ministers for consideration of the outstanding representations in December. . At this time the 'Proposed Plan' is a material consideration in the assessment of planning applications, depending on the policies that would be applied to the proposal.

The Proposed Plan, along with the recommendations approved by the Authority's Board at its October meeting, provides the most up to date policy position to guide decisions that should be considered with the Adopted Local Plan and any representations to the LDP. . In this respect, the following policies are relevant:

- Overarching Policy 1: OP1 – Strategic Principles
- Overarching Policy 2: OP2 – Development Requirements
- Housing Policy 1: HP1 – Providing a diverse range of housing
- Housing Policy 2: HP2 - Location and types of new housing required
- Transport Policy 3: TP3 - Impact Assessment and Design Standards of New Development
- Natural Environment Policy 4: NEP4 - Legally Protected Species
- Natural Environment Policy 1: NEP1 - National Park Landscapes, seascape and visual impact
- Historic Environment Policy 8: Site with Unknown Archaeological Potential

Where new policy considerations are raised by the above, these are assessed within section 7 'Planning Assessment' of this report, otherwise the above does not raise any new policy considerations relative to the proposed development.

5.5 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:

RD Policy 2: Spatial Development Strategy

RD Policy 7: Sustainable Design and Construction

5.6 Supplementary Guidance

Adopted Supplementary Planning Guidance

- Sustainable Design Supplementary Planning Guidance (adopted Dec 2011)
- Housing Development Supplementary Planning Guidance (adopted Nov 2012)

Details of these guidance documents can be found on our website at:

<http://www.lochlomond-trossachs.org/planning/supplementary-planning-guidance/menu-id-903.html>

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Draft Supplementary Guidance & Planning Guidance

- Draft Design & Placemaking Supplementary Guidance (dated May 2015)
- Draft Housing Supplementary Guidance (dated May 2015)

It should be noted that the current adopted Supplementary Planning Guidance has been reviewed as part of the proposed Local Development Plan process. Draft Supplementary Guidance and Planning Guidance has been published for consultation. Together with the Proposed Plan, the draft guidance went through the six-week public consultation phase, which is now closed. Where new policy considerations are raised by the above, these are assessed within section 7 (Planning Assessment) of this report, otherwise the above does not raise any new policy considerations relative to the proposed development.

6 SUMMARY OF SUPPORTING INFORMATION

The agents for the applicant have submitted the following in support of the planning application which is summarised as follows:

Design Statement dated 27 May 2015 by Plandesigns – The views, topography, solar movements, aspect, amenity and integration with the existing context have been carefully considered. The aim was to maintain the established long narrow plot format. The smaller cottage is to the front of the site positioned in a gate-house manner and is commensurate with neighbouring houses of Dunelm and Auchenreach. The new house to the rear is positioned comfortably between Mansfield and Aber House and the larger footprint reflects these properties. The proposed houses have a contemporary appearance but diminutive of the local vernacular. Wood burning stoves and geothermal heat pumps with roof mounted solar water panels and photovoltaic panels will provide heating. Triple glazing will minimise heat loss. Extensive use of timber and reclaimed slate will reduce carbon footprint. Orientation is set to maximize solar gain. The woodland gardens will be maintained and improved.

Tree Survey dated 31 August 2015 by Alan Motion Tree Consulting Ltd states that 123 trees were surveyed. The western area is heavily wooded and the eastern area is laid out as a formal garden with lawn and an avenue of trees lining the driveway. The gardens have become overgrown. Wind throw is extensive in the eastern area. Rhododendron ponticum is beginning to colonise some areas. The mature spruce trees that are to be removed (27no) to accommodate development require removed due to risk of wind throw. A further 13no trees are to be removed to accommodate the development (mixture of silver birch, maple, willow, scots pine, cherry, ash, crab apple, Persian ironwood). These trees are mainly C category with a few B category trees that are in good condition e.g. scots pine, ash, Persian ironwood.

