



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 25th September 2017

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| SUBMITTED BY: | Head of Planning & Rural Development |
| APPLICATION NUMBER: | 2015/0241/DET |
| APPLICANT: | John Ferrier |
| LOCATION: | Laurelfields Land South of the Laurels and North of Drymen Cemetery Main Street Drymen |
| PROPOSAL: | Erection of affordable housing development comprising 6No. dwellinghouses, 4No. flatted dwellings and associated infrastructure |

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| NATIONAL PARK WARD: | 4 |
| COMMUNITY COUNCIL AREA: | Drymen Community Council |
| CASE OFFICER: | Name: Erin Goldie Tel: 01389 722137 E-mail: erin.goldie@lochlomond-trossachs.org |

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 The application is for the erection of an affordable housing development comprising 6 houses, 4 flats and associated infrastructure including access road.
- 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 because the application has been the subject of a significant level of objection including an objection from Drymen Community Council.

2 RECOMMENDATION

That Members: Approve the application subject to the imposition of conditions as set out in Appendix 1 of the report.

3 BACKGROUND

- 3.1 The current application was submitted in July 2015 following withdrawal of an earlier (2014) proposal (ref. 2014/0177/DET) for 18 residential units at this site.
- 3.2 At that time (when the current application was submitted) the primary guiding policy document was the former National Park Adopted Local Plan 2010-2015. Although included within the Drymen village boundary, where the housing policies supported the principle of new housing on gap/ infill sites such as this, the site was not specifically allocated for housing in this plan. A review of the proposed Local Development Plan was also underway at that time - with the site included as a proposed housing allocation.
- 3.3 In December 2015 the decision was taken to postpone determination of the current application because the proposed site allocation, for housing, in the emerging Local Development Plan 2017 – 2021 was being considered by an independent Reporter as part of the Examination of the Plan. Postponing determination was considered prudent in light of the timing of the application relative to the proposed Local Development Plan entering its Examination phase. The objections which had been received to the planning application and the proposed site allocation (as detailed in section 3.4 below) were also a factor in this decision. To determine the application at that time would have removed the opportunity for the objections to be considered by the reporter. The applicant was advised of the postponement in a letter dated 23 December 2015. Securing relevant supporting information, required to properly assess the development proposals, has also resulted in unavoidable delays.
- 3.4 Concerns were raised during the public consultation phase of the Local Development Plan about the suitability of the site for residential development with a key theme of objection being the density of the development which may be reasonably accommodated on the site. The Main Issues Report (MIR) stage of the Plan process proposed the site would be able to accommodate 16 units. Following the MIR consultation process, and with recognition of public concern together with the site constraints, the indicated site capacity was reduced to 10 units in the Adopted Local Development Plan. Despite fewer objections, 14 were sustained with regards to the site allocation. The Examination of the Local Development Plan afforded an opportunity for an independent reporter to review the proposal and make recommendations either supporting or rejecting allocation for housing development. The reporter noted in the Examination report (paragraph 19, page 108) dated 29 September 2016: *“That individually and in combination the issues of potential concern raised in representations do not merit deleting or amending the housing allocation H2 –Laurelfields as shown on the proposed plan.”*

The Adopted Local Development Plan now allocates the site for residential development – (Proposal H2 ‘Laurelfield’) with an indicative site capacity of 10 homes. The principle of residential development at this site is therefore established. Acknowledging the estimated site capacity, the current application proposes 10 residential units comprising 6 houses and 4 flats.

Site Description:

- 3.5 The application site comprises an undeveloped area of predominantly neglected grassland (0.57ha) known as the ‘Laurelfield’ located towards the Southern edge of Drymen. The site is on the eastern side of Main Street and adjacent to the cemetery to the south. ‘The Laurels’ (a substantial and traditional residential property) abuts the site to the North. The application site is relatively well-defined and bordered by mature trees along the northern mutual boundary with The Laurels. A line of conifer hedging runs along the boundary within the churchyard. A low hedge and the heel of the Main Street public footpath forms the western site boundary. The site is steeply sloping, falling away from Main Street towards the unnamed burn that forms the eastern site boundary. See location plan in figure 1 below.



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

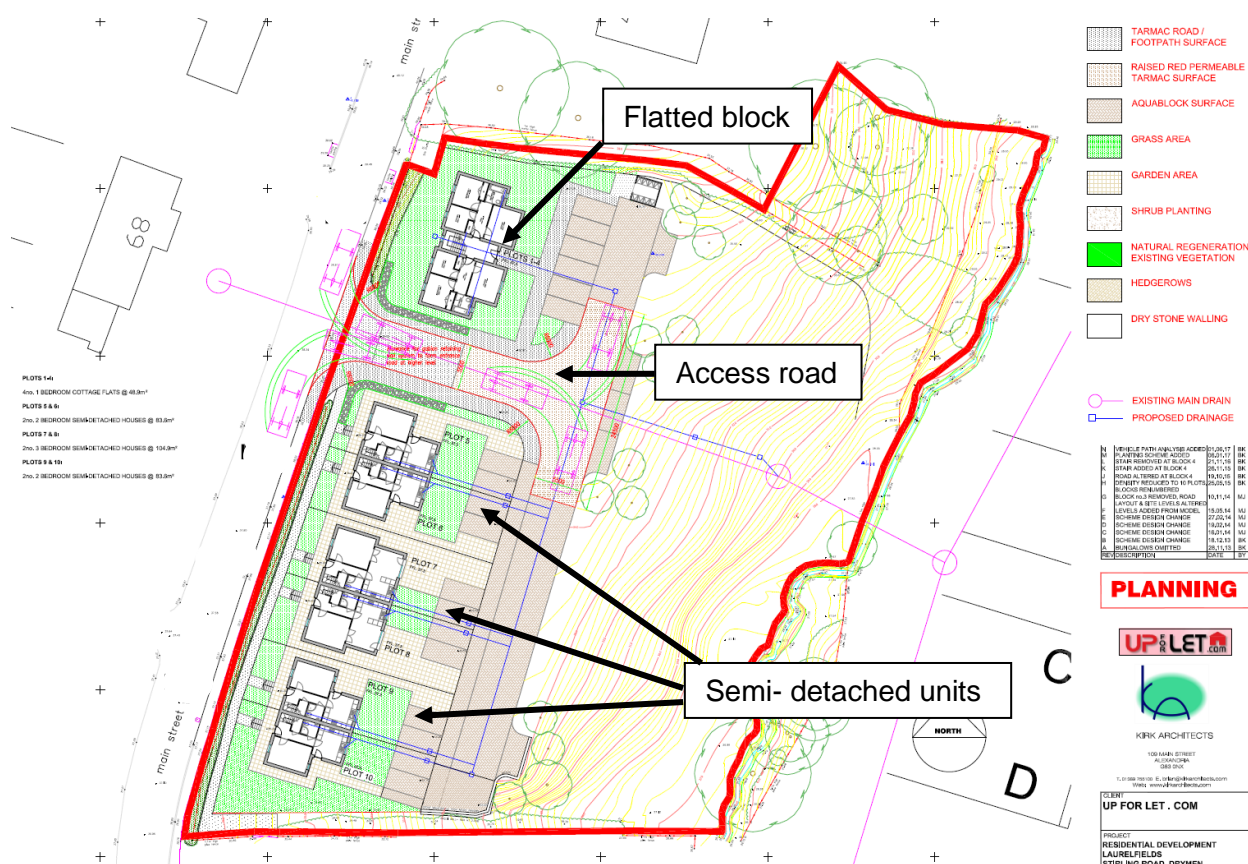
- 3.6 The site is within the Drymen Conservation Area. The cemetery walls and Church to the south of the application site are Category B Listed and 'The Laurels' to the north is a Category C listed building.
- 3.7 An existing, piped public drain runs through the site from Main Street, discharging collected surface water to the burn to the east and below the site.
- 3.8 The Main Street in Drymen is identified as a Core Path on the Loch Lomond & The Trossachs Core Path Plan 2010 (Route NCN7).

