



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 23<sup>rd</sup> May 2016**

<b>SUBMITTED BY:</b>	Head of Planning & Rural Development
<b>APPLICATION NUMBER:</b>	2016/0042/DET
<b>APPLICANT:</b>	MacIntosh Homes Ltd.
<b>LOCATION:</b>	Site of Former Finnartmore Nursing Home, Kilmun PA23 8RY
<b>PROPOSAL:</b>	Erection of flatted block comprising 8 affordable units. Modification of planning condition no.13 of permission ref: 2011/0288/DET to revise the number of parking spaces within the flatted development, to provide 12 spaces.

<b>NATIONAL PARK WARD:</b>	Ward 1
<b>COMMUNITY COUNCIL AREA:</b>	Kilmun Community Council
<b>CASE OFFICER:</b>	Name: Craig Jardine Tel: 01389 722020 E-mail: <a href="mailto:craig.jardine@lochlomond-trossachs.org">craig.jardine@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 The proposal is for a modification of a planning condition attached to the original planning permission for the development as described above and in section 3 of this report. The flatted development, access road and parking has been built.
- 1.2 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 as the Kilmun Community Council for the local area has lodged a formal objection. This paper presents the officer's assessment of the planning application and the officer's recommendation.

**2 RECOMMENDATION**

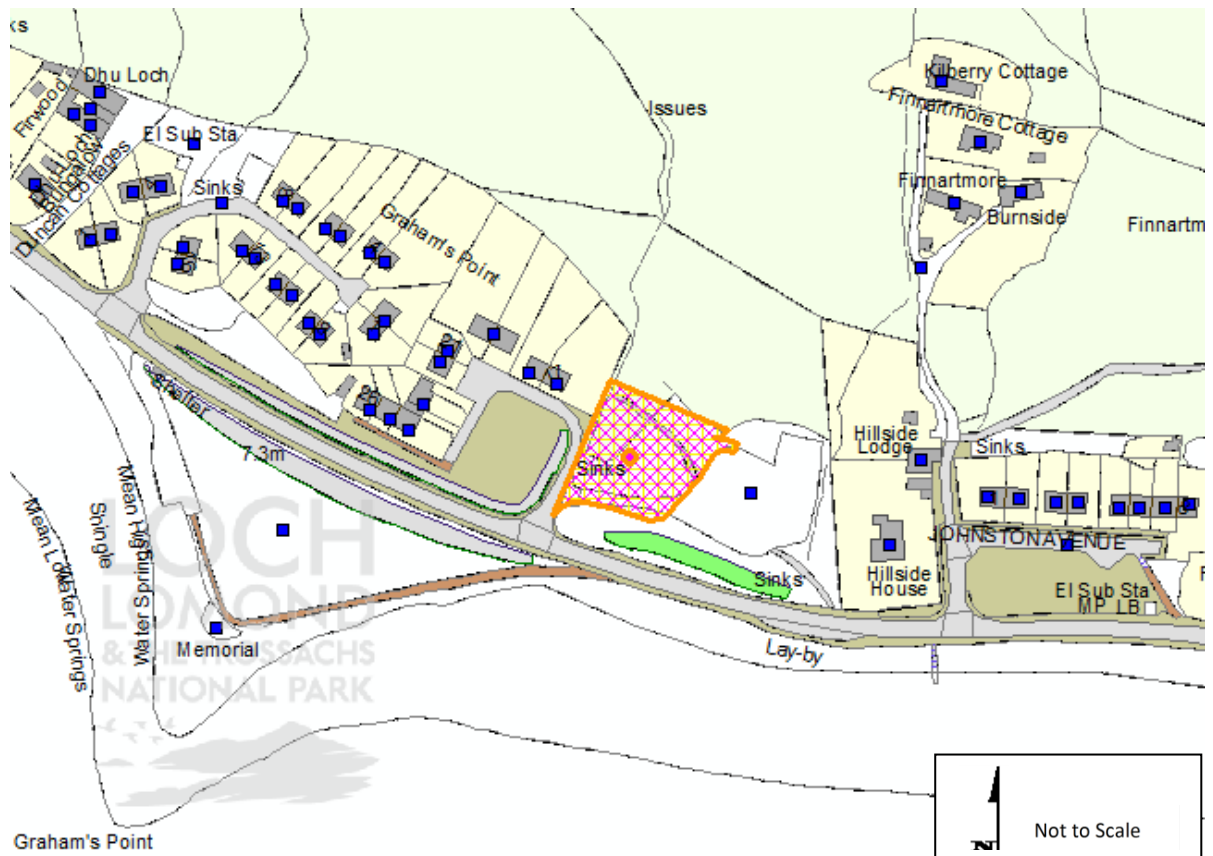
**That Members:**

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

### 3 INTRODUCTION

#### **Site Description:**

- 3.1 The application site is located in Kilmun and comprises of a built development of 8 flats, driveway access and parking which was approved in 2012, within the grounds of the demolished former Finnartmore Nursing Home (as shown in Figure 1 below).
- 3.2 The application site is surrounded by extensive wooded grounds to the rear (north) and a burn with a few trees to the west side boundary. Further to the west of the site is an area of open space which lies in front of a group of existing housing at Graham's Point. To the east of the site is a series of three individual house plots (one of which is completed and occupied).
- 3.3 The application site, and the aforementioned house plots, are accessed from the shore road (A880) via Graham's Point (U046) by means of an upgraded existing vehicular driveway access. The vehicular access extends to an area of parking (12 spaces) situated to the rear of the flats and diverges to the east to provide vehicular access for the three adjacent house plots (as shown in Figure 2 below at section 3.16).



