

Report of Handling



Application Number: 2016/0390/DET
Location: Land to the South of the Old Schoolhouse, Muirlands, Arden
Proposal: Erection of one dwellinghouse with associated access, drainage infrastructure and landscaping
Case Officer: Caroline Strugnell
Target Decision Date: 27 Feb 2017

1 Introduction

Background

This planning application is one of eight applications which have been submitted by Luss Estates to address the strategic aims of the West Loch Lomondside Rural Development Framework Area Supplementary Guidance (RDF). The other planning application reference numbers are 2016/0387/DET, 2016/0388/DET, 2016/0389/DET, 2016/0391/DET, 2016/0392/DET, 2016/0393/DET and 2016/0394/DET. The location of these sites is shown in Figure 1 of the Overarching Report.

Site Description:

The site is located on the southern edge of Muirlands. Muirlands is a building group comprising around 8 dwellings clustered on either side of the B832 which connects to the A82 towards Luss at its northern end and the A818 towards Helensburgh at its southern end. It is approximately 6.5km by road to Luss to the north, 7km to Helensburgh to the west and 7.5km to Balloch to the south. A site location plan is provided at Appendix 1.

The site is situated on the east side of the B832 in the centre of the building group on an overgrown piece of undeveloped land between the dwellings known as the Old Schoolhouse to the north and the Category B listed former Muirland School building (now a dwelling known as Shalom) to the south. Beyond the eastern site boundary there is woodland and scrub and the B832 bounds the application site to the west.



Photograph 1: Looking east towards the site. The site is the vegetated area to the left of the picture. Shalom is visible on the right.

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Photograph 2: Looking north along the frontage of the site. The Old Schoolhouse is visible on the right of the picture.



Photograph 3: Looking into the site from the B832. The mature trees in the rear (east) of the site are visible.

Proposal:

The proposal is for the erection of 1 no. 3 bed one story/bungalow dwelling with a new access onto the B832. It is proposed that the dwelling would be 'affordable' (i.e. that it would meet the specific criteria and occupancy restrictions contained in the Housing Supplementary Guidance and would be subject to a Section 75 agreement to secure compliance).

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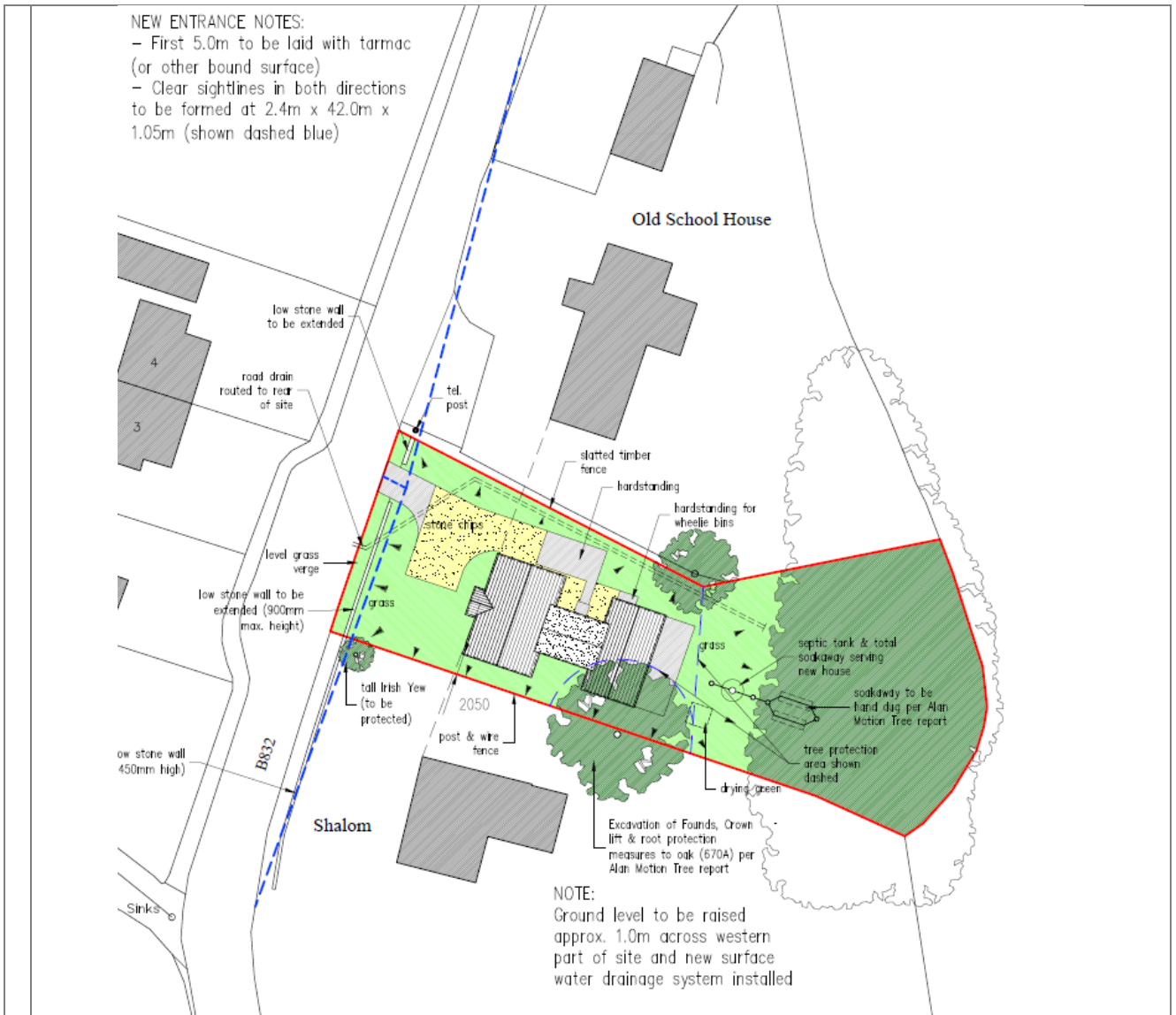


