



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 22<sup>nd</sup> May 2017**

<b>SUBMITTED BY:</b>	<b>Head of Planning &amp; Rural Development</b>
<b>SUBJECT:</b>	<b>Local Development Plan: Adoption of Supplementary Guidance</b>

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**1 SUMMARY AND REASON FOR PRESENTATION**

1.1 This report outlines the proposed amendments to the Draft Supplementary Guidance on Housing and the two Draft Rural Development Frameworks, which were issued for consultation in 2015 with the Proposed Local Development Plan. The comments received are also appended for information.

**2 RECOMMENDATION**

**That Members:**

- (a) Adopt the Supplementary Guidance on Housing (Appendix One);**
- (b) Adopt the Rural Development Framework for West Loch Lomondside (Appendix Three);**
- (c) Adopt the Rural Development Framework for Buchanan South (Appendix Five); and**
- (d) Delegate any final design and presentation changes to the Head of Planning and Rural Development.**

### **3 BACKGROUND**

- 3.1 Supplementary Guidance, often referred to as 'statutory' Supplementary Guidance, provides more detail on how the policy or strategy requirements of the Local Development Plan can be met. Unlike Planning Guidance, Supplementary Guidance once adopted, forms part of the statutory development plan, having equal weight and status in terms of decision making. Consultation on the draft supplementary guidance documents that accompany the local development plan was undertaken alongside consultation on the Plan between 18 May and 29 June 2015.
- 3.2 The content of the Supplementary Guidance was not scrutinised at Examination stage given that this relates to the core policy(ies) contained within the Plan. Procedurally, following Member approval to adopt the guidance, a copy of this must be submitted to Scottish Ministers who then have 28 days to scrutinise it. Once this period has lapsed the authority may then adopt the guidance. The Scottish Ministers scrutiny will focus on ensuring that the principles of good public involvement and proper connection to the Plan have been achieved rather than detailed policy content. There is no requirement to update any accompanying Strategic Environmental Assessment (SEA) as these guidance notes were originally 'screened out' at early drafting stage, meaning that no SEA was required.

#### **(a) Supplementary Guidance on Housing**

- 3.3 Draft Supplementary Housing Guidance was prepared to support the refreshed housing policy contained within the new Local Development Plan (adopted December 2016). This was published for consultation at Proposed Plan stage and supports the delivery of the housing policies, specifically the delivery of affordable housing. It also covers issues including maintaining housing as affordable in perpetuity, the different types of affordable housing that will be supported and the instances where a financial contribution (also referred to as a commuted sum) would be sought. The guidance also covers the locations where affordable housing will be supported.
- 3.4 The draft guidance has subsequently been reviewed and amended to reflect comments received during consultation on the Plan. The main changes are in response to comments received from Scottish Land and Estates and two individuals. A copy of the comments received during consultation is provided in Appendix Two.
- 3.5 A copy of the revised final word version of the Supplementary Housing Guidance is provided in Appendix One to this report. The main changes include:
- a) A description of an affordable house in terms of its modest design and size, intended to provide applicants with further guidance on what would be considered acceptable (see pg13), and
  - b) Amendments to the eligibility criteria for housing sold at a discount (including self-build plots) but to still ensure the household occupying the property uses it as their main home, not as a second home (see pg28).
- 3.6 In relation to point 3.4(b) above, the draft guidance required the occupier to have a 'modest income and low residual savings'. Following on from further engagement with agents and experience gained from recent cases, the methods used to assess eligibility for the discounted sale have been reviewed and amended including the

## Agenda Item 4

removal of evidence of income. This minor change only relates to the discounted sale mechanism which is often used for self-build or small projects in villages and in building groups where on-site affordable housing is required. The revised guidance requires a discounted sale house is affordable by using a legal agreement that requires it to be sold in the future at a discounted price; requires it to be the household's main dwelling and requires it to be designed to be an affordable house in line with the requirements to remove permitted development rights (pg13). It is anticipated that this control will deter those who could otherwise be able to afford to purchase a house on the open market and increase the pool of potential purchasers to include households, that without some form of policy intervention, would not be able to purchase a home independently on the open market. The type of housing delivered through this policy will be closely monitored.

### 3.7 Other minor changes and clarifications include:

- Clarification that a building group in the countryside should contain at least one existing residential property i.e. it cannot be a group of farm buildings (see pg12).
- Reference has been made the Scottish Government's Rural Housing Fund and refers to the various organisations that can access this funding to deliver affordable housing. This was directly responding to the comments from the Scottish Land and Estates who sought reference to landowners and estates also providing housing (see comments in Appendix Two) (see pg14).
- One responder commented that the commuted sum figures were too high. These figures have since been independently verified by the District Valuer (March 2017) and have been confirmed as being robust. Members should note that the figures are comparable with other planning authorities that have similar housing pressures to the National Park. For instance, in the northern area of the Borders Council the commuted sum value is £30,000 and in Cairngorms the figure is £25,000 per unit. In order to provide clarity, further details have been added explaining the process the applicant may undertake to make a case to reduce the commuted sum where there are particular site or local circumstances making it unviable to pay the commuted sum (see pg17). This supports the aim of the Plan in terms of it providing a robust but flexible approach, that is reflective of individual site considerations.
- For conversions, the guidance had previously stated that a commuted sum towards affordable housing would not be sought for conversions under 3 units. However, this did not clarify if this applied to change of use of non-historical buildings and if there was any differences between the countryside and the town/villages. This section has therefore been amended to provide clarification (see pg18).

### **(b) Rural Development Frameworks –Buchanan South and West Loch Lomondside**

- 3.8 Draft Rural Development Frameworks for Buchanan South and West Loch Lomondside were prepared and consulted alongside the Proposal Local Development Plan in 2015. They have the status of supplementary guidance. They provide specific locational guidance on the types of new development that may be supported and the general locations that are likely to be considered appropriate in these predominantly countryside areas of the National Park. In addition, West Loch Lomondside gives

## Agenda Item 4

recognition to the Strategic Development Framework prepared by Luss Estates.

- 3.9 The draft Buchanan South framework has been reviewed and amended to reflect comments received during consultation on the Plan (Appendix Five). The changes have been minimal and the comments in support of the framework are welcomed. The main change is in response to the statement on subdivision of garden grounds within Buchanan Castle Estate where further clarity is added to provide protection of the gap sites between the existing house plots. In addition, comments from Scottish Environmental Protection Agency have been addressed to now refer to flooding. A copy of the final word version of the Rural Development Framework for Buchanan South is provided in Appendix Three to this report.
- 3.10 The West Loch Lomondside framework has also been reviewed and amended to reflect comments received during consultation on the Plan (Appendix Three). There was general support for the framework and the main change was in relation to a comment from Scottish Water which has been addressed under the Infrastructure and Flooding section on pg13.

## 4 CONCLUSION

- 4.1 The adoption of the supplementary guidance will aid the delivery of the Local Development Plan. Members are asked to approve the adoption the Supplementary Guidance on Housing (Appendix One) and the Rural Development Frameworks for both Buchanan South (Appendix Five) and West Loch Lomondside (Appendix Three).

**List of Appendices:**

- Appendix One: Supplementary Guidance: Housing***
- Appendix Two: Verbatim comments on Housing Supplementary Guidance and Responses***
- Appendix Three: Rural Development Framework: West Loch Lomondside***
- Appendix Four: Verbatim comments on the West Loch Lomondside Rural Development Framework and Responses***
- Appendix Five: Rural Development Framework: Buchanan South***
- Appendix Six: Verbatim comments on the Buchanan Rural Development Framework and Responses***