**Figure 1. Location Plan. Application Site**

#### **Planning Background:**

- 3.4 This site has a complex, multi-consent, planning history. The planning history is provided in

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detail in section 3.17 of this report and is summarised in the following paragraphs.

- 3.5 The first application in 2010 was to demolish the former nursing home on the site and replace this with 3 flatted blocks (comprising of 6, 4 & 4 units) arranged from west to east across the full width of the site and utilising the existing road access and with parking requirements for the development conditioned to require provision for 28 parking spaces.
- 3.6 This permission was subsequently superseded by a 2011 application which sought to amend the proposal for the western block of flats, to provide 8 rather than 6 units. This application proposed that all of these 8 units would be affordable housing. As referred to above, these flats have now been built on site and are the subject of this further amendment application.
- 3.7 The permission for the remaining two blocks of flats was then replaced by a 2012 'planning permission in principle' for 3 open-market house plots. Between 2013 and 2015 full details for these individual house designs and layout, with in-site parking, have been approved by the National Park Authority. At the time of writing, only the middle plot (Plot 2) has been built and is occupied.
- 3.8 It should be noted that the internal site boundaries have adapted and changed through the various applications to take account of changes in ownership and proposed alterations in road layout. The division line between the development site and the woodland to the rear has remained largely due to the significant change in gradient at this point. This woodland is retained in the ownership of the current applicant.

### ***Description of Proposal:***

- 3.9 The application under consideration is for the modification of planning condition no. 13 of planning permission ref: 2011/0288/DET which currently states:

*Parking: Prior to the occupation of any of the dwellings hereby permitted, 28no. parking bays at 5m x 2.5m shall be constructed in accordance with the Site Layout Drawing no. L100(c) received 12 April 2010.*

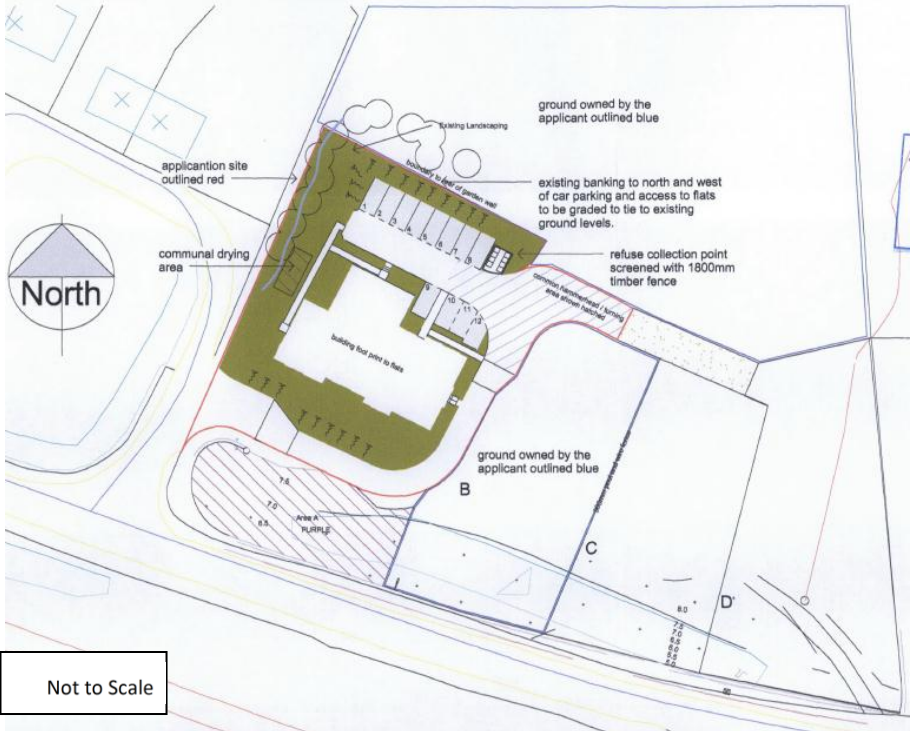
A copy of the planning conditions of decision notice 2011/0288/DET is contained in Appendix 2 of this report.

- 3.10 This application has come about as a result of complaints received from local residents and via Kilmun Community Council that this planning condition, relating to parking requirements, and other conditions were not being fully complied with.
- 3.11 On investigation it was identified that the wording of the abovementioned condition was carried over from the earlier permission for 14 flats (ref: 2010/0016/DET) and was applied to the permission for 8 flats (ref: 2011/0288/DET) in error.
- 3.12 The National Park Authority has strived to resolve the situation regarding the inconsistent planning condition over the last 16 months with the applicant. The Park Authority has entered into discussions and site meetings with the applicant and the Argyll & Bute Council Roads Officer in this regard to negotiate as many parking spaces as can practicably be achieved given the constraints of the application site. The protracted nature of these discussions has been disappointing; however, an application is now under consideration. Had the Park

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Authority not received an application then enforcement proceedings would have to have been considered.