Figure1: Extract from Proposed Site Plan 01 Rev C

The proposed materials would be wet dash render (painted white), natural slate roof and vertical timber cladding.

<p>2 Relevant Planning History</p>
<p>None</p>
<p>3 Policy Context</p>
<p><u>Local Development Plan (Adopted 2016)</u> OP1 – Overarching Policy 1: Strategic Principles OP2 – Overarching Policy 2: Development Requirements HP1 - Housing Policy 1: Providing a diverse range of housing HP2 - Housing Policy 2: Location and types of new housing required NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact NEP4 - Natural Environment Policy 4: Legally Protected Species NEP6 - Natural Environment Policy 6: Enhancing Biodiversity NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands NEP11 - Natural Environment Policy 11: Protecting the Water Environment NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development WMP1 – Waste Management Policy 1: Waste Management Requirement for New Developments</p>

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<p>HEP7 - Historic Environment Policy 7: Other Archaeological Resources</p> <p><u>Supplementary Guidance</u> Design and Placemaking Housing West Loch Lomondside Rural Development Framework</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u> 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. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.</p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Outcomes and Priorities: Outcome 10: Placemaking (Rural Development Priority 10.1: Improving Towns & Villages) Outcome 12: Sustainable Population (Rural Development Priority 12.2: Affordable Housing)</p>
<p>4 Environmental Appraisal</p>
<p><u>Environmental Impact Assessment</u> The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this instance the proposal falls under Schedule 2 of the regulations within the 'urban infrastructure project' category. The proposal was screened collectively with the other eight linked applications to assess the cumulative impact. It was determined that significant environmental effects on the environment are unlikely and therefore an EIA is not required. The screening opinion is available to view as part of the application file.</p> <p><u>Habitats Regulations Assessment</u> Not applicable.</p>
<p>5 Summary of Consultations</p>
<p><u>Scottish Water – no objection</u> Their response confirms that there is currently sufficient capacity in the Finlas Water Treatment Works but no public sewers within the vicinity of the proposed development. Private treatment options should therefore be explored.</p> <p><u>ABC Roads - no objection subject to conditions</u> The response highlights the need for visibility sightlines, in-curtilage turning areas and access design in accord with the standard (which must be completed prior to dwelling construction works commencing).</p> <p><u>ABC Flood Prevention – no objection</u> No objection subject to conditions for Surface water drainage to be designed in accordance with Sewers for Scotland 4th Edition and CIRIA C753 and to include attenuation of water from the existing drain and its retention within the site boundary.</p> <p><u>Luss And Arden Community Council – object</u> The Community Council objects on grounds of elevated road safety risk on the B832 at Muirlands.</p> <p>Supports remains for the contribution to wider aims of the current Local Development Plan for Luss and Arden and the provision of new public spaces and amenities. They request a programme of phasing to secure affordable housing against the market housing delivery and a restriction on the market houses to ensure 'primary residence' to pre-empt sale for holiday home use.</p>
<p>6 Summary of Representations</p>
<p>118 representations in objection were received from a total of 109 contributors. Of these 101 contributions were made by way of signed 'petition-style' letters (or adapted electronic version of same) and 17 were made independently. Almost all the objections were made in respect of all three applications for Muirlands (including refs. 2016/0392/DET and 2016/0394/DET). Where comments concern only this application this is highlighted.</p>