Bat Survey dated 31 August 2015 by Wild Surveys Ltd confirms that two soprano pipstrelle bats were observed emerging from the dormer window and underneath a slate on the main house. As bats have been recorded using the site a licence must be obtained. It is recommended that two bat boxes are installed on mature trees. All slates to be hand stripped. Staff should be made aware of the risk of finding bats. A re-survey should be carried out if works are delayed. The outbuildings to be demolished were also checked for bats and none were found.

7 PLANNING ASSESSMENT

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- 7.1 The main considerations are the principle of development including affordable housing, access and parking, siting, layout and design, refuse and other infrastructure, ecology and trees.

Principle of Development

- 7.2 The adopted local plan supports infill housing within towns and villages. The principle of the proposal meets the housing policy of the adopted local plan (HOUS1). It also complies with the National Park Partnership Plan that states that priority will be given to consolidation of towns and villages as the most sustainable location for new housing.
- 7.3 The adopted local plan policies (HOUS1 and HOUS2) for this area of the National Park (Loch Lomondside), requires all new houses (including infill) to be either affordable or restricted to local occupancy for 10 years. The proposed houses, by their nature, are not considered to meet an affordable need and the applicant has not put forward any case to this effect. Therefore, they could be restricted for 10 years for local occupancy to meet the adopted policies HOUS1 and HOUS2. However, the proposed local development plan sets out a change to these policies (ref: Policy HP2a) and any new houses in this area of the National Park must either be affordable or required to pay a commuted sum towards affordable housing provision elsewhere in the local area (a developer contribution). This is a key change in the policy approach and proposes to replace the long standing 'local occupancy' restriction which has been recognised as failing to deliver homes to address the extreme affordability pressures in this area.
- 7.4 In relation to the new proposed policy it should be noted that there are three outstanding objections received through the statutory consultation process on the proposed plan. These are unrelated to the criteria to require a payment of a commuted sum towards affordable housing on sites of under 3 units in this part of the Park. One objection is that the requirement to build affordable housing on sites under 3 units is not practical but no reference was made to commuted sums being impractical. The other objections relate to affordable housing percentages on larger sites and to commuted sum values generally rather than objecting to the use of commuted sums in principle (see a summary of our response to these objections in Appendix 2). Therefore, it is considered that significant weight can be afforded to this aspect of the proposed policy (HP2a) and the option to secure a commuted sum can be taken forward.
- 7.5 The applicant is willing to pay the full amount of £55,000 as calculated by the proposed figures within our draft supplementary housing guidance. This would be secured via a legal agreement. They have not presented any abnormal site costs that would mean they could negotiate with us regarding the level of payment. In terms of other financial contributions there are no school capacity issues therefore no payment is required towards providing additional schooling provision.
- 7.6 In conclusion, it is proposed that a commuted sum is taken for the construction of the two new dwellings to comply with the Proposed Plan Policy HP2a. Even though this approach is a departure from Policy HOUS1 and HOUS2 of the adopted local plan it is considered that this can be put aside given the significant weight that can now be afforded to the most up-to-date policy position with which the proposal complies.

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Representations

- 7.7 As set out above, at Section 4, there were 2 comments in support of this proposal. The minor points of concern on trees, boundary treatment and drainage raised have either been responded to in the following section or in Section 4 of this report.

Siting and Design

2 new infill houses

- 7.8 The proposed two new dwellings (the house and the cottage) are of a contemporary style and finish. The rear larger house has a very contemporary feel to it with large glazing elements on the rear south elevation with extensive use of solar panels. A mix of red sandstone, render and timber to external walls is proposed. The smaller cottage to the front of the site follows a more traditional approach in form (gabled, 1 ½ storey with symmetrical appearance with traditional proportions and larger windows on the lower floors). It is however contemporary in appearance given the use of the timber.
- 7.9 All houses along the main road are designed with their principal elevation facing the road (apart from the replacement house at Maryville which is set back). The proposed cottage has limited windows on the elevation facing the main road, and appears like a rear elevation. The rear south elevation however appears like the principle elevation with large window openings but this is to take advantage of the solar gain. The cottage will be screened by a mature beech hedge and trees (see figure 3 above) so will not be viewed in the context of the neighbouring houses and the predominant street-scape which have are designed with their principal elevation facing the road. Therefore in these circumstances this orientation is considered appropriate.
- 7.10 Both houses respond to the local context and siting in accordance with our design policy (D1) of the adopted local plan. The proposal also complies with the sustainability policy (SUSDEV1) – see summary above of the design statement in Section 6 for further details.