- 3.13 This application which is the subject of this report has now been submitted in order to rectify this outstanding issue and also to present, what the applicant proposes is a suitable level of parking provision for the National Park Authority to consider.
- 3.14 The context of the built development and the adjacent house plots as described above is a material consideration in the planning assessment. The development is largely completed with the road layout and parking provided. Given the reduction in scale from the 2010 scheme of 14 flats to the 8 flats that have been built on site, 28 vehicle parking spaces would represent a significant over-provision. Furthermore, 28 spaces would not be achievable on site as that number of spaces related to a completely different development proposal for 14 flats. The road layout and the ownership boundaries of the housing plots 1 – 3 that followed through subsequent permissions will not allow for the provision of more than the 12 spaces, which have been achieved on site, without substantial excavation and retention of the steeply sloping ground to the rear of the site.
- 3.15 A revised wording for condition no.13 has not been submitted by the applicant. In the absence of any revised condition wording it is proposed that the numbers, layout and sizes of parking bays as shown on the submitted plan (i.e. 12 spaces as shown on drawing no. D260(b)) be considered as forming the proposed modification under consideration.
- 3.16 Although the premise of the application is to modify the previously approved parking provision, it is acknowledged that the above referenced plan also details a revised road layout, design and altered passing place location to that shown on the previously approved plan (drawing no. L100(c)). This road layout has already been formed on-site. Therefore, it is unavoidable that this road layout also requires to be considered as a material consideration in the assessment of this part-retrospective planning application.



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**Figure 2. Site Plan - Revised Parking Layout**

***Planning History:***

3.17 **Flatted Development**

2010/0016/DET - Demolition of existing building and erection of 14 no. flats. Approved on 12 July 2010.

2011/0288/DET - Erection of flatted block comprising 8no. affordable units (amendment to western block approved under planning permission ref: 2010/0016/DET). Approved on 27<sup>th</sup> January 2012.

**Adjacent Housing Plots**

2012/0191/PPP - Erection of 3 No. dwellinghouses. Approved on 12 September 2012.

2012/0386/MSC - Erection of dwellinghouse and detached garage (Plot 2). Approved on 29 May 2013.

2012/0387/MSC - Erection of dwellinghouse and detached garage (Plot 1). Approved on 29 May 2013.

2015/0224/MSC - Erection of dwellinghouse (Plot 3). Approved on 9 October 2015.

**4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

4.1 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011.

In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

**5 CONSULTATIONS AND REPRESENTATIONS**

***Summary of Responses to Consultations***

*Full responses are available on the National Park Authority's Public Access Website.*

5.1 Argyll & Bute Council – Roads

**No objection.** Summary of comments as follows:

Parking Provision

- Parking requirements have been assessed on the basis of the Council's Road Development Guidelines for differing tenures of housing. On this basis the advice provided is that, for a development of 8 flats, the maximum number of spaces required for combined resident/visitor parking would be a total of 11 spaces.
- The development of 8 units provides 12 parking spaces.

Sightlines

- Sightlines at the existing junction with the U046 Finnartmore Housing Scheme Road are currently 20 x 2m. To maintain this level of visibility, all fences and hedges, within these plays, should be maintained at a height not greater than 1 metre.
- Sightlines onto the A880 junction from the existing road network are acceptable given

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the low volume and speed of traffic within the 30mph speed restriction.

### Road Layout

- The access serving the development has a 3.7m wide running surface with passing places.
- 'Swept path analysis' drawings indicate that this access route will be suitable for both Emergency and Service vehicles.

## 5.2 Kilmun Community Council

### **Objects to the application on the following grounds:**

#### Parking Provision

- The Argyll & Bute Council parking guidelines do not take into consideration the very rural location of the development and high car dependency, as was acknowledged and taken into account in the original planning report and decision for the 8 flats (2011/0288/DET).
- The Argyll & Bute Council parking guidelines applied to private housing on the basis of numbers of bedrooms would be more appropriate, thus requiring that the development provide 2 parking spaces per flat to match the level of parking provision given permission previously for 14 flats (ref: 2010/0016/DET).

#### Sight Lines

- Advice provided by a retired Police Officer is that the existing sightlines onto the A880 junction are dangerous and are not acceptable. This could be resolved by reducing the wall height as was acknowledged and required by condition of planning permission for the 8 flats (2011/0288/DET).

#### Road Layout

- The current plan (dwg. no. D260b) differs from the layout previously approved for the 8 flats and for plots 1 & 2 and shows the 'passing place' in a different location. Advice taken from the aforementioned Police Officer is that the access road, as constructed, is not suitable for refuse vehicles, fire appliances, construction vehicles or normal HGV delivery vehicles. It is therefore requested that the road layout, specifically the passing space, is altered to that shown on the original approved design.

#### Refuse Provision

- The current refuse point shows 8 spaces. Space for 16 refuse bins should be provided to meet the Argyll & Bute Council requirement for 2 bins per dwelling.

#### Extant Planning Conditions

- All conditions attached to the original planning permission should remain with the exception of Condition no.13 which should be amended to require 16 parking spaces in order to reflect reduced number of flats, but maintaining 2 parking spaces per flat.

### **Summary of Representations Received**

*Full representations are available on the National Park Authority's Public Access Website.*

5.3 At the date of the preparation of this report, 4 individual representations of objection had been received from neighbouring residents/owners.

5.4 A summary of the main issues from these representations now follows under the range of headings and sub-headings below. A response to the range of concerns is provided within the the Planning Assessment of this report (Section 8).

