

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 25th January 2016

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2015/0075/PPP
APPLICANT:	West Dunbartonshire Council
LOCATION:	Carrochan Road, Balloch
PROPOSAL:	Residential development, formation of access road and public parking provision.

NATIONAL PARK WARD:	Ward 5
COMMUNITY COUNCIL AREA:	Balloch and Haldane
CASE OFFICER:	Name: Erin Goldie Tel: 01389 722137 E-mail: erin.goldie@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 West Dunbartonshire Council seek Planning Permission in Principle for a housing development, formation of an access road and public car parking provision at a site in Balloch allocated for housing in the Adopted Local Plan. The site is proposed to be accessed from Carrochan Road via the existing road that provides access to the National Park Headquarters.
- 1.2 This application is being presented to the Planning and Access Committee as a result of a formal objection submitted by Balloch and Haldane Community Council. The Scheme of Delegation relative to planning requires such applications to be referred to the Committee for determination where the recommendation is to approve the application.

2 RECOMMENDATION

That Members:

1. **APPROVE** the application subject to the imposition of the conditions set out in Appendix 1 of the report.

3 BACKGROUND

Site Description:

- 3.1 The application site comprises an undeveloped open grassed area and an area of hardstanding which operated as a car park until its recent closure by West Dunbartonshire Council (WDC). The car park was accessed from Carrochan Road via the road leading to the National Park Headquarters. There are a number of mature and semi-mature trees around the perimeter of the former car park. To its eastern edge, the site shares a boundary with residential properties at Gallagher Crescent and McKenzie Drive and, to the north, the rear gardens of houses on Drymen Road. To the west is the National Park Headquarters, completed in 2007 and sited on the remainder of the former public car park and to the south is Lomond Road which is the main A811 route through Balloch. In total, the application site extends to 0.874 hectares.

3.2



Fig. 1. Location Plan. Application site outlined in red.

Environmental Impact Assessment (EIA):

- 3.3 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. In this particular instance it has been determined that an EIA is not required as there would be unlikely 'significant' environmental effects as a result of the proposed development.

Description of Proposal:

- 3.4 The applicant seeks Planning Permission in Principle for a housing development, an associated vehicular site access and public car parking provision. An indicative site layout for 23 residential units has been submitted but no details such as design or floor plans are included. These matters would require to be addressed by the subsequent submission of an application for 'Matters Specified in Conditions' should permission be granted for the principle of developing the site for housing and public parking. It should be noted that the application was initially submitted as a housing proposal only (including an element of affordable housing). However, through the course of considering the application it was amended to include an element of public car parking and omit the affordable housing provision. Re-notification and re-consultation was undertaken as appropriate relative to the revised description.



Fig.2. Indicative site layout plan

Planning History:

- 3.5
- Outline Planning Permission (now referred to as 'Planning Permission in Principle') reference 2005/0268/OUT for residential development and formation of access road granted on 5 April 2006.
 - Reserved Matters Planning permission (now referred to as ('Matters Specified in Conditions')) reference 2008/0059/REM for residential development comprising 10 dwellings, 13 flats and access road granted on 29 October 2010.

4 CONSULTATIONS AND REPRESENTATIONS

Summary of Responses to Consultations:

4.1 West Dunbartonshire Council Roads

No objection to the principle of the proposals. The road access to the site should be of a standard that can be adopted by the Roads Authority. All technical matters would be expected to be addressed at the subsequent application stage.

4.2 West Dunbartonshire Council Environmental Health

Advice on hours of construction, deliveries and noise related works is detailed in the consultation response with a view to protecting residential amenity. A Noise Control Method Statement would be expected to be submitted with any subsequent application for 'Matters Specified in Conditions.'

4.3 SEPA

SEPA flood risk hydrologists have looked at the 1:200 year fluvial outline and are satisfied that the site is not at risk from flooding. SEPA does not require an assessment of flood risk from the developer.

4.4 Scottish Water

Scottish Water advises that the application site is located within the Loch Lomond drinking water catchment area and therefore request notification of any pollution incidents and advise that no discharges should be made to watercourses in the area unless appropriate protection measures are put in place.

Scottish Water records of the route of the culvert beneath the site do not match exactly, the route as illustrated in the indicative site plan. In addition, Scottish Waters records indicate that there is a 90mm Scottish Water distribution main within the site boundary. As such, it is recommended that the applicant contacts the Scottish Water to discuss these matters and ensure that working methods are agreed to protect the infrastructure.

4.5 Balloch and Haldane Community Council

The Community Council objects to the application and their comments have been captured under section 'summary of representations received' in section 4.7 below.