Alterations and extension to existing house

- 7.11 The existing house would have been an attractive Victorian villa in the local red sandstone but has fallen in to disrepair and has unattractive extensions to the rear. The majority of works to refurbish the property, including demolition and construction of new extensions, are permitted development (not requiring planning permission) and therefore have not been assessed as part of this application. However, the new, wider dormer would need permission and is required to accommodate building standards for head space in the bathroom. The use of zinc/lead cladding will enable a discrete appearance within the roof. This small alteration complies with Policies HOUS7 which supports sympathetic alterations.

Ecology, Trees and Landscaping

- 7.12 Policy ENV9 states that proposals will be resisted that result in the loss of important trees that make a contribution to local amenity, character of the area or have nature conservation value. There are approximately 40 trees to be removed on site to accommodate the new driveway and two new houses. However, the trees to be felled are mainly Norway spruce (27no) which have been subject to storm damage and lack of management. Nevertheless, there are a number of good quality, attractive trees that would be felled to accommodate the development:
- a large beech tree at the entrance,
 - a scots pine to the rear of the new house (but this is a small tree and not a suitable garden tree in the longer term, and would affect solar gain),

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- a cherry tree immediately adjacent to the new cottage,
- a semi-mature ash tree in the centre of the new cottage site,
- a large willow and a silver birch in the centre of the proposed location for the new house.

The siting of the driveway and houses has been carefully selected to avoid the majority of the important trees. The remaining trees will be protected using 'cellweb' construction techniques on the driveway and a construction exclusion zone. A condition is recommended to secure the protection zone, driveway construction details and also for new landscaping proposals. The management of the site will be an improvement to the character and amenity of the area. The proposal therefore complies with Policy ENV9. The condition to secure the new planting and the management of the site will mean that the biodiversity of the site is enhanced, meeting policy ENV6.

- 7.13 Policy ENV4 states that development will not be permitted where it would adversely affect protected species. In relation to bats it must be demonstrated that it would not be detrimental to the maintenance of the population, that there is no alternative, and there are no public health/safety issues. In this case the survey confirms that 2no bats are found in the existing house and the NP Ecology confirms that a licence is likely to be granted which meets the above tests. Therefore the proposal complies with Policy ENV4.

Access and Parking

- 7.14 The Roads Authority has not objected to the proposals. The shared access will be widened as recommended to accommodate two vehicles passing at the entrance. A separate new access would not be possible given the lack of visibility on the corner. The existing house and both new houses have adequate parking and turning areas within the site. A condition is recommended in relation to the visibility splays. There are no issues in relation to parking and access therefore the proposal complies with policies TRAN3 and TRAN6 of the local plan.

Water & Drainage Infrastructure and Refuse

- 7.15 The proposal will be able to connect to the public water and sewerage network and there is likely to be sufficient capacity for this small scale proposal. Therefore the proposal complies with policy ENV11. Policy ENV12 requires a Sustainable Urban Drainage system to be included in proposals of more than one house and where discharge is not to coastal waters. There are also historical localised flooding issues raised in the comments from the neighbours. The SUDs may include a retention pond for the surface drainage from the roofs and driveway of the three houses and garages. It should also address the surface runoff issues in relation to the road. A condition is recommended to secure the details of the surface water drainage.
- 7.16 In terms of refuse provision, there are no details submitted with the application or on the site plan. A condition is proposed to secure details of the refuse provision in compliance with policy WAS1 in relation to waste management.

