

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 31st October 2016

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| SUBMITTED BY: | Head of Rural Development and Planning |
| APPLICATION NUMBER: | 2015/0351/DET |
| APPLICANT: | Cruden Building & Renewals |
| LOCATION: | Land at Dumbain Road, Balloch |
| PROPOSAL: | 26 Unit affordable housing development (comprising 7 houses & 19 flats), access road and associated infrastructure |

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| 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 This application is for the erection of a 26 unit affordable housing development adjacent to the Balloch town boundary.
- 1.2 In accordance with sections 5.6 and 5.7 of the Scheme of Delegation, relative to planning, this application is being referred to the Committee for determination for the following reasons:
- a formal objection to the development proposal has been submitted by Balloch and Haldane Community Council and;
 - The application has been the subject of a significant level of valid objection

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 1.03 hectare site comprises part of an open field on the northern edge of the Haldane Estate to the eastern edge of Balloch and is on a gradual rising gradient from Dumbain Road to its northern boundary. Dumbain Road (from where the site is proposed to be accessed) is effectively the planning authority boundary between the National Park and the West Dunbartonshire Council area (of which Haldane Estate is part of). The eastern boundary of the site follows the approximate route of the tree lined Ballagan Burn which then diverts in a westerly direction along the southern end of the field. The western boundary, shared with neighbouring residential properties, is also the Balloch town boundary as defined in the local plan. There is currently no physical field boundary to the north edge of the proposed site.

3.2



Fig. 1. Application site outlined in red.

3.3

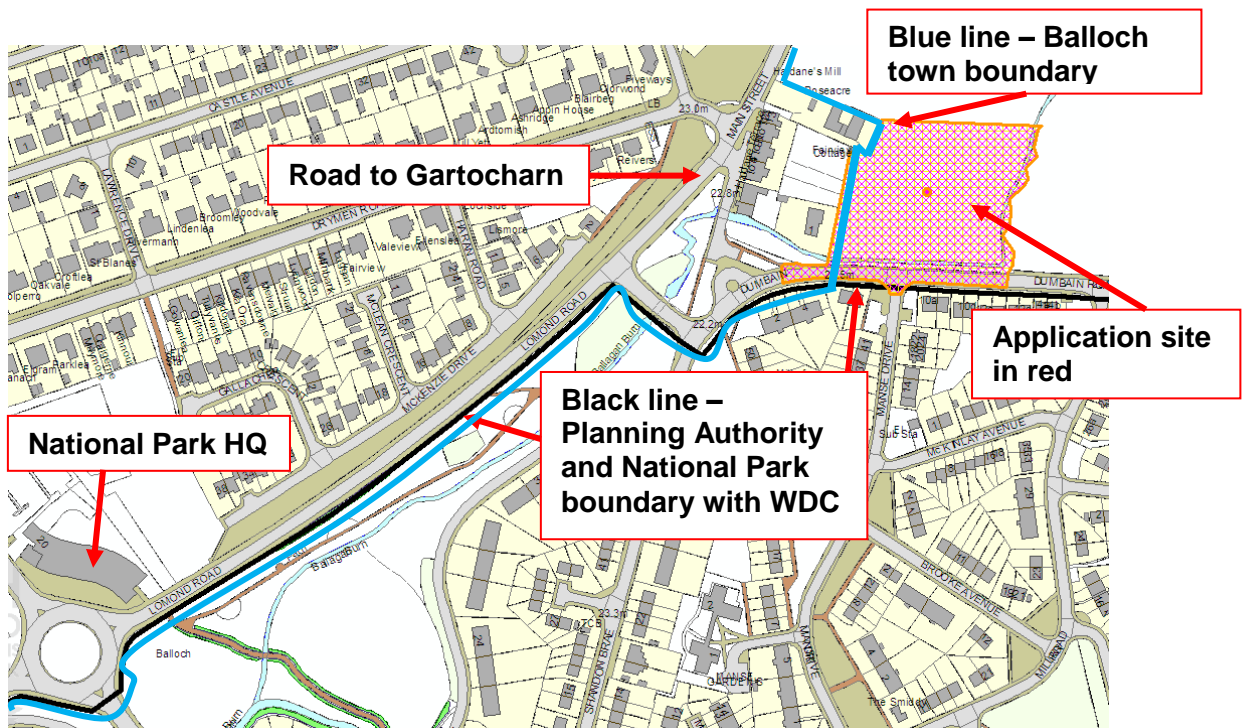


Fig. 2. Contextual plan

Environmental Impact Assessment (EIA):

- 3.4 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.

Description of Proposal:

- 3.5 Planning permission is sought for the erection of a 26 unit affordable housing development comprising 7 houses and 19 flats with associated access road and parking at a site immediately adjacent to the Balloch town boundary. The proposed site layout forms a courtyard style arrangement (see figure 3 below) with 2 storey building blocks made up of mixed house types including wheelchair accessible accommodation, amenity cottage flats (which can be adapted to be wheelchair accessible or to meet other identified needs such as those of older people) and 2 and 3 bedroom houses.
- 3.6 A new vehicular access road to serve the development is proposed to be constructed opposite the existing Dumbain Road/Manse Drive junction and would be culverted over the burn that runs along the south edge of the field (see figure 4). Trees also line the south edge of the field so a limited amount of felling would be required to construct the access. The trees on the eastern and western boundaries of the site are to be retained and protected. The proposals include in - curtilage and visitor parking and a designated area at the south west corner of the site for underground surface water storage to ensure controlled 'run off' to manage flood risk. The buildings footprints are set back to avoid the floodplain at the south east corner of the site and a short embankment is proposed to raise the ground level to protect future properties. The 'set back' of the development footprint would retain the open aspect on Dumbain Road with the existing southern boundary trees and vegetation providing a setting.