Environmental Impact Assessment (EIA):

- 3.9 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

Description of Proposal:

- 3.10 This detailed planning application proposes the residential development of the site to provide 10 affordable units comprising 6 houses and 4 flats. Both the applicant and Stirling Council acting a Housing Authority have advised that the site, if developed as proposed, would be acquired by Stirling Council and the units managed as social rented properties.
- 3.11 The submitted layout, as can be seen in figure.2 below, proposes a row of 6 semi-detached homes (plots 5-10) in three blocks and a block of 4 one bedroom flats (Plots 1- 4). The semi-detached units are a mix of 4 x 2 bedrooms and 2 x 3 bedroom properties. The housing and the flatted accommodation is arranged over two floors. Plots 5-10 and flatted Plots 1-4 are proposed to face directly onto Main Street and are sited either side of the proposed access road. An access road, turning provision and a car park court is proposed to be constructed to Stirling Council Roads Authority adoptable standard, to serve the development.



- 3.12 Notwithstanding reference in the planning application form to the provision of 18 car parking spaces, the proposed plans illustrate 22 spaces to the rear of the proposed development – a mix of in-curtilage parking serving the houses and a shared parking court for the flats together with visitor spaces.
- 3.13 The buildings are proposed to be sited back approximately 7 metres from the heel of the existing footpath on Main Street as can be seen from **figure 3**. Due to the sloping nature of the site as described in paragraph 3.5 above, the ground floor of the proposed buildings sits below the level of Main Street.
- 3.14 To the rear elevation the proposed semi-detached homes each have a gable projection. The semi-detached homes would have principal access to the front (west) and another rear access facing the car parking. The main and only entrance to the flats faces east towards the car parking in order to achieve required travel distance to the communal bin store. The buildings are traditionally styled with slate roof, box dormers and render walls proposed.

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- 3.15 The existing ground profile slopes steeply from west to east and north to south (see the photograph at **figure 4** below). Consequently, significant ground re-engineering of existing site levels is proposed to create suitable level platforms for building construction and the formation of the road and car parking. Up-filling and regrading of the site in the south east corner is proposed in order to implement the proposed development and an engineered and graded 'terramesh' stabilised embankment is proposed at the steeper parts in order to provide lateral support to the new access road.



Figure 3. Visualisation of proposed development from Main Street when travelling north.



Figure 4. Image taken from south west corner of application site illustrating sloping ground profile. A lighting column can be seen and gives the context of Main Street. Neighbouring property 'The Laurels' primary elevation to the north can also be identified as can the A811 Stirling road.

Planning History:

- 3.16 2014/0177/DET – Application Withdrawn - Erection of residential development comprising 18 units including new access and site infrastructure

2003/0257/DET – Application Withdrawn – Erection of 3 Detached Dwellings

W/ 90/ 760 (Stirling Council reference number as application was submitted and determined before the National Park Authority was established) – Proposed residential development in principle. Refused as|:

1. contrary to the Western Rural Area Structure Plan (relevant policy document at time of application) as the growth proposed for Drymen in that plan period 1981 – 1991 had already been reached and exceeded.
2. The proposal was considered premature. All proposed development sites in Drymen were to be considered during the future preparation of the District Community Development Plan and the Central Regional Council's proposed new structure plan.

An appeal against the refusal of the above was submitted to the Inquiry Reporters unit at the Scottish Office (ref. RAM/KP/KRF/CCD) and after consideration, outline planning permission for residential development was granted on 22 October 1991.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 Scottish Water

No Objections. Capacity exists for water supply. Acknowledge that insufficient capacity exists at local waste water treatment works and developer is advised to contact Scottish Water to agree a housing delivery timescale and a programme of infrastructure improvement. SUD's scheme to be constructed to Scottish Water adoptable standards.

4.2 Scottish Environmental Protection Agency (SEPA)

No objection. SEPA notes that reference should be made to their Guidance Note 8 which advises on the use of mains drainage facilities and sustainable urban drainage solutions for the treatment of surface water.

4.3 Stirling Council Flood Prevention

No objection – provided that finished floor levels are set at a specified level (27.49m AOD + 600mm freeboard level). The development design levels accord with this advice. SUDs approach to surface water management is required.

4.4 West of Scotland Archaeology Service (WoSAS)

No objections – however, confirms that the site lies within an area of archaeological sensitivity and accordingly an archaeological watching brief condition is advised.

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4.5 Stirling Council Roads

No objection. Confirms that the submitted layout provides sufficient vehicle parking spaces for housing occupiers and visitors. On street vehicle parking in Main Street would be a concern but restrictions through the provision of yellow lines could be delivered, if necessary, to regulate this.

4.6 Stirling Council Educational Services

No objection to the proposed development and no financial contribution required towards increasing local school capacity.

Summary of Representations Received:

- 4.7 All individuals who commented on the current application and Drymen Community Council were advised on 4 August 2017 that after a period of delay, (refer to section 3.3 of this report) the application would be targeted for consideration at the 25 September 2017 Planning and Access Committee meeting. Recognising the time that has passed since initial comments were submitted, all parties were given the opportunity to submit further comment but noting it was not necessary to resubmit the same comments already made as these would be taken into account as part of the decision making process. No further representations were received.
- 4.8 10 individual objections have been received including an objection from Drymen Community Council. A summary of the material concerns raised and Officer response/ comments are set out below and a copy of the representations, in full, are available for viewing in the public access website.
- 4.9 **Contrary to Development Plan:** A number of the representations contend that the proposal is contrary to the Development Plan and, as a consequence, is a premature development proposal.

Officer Response: The representations date from the time of application submission (July 2015) when the National Park Local Plan 2010 - 2015 applied. Although the application site was within the identified Village Boundary it was not allocated or identified as a housing opportunity or for alternative form of development. Consideration of the application was postponed to allow the Local Development Plan process to conclude (see section 3.3 of report) to ensure the application was not determined prematurely. The Local Development Plan (2017 – 2021) has since been adopted and unambiguously identifies the land, the subject of this application, as a housing opportunity site with a capacity of 10 units (Proposal code H2). The principle of residential use of the site is established now through its inclusion as an allocated site within the Local Development Plan. Scottish Planning Policy identifies that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.