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### 5.5 Parking Provision

- Concern that the proposed level of parking provision is insufficient to accommodate the level of car ownership in this rural location, and doesn't reflect the number of bedrooms per flat. The proposed level of provision will result in overspill parking along the internal driveway access, into Graham's Point or onto the A880. This will impact on road safety, the character of the area and amenity of the local residents. If this occurs it will also result in an obstruction to the free passage of cars, delivery, emergency and refuse vehicles from entering or servicing the site.
- Parking space nos.11 and 12 are compromised in length, with the possibility that parked vehicles will encroach on the road splay.
- The manoeuvring space in front of the parking spaces appears to be 5m rather than the normal 6 metre minimum.
- Questions raised regarding what provision there is for visitor parking and notes that there are restrictions to parking on any other part of access/private road at the rear of plots 1, 2, and 3.

### 5.6 Sightlines

- Continued concerns regarding road safety with respect to sightlines onto the A880 junction. The existing boundary wall restricts sightlines to the south and has resulted in near road incidents. Reduction of the height of this wall was previously assured by condition of planning permission (ref: 2011/0288/DET) and this requirement should remain.

### 5.7 Road Layout & Design

- The existing boundary fence around Plot 1 restricts vehicles from negotiating the bend and requests an inspection to resolve this issue.
- The expanse of tarmac is unsympathetic to the character of the rural area.
- Questions raised regarding what provision is in place to manage surface water run-off to avoid further water run-off via the new road surface.

### 5.8 Refuse Provision

- The current refuse point shows 8 bin spaces. Space for 16 refuse bins should be provided.

### 5.9 Extant Planning Conditions

- Questions raised regarding what soft landscaping is to be carried out to prevent the urban feel.

## 6 POLICY CONTEXT

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

- 6.1 The four statutory aims of the National Park are a material planning consideration. These are

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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.

6.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

### ***Development Plan:***

#### 6.3 National Park Local Plan (Adopted 2011)

##### *Relevant Policies:*

TRAN3 – Impact of New Development on the Road Network

TRAN4 – Provision of New Transport Infrastructure

TRAN6 – Parking Provision

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan-2010-2015/menu-id-904.html>

### ***Other Material Considerations:***

#### 6.4 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect no policies are relevant.

#### 6.5 Proposed Local Development Plan (2015)

The final consultation period for the Proposed Local Development Plan closed on 29 June 2015. The Proposed Local Development Plan was submitted to Scottish Ministers on 09 December 2015 to request an examination of unresolved representations. The Examination formally commenced on 04 February 2016. The Reporter will submit a report of their examination to the planning authority, containing their conclusions and recommendations on each issue and any modifications to the plan. In the interim, the Proposed Local Development Plan is a material consideration in the assessment of planning applications and the amount and type of representations are key considerations in determining the weight given to each policy or proposal.

The Proposed Plan provides an indication of likely changes in current planning policy. In this respect, the following policies are relevant:

Overarching Policy 1: OP1 – Strategic Principles

Overarching Policy 2: OP2 – Development Requirements

Transport Policy 3: TP3 - Impact Assessment and Design Standards of New Development

Where new policy considerations are raised by the above, these are assessed within section 7 'Planning Assessment' of this report, otherwise it can be assumed that the above does not



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raise any new policy considerations relative to the proposed development.

### **7 SUMMARY OF SUPPORTING INFORMATION**

- 7.1 'Swept Path Analysis' drawings for refuse and fire vehicles accessing the development have been prepared by independent road engineers on behalf of the applicant. These drawings were submitted directly to the Local Roads Officer, and are referred to in the Roads Officer's consultation comments.

### **8 PLANNING ASSESSMENT**

- 8.1 With this particular type of planning application the principle of the development cannot be revisited and the planning authority is required to only consider the suitability of the conditions proposed to be attached to any resulting new permission.
- 8.2 The key issue for consideration is the terms of the existing planning condition no.13 for which a modification is being applied for. However, it is considered that the changes to the road layout shown on the submitted drawings are not only material changes to the original grant of permission but have also been the subject of concerns expressed by the Kilmun Community Council and neighbouring residents. The road layout should therefore also be considered as being material to the assessment of this application. Furthermore, it should be borne in mind that to grant permission for this application would result in the issuing of a new, altered permission for the development and therefore, it is necessary to re-consider the pre-existing set of conditions on the original permission.
- 8.3 The material considerations in the assessment of the application can therefore be summarised as follows:
- The site background and context
  - Parking Provision
  - Road Layout
  - Planning Conditions relative to planning permission ref: 2011/0288/DET

The site background and context has already been set out through section 3 of this report. The remainder of the report will now address each of the other considerations in turn.

#### **Parking Provision**

##### *Policy Context*

- 8.4 Policy TRAN6 of the adopted National Park Plan states that developments will normally be expected to provide sufficient parking to current standards, as determined in consultation with the Roads Authorities.
- 8.5 Policy TP3 and Policy OP2 of the Proposed Local Development Plan requires that developments be serviced by roads infrastructure to the specification and in consultation with the Roads Authorities and provide appropriate parking provision.
- 8.6 The Roads Authority has reviewed the parking layout and number of spaces in line with their relevant guidelines. They have no objections to the amendment applied for and as formed on-site.

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8.7 It is acknowledged that the representations received raise concerns that the level of parking provision is insufficient for this rural location. Furthermore, the representations also highlight that, at the time of the application for the 8 flats, and the earlier application for 14 flats on the larger site, a level of 2 spaces per unit was previously approved. The Roads Authority's view is based on the current situation and at this time, they have deemed a lower level of parking provision to be acceptable to accommodate resident and visitor parking levels. The consultation responses and assessment made on this matter in previous applications cannot be taken into account as a material consideration to the determination of this application, whereas the current guidance provided by the Roads Authority is a material consideration.