Summary of Representations Received:

- 4.6 In addition to the objection by the Community Council, 5 individual letters of objection and an objection from 'Friends of Loch Lomond and the Trossachs*' have been received. Below is a summary of the points of objection followed by the planning response. These have been grouped under headings for clarity.

*Independent conservation and heritage charity.

4.7 Summary of points of objection and planning response

Car parking, traffic and access

- It is public opinion that the site should be left as grassed open space and car/bus parking provision.

Response: Refer to 'Planning Assessment' section 7.13 ('Loss of open space') of this report.

- An assessment of parking in Balloch should be carried out before this application is determined as Balloch is a tourist destination where parking is needed.

Response: A parking assessment has been carried out by the applicant (see section 6 of this report on supporting information) and although the results do not show a shortfall in parking, the applicant has, as part of the application process, submitted a revised indicative site plan that includes proposals for some additional public parking provision within the application site.

- There is a severe shortage of public parking in Balloch as a whole (and particularly to the east of the River Leven). Despite this, the site was made surplus to requirements by West Dunbartonshire Council (WDC) in 2004.

Response: The National Park does not have statutory responsibility for public parking provision throughout Balloch and can only influence this as far as reasonably practicable through the consideration of the current planning application. It is acknowledged that the former car park within the application site was made surplus to requirements by WDC in 2004 and that the Parking Assessment undertaken as part of this application does not identify the need for further parking in Balloch. Notwithstanding this, in response to public consultation through the proposed Local Development Plan process and in recognition of the strategic role of Balloch as a growing visitor destination, WDC has revised their proposals to include provision for public parking within the site.

- The car parking shortages have been compounded by the traffic generated by the NP HQ staff due to under provision on their own site and the growth of visitors to the HQ. WDC have now closed off the overspill parking area within the site which means the small public car park directly to the north is often full.

Response: The parking assessment undertaken as part of this application concludes that the range of car parks which were surveyed in the east Balloch area are not operating at over capacity. The Headquarters for the National Park to the east of the site has its own designated car park for staff and visitors. In the event that it is full, there are alternative public car parks in the area that can be used. Retaining an element of public parking provision on the application site is not to serve as an overflow for the National Park Headquarters but to provide Balloch with additional public parking at its eastern end which would be beneficial to Balloch in its long term role as a growing visitor destination.

- The parking assessment is not a comprehensive assessment of the parking demands in Balloch. The assessment was limited to one week day and one Saturday and was undertaken outwith times of any significant local event. The Co-op car park is for their customers, not public parking, and should not have been used in the assessment.

Response: Irrespective of the methodology of the parking survey and the findings that there is sufficient parking provision in the immediate area, the proposals have been

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revised to include public parking provision within the site. See section 7 'Planning Assessment' for a detailed assessment of the parking considerations relative to this application.

- The increase in traffic as a result of the development will create road safety issues at the busy junction with Carrochan Road.

Response: *The Roads Authority has not raised any traffic safety issues with the proposed development and has no objection to the proposals.*

- The introduction of a significant number of cars associated with this development would be detrimental to the health of neighbouring residents whose gardens (Drymen Road) share a boundary with the site.

Response: *The car park within the site is to the rear of the properties on Drymen Road. The car park was only recently closed and was known to be used on occasion by both cars and lorries stopping overnight. The site is within a built up area with regular car usage.*

Change of use of the site

- This site is valued by the local community as an important open space and should be retained for public use as a natural resource contributing to the quality and character of this part of Balloch. It is also part of a 'green corridor' and, as such, forms an attractive approach to Balloch as a gateway to the National Park.

Response: *See section 7.13 'Planning Assessment' of this report.*

- The loss of the green space means that children who currently play on the site will have to cross over the busy Lomond Road to access the nearest play area to the south.

Response: *The play park to the south of the site (outwith the NP) can be accessed via a traffic light system on Lomond Road. Balloch Park and Moss O' Balloch are also in close proximity to the application site and provide opportunities for recreation.*

Natural heritage

- There is evidence of wildlife within the site such as bats, hedgehogs and rabbits.

Response: *The trees with bat potential have been surveyed and no roosts have been identified. The site is not managed for wildlife and the NP Natural Heritage Officer has advised that it is not a favoured habitat for mammals. Nevertheless, it is recommended that a landscaping scheme be secured as part of any development to comprise planting of native species such as Hawthorn and Blackthorn to create wildlife corridors suitable for animals such as rabbits and hedgehogs to pass through the site. This can be secured through a planning condition. (See Appendix 1, condition 1).*

Noise

- There would be noise during construction.