- 4.10 **Over-development:** The number of units and the limited plot size shown are contrary to the dominant local character within this part of Drymen.

Officer Response: The Adopted Local Development Plan contains no specific guidance on density or layout standards applicable to new development allowing applications to be considered on their own merits. The Plan envisages a site capacity of 10 units which is indicative, not prescriptive but reflects the steeply sloping character of the site. Earlier design iterations proposed a greater number of homes. The character and density of 10 homes on a site area of 0.57 Ha (which would equate to a density of 18 dwellings per Ha) and two-storey floor plan would not normally be considered an over-development of land. If the form of development permitted had to mimic the style of housing in the immediate area, perhaps only two or three detached homes in generous garden grounds would be possible. Housing Policy 2

states that sites identified for housing in the Plan shall be developed to a density which is in keeping or where appropriate a higher density to its surroundings. Flatted and semi-detached development achieves a higher density and also assists delivery of affordable housing. It is considered that the style and mix of housing proposed accords with Housing Policies 1 and 2 because a range of housing is to be provided. The density accords with the guidance provided by the Adopted Local Development Plan and the low-rise character of the proposal will not appear excessive in the local context.

- 4.11 **Harm to Village Character and Conservation Area:** The proposed houses are inappropriately scaled and detailed in design terms and do not reflect prevailing character in this part of the Conservation Area. Buildings should incorporate natural stone and be set back further into the site. A suburban appearance is proposed and harmful effect to street scene and the village approach will result. Views out from the Conservation Area would be impaired.

Officer Response: New build development involves some change. It is not reasonable to resist development that might alter or impede a view as this is not usually held to be material in planning terms nor is it always practical and reasonable to do so. The Authority is however under a statutory obligation to consider the special architectural and historic qualities of the Conservation Area and also consider impact upon the setting of nearby Listed buildings to ensure that new development is conceived to avoid harm to those special qualities. The proposals will change this part of the Drymen Conservation Area and the existing street scene, however it is not considered that change will result in harm. The application site is a gap site within the village. Whilst some established views to and from this part of the Conservation Area will change, the impact is judged to be modest. The setback from Main Street at 7m is also judged to be acceptable. The proposed development would sit well below the level of the main road by approximately 2 metres, if the frontage hedge is retained and re-established the impact on the street scene and main Street Core path is not considered to be adverse. A number of nearby residential properties are not constructed of natural stone and application of render and slate is a characteristic of the arts and craft style that is in evidence nearby. Whilst it is agreed to require some simplified building edge treatment (i.e. no quoins) it is judged unreasonable to insist upon a building form or use of stone to try to emulate the adjacent Listed Buildings. It is reasonable to consider the character of all the built development nearby.

- 4.12 **Harm to setting of Listed Buildings:** In particular the buildings of Drymen Church and Boundary walls (Category B Listed Building); and Laurels (Category C Listed Building) to the North.

Officer Response: It is not considered that impact of the proposals on the setting of those heritage assets would be significant as there is adequate set back and screening due to existing walls and planting. The open aspect and views to and from The Laurels would be maintained. (refer also to paras. 7.12 to 7.28 of this report)

- 4.13 **Detriment to Road Safety:** On street vehicle parking in this part of Main street, particularly in the summer months and when church activities are held, can give rise to vehicle congestion on the road and conflict with the free-flow of traffic. The proposals will compound local difficulties.

Officer Response: The proposed layout provides sufficient parking off the public highway for prospective residents and visitors. Stirling Council as the Roads Authority does not object to the application. Council officers advise that restrictive parking measures along the frontage of the site (yellow lines), on the eastern side of the carriageway may be considered to discourage resident roadside parking and ensure free traffic flow past the site, and could be delivered.

- 4.14 **Harm to neighbour amenity:**

The introduction of new housing will adversely affect the amenities of nearby residential occupiers in the following way:

- (i) windows facing the street will give rise to conditions of overlooking affecting privacy;

- (ii) the position of the flat block will give rise to overshadowing and affect outlook from The Laurels;
- (iii) the location of the bin store to the flat block will give rise to smell nuisance;
- (iv) building works would cause disturbance.

Officer Response: The application site is a gap site within the village of Drymen. Subject to agreement on external finishes to simplify the design, it is determined to be acceptable. No aspect of the submitted layout is determined to cause significant harm to residential amenity. The development is sited and designed appropriately to avoid problems of overlooking and overshadowing. The outlook and aspect of the properties situated opposite the site undoubtedly will be affected, however, the impact is not judged to be unacceptable in terms of amenity, daylight or loss of privacy as the setbacks in this case respect adjacent development.

The effects of construction can be an inconvenience but this is temporary and can be expected as part of any development site. This is not the basis for refusal of planning permission - providing the development can be implemented safely. 'Informative' 4 as noted in Appendix 1 of this report advises the applicant of the standard construction working hours designed to minimise adverse impact on neighbours.

The siting of bin stores is normally determined by a building standards requirement on maximum travel distances. The objector is correct, that poorly conceived arrangements for waste collection can pose problems, particularly where residual bin collection is less frequent and where there is inadequate provision made for recycling. Additional information on bin store design and factoring-maintenance arrangements for the site can be secured via planning condition (see appendix 1 of this report) but the proposed siting of the bin store appears reasonable.

- 4.15 **Inadequate ecological appraisal:** No appropriate environmental assessment for flora/fauna has been presented.

Officer Response: Since initial submission of the application, an Otter survey has been submitted by the agent. The Survey extends beyond the boundaries of the application site and confirms that whilst suitable habitat exists on site to support otter, no field signs were noted during the survey to suggest that they are present on this site. The survey also does acknowledge that the site has the potential to support nesting birds in season and recommends that any vegetation removal is undertaken out-with the main nesting season. A condition is recommended (see appendix 1 of this report) to secure compliance with the mitigation requirements proposed within the survey.

- 4.16 **Light Pollution:** New street lighting will adversely affect the amenities of neighbouring residential occupiers; would diminish the rural character of the countryside and adversely affect wildlife.

Officer Response: The Local Plan development strategy directs new housing proposals towards settlements as a means of minimising the wider landscape and visual effects of new development in the National Park. The proposal is consistent with this strategy.

The new housing is proposed within a village setting where existing residential buildings border the site to the west; north and where street lights presently extend across the whole of the site frontage and continue south along the B858 towards the junction with the main A811. In this context changes arising from lighting of new housing is not judged to be adverse.

The proposed access arrangements must be constructed to an adoptable standard and the Authority must also consider Government Policy set out in Designing Streets and PAN 74. Street lighting design guidance is given in BS 5489-1; Code of Practice for the Design of Road Lighting and new lighting furthermore must comply with the requirements of BSEN 13201 and would require to be discussed with the Roads Authority at the road construction consent stage.

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- 4.17 **Surface water drainage and Flooding:** The proposals would give rise to a significant increase in surface water run-off to the Endrick Water placing an unacceptable burden on a constrained local system.

Officer Response: Stirling Council Flood Prevention Officer is supportive of a Sustainable Urban Drainage system approach which can be accommodated within the site and recommends the inclusion of a planning condition to require the detailed design to be submitted to and approved by the Park Authority.