3.7



Fig. 3. Visualisation of proposed development for illustration purposes

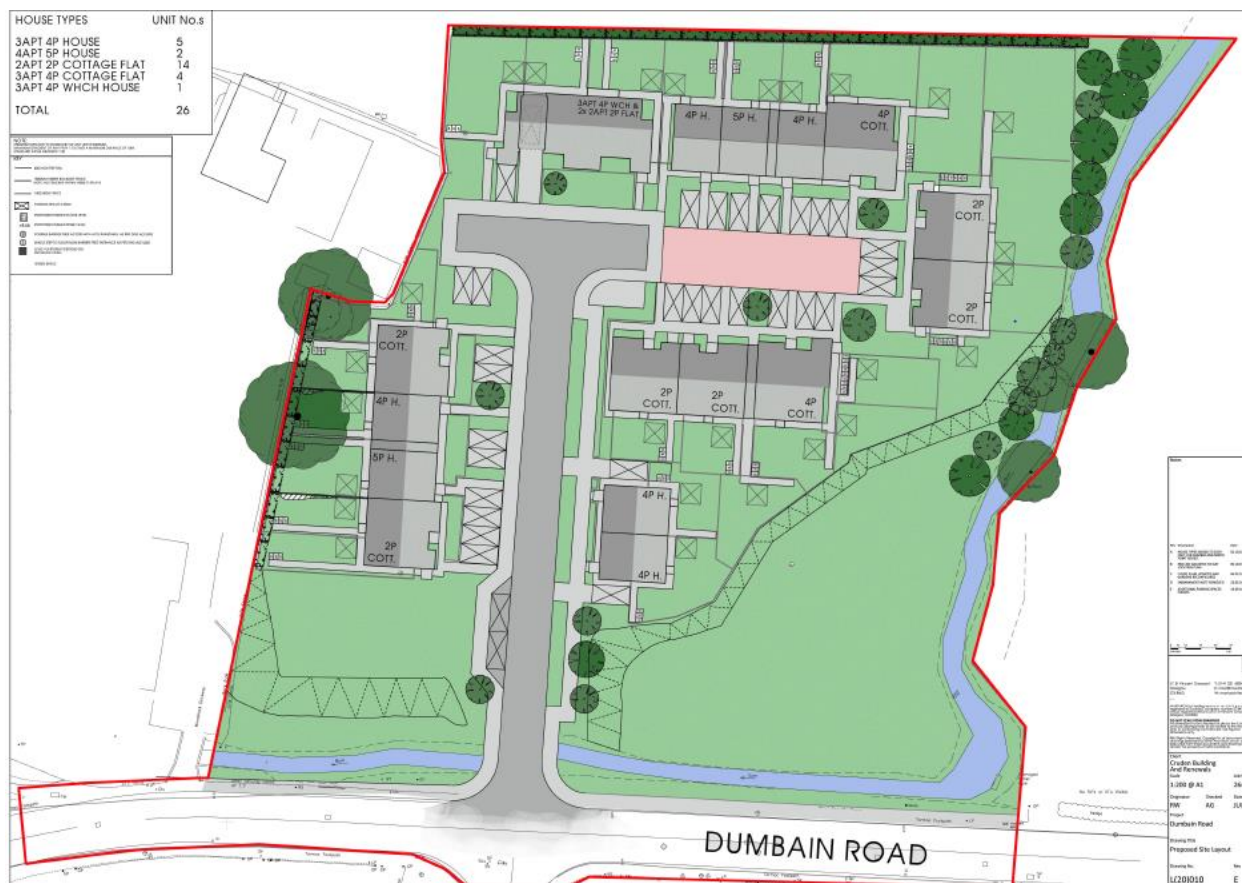


Fig.4. Visualisation of site layout and access for illustration purposes

Planning History:

- 3.8 The application site is an undeveloped field with no planning history.

4 CONSULTATIONS

Summary of responses to consultations

- 4.1 **Scottish Environment Protection Agency (SEPA)** dated 7 June 2016.

No objection

SEPA note the site layout has been amended to locate the development platform, which was previously slightly encroaching into the functional floodplain at the south east corner of the site, to outwith this area. As there is no longer any loss in floodplain storage, and therefore no requirement for the provision of compensatory storage, and considering the undeveloped nature of the site, SEPA are satisfied with this solution and are therefore able to remove their previous objection to the proposals.

- 4.2 **Scottish Water** dated 26 January 2016.

No objection

Scottish Water notes that a totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) if the system is to be considered for adoption. Advice is offered on capacity and processes involved in connecting to their infrastructure.

4.3 **West Dunbartonshire Council (WDC) Roads Authority** dated 26 August 2016

No objection

The parking provision meets the requirement for social housing and therefore WDC Roads has no objection to the proposed development. Advice is offered on access gradients, footpaths and material specifications.

4.4 **West of Scotland Archaeology Service (WoSAS)** dated 4 November 2016

No objection

WoSAS advise that the application site lies within an area of some archaeological sensitivity based on its location within an area with a relatively high background density of recorded sites and finds from all periods. At present nothing is known about the history of the site. For this reason WoSAS recommend the imposition of a condition requiring a programme archaeological investigation.

4.5 **Balloch and Haldane Community Council** dated 6 November 2015

Object

Balloch and Haldane Community Council formally object to the application. And their comments have been captured under section 'Summary of Representations' in section 5 below.

4.6 Whilst our records indicate that the application site falls within the Balloch and Haldane Community Council area, it is directly adjacent to Kilmaronock Community Council area, and so, Kilmaronock Community Council has submitted comments in relation to the application. Their position is one of objection and their comments have also been captured under section 'Summary of Representations' in section 5 below.

5 REPRESENTATIONS

Summary of representations

5.1 A total of 19 representations of objection have been received at the time of writing this report. All representations are available to view on our public website. The link is provided in section 'background documents' following the conclusion in section 8. The following points seek to capture the breadth of the comments that have been submitted. They have been grouped together under topic headings for clarity and can be summarised as follows:

Park aims and policies

- The first statutory aim of the National Park is to conserve the natural and cultural heritage of the area. The proposal is contrary to this aim and to the policy provisions of both the Adopted Local Plan and the proposed Local Development Plan, being outwith the town of Balloch and Haldane. There are no exceptional circumstances in connection with this application which would override the protection of the established countryside.

Site location and context

- The site is agricultural land which should be protected from development
- There are allocated sites for housing within the Balloch settlement boundary
- The site is outwith the Balloch town boundary and is not allocated for housing development
- There is no exceptional reason provided for housing on this site

- There is a clearly identifiable boundary between the developed area to the South of Dumbain Road and the open farmland to the North
- The type of high density housing proposed is out of keeping with the character of the this part of Balloch

Alternative sites (outwith the National Park boundary)

- Cube Housing Association (Affordable housing provider for the current application) has a vacant site at the entrance to the Haldane Estate (Miller Road) that is available for development now.
- Haldane school, within Haldane Estate, is planned to be demolished and made available for a housing development
- Jamestown primary site will be available soon for housing as the school is being re-sited
- Jamestown House site (less than a mile from the application site) is current available for development
- Brownfield sites should be used before countryside sites

Flooding

- The application site is contrary to flood policies. It floods regularly and the plans show extensive embankment protection for the development
- Water 'run off' will increase and go into the Ballagan Burn if the site is developed whereas the field currently soaks rain water up. This will exacerbate current flooding
- Flooding from the burn already impacts on neighbouring properties
- Housing next to the burn will risk the burn being polluted thereby affecting water quality
- There is doubt over whether the SUDs storage area is big enough for the proposed development
- The current flooding risk assessment is not fit for purpose as there is no accurate assessment of the effects on overland flow or the effects on groundwater.