Response: *It is accepted that some inconvenience, by the movements of construction vehicles and the construction process, could be experienced by neighbouring residents but this would be temporary until development is completed and would be controlled by*

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the imposition of planning conditions restricting operational hours and location of the site compound in accordance with the recommendations by Environmental Health. (See section 4.2 'summary of consultation responses' and Appendix 1, condition 1).

Flooding and drainage

- The site floods and sewage backs up into the houses on Lomond Estate. There is also an underground burn that runs through the site. The proposal could impact on water quality. The proposal is contrary to emerging policies relating to flood risk and protecting the water environment.

Response: *SEPA has advised that the site is not at risk of flooding and has confirmed a Flood Risk Assessment is not required in this case. (See a summary of SEPA's consultation response above in section 4.3 of this report.) A condition is recommended (see Appendix 1, condition 1) to secure further details of surface water and foul drainage details and further consultation with Scottish Water would be undertaken in this respect. It is acknowledged that a culvert traverses the western part of the site and this is illustrated on the proposed site plan.*

Streetscape

- The proposed development does not respect the building line on Gallacher Crescent to the east.

Response: *The site layout is indicative only as this application is for Planning Permission in Principle. If this application is granted then a site layout would be considered in detail at the subsequent application stage for 'Matters Specified in Conditions.' Nevertheless, the building as illustrated on the indicative site plan to the south of the site would create a 'staggered' frontage to Lomond road when considered in the wider context of the NP HQ building and houses on Gallacher Crescent. The building as indicated is set back at a distance from Lomond Road thereby respecting the open aspect to the south of Gallacher Crescent and ensuring the continuity of the streetscape.*

Procedural matters

- Balloch & Haldane Community Council would request that the Planning Committee defers the planning decision in respect of this site until the NP considers the wider issues in respect of tourist and visitor management and development in Balloch in line with the proposed Local Development Plan. In particular there are some key issues to be considered such as overall car parking provision and the potential for further tourist development in Balloch.

Response: *The request by B&HCC is noted and whilst it is for the Committee Members to consider this request, it is the opinion of the Planning Authority that it would be unreasonable to defer the determination of this application whilst awaiting the adoption of the proposed Local Development Plan (LDP). This is unlikely before the summer and depends on the length of the examination which is about to start. In particular the Adopted Local Plan, which is the primary guiding document against which planning applications are currently considered, identifies the site for housing. There is no change of any material significance in the proposed LDP allocation of the site. The development proposal as presented in the PPP application acknowledges the mixed use allocation (housing and car parking) of the site in the proposed Local Development Plan.*

- The Committee meeting should be in the evening when people who work can attend.

Response: *The Committee meetings are scheduled in advance and there is a procedure in place to ensure that those who submitted representation are given, what is considered to be, sufficient notice of the meeting date/ time in order to make arrangements to attend.*

Matters not material* to the consideration of the application

- The former Lomond Shores site compound (now 'Queen of the Loch hotel and restaurant) is identified for housing in the Adopted Local Plan yet it was developed for tourism purposes. The Carrochan Road site should also be re-allocated for a tourist use in the proposed Local Development Plan.

Response: *This reference is in relation to planning application ref. 2013/0244/DET. The site pertaining to the 2013 permission is identified for housing in the Adopted Local Plan and so the proposal for a hotel and restaurant was a material departure from the Local Plan. In balancing the Local Plan's allocation of the site for housing development against the Park's ambition to promote tourism in the National Park and in Balloch specifically as a key tourism destination, it was concluded that the development was in overall accordance with the aims of the Local Plan. Appropriate weight was given to the Local Plan Locational Strategy and the Development Strategy which promotes Balloch as a gateway settlement to the Park and encourages tourist related development. There was no interest for housing development recorded since the granting of an outline planning permission for housing in 2009 which was never implemented. With regards to the Carrochan Road site; the current application is for housing which is compatible with the site allocation in the Adopted Local Plan. There are no proposals to re-allocate the site for a tourist use in the proposed LDP as other more appropriate sites have been identified for tourist related development within the settlement of Balloch. The requirement to deliver housing at this site has been informed by Local Housing Strategies and the Housing Need Assessment produced by the Housing Authority.*

*The range of considerations which might be considered 'material' in planning terms is very wide but can be determined in the context of the case. They must relate to the development and use of land and should fairly and reasonably relate to the particular application. Consequently, material considerations in this case include (for example) local plan policy, planning history of the site, landscape considerations, environmental impacts, vehicular and pedestrian access, views of statutory and other consultees.