- 4.18 **Contrary to Drymen Community Action Plan 2013-2018:** Other priorities for development in the village have been identified through the Community Action Plan whilst the plan includes no specific proposal for this site.

Officer Response: Whilst the Community Action Plan does not specifically identify the application site as a housing opportunity, and also expresses a desire to see another site within the village progress to development stage (Salmon Leap), the proposals at Laurelfeld are consistent with the local priorities identified in the Plan Document; namely a wish to see allocated sites taken up for development and an opportunity also to provide affordable housing. Drymen Charette consultation process (March 2013) involved a series of workshops with the local community where housing land supply in Drymen was considered. The outcome of this was a strategy to look at gap sites/ infill sites which included the Laurelfeld. The application accords with the Adopted Local Development Plan.

5 POLICY CONTEXT

National Park Aims:

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

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

Development Plan:

- 5.3 National Park Local Development Plan (2017 - 2021):

Relevant Policies: The following Development Plan Policies are determined material to the assessment and determination of this application.

Overarching Policy 1: All development should contribute to the creation of a sustainable, low carbon, natural and resilient place and promote connectivity and a well-designed and attractive place.

Overarching Policy 2: Development Requirements provides support to developments which do

not conflict with nearby land uses and where design and amenity impacts on the wider locality are acceptable. The aspiration for the delivery of climate friendly design is highlighted.

Overarching Policy 3: The Policy requires developer Contributions where an identified need has been demonstrated. Details of contributions to be sought are further detailed in Supplementary Guidance.

Housing Policy 1: commits to the delivery of diverse range of housing, sizes and tenures to meet the identified needs of the National Park population.

Housing Policy 2: Provides support for the development for housing within villages on sites identified for residential development within the Plan. Sites should be developed to a density which is in keeping with its surroundings unless a higher density is appropriate.

Transport Policy 3: Requires new development proposals to follow place making principles and be of a design and specification that conforms with the requirements of the Roads Authority.

Natural Environment Policy 1: requires development to be sympathetic to their setting and to protect the special landscape qualities of the National Park.

Natural Environment Policy 2: Requires proposals likely to have a significant effect on designated European sites to be subject to Appropriate Assessment under the Habitats Regulations.

Natural Environment Policy 4: identifies that development will not be permitted where it would have an adverse effect on protected species.

Natural Environment Policy 6: requires development to enhance biodiversity through the habitat creation and the planting of native species.

Natural Environment Policy 8: identifies that development will not be supported where it will result in the loss of individual or group trees which are important to local amenity

Natural Environment Policy 12: Requires the provision of suitable SUDs drainage for development sites of 2 housing or more (including construction stage).

Natural Environment Policy 13: Identifies that development will not normally be permitted within existing settlements that have been identified as being at medium risk of flooding unless it is demonstrated that the site will not be at risk of flooding and will not increase the risk of flooding elsewhere.

Historic Environment Policy 2: Provides support to development proposals on sites within designated Conservation Areas where it can be demonstrated that no adverse effects on character, appearance, setting and important views in/out of the Conservation would arise.

Historic Environment Policy 3: Development proposals will be required to ensure that existing buildings of architectural and/or historic importance are not adversely affected.

Historic Environment Policy 7: Highlights the value of archaeological resources and identifies the obligation on the developer for site investigation and recording prior to construction.

Transport Policy 3: Design Specification and Standards – All development proposals require to follow place making principles, be sensitive to the special qualities of the park and conform with the design standards of the roads authority and be serviced by roads infrastructure.

Waste Management Policy 1: Development proposals will be required to demonstrate suitable provision for waste management for the storage and uplift of waste including recyclables.

Full details of the policies can be viewed at:

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

Other Material Considerations:

National Park Partnership Plan (2012-2017)

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

- Con Policy 3: Landscapes
- RD Policy 2: Spatial Development Strategy
- RD Policy 7: Sustainable Design and Construction

Draft Supplementary & Planning Guidance & Scottish Government Advice

- Design & Placemaking
- Housing
- Listed Buildings and Conservation Areas
- Developer Contributions
- Drymen Conservation Area Appraisal

Scottish Government Planning Advice

Designing Streets
PAN 78 – Inclusive Design

Stirling Council Local Housing Strategy Documents

Housing Need and Supply Assessment 2011
Local Housing Strategy 2012
Strategic Housing Investment Plan 2017/18 to 2021/22

6 SUMMARY OF SUPPORTING INFORMATION

6.1 Affordable housing statement from Stirling Council's Housing Strategy and Development Service can be summarised as follows.

There is a clear evidence of strong demand for social rented housing in Drymen and the proposed development of 10 social rented units at the application site would go some way towards easing the existing waiting list pressure. Following discussions with the Scottish Government regarding the provision of grant funding, it has been agreed to 'slip' this project into the 2018/ 19 financial year provided planning permission is granted for the proposed development September/ October 2017. In view of the increased emphasis on delivery brought about by the Scottish Government's commitment to deliver at least 50,000 homes over the lifetime of the current parliament, the provision of financial support for the project cannot currently be guaranteed beyond 31 March 2019 i.e. the properties require to be completed and handed over to Stirling Council by that date.

Design and Access Statement: Section drawings are provided in the context of the existing and proposed levels. It demonstrates that the proposed layout can be adequately accessed by prospective users.

Embankment construction and profile below road: Part of the site to the south-east corner adjacent to the road turning head will be graded to a 70 degree slope and reinforced using terramesh. Described by the applicant as a 'greenwall,' the terramesh is a proprietary slope retaining system manufactured by Macafferri. The embankment slope is formed using compacted engineered fill material retained by an interlinked galvanised metal mesh, not unlike a gabion. This retains and stabilises the fill. The space behind the mesh and compacted backfill is filled with 300mm of topsoil which is enclosed by a soil blanket to retain the topsoil and control erosion. The topsoil face is then planted or hydro-seeded to create a 'living wall' embankment that is stable and provides the necessary lateral support to the adjacent road.

Flood Risk Assessment Report: KAYA Consulting Ltd. Identifies that:

- the site lies outside of the indicative Flood Risk zone defined by SEPA Flood Map. Elevated position of site means properties would not be at risk of flooding from small watercourse along eastern boundary of site;
- a 1 in 200 year flood event (+climate change) of the un-named watercourse to the east and below the site has been modelled and mapped. Flood waters are retained in the flood plain area below the site. It is recommended that finished floor levels of housing are set a minimum of 600mm above 1 in 200 yr. flood levels;
- surface water run-off from elevated ground to west of site has on occasion over-topped kerb along Main Street frontage inundating site. Recommends provision of a flow pathway through site to influence run-off away from housing as proposed finished floor level sits about 1 metre below road level;
- acknowledges that treatment of surface water run-off will be required

Ecology Report prepared by Wild Surveys Ltd. This extended beyond the site to include the un-named watercourse below and to the east of the site. The Report finds that whilst suitable habitat exists on site to support otter, no field signs were noted during the survey. The Report acknowledges that habitat is suitable for Otter and is in close proximity to locations known to support the species (Endrick Water), and accordingly recommends a pre-construction survey be undertaken prior to works starting on site. The Report also recognises that trees/shrubs within the site have the potential to support nesting birds in season and recommends that any vegetation removal is carried out outside of the main nesting season.