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The objections and concerns raised are summarised as follows:

- The application is full of inconsistencies, misleading statements, poor attention to detail, lack of topographical information and is an inadequate and superficial planning application (comment specific to this application 2016/0390/DET);
- Loss of light and overshadowing of adjacent properties and no. 2 Muirland Cottages (comment specific to this application 2016/0390/DET);
- The plot has flooded (comment specific to this application 2016/0390/DET);
- The very dangerous nature of the B832 at the site of the 3 applications which will be exacerbated by these proposals;
- The concentration of 7 new properties in a tight 160 x 80 box on top of 8 existing dwellings;
- The adverse impact on the natural and built environment;
- Development on greenfield and community open space sites;
- Mix of housing types is at variance with policy and issues over equating affordable house units to monetary value;
- Muirlands is not included on the Local Development Plan as a development site;
- Preventing development as holiday or second homes has not been addressed by policy;
- Poorly constructed, inaccurate and misleading planning applications;
- Significant drainage issues not addressed by the applicant.
- The road is narrow and winding and not suitable for increased traffic
- The proposal would lead to parking on the road;
- Accesses cannot achieve appropriate site lines;
- There will be an increase in road traffic accidents;
- The new residents will inevitably use cars, adding to road congestion generally;
- Increased noise;
- Impact on wildlife;
- Negative impact on the character of the building group;
- 7 additional houses is over development and too high density;
- Muirlands is closer and looks to Helensburgh/Balloch not Luss so development here will play no part in promoting Luss as a centre;
- The sites is not within the list of potential development sites in the LDP and is therefore contrary to the LDP;
- 6 open market and only one affordable is only 15% which is unacceptable;
- Luss Estates should build elsewhere (Camstradden / Duchlage Farm);
- The cost of drainage to the local authority has not been considered;
- Planning blight affecting house values;
- The houses will impinge on the views currently enjoyed by neighbours;
- Concern that the market houses would be used as second homes without necessary safeguards;
- Concerns that the 'marketing' of the affordable plots would not secure their ultimate development;
- The 50%/50% ratio of market to affordable housing should be maintained;
- A credit for three affordable units in lieu of the £79,000 financial assistance to Link Housing Group is double counting and the credit should equate to what was delivered (i.e. five units);
- The linked proposal for the village green does not contribute, affect nor facilitate the delivery of housing envisaged by the overarching framework and should not be credited against affordable housing.
- There is only one affordable dwelling proposed. Expenditure incurred on other projects does not justify inappropriate development.

These points are addressed in the Planning Assessment (Section 8) and also in the Overarching Report.

7 Summary of Supporting Information

Supporting Statement prepared by The Hay Partnership (received 22 November 2018) - Overarching Letter highlighting the revisions and changes since the original application submissions (eight applications in total made in December 2016) and the rationale and justification for the package of developments now proposed.

Protected Species Survey Update dated 14 August 2018 prepared by Wild Surveys (received 29 Aug 2018) – update of previous survey and recommendations.

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Tree Survey and Arboricultural Constraints prepared by Alan Motion Tree Consulting Ltd (received 22 December 2016) – Assessment of existing trees, species and health.

Design and Access Statement prepared by Hay Partnership (received 28 August 2018) – describing the site and explaining the design rationale.

Protected Species Survey (dated 16 September 2016) prepared by Wild Surveys (received 22 December 2016) - assessment of the site's ecology value and requirements to address any impacts arising.

Topographic Survey by Loy Surveys (received 22 December 2016)

8 **Planning Assessment**

The planning considerations are as follows:

- Principle of Development
- Design
- Landscape & Trees
- Ecology
- Flood Risk & Drainage
- Roads
- Heritage
- Waste Management

Principle of Development

The principle of development of affordable housing within building groups in the countryside is supported by LDP Policy HP2(c). The proposal is for one affordable house and is therefore compliant with Policy H2(c).

It is relevant to note that this application is one of eight submitted by the applicant which collectively seek to offer a package of housing designed to deliver the strategic development objectives of the West Loch Lomondside Rural Development Framework Area Supplementary Guidance (the "RDF"). The package includes proposals for market housing in building groups (including two applications within Muirlands) which is not permitted under LDP Policy HP2(c). However the RDF provides flexibility to depart from LDP policy under certain circumstances. It states:

"Flexibility in the LDP housing policies within this area will be supported to allow variance of the policy requirements at each site. This will enable individual sites to be developed within a wider strategic context as part of a package of development for the area as a whole."