Natural heritage

- Otters are known to use the burn and they and their habitat could be affected by the development and any resultant impacts on water quality
- Kingfishers, bats and white throated divers use this site and would undoubtedly be disturbed.

Traffic and parking

- Extra traffic and noise will result from the proposed development and Dumbain Road is a main bus route
- There is not enough parking to serve the development
- On street parking (Dumbain Road) from the development will result in congestion

Residential amenity

- The proposal would grossly impinge on the amenity of adjacent properties immediately to the west of the site in terms of privacy and overlooking
- The development would block out sunlight and overshadow adjacent neighbours

Precedent

- The settlement boundary has been established for good reason and it is considered that granting this application could set a dangerous precedent, with potential other development proposals extending into the countryside thereby eroding it.

Matters not material* to the consideration of the planning application.

- My father moved to his property to have the countryside as a backdrop to his home. For health reasons he could not cope with new development or be able to continue to stay in his home if this development is approved.
- The development will have a detrimental impact on a disabled family member whose house shares a boundary with the site.
- The Ballagan Burn flows through the garden ground of the properties to the west of the site with the burn being culverted a number of times. One of the houses on Haldane

Terrace and the road itself 'bridges over' the watercourse. There is concern about the current condition of the retaining walls for the burn and bridge. The development will increase flood risk and may erode the retaining walls further. The developer is responsible for ensuring this does not happen.

- There is contamination entering the watercourse further downstream of the site.

* 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.

6 POLICY CONTEXT

National Park Aims:

6.1 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.

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)

This Plan sets out a range of policies and proposals to guide development and is the primary document against which development proposals are assessed. Those policies that are relevant to the current application are captured below.

- Policy HOUS3 - New Housing Development Adjacent to Settlements
- L1 - Conserving and Enhancing the Diversity and Quality of the Park's Landscapes
- D1 - Design Quality
- ENV4 - Legally Protected Species
- ENV9 - Development Impacts on Trees and Woodlands
- ENV10 - Protecting the Water Environment
- ENV11 - Connection to Sewerage and Water Supply
- ENV12 - Surface Water Drainage
- ENV13 - River Engineering Works and Culverts
- ENV16 - Development in Medium to High Risk Flood Areas
- TRAN3 - Impact of Development on the Road Network
- TRAN6 - Parking Provision

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/planning-guidance/adopted-local-plan/>

6.4 ***Proposed Local Development Plan (LDP):***

The Proposed Local Development Plan was submitted to the Scottish Ministers on the 6th December 2015 and requested an examination of the remaining unresolved representations to the plan. Two reporters were appointed by Scottish Ministers and the examination commenced on the 19th January 2016. The examination stage of the proposed Local Development Plan is now complete and the reporter has set out recommended modifications to the unresolved issues raised in representations to the plan. At this time, the proposed Local Development Plan, including modifications, are a significant material consideration in the assessment of planning applications. Those policies that are relevant to the current application are captured below.

- Overarching Policy 1 - Strategic Principles
- Overarching Policy 2 - Development Requirements
- Overarching policy 3 - Development Contributions

- Housing Policy 1 (b) Sites adjacent or close to Towns and Villages
- Transport Policy 3 - Impact Assessment and Design Standards of New Development
- Natural Environment Policy 1 - National Park Landscape and Visual Impact
- Natural Environment Policy 4 - Legally Protected Species
- Natural Environment Policy 9 - Woodlands on or Adjacent to Development Sites
- Natural Environment Policy 12 - Surface Water and Waste Water Management
- Natural Environment Policy 13 - Flood Risk

Proposed housing development sites in Balloch

- Site Code H1 - Craiglomond Gardens allocated for housing (Est. capacity 8 homes)
- Site Code MU2 - Carrochan Road allocated mixed use development (Housing with est. capacity 23 homes and public car parking)

Where new policy considerations are raised by the above, these are assessed within section 8 'Planning Assessment' of this report.

Other Material Considerations:

6.5 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park also require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

Con Policy 2 - Natural Heritage

Con Policy 3 - Landscapes

RD Policy 2 - Spatial Development Strategy

Scottish Planning Policy (SPP) - A statement of the Scottish Government's policy on nationally important land use planning matters.

National Park's Housing Supplementary Guidance - explains in more detail how the housing policies and strategy requirements of the Local Plan can be met.

7 SUMMARY OF SUPPORTING INFORMATION

7.1 The agent for the applicant has submitted the following information in support of the planning application:

- **Flood Risk and Drainage Assessment by Enviro Centre dated June 2016** details the

scope of the assessment, the methodology, calculations and analysis together with identification of flood risk sources.

- **Water Vole and Otter Survey by Acorna Associates Ltd dated June 2015** details the extent and scope of the area surveyed, the methodology used and the findings and recommendations.
- **Supporting Statement by Mast Architects dated September 2016** provides a need assessment including justification for the proposed development of the application site, the consideration of alternative sites, the funding background and community benefits.
- **Design Statement by Cruden Building and Renewals dated October 2015** considers the site constraints and context and explains the vision for the site in terms of site layout, house types and tenures, access and parking.
- **Supporting Statement by WDC Housing Officer dated June 2016** confirms the current status of the Local Authorities outstanding demand for affordable housing and house types.

8 PLANNING ASSESSMENT

8.1 The main determining issues for this application are as follows and will be considered in turn:

- Principle of development
- Landscape
- Flooding and drainage
- Natural heritage
- Access and parking
- Site layout and design
- Neighbouring amenity
- Community benefits
- Representations

Principle of developing the site for affordable housing

8.2 The development strategy and Policy HOUS1 of the Adopted Local Plan both seek to direct any new housing to appropriate sites within town and village boundaries. This is the first choice within the sequential approach for new housing in the Adopted Local Plan.