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

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the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Development Plan:

5.3 **National Park Local Plan (Adopted 2011)**

Relevant Policies:

- HOUS1- New Housing Development in the Settlements
- TRAN4- Provision of New Transport Infrastructure
- ENV4- Legally Protected Species
- ENV9- Development Impacts on Trees and Woodlands
- ENV12- Surface Water Drainage

Full details of the policies can be viewed at:

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

National Park Proposed Local Development Plan

The 'Proposed Local Development Plan' (Proposed 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 was submitted to Scottish Ministers for Examination 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 are relevant to the proposal and the outstanding representations. A link to information on the Local Development Plan process can be found below.

<http://www.lochlomond-trossachs.org/planning/local-development-plan/menu-id-951.html>

The Proposed Plan, along with the recommendations approved by the Authorities Board at its October meeting, provides the most up to date site allocations and 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
- Overarching Policy 3- Developer Contributions
- 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

The above do not raise any new policy considerations relative to the proposed development.

Outstanding representations to proposed Local Development Plan

A summary of representations to the proposed Local Development Plan relative to the Carrochan Road site are as follows:

Representation by Balloch and Haldane Community Council (B&HCC)

B&HCC objected to the proposed housing allocation on this site and stated that “This area helps provide a distinctive sense of place separate from the urban sprawl of the surrounding area. This site is an important community green space which should be retained for public use and contributes to the quality and character of this part of Balloch. Car parking is needed in Balloch to ensure the east side of the village can continue to support and expand sustainable tourist and business development that will provide future prosperity.”

Individual representation

An objection to the Carrochan Road site being designated for housing as “it will detract from the ambience of the surrounding area as well as disturb wild life (birds, bats, fox, hedgehogs and rabbits). The village of Balloch has only three green areas of amenity. There are significant car parking difficulties in Balloch and the existing car park on site is needed for cars and coach parking/turning. The site is currently well used for kids play, dog walking and picnics. In addition the access/egress is extremely dangerous due to the short distance from the bus stance and cars turning on to Carrochan Road from Drymen Road and almost directly opposite the bus stance.”

These representations are consistent with the range of representations as presented for the current planning application (and summarised in section 4 of the report). No new points are raised. The issues are responded to through the assessment section of the report, most notably at paragraph 7.13.

Other Material Considerations:

5.4 National Park Partnership Plan (2012-2017)

Relevant Policies:

RD Policy 1: Sustaining our population

5.5 Supplementary Planning Guidance

- Housing Development Supplementary Planning Guidance (SPG) adopted 2012

This document explains how the housing policies and strategy requirements of the Adopted Local Plan can be met.

Draft Supplementary Guidance and Planning Guidance

- Draft Housing Supplementary Guidance approved by the National Park Board on 27 April 2015.

It should be noted that the current housing SPG has been reviewed as part of the proposed Local Development Plan process. A draft SG (Supplementary Guidance) was consulted upon with the Proposed Local Development Plan in June 2015.

6 SUMMARY OF SUPPORTING INFORMATION

6.1 • Car Park Assessment Report by JMP Consultants Ltd dated 19 June 2015

JMP Consultants were commissioned by West Dunbartonshire Council (WDC) to prepare a car park assessment that identifies the available car parking spaces within a 10 minute walk of the site and the demand on current provisions and ultimately to identify whether there are parking supply problems in the area. Surveys were carried out over a 12 hour period for both a weekday and on a Saturday in attempt to establish normal mid-week and weekend usage. The survey did not coincide with any events in Balloch. The following car parks were subject to the assessment:

- 1.) The Co-op car park (it is acknowledged that this car park is intended for the use by its customers and so figures are offered both with and without the inclusion of this car park).
- 2.) The NPA car park
- 3.) The Drymen Road car park to the immediate north west of the site
- 4.) Moss O' Balloch and Balloch Park car parks (accessed from Balloch Road).

Tables are provided of the percentage of occupancy within the above mentioned car parks. The assessment concludes that there is not a parking shortfall across the car parks but, in fact, a spare capacity. Therefore no recommendations for additional parking are made.

The report acknowledges that there is an occasional need for additional parking to support events, however, the use of the NP car park and the Co-op car park (the latter by way of special arrangement) is suggested rather than a provision within the application site.

• Bat survey by Wild Surveys Ltd dated 21 July 2015

Six trees within the site were identified as having features capable of supporting individual roosting bats, however, during inspection, all features were deemed unsuitable to support roosting bats. Details of the method for surveying trees are provided.