Compliance with the RDF strategy, principally in terms of the balance of market and affordable housing (or equivalent) proposed across the eight applications and the approach to delivery, is considered in the Overarching Report which should be read alongside this Report of Handling. This concludes that the eight applications, as a package of proposals, are acceptable in principle subject to completion of a Section 75 agreement to control the phasing of development. This assessment is not repeated here however it is relevant to note that the overall package is contingent on this application proposal; it comprising a component of the affordable housing that must be secured to make the overall package of proposals acceptable in principle.

Policy HP2(c) requires new housing in building groups be sensitive to the scale and character of the host community. Policy HP2(c) supports development that is *"sensitive to the scale and character of the host rural community"*. The Housing Supplementary Guidance (HSG) provides further guidance on this aspect stating that, as a guide, proposals within building groups must not expand the grouping by more than 100%. The HSG also makes clear that development should *"enhance and consolidate the appearance of the particular building group"*.

Objectors have submitted that the number of houses proposed (7 in total including applications 2016/0392/DET and 2016/0394/DET) is too many and represents over-development. This application, if considered as a stand-alone proposal would increase the number of dwellings overall by 1 which is well inside of the maximum supported by the HSG. Collectively with the applications for market housing, the number of houses in the building group would increase from 8 to 15 (an increase of 87.5%). This is still

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within the guideline limits of the HSG.

In this case the proposed house would occupy an infill site and would therefore be naturally in keeping with the existing pattern of development. The proposal would maintain good separation from adjacent plots and would not appear as over-development particularly when considering the density of the houses opposite. It would therefore consolidate and maintain the character of the building group. The proposal is therefore acceptable in principle having regard to Policy H2(c).

To ensure the dwelling would comply with Policy HP2(c) and the HSG definition of 'affordable' a legal agreement would require to be put in place to limit occupation to permanent residence and subject the house to a discount of 30% from the open market sale value which would apply in-perpetuity. The discount percentage has been determined based on the anticipated open market value following consultation with the District Valuer.

In summary development of affordable housing within this building group is acceptable in principle having regard to the LDP and Policy HP2(c).

Design

The proposed house would be single story and comprised of two linked elements; so designed as the angular shape of the application site suited a non-standard footprint (see Figure 2). This results in the appearance of a traditional scaled frontage to the road that would be smaller in appearance than its neighbours.

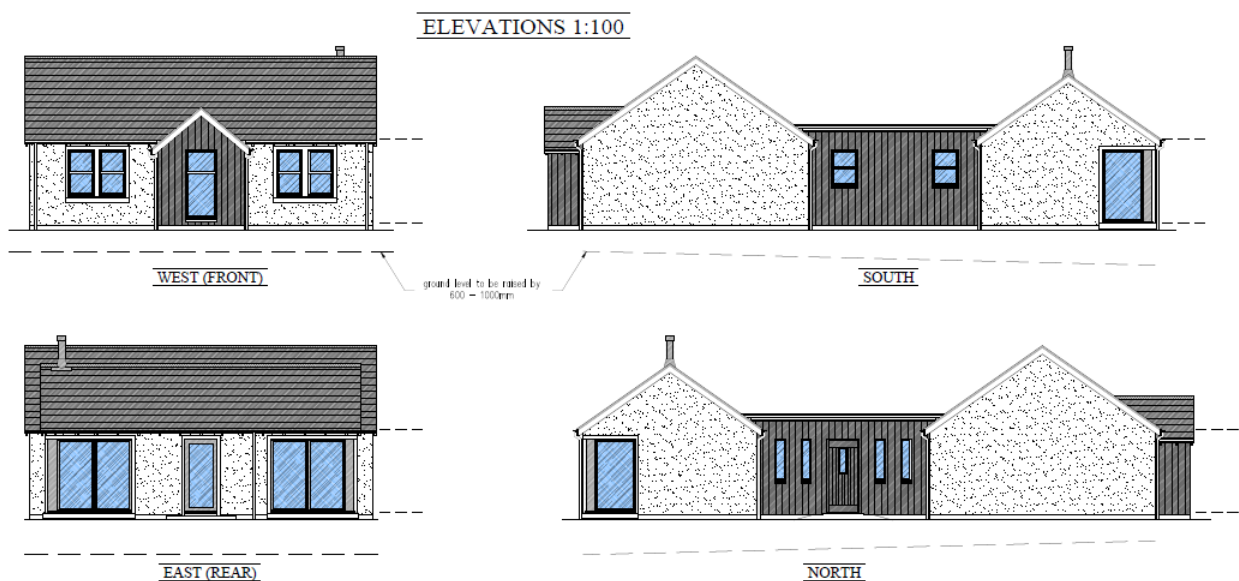


Figure 2: Proposed Elevations - Extract from Plan 02 Rev B (not to scale)

The floorspace of the house for which planning permission is sought is restricted to c100m² to comply with the HSG requirement for affordable houses to be 'modest' in scale. The house would sit comfortably within the site whilst appearing smaller in its massing than both the one and a half story dwelling to the north (the Old Schoolhouse) and the Category B listed Shalom) to the south.