8.3 In the case of this application the site is outwith, but directly adjacent to, the Balloch town boundary (see figure 2, page 2 above). Policy HOUS3 therefore applies. The policy can be summarised as follows: *“exceptionally, new housing development outside towns and villages will be supported where it meets identified housing needs for affordable housing* in perpetuity and where it is demonstrated that there are limited opportunities within the town/village boundary.”* This policy was included within the Local Plan to cover situations where it had not been possible to identify housing sites within the boundaries of towns/villages in the Park. In such cases, it supports the consideration of affordable housing on appropriate sites adjacent to towns and villages.

*Scottish Government planning policy defines affordable housing as *‘housing of a reasonable quality that is affordable to people on modest incomes.’* Affordable housing can be delivered through methods such as social rented, mid-market rent, shared equity, shared ownership and discounted sale or a mix of these options.

- 8.4 To comply with policy HOUS3, the proposal needs to be for 100% affordable housing and it needs to be demonstrated that there are limited opportunities for housing within Balloch. This will now be considered in the subsequent paragraphs.
- 8.5 The proposal is for 26 affordable house units to be provided by Cube Housing Association - an affordable housing provider and Registered Social Landlord who can receive indirect affordable housing funding from the Scottish Government through partnership with a housing authority, which in the case of this application, is West Dunbartonshire Council. Whilst the site is not currently identified in West Dunbartonshire's Strategic Housing Investment Plan, (sets out funding priorities for affordable housing in West Dunbartonshire from 2015 - 2020) as it is a windfall (unforeseen) site, WDC has advised Cube Housing Association that there has been 'slippage' in their programme and funding is available to be allocated to this development proposal in early 2017. It can therefore be concluded that this application is a genuine affordable housing proposal with the necessary funding available to deliver it.
- 8.6 In terms of considering opportunities for housing within the town boundary, as required by policy HOUS3, the proposed Local Development Plan (LDP) provides the most up to date position with regards to housing opportunities in Balloch. The LDP identifies two sites within Balloch. An application is currently under consideration (ref. 2016/0200/DET) at the Craiglomond Gardens site (site code H1) for 8 units (cottage flats) with 2 of these being required by policy to meet affordable needs (25% of the total number of housing units as per the benchmark figure set out by Scottish Planning Policy). This is a long standing site that was not developed during the period of the current or previous local plan despite previous planning approvals and has therefore been carried through to the proposed plan. The other site at Carrochan Road (site code MU2) to the east of the National Park Headquarters was granted 'Planning Permission in Principle' (ref. 2015/0075/PPP) on 28 January 2016 for a mix of open market housing and public car parking provision. Public car parking was secured in lieu of the 25% affordable housing contribution at this site because Policy HOUS1 (applicable for housing proposals in towns/villages) allows an exemption from delivering affordable housing where the proposal would deliver other desirable community benefits. It was concluded that the provision of a public car park would be of long term benefit to the community of Balloch, considering the Park's strategic ambition for Balloch as a growing tourism destination.
- 8.7 Taking into consideration paragraphs 8.4, 8.5 and 8.6 above, it can be concluded that this application presents a genuine affordable housing proposal capable of securing the funding necessary to deliver it and that affordable housing opportunities in Balloch are fairly limited with only 2 units capable of being secured for affordable needs at the Craiglomond Gardens site whilst the Carrochan Road site contributes towards Balloch's role as a tourism destination.
- 8.8 Policy HOUS3 sets out additional criteria which require to be satisfied before it can be concluded the current application fully complies with this policy. The site must be:
- a) Either immediately adjacent to or in close proximity to the town boundary to avoid the need for car journeys and to access services and facilities
 - b) Located within an appropriate landscape setting and capable of being successfully integrated with the surrounding built and natural environment
 - c) Of an appropriate scale to the size of the host community
- 8.9 The site is directly adjacent to the town boundary as can be seen from figure 2, page 2 of the report and is accessible to local services and amenities including Balloch train station. Dumbain Road is also a main bus route. The terms of part a) are therefore satisfied. Part b) is considered separately under section 'Landscape' below but concludes that the development could be accommodated without adverse landscape impacts. As for part c) the proposed scale of the development is in keeping with the scale and character of nearby housing developments including the Haldane Estate, which comprises a significant number of affordable house units, and Mollanbowie Estate to the west. It can therefore be concluded that the principle of the

proposal is in accordance with policy HOUS3 of the Adopted Local Plan.

- 8.10 As a planning authority we are required to consider applications in accordance with the local plan unless material considerations indicate otherwise. Whilst it is concluded in the above paragraph that the principle of the proposal complies with policy HOUS3, it is prudent in the context of assessing the suitability of the current site (an undeveloped section of field outwith the town boundary) that we consider both 'housing need' and the availability of alternative brownfield (previously developed) sites that are in close proximity, but outwith the National Park boundary, as a material considerations of this application.

Housing need and alternative sites

- 8.11 West Dunbartonshire Council (the relevant housing authority) has confirmed that they have a sizable outstanding waiting list for affordable housing in the Balloch area. With approximately 800 households on their waiting list, a limited stock of 550 houses (the majority of which are in Haldane Estate) and an average turnover of approximately 13%, it would take at least 10 years to house those currently on the waiting list for Balloch. The Council and Cube Housing Association have both identified a particular need for 1 bedroom units and wheelchair accessible housing with cognisance of this need being incorporated into the current application proposals.
- 8.12 The Miller Road Haldane site (see appendix 2 of this report) is outwith the National Park boundary but in reasonable proximity to the current application site, being within the Haldane Estate. It is the only locally allocated affordable housing site identified in West Dunbartonshire's Local Development Plan. An application by Cube Housing Association is currently under consideration at this site (WDC ref. DC16/139) for 9 affordable units.
- 8.13 Haldane Primary School (see appendix 2 of this report) located within the Haldane Estate is also in relative proximity to the application site. Haldane Primary is relocating and WDC has confirmed through their recent Housing Land Audit that the site will be redeveloped for housing with approximately 45 units for affordable needs. It is estimated, however, that this will not be delivered until 2020. It is also worth noting that sites within Jamestown (south of Haldane Estate) are allocated as housing opportunities in WDC's Local Development Plan but not for affordable needs. Due to grant funding restrictions, Housing Associations only have the ability to purchase sites at a maximum of District Valuers valuation and sites allocated for private housing are typically above DV valuation.
- 8.14 It is recognised in paragraph 8.11 above that there is an affordable housing 'need' in the wider Balloch area that is not currently being met. The total number of affordable houses that could be delivered over the local sites (Craiglomond Gardens site within the National Park – see paragraph 8.6 of this report) and the WDC sites referenced in paragraphs 8.12 and 8.13 above) totals 56 units. This is a modest increase when considered against the figures presented in the outstanding waiting list - approximately 800 households awaiting an affordable house. The current application can therefore be viewed as an opportunity to facilitate the delivery of affordable housing within the National Park in the immediate future and contribute towards alleviating the significant shortfall, as identified by WDC, in the local area.
- 8.15 To summarise this section of the report; The Planning Authority requested additional information from the applicant during the consideration of this application to ensure a comprehensive assessment was carried out examining the justification for the proposed development of the application site. This was reviewed together with detailed information that was sought from WDC on alternative sites outwith the National Park and on their affordable housing investment strategy. The planning assessment concludes that the principle of developing the site for affordable housing is not only in accordance with policy HOUS3 of the Adopted Local Plan but the case for developing the site for affordable housing is further strengthened by confirmation that there is an outstanding 'need' that cannot currently be met across the locally available sites