A pigeon's nest was identified in a lime tree (grid ref NS3955982008). This was an active nest with two eggs in it. As all birds and their nests are protected under the Wildlife and Countryside Act, it is recommended that a nesting bird survey be carried out prior to any tree felling.

7 PLANNING ASSESSMENT

7.1 West Dunbartonshire Council as land owner seeks 'Planning Permission in Principle' (PPP) for a residential development comprising 23 units and public car parking provision. A 'Permission in Principle' application, as the title suggests, does not include details, for example, of the buildings proposed to be erected. It seeks to establish the acceptability of a potential new use(s) of a site. The application site requires to be outlined in red, and in this case, an indicative site layout has also been provided at section 3 of this report.

7.2 Should permission be granted in principle for a residential development and public car parking, a subsequent planning application (known as 'Matters Specified in Conditions') would be required to be submitted. This would seek approval of the detail of the development proposal. This would be considered as a separate application for Planning Permission. No development could take place until both stages were concluded.

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7.3 The relevant considerations of the application are as follows and will be assessed in turn:

- Adopted Local Plan housing policy considerations
- Proposed Local Development Plan housing policy considerations
- Public parking assessment
- Affordable housing
- Loss of open space
- Access (technical considerations)
- Natural heritage
- Other representations

Adopted Local Plan housing policy considerations

7.4 The application site is located within the settlement of Balloch. 'Carrochan Road' (site code H3) has been allocated within the Adopted Local Plan as a site to be developed for housing. The Local Plan refers also to the estimated capacity for the site to be 23 units. This number derived from the now expired planning permission (ref. 2008/0059/REM) for a residential development on the site comprising 10 houses, 13 flats and access road granted on 29 October 2010.

7.5 The Local Plan development strategy for Balloch references the role of allocated housing sites, such as Carrochan Road, in delivering a range of housing opportunities during the Local Plans lifetime (2010-2015). The site also forms part of the housing land supply identified to meet the housing land requirement within the National Park for the Local Plan period.

7.6 Policy HOUS1 of the Adopted Local Plan is applicable when considering the housing element of the proposal. This policy supports new housing development within the settlements on allocated housing sites, such as Carrochan Road, where a range of different house types and tenures, including affordable housing is proposed to be provided. The indicative site plan provided is for a range of different house types including flats, semi-detached and detached properties. With regard to affordable housing, the policy states that on-site provision will normally be required. The affordable housing requirement in Balloch is identified as 25% of the total number of houses proposed. The policy goes on to state that relaxations or exemptions to providing affordable housing would only be allowed in cases where it is demonstrated that development would otherwise be unviable or the proposal would deliver desirable community benefits.

7.7 The current application by West Dunbartonshire Council (WDC) was initially submitted for a 23 unit housing development to include 25% affordable housing (approximately 6 units) based on the requirements of policy HOUS1 of the Adopted Local Plan. However, the proposed Local Development Plan (LDP) identifies the site for "housing and an element of public parking provision." Accordingly, through the course of considering the application, the National Park Planning Authority and WDC carefully weighed up the options for the mix of use within the site (the merits of delivering affordable housing at this location against providing public car parking provision on the site). Following this, WDC modified the proposed plans to provide public car parking provision in lieu of affordable housing. This is considered further in sections 7.9, 7.10 and 7.12 of this report. It should be noted that 'neighbours' to the application site, the Community Council and Roads Authority were re-notified/consulted following the modification to the proposals.

7.8 It is understood that West Dunbartonshire Council (WDC), as landowner, had a successful bidder/prospective purchaser of the Carrochan Road site in place following the granting of the 2010 permission (as referenced in section 7.4 above) however the economic climate was such that, ultimately, the site was not developed during the lifetime of the Adopted Local Plan. WDC propose to re-market the site if the current application for planning permission in principle is granted.

Proposed Local Development Plan housing policy considerations

- 7.9 The Proposed Local Development Plan (LDP) is at an advanced stage and will, in time, replace the current Adopted Local Plan. It has been approved by the National Park Board and has gone through extensive public consultation and engagement. The Main Issues Report (MIR) stage of the Proposed LDP identified the main land-use planning issues within the National Park. Out of this process it was clear there was an aspiration by the community to deliver public parking on the application site. This aspiration has also been communicated in a number of the representations received with regards to the current application. (Note that representations raised relative to the application have also been addressed separately in sections 4 and 7.16 and 7.17 of this report). Recognising the public response to consultation and Balloch's strategic role as a tourism destination at the southern gateway to the National Park, the Carrochan Road site has been reallocated in the proposed LDP (site code MU2) as "a mixed use site for delivering an element of public parking provision as well as housing." As detailed in section 5.3. ('Development Plan') of this report, two representations were received to the allocation of the Carrochan Road site in the proposed LDP seeking that the site is kept as open space and public car parking. These representations have been considered by the National Park Board at its October meeting and are now part of the Examination. The consideration of public car parking and open space is covered in paragraphs 7.10 and 7.13 below.