The proposed style and materiality are traditional, comprising wet dash render (painted white reflecting the semi-detached dwellings directly opposite) and natural slate roof. Vertical timber cladding painted in a dark recessive colour is proposed for the front 'porch-style' feature, the link section and east (rear) elevation. Timber is not commonly found within the grouping however its use helps to break up the different elements of the building, provides a contemporary aesthetic that is 'of its time' and these more modern elements are considered acceptable.

Residential Amenity

The house would maintain adequate separation from neighbouring properties (c 13 metres between the property to the north and c 9.8m to the listed building to the south). There are no habitable rooms in either the northern or southern gable elevations of the front section and likewise in the rear section the windows

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predominantly look east. Privacy would therefore be maintained. The proposal raises no issues of overshadowing or overlooking.

A number of objections highlight potential for noise and disturbance as a result of the new houses. It is recognised that the existing residents enjoy the peaceful surroundings however residential development is not classified in planning terms as a 'bad neighbour' and it is not therefore appropriate to require a noise assessment. A condition is recommended to control the hours of construction to minimise noise and disturbance during construction. Noise post-construction can be controlled through other statutory legislation.

A condition is recommended to ensure that material imported to the site to raise the levels (see below) is free from contamination and suitable for the intended use.

Climate Friendly Design

The building line and shape of the site has necessarily dictated the orientation of the house however the inclusion of full height glazing to the rear would maximise light and solar gain to the habitable rooms. The type of renewable energy technology to be incorporated in compliance with Policy OP2 is not yet confirmed but options include air-source heat pump or photovoltaic panels. As such a condition is recommended to agree these details at a later date.

In summary the proposal is acceptable in terms of the form, appearance and materiality and climate friendly design and there would be no adverse impact on residential amenity in accordance with Policy OP2.

Landscape & Trees

The site is contained visually by mature trees to the east, development to the north and south and the road with development beyond to the west. Views to and from the site are therefore localised. The proposed development would not therefore have an adverse impact on the landscape but will require planting to aid integration into the street scene. A landscaping condition is therefore recommended to secure further landscape details including plot frontage planting.

The submitted Tree Survey and Arboricultural Constraints Report identifies a number of trees within the eastern half of the plot including a Category A mature Oak. None require to be removed as the development footprint is outwith the root protection area and an acceptable level of daylight and amenity can be achieved with these trees remaining in situ. The proposed septic tank however encroaches into the theoretical root zone and special dig methods would require to be employed. A mature oak outwith the site but close to the southern boundary would require crown lifting of the canopy for access for construction. Special dig methods would also need to be employed to avoid adverse impacts on its root system. The trees will require protection during development in accord with the submitted Tree Protection Plan Policy and this is conditioned. The development would not result in unacceptable impacts or loss of trees and is therefore acceptable.

Subject to the retention and protection of the existing trees during construction and planting to aid visual integration the proposal is considered to be in accord with Policies NEP1, NEP8, NEP9 and OP2.

Ecology

The applicant has submitted a Protected Species Survey with subsequent update in August 2018 which confirmed no change in the baseline. No signs of protected species were recorded however the mature trees provide features that may be suitable habitat for bats and overall the habitats present have the potential to support protected species such as badger, reptiles and birds.

The survey recommends that vegetation clearance prior to construction should take place outside the bird breeding season of March to August inclusive and this is conditioned. A condition is also recommended to secure compliance with the recommendations within the survey report in the interests of safeguarding Protected Species and wildlife to accord with Policy NEP4. As the proposal would affect habitat for birds a scheme to enhance the post-construction value of the site for wildlife is needed to accord with Policy NEP6. This is also conditioned.

The survey highlights the presence of *Rhododendron ponticum* and Japanese knotweed on the site which must be eradicated in accord with Policy NEP6 and a condition is recommended accordingly.