8.8 It is considered that there is no justifiable reason for the planning authority to require a greater level of parking provision than is deemed acceptable to the Roads Authority and therefore accords with the relevant development plan policy. As such, it is recommended that the provision of 12 spaces for the flatted development, as detailed on the submitted plan (dwg. no. D260(b)) be approved. It is considered that there is no requirement for a planning condition to address this matter in any new decision notice issued as the number and layout of spaces is clearly indicated on the drawing which would form part of any planning permission.

### **Road Layout**

8.9 Policy TRAN4 of the adopted National Park Plan and Policy TP3 of the Proposed Local Development Plan require that new road accesses are constructed taking account of road engineering principles that are sensitive to the Park's special qualities and are in conformity with the standards required by the Roads Authorities.

8.10 Representations from the Kilmun Community Council and neighbouring residents raise concern that the design of the access, the radii of the bend with adjacent passing place, the manoeuvring space, and the presence of fencing along the boundary of Plot 1 have, and will result in an obstruction to the free passage of larger vehicles. Furthermore they state that any overspill parking onto the access would further exacerbate this potential issue. In addition, the contributors request that the road layout and passing place location be amended to match that previously approved (planning permission ref: 2011/0288/DET).

8.11 The Roads Authority has considered the new alignment and design and has confirmed that the width of the access is acceptable and that the submitted 'Swept Path Analysis' drawings demonstrate that the layout is acceptable for larger service vehicles. As such, the Roads Authority has no objection to the amended road layout as submitted and formed on-site.

8.12 It is acknowledged that the pre-existing access to the former Finnartmore Nursing Home (which previously occupied this site) and the sloping terraced nature of the site have largely dictated the location of development and the general route of the access. The Roads Authority has not insisted upon an alternative approach to the road layout, have raised no objection to the use of a shared surface and require no additional traffic calming measures. The appearance of the bound-open-graded permeable surface is considered acceptable and will also sustainably address surface drainage of the access road.

8.13 Representations have also been received on the level of refuse provision provided on-site, and as shown on the submitted plans. It is considered that this is a matter for Argyll & Bute Council to address. Should the Council request that an enlarged enclosure be provided, there is scope to the rear and east sides of the current bin location to accommodate this, without having implications for the road layout or parking provision.

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- 8.14 Representations received highlight that a fence post (forming part of the fence around the western boundary of plot 1) restricts vehicles from negotiating the bend. At the time of writing it has been brought to the planning officer's attention that the fence post in question has been re-positioned to ease access. It is acknowledged that this may be a temporary measure and that the future occupant of Plot 1 may wish to erect an alternative boundary treatment. However, planning condition no.9 of the planning permission ref: 2012/0387/MS for Plot 1 removes normal permitted development rights and as such this requires the owner to apply for planning permission prior to the erection of any fence or wall. It is recommended that this existing condition provides a sufficient safeguard to enable the planning authority to consider the appropriateness of the positioning of any such fence or wall in light of the issues raised and the 'Swept Path Analysis' information.
- 8.15 In conclusion, it is considered that there is no justifiable reason for the planning authority to require a change to the new road layout or design, given that this is deemed acceptable to the Roads Authority and therefore accords with the relevant development plan policy. As such, it is recommended that the road layout for the flatted development be approved on the basis of the details shown on the submitted drawing no. D260(b). It is considered that there is no requirement for a planning condition to address this matter in any new decision notice issued.

### **Planning Conditions relative to planning permission ref: 2011/0288/DET**

- 8.16 As stated in Section 8.2 of this report, it is appropriate that all of the existing conditions that apply to the planning permission for the flatted development be reviewed as part of this application and that this will result in a relevant and updated decision notice being issued, should Members decide to approve the application. A copy of the original planning conditions is included within Appendix 2 of this report.
- 8.17 In the following paragraphs, the existing planning conditions are assessed. This has been structured in the order they appear on the original planning permission ref: 2011/0288/DET (see Appendix 2) but, where relevant, in appropriate groupings. It is worth highlighting that Kilmun Community Council has specifically stated that they would wish to have all of the pre-existing conditions remain on any new consent. Other than specific details under the topics of parking provision, sight lines, road layout and refuse provision, the community council has not provided any further explanation for why they would wish this to be so. However, through earlier complaints received about the development over the last year and a half, it is acknowledged that this development has been a sensitive local issue. In this context the following assessment has sought to carefully consider these views whilst balancing this with the reality of the development as built and reviewed on site while being mindful of the significant amount of work already undertaken by the planning officers to carry out their legal responsibilities in seeking resolutions and practical solutions to deliver this affordable housing development.

### **Affordable Housing – Conditions 1 & 2**

- 8.18 It is noted that Fyne Homes are the clients for this development and propose to manage all of the 8 flats as affordable rented accommodation under their role as a Registered Social Landlord (RSL). This involvement by an RSL meets the obligations of the original planning conditions and this arrangement has previously been agreed in writing by the Planning Authority. Therefore, it is recommended that an updated planning condition be applied to reflect this current situation to ensure that the flats are provided for affordable needs in perpetuity, as required by planning policy. Planning Condition no.2 of the 2011 permission (ref: 2011/0288/DET), ceases to be applicable and is no longer required on any new permission.