Notwithstanding that the examination is imminent to commence, it is considered unreasonable to defer a decision on this application until the conclusion of the LDP adoption process for reasons including;

- 1) That could result in a delay of a number of months, when the committee can consider all all representations in its determination.
- 2) The history of this site is unambiguous. It is an established allocation for housing since 1999 (in the current Plan and the inherited Council Plans) and no significant change has occurred since the Adopted Plan came into effect that has merited a review of the allocation.

Public parking assessment

- 7.10 An independent parking assessment of existing public parking provision to the eastern side of Balloch (more specifically to the east of the River Leven) by JMC Consulting LTD on behalf of WDC, and submitted as part of the documentation for this application, concludes that there is not a parking shortfall but spare capacity across the car parks surveyed (see section 6.1 'supporting information' for summary of parking assessment and car parks surveyed). Notwithstanding the conclusions of the parking assessment, it is considered that further parking provision at the application site location would make a worthwhile contribution to the future growth of Balloch in its wider and ever improving role as a tourism destination and would therefore deliver desirable community benefits in the longer term. There are a range of opportunities in the proposed LDP for delivering visitor destinations and attractions as well as housing. These broader aspirations of the proposed LDP are material to the assessment of this application and represent the emerging strategic direction of growth identified for the National Park. Considering this, and following negotiation and discussion with the National Park Officers, the current application proposals were modified by WDC to include a public parking provision in lieu of affordable housing. It is also acknowledged that Balloch is host to a number of one off events such as the Highland Games and concerts in Balloch Park that are known to place demands on current parking provision. That said; whilst this is a factor to be considered, one off events is not justification in itself for varying the affordable housing requirement.

Housing policy conclusions

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- 7.11 Policy HOUS1 allows exemption from providing affordable housing on sites where the proposal would deliver desirable community benefits. It is considered, in this case, that providing a provision of public parking responds to the community aspirations in this respect and would contribute to Balloch's role as a growing destination for tourism. The proposal therefore complies with policy HOUS1. The Local Plan development strategy for the settlement of Balloch unambiguously identifies the Carrochan Road site as an allocation for housing and recognises the now expired planning permission 2008/0059/REM by confirming the number of units approved in that planning permission as the estimated capacity. The provision of housing on this site would also support National Park Plan RD Policy 1, sustaining the National Park population. The indicated mix of flats, semi-detached and detached homes would provide for delivering a range of housing opportunities in accordance with the Adopted Local Plan and, specifically, policy HOUS6. The proposal is in accordance with the development strategy of the emerging proposed Local Development Plan in that it provides for a mix of housing and car parking provision. It should be noted that the emerging housing policy (Housing Policy 2 (a) Towns and Villages) in the proposed LDP does not raise any new policy considerations in the case of this application.

Affordable housing

- 7.12 West Dunbartonshire's Strategic Housing Investment Plan (SHIP) is West Dunbartonshire Council's (WDC) key document to guide local housing development and investment priorities and forms part of the local housing strategy process. The most up to date version of this dated 2016-18 - 2019/20 does not identify the Carrochan Road site as a priority project for delivering affordable housing in West Dunbartonshire. High priority sites in the area include allocations within the Vale of Leven. Opportunities for delivering affordable housing in Balloch outwith the application site include the Craiglomond Gardens site (code 'H1' in the proposed LDP) with an estimated capacity for delivering 8 units of which 25% would require to be affordable housing. There are also prospects of windfall sites within the area providing affordable housing.

Loss of open space

- 7.13 The eastern portion of the site has been described in representations pertaining to this application as comprising an area of amenity open space associated with the car park. Notwithstanding this, the site has been allocated as a site to be developed for housing since the Dumbarton District Wide Local Plan 1999 (before the National Park was established). It is allocated for housing in the current Adopted Local Plan dated 2010-2015 and in the proposed Local Development Plan as a mixed use site for housing and public car parking. Planning permission for a housing development on the site was granted in 2010 (ref. 2008/0059/REM) and, although it was never implemented, is a material consideration in the assessment of the current application. The site does not have any formal status as an area of 'open space.' Such terminology implies a presumption against development when, in fact the policy background supports the development of the site for residential and car parking purposes. The site is, however, in close proximity to areas of open space providing recreation opportunities such as Balloch Park Country Park, Moss O' Balloch and the open space to the south of the site (outwith the National Park) on the edge of Haldane Estate.