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Flood Risk and Drainage

The site is not identified as being at risk of flooding from any source on SEPA's flood maps. It is however apparent that surface water run-off from the road enters the site via a drain on the frontage. A new land drain is therefore proposed to collect the flow and divert it around the north of the proposed dwelling to a soakaway in the rear garden where it would not pose a risk to the proposed house or adjacent properties. Surface water from the dwelling would also utilise this soakaway and permeable material is proposed for the driveway. The Flood Authority has reviewed the proposal and has no objections subject to a condition for the surface water drainage to be designed in accordance with Sewers for Scotland 4th Edition and CIRIA C753 and to include attenuation of water from the existing drain and its retention within the site boundary. A condition is recommended accordingly.

The response from Scottish Water confirms no public sewerage infrastructure is available locally and a private treatment system is therefore proposed. This would be located in the rear garden to the east of the house and would discharge to a total soakaway.

In summary the proposal would not be at risk of flooding and would not increase the risk of flooding elsewhere. It therefore achieves compliance with Policy NEP12.

Roads

Policy TP3 requires access for new development proposals to follow place making principles, be sensitive to the special qualities of the National Park and be serviced by roads infrastructure that conforms to the design standards of the Roads Authority and/or Transport Scotland.

The proposed development would be accessed via a single driveway onto the B832 Muirlands Road. This requires the land level within the site adjacent to the road to be raised by approximately 1m to bring it nearer to the road level. There is provision for two car parking spaces plus a turning area within the curtilage to enable residents to access the B832 from the driveway in forward gear.

The Roads Authority require conditions for visibility site lines to be maintained and for the access to be constructed to the required standard (dimensions, sealed surface and gradient). In the interests of road safety they require the access to be constructed prior to works starting on the house construction.

It is noted that the Community Council has objected to the application on road safety grounds. They consider that, on the basis of local knowledge and sentiment regarding the existing accident history of the B832, the application would pose an unnecessarily elevated and unacceptable road safety hazard to vehicles and pedestrians. This is echoed in a number of the public objections received. However there are no objections from the roads Authority subject to the requested conditions. On this basis it is concluded that the proposal would not represent an unacceptable risk to highway safety. The proposal therefore accords with Policy TP3.

Policy TP2 requires proposals to encourage safe, sustainable and active travel options and enabling opportunities for sustainable transport and modal change from the private car to more sustainable forms of transport.

The site is served by the 302 bus service (3 per day each way) operating Mon-Sat between Carrick Castle and Helensburgh via Luss. It is acknowledged that the lack of a more frequent service means it is likely that residents would invariably use the private car for most journeys. However it is also recognised that the rural nature of the West Loch Lomondside Rural Development Framework Area means it is not always possible for new development within existing rural communities to benefit from more convenient access to public transport. The scale and nature of the proposed development would not be such that the additional car journeys would give rise to unacceptable impacts on the environment or the local road network. As such, and given the availability of a bus service (albeit limited), the proposal is considered to accord with Policy TP2.

Waste Management

Refuse would be collected under the existing local authority collection service. There are bin storage locations shown on the drawing. As such the proposal complies with Policy WMP1.

Conclusion

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In summary the proposal for a new affordable dwelling on this infill site is acceptable in principle under Policy HP2(c) of the LDP. The development is of an appropriate scale and would help consolidate the building group in accord with Policy HP2(c). The design and materiality is sympathetic to the character of this rural location in accord with Policy OP2. There would be no adverse impacts on landscape, ecology or trees subject to conditions and the development therefore accords with Policies NEP1, NEP4, NEP6, NEP8 and NEP9. The development complies with the Roads Authority standards and would not give rise to unacceptable road safety issues in accord with Policy TP3. There would be no adverse impacts on heritage in accord with Policy HEP3.

Recommendation: Approve subject to conditions

Conditions

- 1. Invasive Species Removal:** No site clearance works shall be undertaken until a scheme for the eradication of *Rhododendron ponticum* and Japanese Knotweed from the site has been submitted to and approved in writing by the Planning Authority. The scheme shall identify the location of the invasive species within the site and the methods for removal and disposal. Thereafter the scheme shall be implemented in accordance with the approved details prior to the commencement of the construction works hereby approved.

REASON: To ensure that non-native invasive plant management is undertaken to enhance and protect the environment in accordance with Local Plan Policy NE6

- 2. Breeding Birds:** No site clearance works shall be undertaken during the main bird breeding season (March – August inclusive) unless a prior walk over survey for nesting birds is undertaken and details of the survey have been submitted to and approved by the planning authority prior to clearance works commencing.

REASON: To comply with Policy NEP4 ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

- 3. Access Works:** Prior to the commencement of the development hereby approved the following works shall be implemented to the satisfaction of the Planning Authority in consultation with the Roads Authority:
 - a. the driveway access shall be constructed as per Standard Detail SD 08005a;
 - b. the first 5m of the driveway shall be a sealed surface;
 - c. sightlines of 53 x 2.4 m x 1.05 m shall be provided and all walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road;
 - d. parking space for 2no. vehicles and onsite turning head provision shall be maintained within the site boundary.