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### External Materials and Finishes – Conditions 3, 4, 5, 6, 7 and 8

- 8.19 The flats are completed and deemed to be of an acceptable standard; therefore, these planning conditions have no further relevance. It is recommended that these conditions of the 2011 permission are no longer required on any new permission.

### Phasing Plan – Condition 9

- 8.20 The flats have been built and the access and parking formed. The developer has confirmed previously that the development connects into the public drain and that the surface drainage is managed on site by use of open-graded permeable surfacing. The issue of landscaping is referred to in Section 8.26 below. Notwithstanding this, it is considered that the phasing plan is no longer necessary and serves no purpose in the context of a largely completed development. Therefore, it is recommended that this condition of the 2011 permission is no longer required on any new permission.

### Hours of Construction – Condition 10

- 8.21 The flats are completed; therefore, this planning condition has no further relevance. It is recommended that this condition of the 2011 permission is no longer required on any new permission.

### Visibility Splays – Condition 11

- 8.22 The Roads Authority has no objections to the access onto Graham's Point (U046), subject to the current visibility splays being maintained in perpetuity. It is recommended that this be reflected in a planning condition on any new permission
- 8.23 With regards to the visibility splays onto the Shore Road (A880), condition no.11 of the 2011 permission required that the existing boundary stone wall be reduced in height to below 1m within those visibility splays. This has not been undertaken as part of the works carried out on site. Representations have raised concern in this regard from the Community Council and from neighbours requesting that this original wording remain and that the obligations therein be carried out. The Roads Authority has reviewed the visibility splays and has now confirmed that the existing sightlines, taking account of the pre-existing stone boundary wall, are acceptable. Therefore, in light of this updated statement from the Roads Authority there is no justifiable reason for the planning authority to require that the wall be reduced in height. Furthermore, it is worth noting that the splay is outwith the current application site and is a pre-existing access which currently serves a number of houses (and served the former nursing home on the site). In conclusion, it is considered that this access onto the Shore Road (A880) accords with the relevant development plan policy and that this element of planning condition no.11 is no longer required on any new permission.

### Access Road – Condition 12

- 8.24 Planning condition no.12 of permission ref 2011/0288/DET set out a series of design parameters for the road access. As discussed above, the Roads Authority has reviewed the access as formed on-site (and as shown in the submitted plan) and has no objection. Therefore, it is recommended that this condition is no longer required on any new permission.

### Parking – Condition 13

- 8.25 This matter has been addressed in detail in sections 8.4 – 8.8 of this report.

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### Landscaping Plan – Condition 14

- 8.26 Landscaping details including hedging and shrub planting within the site and area of common ground to the immediate south of the application site have been detailed indicatively on previous versions of site plans. The matter of soft landscaping for the flatted development has also been raised by a contributor. Although this matter was a requirement of the original grant of permission it is considered that the landscaping proposed within the current application site was always intended to be minimal, and having reviewed the current site condition, it is considered that the simple setting which has been created is acceptable. This has been considered in the context of the mature woodland backdrop (addressed below). Therefore, it is considered that this condition is now of lesser relevance and it is recommended this condition is no longer required on any new permission.

### Landscape/Woodland Management Plan – Condition 15

- 8.27 The purpose of this planning condition was to ensure that the area of woodland to the rear of the flats and plots 1 – 3 be managed in the long-term, in order to provide a setting for the development and to enhance biodiversity. A Woodland Management and Landscaping Plan was received on 29<sup>th</sup> April 2013 and was subsequently approved by the National Park Authority. As this was a requirement of the original grant of permission, and continues to be of relevance, it is recommended that a planning condition addressing this matter be applied, but in an amended format to that included in the 2011 permission. To this end, it is recommended that the amended condition requires an updated version of the 2013 management plan to be submitted which further sets out the aims and objectives, the area to which the management plan applies, details a programme of works and states the duties and contact details of the party responsible for on-going implementation and review of the management plan. This management plan should be reviewed and submitted every five years as originally intended.

### Bats & Breeding Birds – Conditions 16 & 17

- 8.28 The development has now been completed and therefore these planning conditions have no further relevance. It is recommended that these conditions are no longer required on any new permission.

### Open Culvert/Stream – Condition 18

- 8.29 This condition referred to the open culvert which is now located within Plot 3 to the east. Therefore, this condition is outwith the boundary of, and no longer relevant to, this application site. It is recommended that this condition is no longer required on any new permission.

## **9 CONCLUSION**

- 9.1 In conclusion, it is acknowledged that the local Community Council and neighbouring residents have concerns about various aspects of the development, in particular the parking provision, road design and visibility splays. The Roads Authority has considered each of these aforementioned aspects of the development and has no objection to the proposals. The advice of the Roads Authority, as set out in the relevant planning policies, is key to the consideration of planning applications such as this and, in this instance, there is no justifiable reason to depart from the advice given. Therefore, it is recommended that the application for a modified number and arrangement of vehicle parking spaces to that previously detailed in permission ref: 2011/0288/DET, and a resultant change to road design layout, be approved.
- 9.2 As explained in section 8.2 of this report, in determining an application of this type, the

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planning authority may review all of the existing planning conditions that applied to the previous permission (in this case ref: 2011/0288/DET). Each condition has been addressed in sections 8.16 to 8.29 of this report and those which are no longer relevant are recommended for non-inclusion in any new permission issued. Others are recommended for inclusion but with modification to their wordings in the 2011 permission. In this instance the key conditions that are recommended for retention, in a modified form, are those that relate to the confirmation of affordable housing provision, road safety (visibility splays at the junction with Graham's Point) and the condition that relates to woodland management to ensure that the development retains a better managed backdrop of woodland in the longer term, which is considered important to integrate the development with its rural surroundings. Appendix 1 contains the new set of recommended conditions that would apply to this permission for the development.