Sustainability Checklist: the following key aspirations may be noted:

- all building materials to be sourced locally to west of Scotland;
- retention of mature trees within and around site and supplemented with new;
- Scottish Government energy efficiency standards for affordable housing
- SUD's drainage to be adopted on site

7 PLANNING ASSESSMENT

7.1 The following are the key determining considerations for this application:

- Principle of development
- Siting and landscape
- Design and access
- Landscape and visual integration: impact on village Conservation Area and setting of Listed buildings
- Residential amenity
- Flood risk and drainage
- Natural heritage

- Representations submitted

Principle of Development

- 7.2 Application for planning permission is made for the development of 10 new homes for social rent. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the Development Plan. An assessment has been carried out against the material policies listed in section 5 of this report. The residential development proposed is determined to be acceptable, in principle, as the site is allocated for housing development in the Adopted Local Development Plan (2017 – 2021) to meet identified housing need. The Local Development Plan also envisages that 50% of this site will be for affordable needs. Notwithstanding this, all 10 of the proposed units are identified to be developed as social rented housing for Stirling Council. The number of house units proposed also accords with the indicative capacity set out in the Adopted Plan.

Siting and landscape

- 7.3 The design approach and proposed layout has been determined by the difficult sloping topography of the site. To create a level platform on which to site new buildings, vehicular parking, turning facilities and gardens, extensive up-filling is required. The submitted layout positions the buildings in a linear manner, set back from the edge of the pavement bordering Main Street (see figure 3, in section 3 of this report). This is the part of the site where levels change least and was referred to by the Local Development Plan Examination Reporter as the 'spine' of Main Street. The proposed buildings will appear low in relation to the surrounding land form, particularly from the public footpath. The section drawings provided in the Design and Access Statement illustrate underbuilding to the rear.
- 7.4 Due to the ground level changes, there is the requirement for an engineered embankment approximately 2m high to provide lateral support to the road behind Plots 9/10 at the steepest section of the site – the south west corner (see figure 6 below). The applicants indicate a requirement for a stabilised landscaped embankment, similar to that illustrated in figure 5 below, with a 0.9m high stone wall above the embankment to act as a vehicle and pedestrian barrier. Although planted, an engineered embankment and stone wall of up to 3m may seem incongruous but the nearest visual receptor is the Church and cemetery and the existing established conifer screening on this boundary is substantial. The Adopted Local Development Plan (site allocation - page 66) highlights one key and sensitive view through breaks in established planting towards the site from some parts of the Drymen bypass (A811 Stirling Road) to the East. Nevertheless, a well-conceived landscaping scheme would integrate this development, create an attractive backdrop and provide embankment screening to soften the development and views from the bypass.



Figure 5. Example of landscaped embankment/ retaining wall

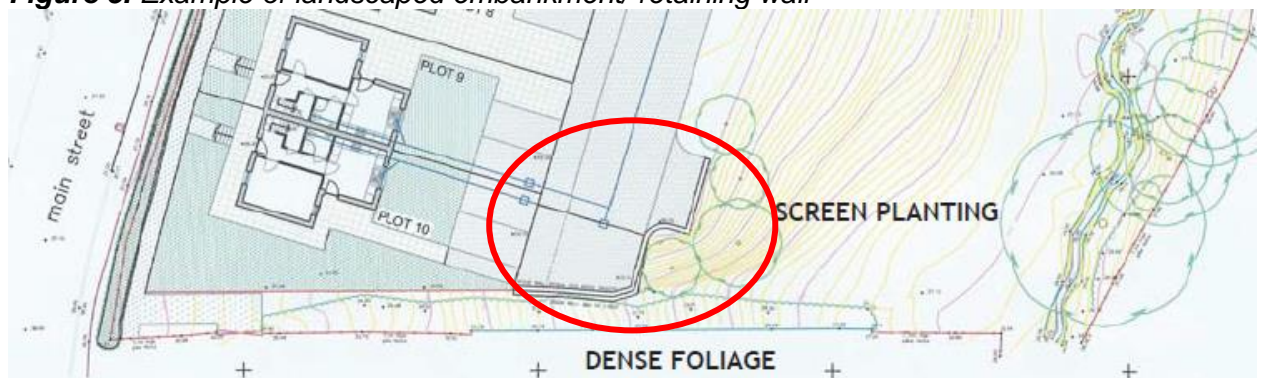


Figure 6. Location of proposed landscaped embankment/ retaining wall circled red at south west corner of the application site. Directly to the south is the established conifer screening on the cemetery boundary noted here as 'dense foliage.'

- 7.5 The submitted design accords with the principles set out in the National Park Supplementary Guidance (Design and Placemaking) which seeks to ensure the design of new development to enhance and maintain the distinctiveness of the National Park. Conditions are recommended to ensure landscape mitigation and visual integration (see Appendix 1 of this report).

Design and Access

- 7.6 The proposed buildings are simple, well-proportioned with pitched roofs; wall – head dormers (flat roofed & pitched); and projecting gabled extensions to the rear, inset from the gable ends of the houses – see figure 7 below. The scale, form and massing of the buildings reflects the character of the nearby traditional terraced properties to the west side of Main Street whilst achieving a respectful deference to the more spaced properties on the opposite side of the road. Pitched roof canopies over doors are presented to the street. Finishing materials of natural slate to roofs and roughcast render to walls and Upvc windows are detailed. Whilst it would be desirable to incorporate timber windows and doors rather than plastic in a Conservation Area, the proposal is for an affordable development and considering the costs associated with the ground engineering works required at this site, Upvc is considered to be acceptable, on balance. Planning conditions can be imposed requiring a simplified treatment of the building edges (i.e. no quoins) (see Appendix 1 of this report).



Figure 7. Visualisation -proposed rear elevation of flatted block & access road from Main Street

- 7.7 The established hedge along the site frontage is an attractive feature of the street. The applicant's drawing states that all hedges will be retained but the existing hedge along the frontage is likely to be compromised during development of the site. It would be desirable to ensure its reinstatement and a condition is recommended in this regard (see Appendix 1 of this report).
- 7.8 It is accepted that the private garden ground allotted to each semi-detached dwelling is not particularly generous. Notwithstanding this, the area to the east/ below the development footprint, and within the application site, is not proposed to be developed and would provide a quality, open setting and outlook for the residential units and the perception of space. To provide more garden space per unit would 'push' the development east and would require further ground engineering and retention and so, on balance, the curtilage of the properties as proposed is considered to be acceptable. Communal gardens are laid out around the flatted block which would benefit from a similar setting as the semi-detached units.
- 7.9 The future management and maintenance of the undeveloped part of the site is required to be secured and this is addressed through condition (see Appendix 1 of this report).
- 7.10 The arrangement of off-street car parking, road and turning facilities meets the standards of the roads authority subject to conditions (see appendix 1 of this report). It was noted that applying yellow lines across the frontage of the site is a practical measure which could be adopted by the Roads Authority in order to avoid on-street parking by new residents. Considering this, the proposals accord with objectives of Overarching Policy 2 and Transport Policies of the Local Development Plan.
- 7.11 Bin storage siting arrangements are supplied but further design information is required and can be secured via condition and will require consultation with Stirling Council to ensure that the solid waste and recycling collection requirements are achieved. The bin store requires to be sized appropriately to provide space for residual bin storage and to meet the needs of domestic recycling.