REASON: To ensure a satisfactory standard of development in accord with Policy TP3, to maintain pedestrian safety and to ensure that vehicles entering and exiting the accesses can undertake the manoeuvre safely in the interests of road traffic safety.

- 4. Renewable energy:** Prior to the commencement of development details of the proposed renewable energy technology to be incorporated into the development shall be submitted to and approved by the local planning authority. Thereafter the approved measures shall be implemented prior to the development hereby approved being brought into use.

REASON: To comply with Local Plan Policy OP2 that requires the incorporation of renewable energy measures in all new developments.

- 5. Biodiversity Enhancement:** Prior to the commencement of the development hereby permitted, a scheme for the enhancement of biodiversity within the development site shall be submitted to, and approved in writing by, the Planning Authority. This scheme shall then be implemented in full in a timescale to be agreed in writing with the Planning Authority.

REASON: To secure biodiversity enhancement as required under Natural Environment Policy 6:

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Enhancing Biodiversity.

- 6. Tree Retention and Protection:** The trees on and adjacent to the site (these being nos. 670, 670A, 670B and 663-669 inclusive in the approved Existing Tree Survey ref LE-Muir-TS-01) shall be retained. Retained trees shall be protected as shown on the approved Tree Protection Plan LE-Muir-TS-01 with fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction', or by such means of protection as shall be agreed in advance in writing with the Planning Authority. The protection measures shall be implemented prior to the commencement of development and maintained for the duration of development and no digging, storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition. No felling, lopping or chopping (other than crown lifting of the Oak tree ref 670A) shall be carried out to retained trees without the prior written approval of the Planning Authority.

REASON: To ensure the retention of trees that contribute to visual amenity and landscape character, that provide suitable habitat for protected species (bats) and to ensure protection during the course of the development in accordance with Local Plan Policies NEP1, NEP4, NEP8, NEP9 and OP2.

- 7. Details of Landscaping:** Prior to the commencement of development a detailed landscaping scheme for the site shall be submitted to and approved by the local planning authority. The scheme shall include:
- Materials for use in the construction of the proposed extended low stone wall on the frontage with the B832;
 - Details of the proposed boundary treatments (new fences and gates);
 - Materials/specification for the proposed hard surfaces;
 - Details of all soft landscaping including a planting schedule (plant sizes and proposed numbers/densities) and a programme/timetable for implementation;

Thereafter the landscaping of the site shall be in accordance with the approved scheme.

REASON: To achieve a satisfactory development having regard to the character of the rural area and because the proposed development requires landscaping to integrate into its surroundings and to mitigate the local landscape and visual impacts. Without such landscaping the proposal would be considered contrary to the provisions of the development plan Policies NEP1 and OP2.

- 8. Contaminated Land:** Details of the source of any imported material/soils to achieve the proposed finished levels shall be submitted to and approved in writing by the planning authority prior to importation. At the written request of the Planning Authority appropriate verification shall be supplied to demonstrate that the material to be imported is free from contaminants and suitable for the proposed use.

REASON: To ensure that risks from land contamination to the future users of the land are minimised.

- 9. Surface Water Drainage:** The surface water drainage for the site shall be designed in accordance with Sewers for Scotland 4th Edition and CIRIA C753 and include attenuation of water from the existing drain and its retention within the site boundary.

REASON: to ensure that the development is adequately protected from surface water flood risk in accordance with Policy NEP12.

- 10. Wildlife Protection:** The development shall be carried out in accordance with the recommendations set out in the Protected Species Survey (received 22 December 2016) and subsequent Update dated 29 August 2018 (received 29 August 2018).

REASON: To safeguard protected species and nature conservation interests in accordance with Policy NEP4 and to ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

- 11. External Materials:** All external materials and finishes shall be as indicated on the approved plans unless otherwise agreed in writing by the Local Planning Authority prior to their incorporation within the development.

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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

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REASON: To ensure that the external appearance of the development is appropriate to the rural character of the area in accordance with Policy OP2.

12. Hours of Construction: Construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To protect the occupants of nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.

Planning Obligations

This application requires to be the subject of a Section 75 legal agreement to ensure that the house would be subject to the discounted value in perpetuity and to restrict its occupation to primary residence.

In addition, as this application forms part of the justification for the development of open market housing (the subject of separate applications within an overall package of proposals) it requires to be tied to a Section 75 legal agreement with those applications to secure the delivery and phasing of this affordable housing plot along with community infrastructure (village green) against the open market housing.