- 9.3 In reaching these conclusions a pragmatic approach has been adopted taking account of the evolution of the site context, the concerns of the local community resulting in advice being sought and obtained from the Roads Authority, and the work which has already been undertaken on the ground.

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

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0042/DET'*

**List of** *Appendix 1 Conditions and List of Plans*

**Appendices:** *Appendix 2 Extract from Planning Permission Decision Notice ref: 2011/0288/DET*

## Agenda Item 5

### **Appendix 1**

#### **Planning Conditions:**

1. **Affordable Housing:** All of the residential units hereby approved (8no.) shall be provided as affordable needs housing in perpetuity.

REASON: To ensure the provision of affordable housing in accordance with Policy HOUS1 of the adopted National Park Local Plan.

2. **Visibility Splays:** All walls, fences and hedges within the 2 metre by 20 metre visibility splays for the junction onto Graham's Point (U046) must be maintained in perpetuity at a height not greater than 1 m above the road.

REASON: To ensure the visibility splays on egress to the U046 are maintained with no interference, in the interests of highway safety.

3. **Landscape/Woodland Management Plan:** Notwithstanding the previously approved Management Plan (Woodland Management and Landscaping Plan April 2013 – April 2018, prepared for MacIntosh Homes by Graeme Cormie Environmental Management Services, dated April 2013) an updated 5-year Woodland Management Plan shall be submitted within six months of the date of this decision. The Woodland Management Plan shall address the aims, objectives and operations for the management and long-term retention of the woodland to the rear of the application site and the adjacent plots 1 to 3 (extent of management area to be indicated on a plan annexed to the updated Management Plan). The Woodland Management Plan shall detail the proposed management regime and shall provide the contact details of the named responsibility for management. Transfer of management responsibility to another suitable organisation or body may be permissible; however, any such changes shall firstly be submitted to, and subsequently approved in writing by the Local Planning Authority. The finalised Woodland Management and Landscaping Plan, as shall be submitted and approved pursuant to this condition, shall thereafter be implemented and complied with and shall be reviewed and submitted to the Local Planning Authority for approval, at 5-year intervals.

REASON: To ensure the woodland and landscaping are managed in the long-term to provide a setting for the development and to enhance biodiversity.

#### ***List of Plans***

<b>Title</b>	<b>Reference</b>	<b>Date Received</b>
Site Plan Revised Layout of Car Parking	D260(B)	09/02/16

#### **Informatives**

None

## Appendix 2

Extract from Planning Permission Decision Notice ref: 2011/0288/DET

# Decision Notice



Mr Colin McLachlan  
[REDACTED]

APPLICATION NUMBER 2011/0288/DET

## **Grant of Planning Permission**

This decision notice is issued under the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc. (Scotland) Act 2006. It should be read together with the official plans. If any details differ then the decision notice takes priority.

### **Description of the proposed development:**

Erection of flatted block comprising 8no. affordable units (amendment to western block approved under planning permission ref: 2010/0016/DET)

### **Location of the proposed development:**

Site Of Former Finnartmore Nursing Home, Kilmun, Dunoon

### **The decision has been made with the following conditions:**

- 1 Shared Equity Affordable Housing:** All of the residential units hereby approved (8no.) shall be provided under a Shared Equity scheme, in accordance with a scheme operated by the developer or a Registered Social Landlord (RSL), unless otherwise agreed in writing by the Local Planning Authority. The scheme shall detail the market value of each unit and will state the percentage to be retained by the developer or RSL. The developer or RSL should own at least a 20% stake in the properties.
- 2 Marketing of Affordable Housing:** Prior to the completion of the 8no. affordable residential units hereby approved, a marketing strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should ensure that the properties are marketed to the local community council areas in the first instance as follows : First 3 months - the properties shall be marketed to only those living in the Kilmun, Strone and Blairmore Community Council areas and then - the following 3 months to a wider community council area, to be agreed. After 6 months, if the properties remain unsold then they can be open market.

#### **LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY**

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

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- 3 **Stone/Render Details:** A 1.0 m x 1.0 m sample panel of stonework and render to be used on the external walls of the building(s) shall be constructed for inspection and details of the stone and mortar (the type, colour, and sizes) shall be submitted in writing for approval by the Local Planning Authority prior to the application of the stone/render to the remainder of the building(s).
- 4 **Colour of Paint/Stain:** All doors, windows and associated framework and all external joinery shall be painted or stained in a colour, or colours, to be first approved in writing by the Local Planning Authority prior to the application on the buildings hereby approved.
- 5 **Roofing Material:** The roof(s) of the building(s) hereby permitted shall be covered with Redland Saxon in Welsh Blue or Slate Blue, unless an alternative roofing material is submitted to and approved in writing by the Local Planning Authority prior to their being affixed to the roof structure.
- 6 **Barge Boards, Guttering:** The colour, material and style of barge boards and guttering shall be first approved in writing by the Local Planning Authority prior to be used on the buildings hereby approved. A sample or written details shall be provided.
- 7 **Window Details:** The window frames shall be sliding sash and case style and the details of the type, materials and sizes shall be first approved in writing by the Local Planning Authority.
- 8 **Compliance with Details:** The materials approved in writing by the Local Planning Authority in accordance with Conditions 3, 4, 5, 6, 7 must, thereafter, be used in implementing this permission hereby approved.
- 9 **Phasing Plan:** Prior to work commencing on the development hereby permitted, a detailed phasing plan for its implementation and the implementation of the development permitted under planning permission ref: 2010/0016/DET shall be submitted to, and approved in writing, by the Local Planning Authority. The phasing plan shall ensure the following parameters are met:
  - The shared equity affordable housing and the upgrade to the access road to be completed in the first phase of residential development,
  - The SUDS drainage to be completed prior to first occupation of any private residential unit,
  - The finalised site location and installation detail of the “Biodisc” sewage treatment plant,
  - Implementation of landscaping (refer condition 14), by the occupation of the 4th private residential unit.