Landscape and Visual integration: impact on Village Conservation Area and setting of Listed Buildings

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- 7.12 S64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a general duty on the decision taker when considering whether to grant planning permission for development which may affect a designated Conservation Area to have special regard to the desirability of preserving or enhancing the character and appearance of that area.
- 7.13 Scottish Planning Policy advises that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The designated Conservation Area at Drymen covers the central part of the village centre and radiates out in linear manner along Main Street, Balmaha Road and part of Stirling Road.
- 7.14 The application site is not an area of formal open space within the Conservation Area; is not an integral part of part of any designed landscape; and is not a space which has been designed to enhance the setting of any specific building. No significant trees of amenity value will be lost. As an undeveloped field it affords glimpses to and from the village but this should continue even with the proposed development. The linear pattern of development proposed to face Main Street is considered acceptable in this context subject to final agreement on external finishes and landscaping.
- 7.15 The trees bordering the site to the north (see figure 4 in section 3) and south are located on neighbouring land. Those trees have been plotted on the submitted layout drawing and it can be noted that all building works proposed and ground level changes fall outside of the branch spread. Nevertheless, a condition covering tree protection measures is recommended (see Appendix 1 of this report) to ensure that these important natural features are protected from disturbance through excavation, materials storage or machinery operation.
- 7.16 Key elements of the Drymen Conservation Area include the 8 statutory Listed Buildings which lie within it. Two of those buildings border the application site (The Laurels & The Church). The extent to which the new housing proposals could impact on the setting of those important heritage assets and the quality of the Conservation Area (appearance and character) is considered below.
- 7.17 Provided that the new housing proposed does not erode the positive contribution of those Listed Buildings to the Conservation Area, the proposals would accord with the objectives of Historic Environment Policy 2 of the Local Development Plan.

Listed Building Impacts:

- 7.18 S59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires development which may affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Historic Environment Policy 3 of the Adopted Local Development Plan echoes this obligation and seeks to ensure that development proposals protect, conserve and enhance buildings of architectural and historic merit.
- 7.19 The Laurels is a Category C Listed Building. This property is sited close to the northern boundary of the application site and presents its primary elevation and formal frontage to the south, looking out over the site, rather than towards Main Street.
- 7.20 The Laurels is set back approximately 15m from the road and is an important building within the Drymen Conservation Area because of its age and historic detail. Its primary elevation is now obscured to a degree when viewed from the public realm by mature, established trees which have grown within the grounds, inhibiting the influence the building exerts over the lower part of the Conservation Area.
- 7.21 The submitted housing layout defers to the Listed Building by positioning the nearest building on the site (the Flats block) at a point closer to the road and forward of the front gable of The Laurels, and where the established trees within the grounds of The Laurels offer the greatest screening effect.

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- 7.22 Whilst the proposed development will impact on views of this building on the village approach from the A811 it should be noted that these views are 'filtered' presently by the effects of the mature trees. As these established trees only extend part way along the southern edge of The Laurel gardens, the new buildings on the application site would not obscure the views of the Listed Building in the long view which is afforded from the A811.
- 7.23 When approaching the property from the village, the established trees within the garden of The Laurels and the grounds of the Buchanan Arms Hotel provide a screen inhibiting wider views of the listed building from within the Conservation Area.
- 7.24 Drymen Church, Gate Piers and Boundary Walls comprise a Category B Listed Building. This is the pre-eminent building in the lower part of the Conservation Area and a focal point of significant importance. It is located immediately south of the application site. The original churchyard is bounded by a low stone wall with rounded coping. The low wall is the closest part of the Listed building to the application site and is set off approximately 25m from the site boundary. Between the wall and the application site boundary is an extended area of graveyard which is enclosed by hedging. This area historically accommodated buildings (now demolished).
- 7.25 Along the boundary of the application site, to its southern edge, is a line of mature conifer hedging which afford a sense of enclosure to the churchyard and provide a visual screen to much of the church building when approaching from the village and, in turn, screens the application site from the churchyard and the church entrance.
- 7.26 Due to the alignment of Main street, the hedge to the front of the application site and the imposing presence of the conifer hedging, the Church itself does not appear as a prominent building in the street when travelling from the village centre until the viewer is at a point near to the Listed Building. The proposed layout should not inhibit that close view considering the setback of the units from the pavement and their lower level.
- 7.27 Approaching the church from the junction with the A811 to the south, travelling towards the village, the proposed housing would be screened by the Church itself and would not materially impact on the way in which the Listed Building is viewed from the street. The Church will remain an imposing and dominant building when entering the village from the south.
- 7.28 Whilst the proposed development will have an influence on the way in which both these important listed buildings can be viewed locally, it is not considered that the setting of these heritage assets would be materially harmed. This is because of the limited height of the proposed new buildings, finished ground level; their relationship to existing landscape features and the alignment of Main Street itself. The proposals are determined to accord with objectives of Historic Environment Policies of the Local Development Plan and this assessment is supported by the National Park's Built Heritage Lead Officer.

Residential Amenity

- 7.29 The development is sited and designed appropriately to avoid problems of overlooking and overshadowing of neighbouring properties (refer also to para 4.14 of the report).

Flood Risk and Drainage

- 7.30 The application is supported by a Flood Risk Appraisal (FRA). The Report examines the susceptibility of the site to flooding; the vulnerability to surface water flooding from elsewhere, and the potential for compounding down-stream flooding through increased surface water run-off from the site.
- 7.31 The Report models a number of scenarios for appraising flood risk from the un-named watercourse below the site (allowance for climate change; culvert blockage; overtopping of road downstream impeding water flow within the channel and affecting water levels adjacent to the

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site). The Report concludes that the developable areas of the site will be outside of the 1 in 200 year flood event and recommends at least a 600mm freeboard level above the 1 in 200 year level (28m AOD). The housing and service road is proposed some way above this level siting at between 33m & 35m AOD.

- 7.32 The submitted Flood Risk assessment identifies that surface water from the public road and run-off from the higher land to the west of the application site has previously overtopped the roadside kerb and spilled into the site. The FRA recommends the provision of a flow pathway through site to influence run-off away from housing and this is adopted through the drainage layout with collection from the site access road.
- 7.33 The FRA identifies that downstream flooding would be avoided through the design of a suitable SUDs drainage system incorporating on site attenuation. The applicant has submitted a preliminary design incorporating tanks and storm cells.
- 7.34 The Stirling Council Flood Coordinator raises no objection to the proposals but recommends conditions relating to levels; SUDs designed to deliver a greenfield run-off rate; and the management of surface water run-off at construction stage. These conditions are addressed in Appendix 1.