that have been suggested in the body of representations. Furthermore, some of the sites suggested, specifically in Jamestown, are not available.

- 8.16 Housing Policy 2 and the relevant section b) of the proposed LDP does not raise any new policy considerations relative to the proposed development.

Landscape

- 8.17 The application site is immediately east of the residential properties on Haldane Terrace/Main Street (see figures 2 and 3 on page 2). The curtilage of these properties define the current line of the Balloch town boundary. The application site is also directly opposite Haldane Estate, an established housing development made up of a significant number of affordable houses. The burn to the east provides a natural boundary and edge to the proposed development site with the proposed building footprints contained between the burn and the established building line of the properties to the west. The proposed house types are of a similar scale and massing to the houses on Dumbain Road.
- 8.18 It is in the context set out in the above paragraph that it is considered the proposed development could provide a natural 'rounding off' of the town boundary and could be well absorbed in the landscape setting. The granting of the proposed development would therefore not be considered to set a precedent for future development extending into the surrounding fields – a concern noted through the body of representations. Any future proposals to develop additional land would be considered on their own merits and would be the subject of a further planning application. It is worth noting, however, that the landscape impact of any potential future development proposals in the fields immediately adjacent the application site would be different to the current application because of the surrounding site characteristics and ground levels. The National Park Authority's Landscape Adviser is satisfied that the proposals as presented in the application under consideration are consistent with policy L1 of the Adopted Local Plan.

Flooding and drainage

- 8.19 There is a history of flooding at the site with the source being the Ballagan Burn on the east and southern boundaries of the site. Flooding concerns are expressed throughout the body of representations submitted in objection to the application. A Flood Risk Assessment (FRA) was submitted in support of the application. SEPA has confirmed they have no objection to the application for the reason that the development footprint is outwith the functional floodplain. Surface water drainage from the site is proposed to be routed via a SUDs underground storage area located at the south west corner of the site. This would be designed to collect and release the surface water at a controlled rate into the burn to manage flood risk. Treatment of the surface water would be provided by permeable paving for in-curtilage water and roadside filter trenches for the proposed road. The applicant's engineers have carried out the necessary assessment and their calculations conclude that the area allocated for underground storage is more than adequate. The system would be designed so it can be adopted by Scottish Water. A new foul drainage system would be designed for the site and would connect to the existing combined sewer on Dumbain Road. Considering SEPA's position and confirmation that there is adequate space to accommodate SUDs, the proposal is in accordance with policies ENV12 and ENV16 of the Adopted Local Plan.

Natural heritage

- 8.20 An otter survey was provided on request by the Planning Authority and the findings conclude there was no evidence of otter within the site boundary but the survey does record some otter activity outwith the site. The National Park Authority's Natural Heritage officer recommends the imposition of conditions to ensure good practice working methods are put in place during the course of the construction period to ensure otters are protected and compliance with policy ENV4 of the Adopted Local Plan. Tree felling would be required but limited to an opening on the southern part of the field to allow access to the site from Dumbain Road – the trees at this

location are not assessed as having 'bat potential.' The retention of the trees within the site (notably on the east, west and southern boundaries) and the protection of their roots during construction can be secured by way of planning conditions thereby ensuring compliance with policy ENV9 of the Adopted Local Plan.

Access and Parking

- 8.21 West Dunbartonshire Council as Roads Authority has no objection to the application. The proposed access, in - curtilage and visitor parking provisions meet with their standards for an affordable housing development. The access to the site from Dumbain Road would be culverted over the burn and the road would be designed to an adoptable standard. The proposals are therefore in accordance with policies TRAN3 and TRAN6 of the Adopted Local Plan.

Site layout and design

- 8.22 The site layout forms a courtyard style arrangement. The buildings footprints are set back to avoid the floodplain at the south east corner of the site and a short embankment is proposed to raise the ground level to protect future properties. An open area to the south west corner would accommodate underground drainage. The 'set back' of the development footprint would retain the open aspect on Dumbain Road and provide the development with an established setting. The building blocks are all 2 storey comprising terrace units. Cottage flats are positioned to corner locations to provide massing and articulation to the elevation treatment. The specific house types have been chosen to address the identified housing need for smaller dwellings and amenity provision. Materials are a mix of render and cladding with the specifics recommended to be agreed via the imposition of a planning condition.

Neighbouring amenity

- 8.23 Summarised in section 5 of the report under heading 'residential amenity' are the concerns and objections raised by neighbours on the perceived impact of the development proposals. Drawing L(20)006 (appendix 3 of this report) provides sections through two parts of the site where the potential impact on neighbours to the west of the site are greatest. The sections illustrate the difference in site levels and overall height between existing properties to the west and those proposed as part of the current application. The drawings demonstrate that a separation distance of between 17.3 metres and 25.7 metres would exist between the existing and proposed properties. Whilst it is acknowledged that the proposal will alter the outlook from the established properties, these distances combined with the orientation of the proposed houses to avoid any direct 'window to window' alignment means that there would be no significant adverse impact on residential amenity, particularly by way of overlooking/privacy implications or overshadowing.

Community Benefits

- 8.24 Cruden Building Renewals (CBR) are the builders/developers in the case of the current application and, whilst not a material planning consideration, they propose to undertake one new apprenticeship and at least 10% of the workforce as new entrant trainees as part of the development proposal. Through previous development in the Haldane Estate, CBR has provided a number of community benefits including:
- The organisation of a youth football tournament
 - Refurbishment of local football teams changing facilities
 - Donations to Haldane Primary school
 - Management Supervision for creation of local play area
 - Numerous mock interview opportunities for local school children/youths together with training and advice in relation to the creation/presentation of CV's.
 - Demonstrations / practical experience for pupils of Haldane Primary School where

individuals came along to sites to try bricklaying, tiling, plumber work under the supervision of the site management team.