Access (technical considerations)

- 7.14 WDC as Roads Authority has raised no objection to the principle of the application in terms of road safety and the shared access (with the National Park Headquarters) to the site from Carrochan Road. They advise that the access road to the site should be constructed to an adoptable standard. The Roads Authority would expect all technical issues to be addressed at the subsequent application stage should permission be granted in principle for developing the site for housing with an element of public parking provision.

Natural heritage

- 7.15 There are a number of trees surrounding the perimeter of the car park and within the western part of the site. Whilst these are of some value in their present context, softening the appearance of the car park, it would not be reasonably possible to retain all or most of the trees within any prospective housing development, if only because of their dispersed arrangement across the site. Whilst some of the more mature trees, such as those on the northern boundary of the site (beyond the rear gardens of the houses on Drymen Road) may be retained, it is likely that most other trees would be removed to enable a comprehensive and appropriate scheme of landscaping to be designed for any new housing development with public car parking element. The trees with potential for bats have been surveyed and were deemed to be unsuitable for bats. The site is not managed for wildlife and the National Park's Natural Heritage Officer has advised that it is not a favoured habitat for mammals. Nevertheless, the officer recommends that a landscaping scheme be secured to comprise planting of native species to create wildlife corridors suitable for animals such as rabbits and hedgehogs to pass through the site. It is also recommended that a nesting bird survey be carried out prior to any tree felling if taking place during March to July inclusive. Both the landscaping and nesting bird survey can be secured through the imposition of planning conditions (see Appendix 1, condition 1 below).

Other representations

- 7.16 A number of objections to this application have been submitted and the points 'material' to the consideration of this application have been summarised and acknowledged in section 4 of this report. The key determining issues and the corresponding planning assessment weighing and balancing the range of representations is captured under this section (section 7) of the report.
- 7.17 It should be noted that the Community Council not only objected to the current planning application but also objected, in June of this year, to the housing element of the site allocation in the proposed LDP. Whilst they support public parking on the site, they stated that the land not being developed for a car park should be retained as *'amenity space for public use and as a natural resource that contributes to the quality and character of this part of Balloch.'* It is considered that the planning response with regards to this is detailed throughout this section (section 7) of this report, particularly sections 7.4 - 7.12 and sections 7.14 and 7.16.

8 CONCLUSION

The Planning Authority is required by planning law to determine planning applications in accordance with the Local Plan unless material considerations indicate otherwise.

The principle of the proposal for housing with an element of public car parking provision is in accordance with the development strategy and policy HOUS1 of the Adopted Local Plan. This policy allows an exemption from delivering the affordable housing requirement where the proposal would deliver other desirable community benefits. It is considered that the provision of a public car park would be of long term benefit to the community of Balloch when considering the strategic role of the town in the proposed LDP as a growing destination for tourism. The application proposals are in accordance with the sites allocation for a mixed use development in the proposed LDP comprising housing and public parking provision and the range of relevant emerging policies.

The development of this site could be well integrated to complement the surrounding built form without impacting adversely on the amenity currently enjoyed by neighbours. Balloch Park and Moss O' Balloch provide opportunities for enjoyment of open space and recreational activities

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and are in reasonable proximity to the proposed development site. This is an important consideration in relation to the Community Council's assertion that the site should remain undeveloped other than to provide public car parking.

There are no objections to this application from statutory consultees. Careful consideration has been given to the representations received in objection to the application. Representations submitted relative to the proposed site allocation in the emerging LDP have also been considered as part of this assessment. Furthermore, procedural matters relative to the timing of any decision on this application in the context of the ongoing LDP process have been taken into account. The issues raised by the Community Council and third parties in terms of the loss of amenity space as a consequence of the proposed development are not considered to provide sufficient basis to refuse to grant permission in this case.

Considering the merits of this case, it is recommended that the application be approved subject to the conditions as detailed in Appendix 1 below.