Foul Drainage:

- 7.35 New housing on the site is proposed to connect to the mains water supply and public sewage system. A foul drain currently traverses the site and the applicant proposes a connection to it. Scottish Water raises no objection but identifies that it may be necessary for upgrading of the local sewage treatment works. Scottish Water indicate that where it is confirmed that improvement works are necessary to deliver the development costs are expected to be met by the Developer.

Surface Water Drainage:

- 7.36 The development of a green-field gap site is proposed generating an increase in surface water run-off from buildings and hard surfaces at the site. A run-off rate equivalent to the greenfield condition would require to be achieved in accordance with Scottish Planning Policy Guidance (para 255 SPP). Also, because of the proximity and inter-connectivity to the Endrick Water SAC & SSSI, where water quality is a key feature supporting qualifying species, filtration of run-off will be needed.
- 7.37 It is acknowledged that a SUD's drainage system is required to deal with surface water run-off from the site. A Construction Method Statement can be secured through condition (see Appendix 1 of this report) to ensure protection of the water course which runs in the low ground at the bottom/ east of the site, during construction.

Natural Heritage

- 7.38 No evidence of otter was found as part of the survey work but it is acknowledged that the site, in the context of the watercourse to the east, is a suitable habitat for otter and trees/ hedging within the site could support nesting birds. The National Park's Natural Heritage Officer recommends conditions (see Appendix 1 of this report) to ensure protection of these species. Provided the conditions are imposed, the proposal accords with Natural Environment Policy 4.

Representations

- 7.39 The representations submitted in relation to this application are acknowledged and all points 'material' to the consideration of this application and have been summarised in section 4.8 of this report. The key determining issues and the corresponding planning assessment are

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captured under this section (section 7) of the report and the balance of considerations are drawn together in the conclusion.

7.40 National Park Aims

It is considered that the proposal collectively meets the National Park's four statutory aims (as set out at para 5.1). The application site is within the village boundary on an allocated site and can be constructed without adverse impact on the Conservation Area or adjacent listed buildings. The proposal can be well integrated with its surroundings with the implementation of an appropriate landscaping scheme. It is therefore considered that the proposal is in accordance with the first aim. With regard to the second aim and the theme of sustainability; all building materials are to be sourced locally to West of Scotland, mature trees within the site will be retained and a SUDs drainage system will service the development. The site is also within the village with access to local services and public transport. The area of land below/ to the east of the application site is proposed to remain undeveloped but will be accessible and offers a quality setting for the proposed development and prospective residents. The undeveloped area will retain the openness of this part of the Conservation Area when viewed from the A811 whilst preserving important views to and from adjacent listed buildings which harmonises with the spirit of the third aim. There is clear evidence of strong demand for social rented housing in Drymen and the proposed development of 10 social rented units at the application site would go some way towards easing the existing waiting list pressure and so the proposal is in accordance with the fourth aim in this regard.

8 **CONCLUSION**

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that Proposals are required to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

The proposal for 10 units of housing is supported because the site is identified as an allocated housing site within the Adopted Local Development Plan and there are no objections from consultees.

Although representations have been submitted by individuals and Drymen Community Council that object to the principle and the detail of this proposal, these have been carefully considered and do not raise material considerations of sufficient weight to justify refusal of planning permission. The site is well contained and reasonably screened by existing landscaping and boundary treatment. The proposed new development sits below the road and relates acceptably to adjacent development.

Provided conditions are imposed regulating final site levels and further landscape details the application is considered to accord with Development Plan as the arrangement of buildings, roads and car parking achieves the expected planning and Roads Authority standards.

It is determined that the proposals would not harm the character and appearance of the Drymen Conservation Area, setting of Listed Buildings or the amenity and privacy of neighbouring property.

The density, massing and design of the proposed development respects the established streetscape. The submitted layout is determined to provide an adequate standard of amenity for occupiers of the new houses/ flats.

The proposals present an opportunity to deliver a range of new housing, including affordable housing within one of the key villages within the National Park. The proposals accord with the Local Development Plan and there are no material planning considerations in this instance which would outweigh the provisions of the Plan. It is therefore recommended the planning permission is granted with conditions.

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

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0311/DET'*

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

Appendix 1: Planning Conditions and Informatives

Conditions

- 1 Affordable Housing:** 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 Housing Policy 2 of the Adopted Loch Lomond & the Trossachs Local Development Plan 2017-2021.

- 2 Affordable Housing:** Prior to commencement of the development hereby approved, a contract shall be in place between the developer and a Registered Social Landlord, or suitable equivalent, in relation to the details outlined within Condition No.1 above. Details of this contract shall have been previously submitted to, and accepted in writing by, the Local Planning Authority as a commitment to provision of the affordable housing within the site.

Reason: To ensure the provision of an appropriate level and type of affordable housing in accordance with the Local Development Plan.

- 3 Permitted Development:** Notwithstanding the provisions of Part 1 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 material alterations or extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, or satellite antenna provided within the curtilage of plots 5-10, 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 amenities of the area and having regard to the limited area of private garden curtilage proposed.

- 4 Archaeology:** No development shall take place 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 and approved in writing by the Authority in consultation with the West of Scotland Archaeology Service,. 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 ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation in accordance with the requirements of Historic Environment Policy 8 of the Adopted Loch Lomond & The Trossachs National Park Local Development Plan.

- 5 Materials:** Prior the commencement of development hereby permitted, a revised schedule of the external built finishes and materials, roof coverings, external wall finish, windows and doors, rainwater goods, roads, paths, paving and surfaces shall be submitted for the written approval of the Authority. At the request of the Authority samples of the materials proposed for use during implementation of the development

shall first be submitted for the written approval of the Authority. The development shall thereafter be implemented to accord with the approved details and samples unless otherwise agreed in writing by the Authority.

Reason: To ensure details are acceptable to the Authority in the interests of the amenity of the area and to safeguard the appearance and historic character of the Drymen Conservation Area in accordance with the objectives of Overarching Policy 2 and Historic Environment Policy 2 of the Adopted Loch Lomond & the Trossachs Local Development Plan 2017 -2021.

- 6 Levels:** The visible substructure, between finished ground level and finished ground floor level, shall not – on any part of the buildings as approved - exceed 0.35m in height without the written approval of the Authority. The developer shall, prior to commencement of development, submit an access statement detailing proposals to provide safe and level access to buildings.

Reason: To ensure finished ground and floor levels are acceptable to the Local Planning Authority in the interests of the amenity of the area and to safeguard the appearance and special qualities of the Drymen Conservation Area and also to regulate physical access to buildings to meet the needs of the mobility impaired in accordance with the objectives of Overarching Policy 2 of the Adopted Loch Lomond and the Trossachs Local Development Plan 2017 – 2021.

- 7 SUDs Drainage Including Overland Flow:** No development shall commence until the detailed design of the proposed surface water drainage and proposed SUDs arrangements for the site have been submitted to, and approved in writing by, the Planning Authority in consultation with the local authority Flood Officer and Scottish Water. The detailed design shall also demonstrate the overland flow paths for surface water conveyance within the site to avoid the flooding of properties from off-site surface water flow inundation. The development shall thereafter be implemented in accordance with the approved drainage scheme.