CBR has advised that they would deliver similar benefits in association with the proposed development.

Representations

- 8.25 19 representations were submitted in relation to this application and the concerns of the local community are acknowledged. All points 'material' to the consideration of this application have been summarised in section 5 of this report. The key determining issues and the corresponding planning assessment are captured under this section (section 8) of the report and the balance of considerations are drawn together in the conclusion.

National Park Aims

- 8.26 In terms of the first aim (National Park aims set out in section 6.1 of this report), it is considered that the proposal will assist to conserve and enhance the natural and cultural heritage of the National Park by virtue of the character of the application site that is a low lying semi enclosed section of field that can absorb the proposed development without resulting in adverse landscape impacts and that would create a natural 'rounding off' of the Balloch town boundary. Proposals for native planting would enhance biodiversity and help to integrate the development into the surrounding context. In terms of the second aim: *"to promote sustainable use of the natural resources of the area"* the proposal takes into account design and best practice promoted by the Sustainable Housing Design Guide for Scotland to promote long term sustainability through methods such as selecting, where possible, local or Scottish materials to reduce transport and energy demands, maximising solar gain through orientation/site exposure, higher Standard Assessment Procedure Ratings to reduce CO2 emissions and designing to maximise accessibility and future adaptation. The provision of the proposed housing, located within easy access to local path and cycle networks, would help new residents enjoy and understand the special qualities of the area through recreation and as such would meet the third aim. Lastly, Cruden Building Renewals propose to undertake one new apprenticeship and at least 10% of the workforce as new entrant trainees. They also propose to support local youths and schools adding to the vibrancy of the community which supports the fourth aim *"to promote sustainable economic and social development of the areas communities."* There is no conflict with the first aim of the National Park and therefore the Sandford principle does not apply in this instance.

9 CONCLUSION

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

Whilst the Adopted Local Plan does not identify the application site for development, Policy HOUS3 allows for sites adjacent to towns to be considered for affordable housing where there are limited opportunities within the town boundaries. In the case of this application, the site is immediately adjacent to the Balloch town boundary and presents a genuine case for affordable housing with the necessary funding available to deliver it. It has been identified that there is an outstanding 'need' for affordable housing that, despite the locally available sites (within and outwith the National Park), cannot currently be met. This application is an opportunity to facilitate the delivery of affordable housing within the National Park in the immediate future and contribute towards alleviating the significant shortfall whilst fully complying with policy HOUS3.

The site location is accessible and well served by opportunities for public transport. The development proposals can be accommodated without adverse landscape impacts and the

building footprints are 'set back' to retain the open aspect on Dumbain Road. Cognisance of the identified 'need' for smaller dwellings and amenity provision is recognised through the design of the units which would 'fit' with the character of the area and provide a natural 'rounding off' of the town boundary.

Whilst it is acknowledged that the proposal will alter the outlook from the established neighbouring properties to the west of the site, it has been concluded that there would be no significant adverse impact on amenity, particularly by way of overlooking/privacy implications or overshadowing.

Matters covering flooding, ecology, roads and access have been addressed through the body of the report and there is no objection to the proposals from consultees in regard to these matters.

The developer proposes to deliver desirable community benefits from the development including a new local apprenticeship opportunity and at least 10% of the workforce as new entrant trainees.

Having carefully considered all the information provided in relation to the justification for the proposed development of the application site, together with the information obtained and the representations submitted in objection to the application, it is recommended that the application be approved subject to conditions as set out in appendix 1.

Background Documents: <http://www.lochlomond-trossachs.org/planning/>
Click on view applications, accept the terms and conditions then enter the search criteria as 2015/0351/DET

List of Appendices: **Appendix 1 - Conditions and Informatives**
Appendix 2 - Alternative sites outwith the National Park boundary
Appendix 3 - Section drawings through application site and neighbouring properties to the west

Appendix 1- Planning conditions

1. **Affordable Housing:** All of the residential units hereby approved shall be provided as affordable needs housing in perpetuity, in accordance with a scheme operated by a Registered Social Landlord (RSL). Any alternative tenure of affordable housing requires to be agreed in writing by the Local Planning Authority.

REASON: To ensure the provision of affordable housing in accordance with Policy HOUS3 of the Adopted Local Plan.

2. **Permitted Development:** Notwithstanding the provisions of Part 2, Class 7, of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected (or altered) on the northern boundary of the application site, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that such development should be subject to formal control in order to safeguard the landscape character and visual amenity of the area.

3. **Agreement of Materials and Specifications:** Prior to the commencement of development on site, a detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall thereafter be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use.

- a) The finishing material to be used on all roof surfaces of the buildings (sample to be submitted);
- b) The render and cladding to be used on the walls (samples required including colour);
- c) Manufacturers details of the window units and doors;
- e) The details of the material and colour of rainwater goods, barge boards and fascias.

REASON: To ensure that the external appearance of the development complements the character of the area and to ensure the implementation of the development in accordance with the further details as may be approved in compliance with the conditions attached to this permission.

4. **Finished Levels:** Prior to the commencement of the development hereby permitted details of the finished floor levels and ridge heights of all approved and existing buildings (directly to the west of the application site), and the finished ground levels of the site in relation to existing site levels, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall not be undertaken otherwise than in complete conformity with the approved details.

REASON: In order to ensure that the work is carried out at suitable levels in relation to the public road and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and the appearance of the completed development.

5. **Protection of trees:** Unless as may otherwise be agreed in writing by the Planning Authority, all existing trees within the application site shall be retained and protected during the course of the development hereby permitted with exception to a corridor on the southern field boundary necessary for access to the application site as identified by the approved plans. The width of the corridor to be felled shall first be agreed in writing by the Planning Authority prior to any felling taking place and thereafter felling shall be carried out in accordance with the details agreed under the terms of this condition. Measures to protect the trees to be retained during the construction period shall also be agreed in writing by the Planning Authority before the commencement of the development hereby permitted. Thereafter, the agreed measures shall be put into practice for the duration of development and in accordance with the details agreed under the terms of this condition.

REASON: To protect established trees against accidental damage during the course of the development and ensuring limited felling along the southern field riparian zone that will provide the development with a setting.