National Park Aims

- 7.17 In terms of the first aim, it is considered that the proposal will assist to conserve and enhance the natural and cultural heritage of the National Park by virtue of managing an area of unkempt woodland. It will also result in new native tree planting which will enhance biodiversity. Furthermore, the special qualities and sense of place of the

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Park will be conserved due to the proposed development being of an acceptable scale, design and siting which is to be integrated further into the surrounding context with suitable planting. In terms of the second aim: *“to promote sustainable use of the natural resources of the area”*, the proposal presents the use of sustainable materials in conjunction with the use of renewable energy and as such meets this aim. The provision of new housing located within easy access to local paths will help the new residents enjoy and understand the special qualities of the area through recreation and as such would meet the third aim. Lastly, although there will be no direct employment resulting from this proposal it would create construction jobs and add to the vibrancy of the community in terms of support the school and other local services thus would support, the fourth aim which is *“to promote sustainable economic and social development of the area’s communities”*. There is no conflict with the first aim of the National Park and therefore the Sandford principle does not apply in this instance.

8 CONCLUSION

8.1 The proposal complies with the adopted local plan housing policies delivering new housing on suitable infill plots within the village of Gartocharn, helping to sustain existing community facilities and services such as the school. The proposal will involve a developer contribution towards affordable housing in order to comply with policy instead of a local occupancy restriction. The design and siting has been carefully considered taking into account the local context and the mature trees on the site. The drainage and landscaping details can be approved at a later date via condition.

8.2 In summary:

- Infill housing within the settlement is supported by the adopted local plan (HOUS1).
- The occupancy of the proposed houses does not accord with Policy HOUS1 and HOUS2 which require new infill houses to be either affordable or local occupancy, however, the proposal would accord with Housing Policy 2 of the Proposed Local Development Plan as the applicant is willing to pay a commuted sum towards affordable housing.
- The proposal complies with Policies ENV6 and ENV9 of the National Park Local Plan as the trees on site would be protected in accordance with British Standards and additional compensation planting is proposed to integrate the development and to ensure there is no net loss of trees;
- The proposed development presents low risk of any adverse impact on legally protected species given the bat survey confirms that mitigation measures can be put in place and would therefore comply with Policy ENV4;
- The proposed development would be satisfactorily serviced by the required infrastructure (drainage and water) without any risk of harm to the environment, and therefore would comply with Policies ENV11 and ENV12;
- The access on to the main road is suitable as is the shared driveway arrangement subject to widening and there would be no resulting road safety issues. Therefore, the proposal would comply with Policy TRAN3.

8.3 In addition to assessing the proposal against prevailing planning policies, the National Park Authority has a duty to extend this assessment to consider whether the proposal would contribute towards the collective achievement of the National Parks four statutory aims. In this case it is considered that the proposal collectively meets the aims of the National Park. There are no other material considerations to take into account.

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8.5 In conclusion, the proposal is in accordance with the development plan and the material considerations. Therefore, the proposal is recommended for approval, subject to imposition of conditions (detailed in Appendix 1).

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

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as '2015/0189/DET'*

List of Appendices: *Appendix 1 Conditions, Heads of Agreement and Informatives*

Appendix 1

Planning Conditions:

1. **Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at, or dispatched 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, unless otherwise agreed in writing by the Local 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 housing from excessive noise/disturbance associated with the implementation of this permission.

2. **Surface Water:** Prior the commencement of construction and building works of the 2 new dwellings and existing house excluding clearance and demolition works, details of the sustainable surface water drainage scheme shall submitted and approved in writing by the planning authority. The scheme shall include details such as the permeable surfacing of driveways and paths, the treatment of water from roofs and if possible this shall be a retention pond to enhance biodiversity or a system that reuses the water for gardening or within the house.

REASON: To comply with the policies of the adopted local plan that require a sustainable urban drainage system and enhancement of biodiversity.

3. **Visibility Splays:** Prior the commencement of construction and building works on the 2 new dwellings and existing house including demolition and tree clearance works, the north boundary hedge should be reduced in height to 1 metres to achieve the sightline of 2.5m x 83m in either direction. The hedge shall also be trimmed to allow the full width of the footway to be utilised.

REASON: In the interests of road safety.

4. **Access:** Prior the commencement of construction and building works on the 2 new dwellings and existing house including demolition and tree clearance works, but after the construction exclusion zone fencing has been erected (see condition 5) the access shall be widened in accordance with the Proposed Site Plan to 5.5m for the first 10m of the driveway.