Reason: To ensure details are acceptable to the Authority and to protect development against the risk of flooding.

- 8 Foul Drainage:** No works shall commence on the development hereby approved prior to the submission of further details and the written confirmation that connection to the public network for foul drainage has been agreed with Scottish Water and will be provided.

Reason: To ensure that the development has access to the public drainage system.

- 9 Landscaping:** No development shall commence until an amended scheme of landscaping for the site has been submitted to and approved in writing by the Planning Authority. This shall detail: proposed cross sections and site levels; proposals for screening the embankment at the south east corner of the site; for private garden space serving the dwellinghouses; new boundary walls, fences and paving and all planting to include hedges, grass, new tree and shrub planting including hedge restoration and replacement fronting the development. The submitted plans shall include a planting scheme to incorporate native species only and indicate species type; height; distribution and density of proposed planting. It shall include a programme for implementation. Thereafter, unless otherwise agreed in writing by the Planning Authority, the development shall be implemented to accord with the approved landscaping scheme. The scheme of planting shall be carried out during the first planting season following completion of building and road construction. Any tree or shrub which within a period of 5 years from initial planting, is removed, dies, becomes damaged or diseased, shall be replaced in the next planting season with

others of a similar size and species.

Reason: To ensure details are acceptable to the Planning Authority in the interests of amenity and to integrate the development into the landscape in accordance with the objectives of Overarching Policy 2 of the Adopted Loch Lomond and The Trossachs Local Development Plan 2017- 2021.

- 10 Protection of Existing Trees:** No development shall commence until a plan for the protection of established trees (including their branch spread and their roots) on the northern and southern boundaries of the site is submitted for the approval in writing of the Planning Authority. The measures and methods of protection to be agreed under the terms of this condition shall thereafter be adopted by the developer during the implementation of the development. For the avoidance of doubt, details including the location, type and height of fencing to be erected to protect the branch spread and root systems from construction works shall be submitted and there shall be no storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition.

Reason: To protect established trees against accidental damage during the course of the development.

- 11 Bin Store:** No development of the flatted plots 1-4 shall commence until the design details of the communal bin store has been submitted to and approved in writing by the National Park. The new communal bin store shall be complete and available for use prior to the first occupation of any flat.

Reason: To exercise planning control over the design and appearance of the bin store.

- 12 Factoring and Maintenance of common open space:** No development shall commence until the details of the factoring and maintenance regime regulating the management and care for all the common parts of the application site including landscaped and communal areas, non-adopted roads, car parking, non-adopted drainage and SUDS, retaining walls and communal bin store have been approved in writing by the Authority. The approved factoring and maintenance regime shall be implemented in accordance with the approved details prior to occupation of the first dwellinghouse or flat and thereafter maintained for the lifetime of the development.

Reason: To ensure that adequate measures are in place to maintain the common parts of the development site.

- 13 Construction Environmental Management Plan:** No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Authority. The CEMP shall detail measures to be adopted at the construction stage to maintain public and road safety, minimise disturbance, noise and dust, prevent pollution including pollution of the watercourse on the eastern boundary of the site; protect mature trees on or adjacent to the site and protect wildlife. The development shall thereafter be implemented in accordance with the approved CEMP.

Reason: To ensure effective protection of the water environment, and in particular the integrity of the Ettrick Water SAC (habitats and qualifying species) & Ettrick Water SSSI, in the interests of local amenity and to satisfy the objectives of Overarching Policy 2 and Natural Environment Policies 2,3 4,& 11 of the Adopted Loch Lomond and The Trossachs Local Development Plan 2017 – 2021.

- 14 Species Protection Plan:** The recommendations and species mitigation measures set out under sections 4.2.4, 4.2.5 and 4.2.6 of the Wild Surveys Ltd Protected

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Species Survey dated 2 March 2017 shall be adopted by the developer during implementation of the development.

Reason: To ensure there is no disturbance to protected species during the course of development.

- 15 Vehicular Access and Roads Design:** Vehicular access to the site shall be formed as a bellmouth consisting of a minimum 6 metre radii leading to a maximum access road width of 5.5 metres. The access shall achieve a gradient of no greater than 6.67 (1:15). Visibility splays at the proposed access onto Main Street shall be 4.5 metres x 70 metres in either direction from the centre of the proposed access, with which there should be no obstruction to visibility above carriageway level, thus allowing vehicles exiting the development to see and be seen by vehicles on the carriageway.

Reason: To ensure vehicular and pedestrian safety.

- 16 Vehicular Turning Heads:** Before development commences a revised plan shall be submitted illustrating sufficient vehicle turning heads within the development site to accommodate delivery, waste and emergency vehicles for the approval in writing of the Planning Authority in consultation with the Roads Authority. Thereafter, the development shall be implemented in accordance with the details as may be agreed under the terms of this condition.

Reason : To ensure vehicular and pedestrian safety

- 17 Vehicle/ pedestrian barrier:** No development shall commence until further details of the vehicular/ pedestrian safety barrier or reinforced wall required at the south east side of the access road within the application site to the rear of the dwellings as approved and details of the treatment for the eastern edge of the public footway on Main Street, to the front of plots 5-10, have been submitted for the approval in writing of the Planning Authority. Thereafter the development shall be carried out in accordance with the details as may be approved under the terms of this condition.

Reason: To ensure vehicular and pedestrian safety whilst also having regard to the visual appearance of prominent edge details within the site.

- 18 Driveways:** Driveways and car parking areas shall be dimensioned 3 metres wide x 5.5 metres long (single car) or 5.5 metres wide x 5.5 metres long (2 cars). Driveway gradients shall not exceed 1:10 and shall be suitably drained and surfaced to ensure no surface water is discharged or loose material carried from it onto the adjacent road.

Reason: To ensure adequate provision for off street car parking, vehicular and pedestrian safety.

- 19 Hours of Construction:** No machinery shall be operated, no activities carried out and no deliveries received or despatched from the site outwith the hours of 8:00am to 6:00pm Monday to Friday, and 9:00am to 1:00pm on Saturdays, nor at any time on Sundays on any recognised Scottish Bank Holiday; unless otherwise agreed in writing by the Planning Authority. This limitation does not apply to internal works that are not audible at the boundaries of the site.

Reason: To protect the occupants of nearby properties from excessive noise/disturbance associated with the implementation of this permission in accordance with the objectives of Overarching Policy 2 of the adopted Loch Lomond & The Trossachs National Park Local Development Plan.

Informatives:

1. **Duration of permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
4. **Surface Water** - Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPAs website or from your local SEPA office at: Balloch Office, Carrochan, Carrochan Road, Balloch G83 8EG (tel no. 01389 727770).
5. **Double yellow lines:** In order to deter any on street parking over the development sites frontage with Main Street, the applicant will be required to meet the cost of the promotion and implementation of a Road Traffic Regulation Order for the introduction of double yellow line road markings over the sites frontage with Main Street as may be deemed necessary. The applicant should make written application to Stirling Council requesting the road markings prior to construction works commencing.
6. **Footway upgrade:** The Roads Authority request the footway across the site frontage to be upgraded to no less than 2 metres wide in accordance with Roads Authority standards.