6. **Details of Landscaping:** Not later than 12 months from the occupation of the building(s) or the substantial completion of the development hereby permitted, whichever is the sooner, landscaping of the site shall be undertaken in accordance with the details of a scheme/plan which shall first be approved in writing by the Planning Authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:

- a) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths
- b) any new walls, fences, hedges, gates including height and material
- c) bin provision areas including any associated structures to accommodate bins
- d) existing trees and hedgerows to be integrated into the scheme
- e) native species planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and
- f) a programme of implementation

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

7. **Landscape Management Plan:** A landscape management plan, for all landscape areas (including SUDs), other than small, privately owned domestic gardens including, long term design objectives, management responsibilities and maintenance schedules (including review period) shall be submitted to, and approved in writing by, the Planning Authority prior to the first occupation of the development or any phase of the development, whichever is the sooner. Thereafter the landscape management plan and any subsequent revisions shall be implemented as approved.

REASON: To ensure a satisfactory standard of appearance of the development and to safeguard the visual amenities of the area.

8. **Species Protection:** The development shall be carried out strictly in accordance with best practice measures to safeguard otters as detailed in the Water Vole and Otter Survey by Acorna Associates Ltd dated June 2015 unless otherwise approved in writing by the Planning Authority.

REASON: To safeguard protected species and nature conservation interests and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

9. **Archaeological Investigation:** No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology Service, and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: To safeguard, record and recover any archaeological remains of value.

10. **Footway:** Unless an may otherwise be agreed in writing by the Planning Authority, a footway shall be provided along Dumbain Road (on the existing verge between the road and the burn/trees) and the details of its width and specification shall first be agreed in writing by the Planning Authority through consultation with the Roads Authority and thereafter constructed in accordance with the details agreed under the terms of this condition.

REASON: To provide a suitable pedestrian access to the development site.

11. **Access Gradient:** The maximum gradient of the new access road serving the development site shall be 8% as measured from the carriageway edge of Dumbain

Road and a speed table shall be provided at the junction of the new access road with Dumbain Road.

REASON: In the interests of road safety.

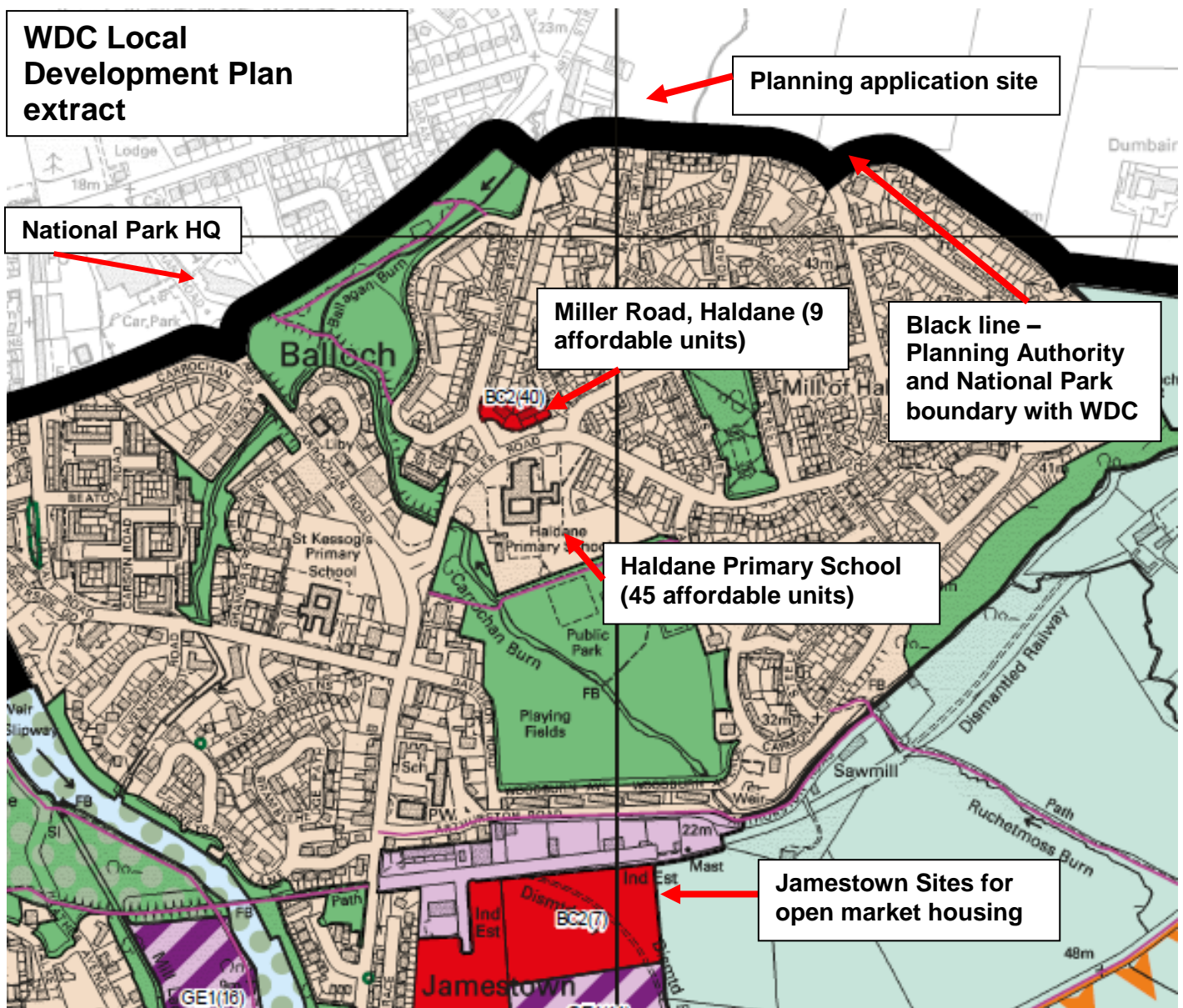
12. **Surface Water Drainage:** Prior to the commencement of the development hereby permitted full details of the provision of the system of surface water drainage shall be submitted to, and approved in writing, by the Planning Authority.

REASON: To ensure that the development, once occupied, conforms with the appropriate standards of the relevant Flood Prevention Authority.