REASON: In the interests of road safety and allow two vehicles to pass within the site.

5. **Construction Exclusion Zones (CEZ):** Prior the commencement of construction and building works on the 2 new dwellings and existing house including demolition and tree clearance works, the construction exclusion fencing shall be erected and approved in writing by the planning authority following site inspection with the Trees and Woodlands Advisor. Details of the CEZ fencing shall be submitted to the planning authority prior to the erection of the fencing and the inspection.

REASON: In order to protect the existing trees within the site from damage during construction works in accordance with local plan policies and to ensure that best practice guidelines have been followed.

6. **Driveway details:** Prior to the construction of the driveway, following removal of the trees, the construction methodology and materials for the driveway shall be submitted

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to and approved in writing by the planning authority. It shall include the detailed construction methods such as the use of cellweb. Thereafter, the construction methodology shall be applied.

REASON: To protect established trees (in particular the blue atlas cedar) against damage during the course of the development from the driveway and to ensure that the finish of the driveway is appropriate in the local context.

7. **Resurvey for Bats:** Prior to the demolition of the outbuildings, removal of the extensions on the main house, or removal of the roof on the main house including the dormer, a re-survey for bats shall be undertaken in accordance with the recommendations in the Bat Survey, dated 31 August 2015 by Wild Surveys. The details of the re-survey shall be submitted to the planning authority and approval shall be sought regarding any changes to the mitigation measures proposed. Thereafter, the mitigation measures shall then be implemented in accordance with the original and revised bat survey.

REASON: To ensure the protection of these species to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

8. **Breeding Birds:** No trees or buildings shall be removed during the main bird breeding season (March – July inclusive) unless a survey for nesting birds is undertaken, details of the survey shall be submitted and approved by the planning authority prior to undertaking the clearance works.

REASON: To ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

9. **Materials:** Unless otherwise agreed by the planning authority, the materials for the 2 new dwellings shall be as follows:
- Roofs: Natural slate (including reclaimed slates from demolition works) or zinc cladding
 - Walls: Natural stone (sample to be approved), stone and wet dash render and untreated larchwood timber cladding.
 - Windows: Timber or powder coated aluminium (colour and details to be approved).
 - Doors: Timber (or otherwise approved).
 - Rooflightings: Dark Grey or black metal frames (or otherwise approved).

Any details to be approved shall be approved in writing by the planning authority prior to using on the proposed new houses. Thereafter, the approved material shall be used.

REASON: To ensure a high quality finish on the two new houses in order to protect and enhance the amenity of the area and meet the sustainability policy.

10. **Landscaping Scheme:** Notwithstanding the Proposed Site plan a revised landscaping scheme including planting plan shall be submitted to and approved in writing by the planning authority prior to the first occupation of either of the 2 new houses. Thereafter the approved landscaping works shall be undertaken within the first planting season following the date of approval. Any trees, or plants forming part of the approved scheme which die, are removed, or become seriously damaged or diseased, within a period of 5 years from date of their planting shall be replaced in the next planting season with a similar size and species unless the planning authority gives approval of a variation. The landscaping scheme/planting plan shall include the following:

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- Rhododendron to be removed from site and prevent it spreading.
- Existing trees and shrubs to be removed and identify hedges to be retained and enhanced.
- Surfacing materials for car parking, and footpaths.
- Details of bin storage areas.
- Details of design, height and material of any new retaining walls, fences, hedges, and any gates.
- 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. The planting plan shall include replacement trees for those lost to accommodate the development such as the large beech tree at the entrance.
- Retention of the roadside beech hedge at a height in accordance with condition 3 and the native hedge between the two properties.

REASON: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings and protect the amenity of the neighbouring property. Without such landscaping the proposal would be considered contrary to the provisions of the development plan.