Background Documents: <http://www.lochlomond-trossachs.org/planning/>
Click on view applications, accept the terms and conditions then enter the search criteria as

List of Appendices: **Appendix 1 Conditions and Informatives**

Appendix 1

Planning conditions

1. **Matters to be approved:** The development hereby approved shall not begin until details relating to the following matters are submitted to and approved by the Planning Authority:
 - a) Phasing plan with timescales for completion of housing and public car park.
 - b) A plan detailing the public car park within the context of the application site including access/junction, surface materials, the total number and demarcation of parking spaces and drainage arrangements.
 - c) Details of the on-going maintenance and management for public car park.
 - d) Detailed scale drawings illustrating the layout of the whole site including elevations of the proposed buildings, their design and external appearance and the type and colour of the facing material to be used.
 - e) A site layout that provides a continuity of the building line with Gallacher Crescent to the east.
 - f) Details of existing and proposed ground levels, including a series of section drawings through the site and details of under-building and finished floor levels.
 - g) Photomontage of the site from Lomond Road including the National Park Headquarters and buildings on Gallacher Crescent.
 - h) Access arrangements and details including vehicle turning/manoeuvring, in curtilage parking and footpath arrangements including details of the connectivity of the site with Gallacher Crescent.

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- i) A plan detailing the precise route of the culvert and Scottish Water distribution main within the site, details of the mitigation proposed to protect this infrastructure and confirmation from Scottish Water that they are satisfied with the mitigation measures.
- j) Details of foul and surface water drainage arrangements incorporating Sustainable Urban Drainage principles (SUDs).
- k) A survey by a suitably qualified professional of the location and condition of existing trees to be retained and methods for protection of their root systems during the process of development.
- l) A scheme of landscaping for the whole site indicating all existing trees and vegetation to be retained, proposals for new boundary walls, fences and hedges, and new planting specifying location, number, size and species of all trees and shrubs. The selection of plant material and landscape design shall give particular consideration to encouraging the creation of wildlife corridors through the site.
- m) Confirmation by a suitable qualified person that the site is free from contamination.
- n) A Noise Control method Statement for the construction period identifying likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties.
- o) Hours of operation.
- p) Plan illustrating location of site construction compound.

REASON: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning Etc. (Scotland) Act 2006 and to ensure a satisfactory form of development having regard to the constraints for the site, technical requirements, and the amenity value of any proposed development.

- 2. Nesting bird survey:** Prior to the commencement of development no tree works shall take place during the period between March and July inclusive unless a nesting bird survey has taken place and confirmed that there is no evidence of nesting birds.

Reason: All birds and their nests are protected under the Wildlife and Countryside Act 1981.

- 3. Private car parking capacity:** On-site in car parking per house shall be provided for as follows:
Capacity for 2 no. vehicles to park if a two or three bedroom dwelling, or
Capacity for 3 no. vehicles to park if a four or more bedroom dwelling.

REASON: To ensure adequate parking provision is provided within the curtilage of the dwellinghouses hereby approved.

Informatives:

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1. Duration of permission - In accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses unless you begin the development within 2 years from the date the last approval is obtained for the matters specified in Condition 1 above.

Time limits for approval of Matters Specified in Conditions - In accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application(s) for the approval of the matters specified in Condition 1 above, must be made within 3 years from the date of this permission. If an application for approval of matters specified in Condition 1 has been refused, the time limit for approval of matters specified in Condition 1 is whichever is the latest of the following:

- (a) 3 years from the date of this permission,
- (b) 6 months from the date of the refusal,
- (c) 6 months from the date an appeal is dismissed for such a refusal.

Further applications - An application for approval of any matter specified in Condition 1 above may be made for different matters and different parts of the development at different times. Each application shall be in writing and must:

- (a) identify the planning permission to which it relates;
- (b) contain a description of the matter in respect of which the application is made;
- (c) state the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent; and
- (d) be accompanied by–
 - (i) plans and drawings describing the matter in respect of which the application is made; and
 - (ii) any fee payable under the Fees Regulations.

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. WDC Environmental Health recommends the following restrictions on hours of operation, deliveries and piling. This should be noted as these restrictions would be imposed as planning conditions if a further application for 'Matters Specified in Conditions' is granted.

Construction Sites – Hours of Work (Noise)

Mondays to Fridays:

[0800-1800]

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Saturdays:	[0800-1300]
Sundays and public holidays:	[No working]

Delivery Vehicles – Time Restrictions

No commercial vehicle making deliveries to or collecting material from the development to enter or leave the site before 08:00 or after 18:00.

To minimise noise and disturbance to nearby residents at unsocial hours.

Construction Sites – Hours of Work (Piling)

During the period of construction, no piling works:

Mondays to Fridays	[0800 – 1800]
Saturdays	[0800 – 1300]
Sundays and public holidays	[No Working]