Thereafter the development shall not be undertaken otherwise than in conformity with the agreed phasing plan, unless revisions are otherwise agreed in writing by the Local Planning Authority.

- 10 **Hours of Construction:** Unless otherwise agreed in writing by the Local Planning Authority no machinery shall be operated, no construction activity carried out and no deliveries received at or despatched from the site outwith the hours of 7am to 6pm Monday to Friday, 9am to 4pm on Saturdays, nor at any time on Sundays or a recognised Public Holiday. A list of the Public Holidays shall be submitted and agreed with the planning authority.
- 11 **Visibility Splays:** Prior to the commencement of the affordable residential units hereby permitted, the existing boundary wall shall be reduced in height to below 1m within the visibility splays. If the wall requires rebuilding then it shall be in the same materials, or materials of similar specification, and in the same style, coursing as the existing wall.

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Thereafter, all walls, fences and hedges within the visibility splays for both the A880 junction and the Graham's point junction must be maintained at a height not greater than 1 m above the road.

- 12 **Access Road:** Prior to the commencement of the affordable residential units hereby permitted, the internal access road shall be increased in width to 5.5m for the first 5m. The access road shall be a shared surface with traffic calming to limit the speed of vehicles. The gradient of the access shall be a maximum of 5% for the first 5m and not exceed 8% for the remainder.
- 13 **Parking:** Prior to the occupation of any of the dwellings hereby permitted, 28no. parking bays at 5m x 2.5m shall be constructed in accordance with the Site Layout Drawing no L100 (c) received 12 April 2010.
- 14 **Landscaping Plan:** Prior to the commencement of the construction of affordable residential units hereby approved, details of all hard and soft landscaping of the site (excluding the woodland) shall be submitted to, and approved in writing by, the Local Planning Authority. This landscape plan shall include all boundary planting and feature planting within verge areas, and details of external lighting. All landscaping shall thereafter be carried out in accordance with the details hereby agreed, within the first planting season following the commencement of development. Any trees or plants which, within a period of 5 years thereafter, die or become seriously damaged or diseased shall be replaced in the next planting season with a similar size and species unless the Local Planning Authority gives written consent to any variation.
- 15 **Landscape/Woodland Management Plan:** Prior to the occupation of any of the dwellings hereby permitted a 5 year landscape/woodland management plan, including all new and existing landscape areas and the woodland to the rear, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape/woodland management plan shall be implemented and reviewed in a timescale as approved. The management regime may include transfer of management responsibility to another suitable organisation or body.
- 16 **Bats:** Trees in which evidence of bats may be suspected should be removed in accordance with the recommendations of the Bat Survey undertaken by Nocturne, October 2009 and March 2010 and bat boxes shall be erected prior to removal of the trees and demolition of the building in locations advised by Nocturne.
- 17 **Breeding Birds:** No trees shall be removed during the main bird breeding season (March – June inclusive).
- 18 **Open Culvert/Stream:** Prior to realigning the culvert/stream, cross sections and construction details shall be submitted to, and approved in writing by, the planning authority, in consultation with the Argyll and Bute Flood Alleviation Manager.

**The National Park Authority's reasons for imposing these conditions are:**

- 1 To ensure the provision of an element of affordable housing in accordance with the development plan and Scottish Planning Policy 3: Planning for Housing.
- 2 To ensure the provision of an element of affordable housing in accordance with the development plan and Scottish Planning Policy 3: Planning for Housing.
- 3 For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

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- 8 For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.
- 9 To ensure the essential servicing, social housing and public elements of the development are implemented timeously and with minimal impact on the surrounding area.
- 10 To protect the occupants of nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.
- 11 For avoidance on doubt and to ensure the visibility splays of 2.4m and 42m on egress to the A880 is achieved with no interference, in the interests of highway safety.
- 12 For avoidance of doubt and to ensure the two vehicles can pass at the entrance in the interests of highway safety.
- 13 To ensure adequate parking requirements above the Roads Authorities requirements, for an area which has a high car dependency.
- 14 For avoidance of doubt and to ensure the landscaping is implemented as soon as the development is completed to provide its setting.
- 15 To ensure the woodland and landscaping are managed in the long-term to provide a setting for the development and to enhance biodiversity.
- 16 To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.
- 17 To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to the protection of any wild bird nest while in use or being built.
- 18 For avoidance of doubt and to ensure the realigned culvert is designed and constructed in a manner which does not overtop and cause flooding on the A880 or nearby properties.

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