List of Plans

Title	Reference	Date Received
Proposed Site Plan	01 Rev C	29/08/18
Proposed Floorplans and Elevations	02 Rev B	29/08/18
Location Plan	Loc	29/08/18
Tree Protection Plan	LE-Muir-TS-01	22/12/16
Topographic Survey		22/12/16
Protected Species Survey Update	14 August 2018	29/08/18

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. Roads Consent - The applicant is advised that in terms of Sections 21 and 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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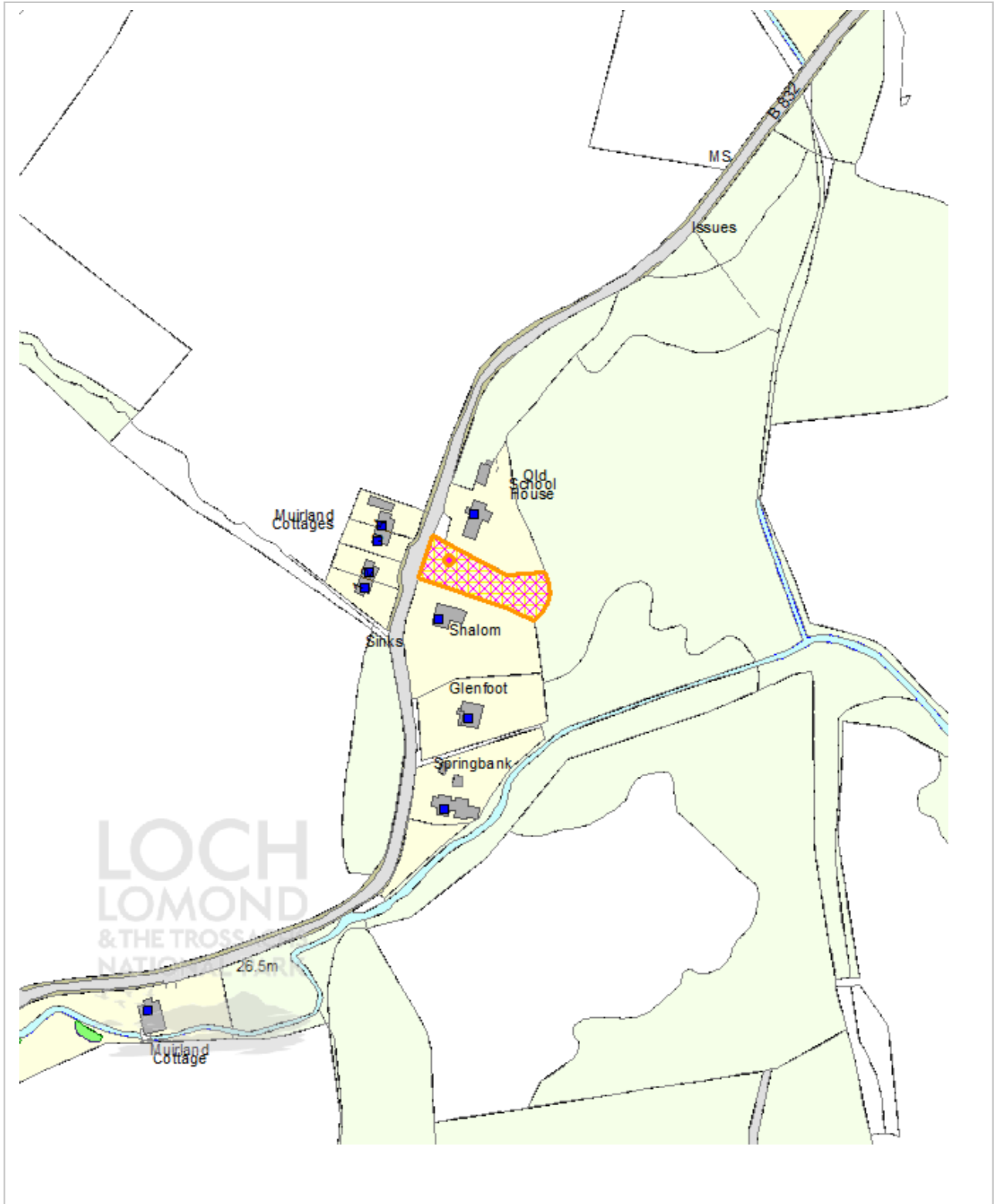
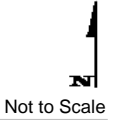
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Appendix 1 - Site Location Plan

Land to the South of The Old Schoolhouse, Muirlands, Arden

 2016/0390/DET



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