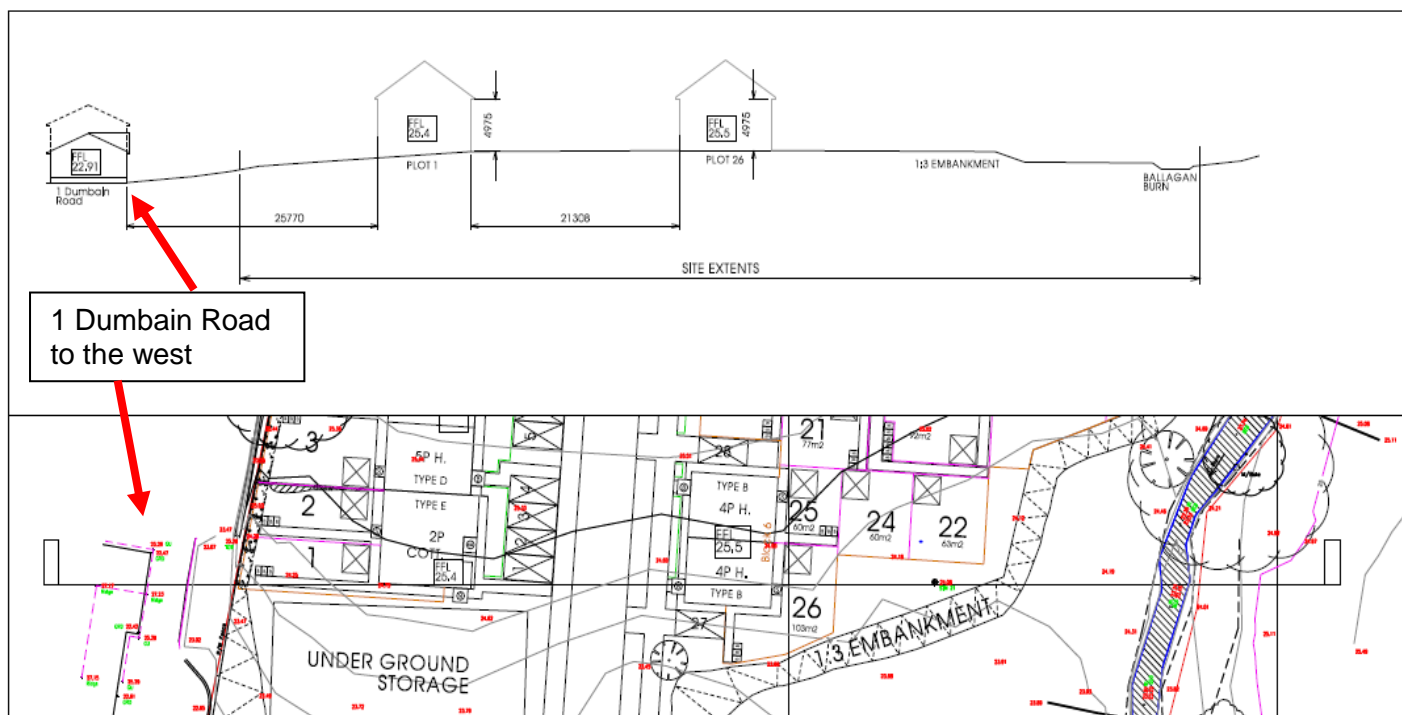
Infomatives:

1. Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
4. The developer should contact West Dunbartonshire Council as Roads Authority for information on obtaining a Road Opening Permit which is required for this development.

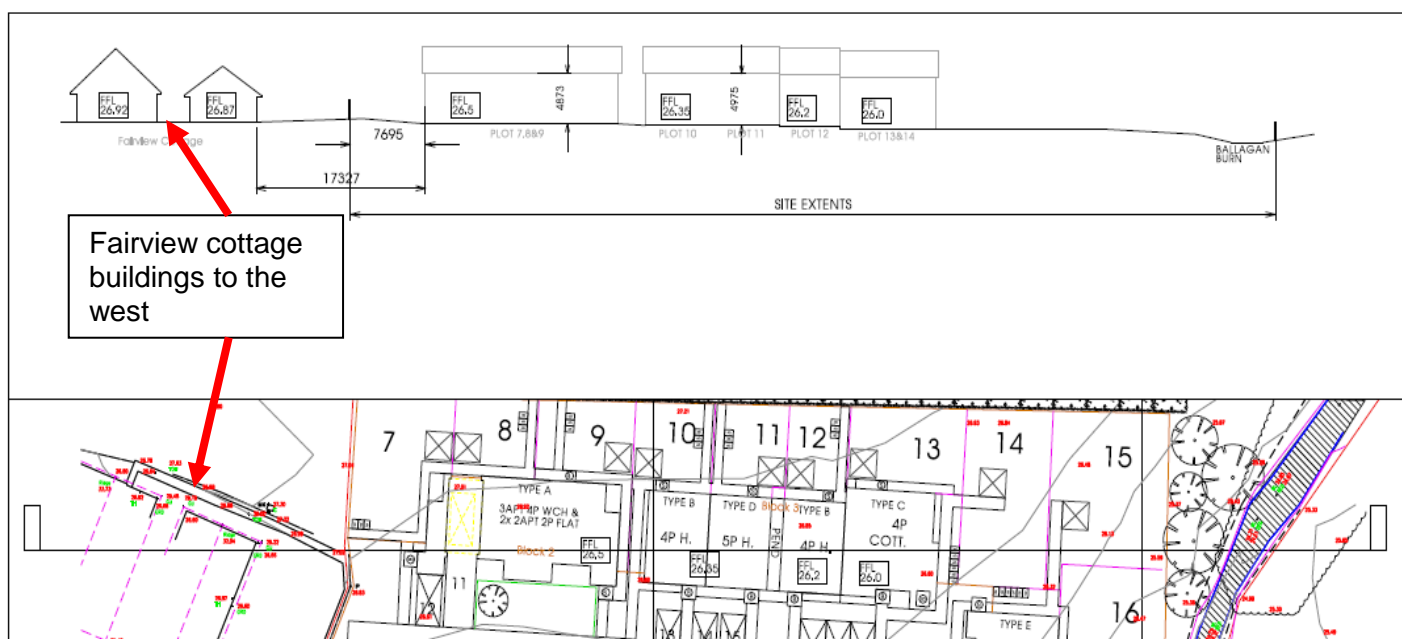
Appendix 2 – Alternative sites outwith the National Park boundary



Appendix 3 – Section drawings through application site and neighbouring properties to the west



SECTION THROUGH 1 DUMBAIN ROAD



SECTION THROUGH FAIRVIEW COTTAGE