Planning Obligations (Heads of Agreement)

A legal agreement is required to comply with the housing policies in relation to affordable housing or local occupancy. The required Section 75 agreement shall be drafted on the basis of the following:

- The section 75 legal agreement should be prepared between the National Park Authority (as planning authority), West Dunbartonshire Council (as local housing authority) and the applicant, which requires the applicant to pay a commuted sum to the value of £55,000. This contribution shall be secured for affordable housing provision within the Gartocharn housing market area within the National Park.
- It shall be paid to West Dunbartonshire Council as the local housing authority upon the occupation of the first house on site. The sum shall be retained for a period of 10 years then returned to the applicant if not spent.
- An additional agreement between the National Park (as planning authority) and West Dunbartonshire Council shall also be drawn up which specifies that the commuted sum must be spent in the Gartocharn Housing Market Area, within the National Park.

List of Plans

Title	Reference	Date Received
Location Plan/Site Plan	1627/DP/01	27/05/15
Existing Elevations	1627/DP/20 REV A	27/05/15
Proposed Site Plan	1627/DP/10 REV B	07/10/15
Proposed Elevations and Floorplans - Existing house	1627/DP/21 REV A	19/09/15
Proposed Elevations and Floorplans - New Cottage	1627/DP/40	27/05/15
Proposed Elevations and Floorplans - New House	1627/DP/30	27/05/15
Proposed Elevations and Floorplan - Garage for New House	1627/DP/31	27/05/15

Agenda Item 6

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 Permitted Development – The majority of works on the main existing house (Mansefield) have planning permission granted via the Town and Country Planning (General Permitted Development Order) (Scotland) 1992, as amended. Therefore, the above conditions apply only to the 2no. new houses and to the works to alter/enlarge the dormer on the front elevation. For further information on householder permitted development rights then please see Circular 1/2012 Guidance on Householder Permitted Development Rights.

Appendix 2

Affordable Housing Requirements and Commuted Sum Comments made on the Proposed Local Development Plan (June 2015)

Three responders commented on the affordable housing percentages required in the Proposed Plan, stating that the requirement for affordable housing contributions of 33% and 50% will significantly affect development viability and are inconsistent with Scottish Planning Policy Paragraph 129 (which states affordable housing contributions should generally be no more than 25% of the total number of houses). One responder states that flexibility is vital in the application of this policy. Another responder objects to Housing Policy 2(ii) (which requires new housing on sites of up to three homes in the accessible rural villages area to be affordable or that a financial contribution is made) on the grounds that it is impractical to build an affordable home for 3 or less units.

Summary of Recommended Response

The Proposed Plan requires an affordable housing contribution of 25% in the remote rural area villages of the National Park however within the more pressured accessible rural area villages either 33% or 50% is required. This approach was consulted on at Main Issues Report Stage and the percentages set reflect feedback from stakeholders including the housing authorities. 33% is consistent with the adjoining Stirling Council LDP approach and the Local Housing Strategy which shows significant need and demand.

The 50% requirement only applies to the Loch Lomondside Villages and replaces the current local needs policy which has been in place for over 30 years. The Loch Lomondside area faces strong pressure for second, holiday and retirement homes yet is within easy reach of Glasgow so also faces commuting demand. Housing pressure in this area is particularly strong in comparison to the rest of the National Park and it is considered that a bespoke planning approach is still required. Land values in this area are currently suppressed due to the local needs occupancy policy, the removal of this and replacement with a new policy requiring 50% affordable/50% open market is considered to offer an uplift in land value in this area and should not stifle development. This has not been objected to in the comments by other landowners and developers in the Loch Lomondside villages.

This is also the justification for Housing Policy 2 (a)(ii) which applies to only the towns and villages in the accessible rural area. Development on small sites accounts for a significant proportion of all housing development and it is considered necessary and appropriate to introduce guidance on this allowing the option of either providing an affordable house or a commuted payment to be used towards affordable housing elsewhere in the local area.

The need for affordable housing provision within the National Park is significant and evidenced. It is important that planning policy takes a stringent approach to help redress the balance and mix of housing in the National Park and create more opportunities for young and working age families. This is a core component of the strategy to address predicted population decline. In this respect it is necessary to set higher affordable housing requirements. However, the challenges of delivering affordable housing within a rural area are recognised, therefore in all cases a flexible approach to these percentage requirements will be applied. This is addressed in more detail in the accompanying Supplementary Guidance on Housing. No modifications are proposed.