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, 2016/0390/DET, 2016/0391/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 forms part of a field used for grazing on the west side of the B832. It sits immediately to the south of no.1 Muirland Cottages to the rear of a raised roadside embankment which is covered with mature trees. The site is bounded to the east by the embankment trees with the B832 beyond and the garden boundary of no.1 Muirland Cottages and a small watercourse to the north. A category B-listed former Muirlands School building (now a dwelling known as Shalom) is situated opposite on the eastern side of the B832.
Photograph 2: Looking west across the site from the proposed access point. Boundary of no.1 Muirland Cottages on the right of the picture.

Photograph 3: Looking south from the proposed access point showing embankment trees.
Proposal:
The proposal is for 3 no. 3 bed dwellings with associated access drainage infrastructure and landscaping. The dwellings would comprise 2 no. semi-detached houses (Plots A and B) and 1 no. detached house (Plot C) (see Figure 1). The houses would share an access driveway with one point of access onto the B832. Plot curtilages would be defined by a post and wire fence with hedging. The properties would share a septic tank which would be located on land adjacent Plot C (exact position still to be determined).

Photograph 4: Taken from within the site looking east at the proposed access location. The access would require removal of the trees pictured. Shalom is visible on the left.
2 Relevant Planning History

None

3 Policy Context

Local Development Plan (Adopted 2016):
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
HEP7 - Historic Environment Policy 7: Other Archaeological Resources

Supplementary Guidance
Design and Placemaking
Housing
West Loch Lomondside Rural Development Framework

Other Material Considerations

National Park Aims
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.

National Park Partnership Plan (2012-2017)
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)

4 Environmental Appraisal

Environmental Impact Assessment
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.

Habitats Regulations Assessment
Not applicable.

5 Summary of Consultations

Scottish Water – no objection
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.

ABC Roads - no objection
The response highlights the need for conditions to provide traffic calming gateway feature, visibility sightlines, 2m wide pedestrian footpath connection and access design in accord with the standard.

ABC Flood Prevention - no objection
No objection subject to conditions to ensure the maintenance of the proposed culvert under the new access to direct any exceedance flows from the watercourse in the 1 in 200 year rainfall event.

West of Scotland Archaeological Service – no objection
Require a scheme of archaeological investigation and recording prior to commencement of development.

Luss And Arden Community Council – object
The Community Council objects on grounds of elevated road safety risk on the B832 at Muirlands. 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.

6 Summary of Representations

119 representations in objection were received from a total of 110 contributors. Of these 101 contributions were made by way of signed ‘petition-style’ letters (or electronic version of same) and 18 were independently written. Almost all the objections were made in respect of all three applications for...
Muirlands (including refs. 2016/0390/DET and 2016/0394/DET). Where comments concern only this application this is highlighted.

The objections and concerns raised are summarised as follows:

- Loss of light and overshadowing of conservatory and back garden of no. 2 Muirland Cottages – same for proposed trees and hedges (comment specific to this application 2016/0392/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;
- Safe sightlines cannot be achieved;
- 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

**Site Investigation Report** prepared by Ardmore Point Geomatics & Geotechnical Solutions (received 24 April 2019) - undertaken to identify the nature of prevailing ground conditions to inform drainage solutions.

**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.
Landscape Appraisal (dated October 2018) prepared by Fiona Robertson Landscape Design (received 23 Oct 2018) – An appraisal of the landscape and character context for the proposal and proposed landscape mitigation planting and specifications.

Protected Species Survey Update dated 17 August 2018 prepared by Wild Surveys (received 29 Aug 2018) – update of previous survey and recommendations.

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

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

Protected Species Survey (dated 20 September 2016) prepared by Wild Surveys (received 22 December 2016) – assessment of the site’s ecology value and requirements to address any impacts arising.

Soakaway Calculations for Plots A, B and C (Rev A) (received 25 July 2019)

Flood Risk Assessment (October 2019) prepared by Kaya Consulting Ltd (received 03 October 2019) – assesses the risk of flooding from the watercourse to the north and proposes mitigation to reduce the risk of flooding.

8 Planning Assessment

The planning considerations are as follows:

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

Principle of Development

This application is one of eight submitted by the applicant which collectively seeks 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”). Whilst development of market housing in building groups is not permitted under LDP Policy HP2(c) 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.

The principle of development within Muirlands has been questioned by some objectors who cite the proposal as being contrary to the LDP as this does not identify any development sites within Muirlands. Some objectors also consider that development in Muirlands would not contribute to the RDF’s Development Strategy since the objectives are focussed on Luss Village whereas residents of Muirlands are more likely to look to Balloch and Helensburgh for access to schools, services and facilities and that therefore development in the Muirlands area, in their view, would make little, if any, contribution to the overall aims of the RDF Development Strategy.

Chapter 2 of the RDF considers the strategy for increasing the supply of housing in the RDF area, which includes Muirlands and other rural communities. Whilst the LDP does not allocate sites in Muirlands (or
indeed any other building group) Muirlands is specifically mentioned as one of the locations within the catchment area of Luss Primary School. The RDF therefore clearly envisages that some development can take place within Muirlands and development here would allow more families to live in the area and access the school and employment opportunities within the surrounds. The proposal accords with the RDF in this respect.

The final issue of principle is one of scale and character. 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 consider the number of houses proposed (7 in total in Muirlands including applications 2016/0394/DET and 2016/0390/DET) is too many and represents over development. Collectively the proposals would increase the number of houses in the building group from 8 to 15 (an increase of 87.5%). This is within the guideline limits of the HSG. In this case the siting of the proposed houses would occupy the visual gap between the existing Muirland Cottages and the embankment trees and would be seen as a continuation of development southwards thereby appearing to consolidate development from this approach. The generous set back of the houses mirrors that of the houses opposite on the east side and they would be screened from the south by the embankment trees. There would be views of the houses across the field from the B832 further south however these would appear in the context of the existing Muirland Cottages. The density and character (see ‘Design’ below) would complement that of the existing dwellings. Overall therefore the proposal accords with Policy HP2(c).

Policy HP1 requires housing sites to deliver a diverse range of housing to address the needs of smaller sized households, older people and families. The RDF is clear that the priority for the West Loch Lomondside area is family housing. The proposed houses are modest (they are not excessive in size or ‘executive’) mid-market 3 bedroom family homes. The houses are also proposed to incorporate internal arrangements and door widths to cater for disabled/elderly access. The proposal therefore accords with Policy HP1.

Overall it is concluded that the proposal is acceptable in principle.

**Design**

The proposed houses would be traditional in style and materiality taking a cue from the existing houses in Muirlands. Plots B and C would be 2 story semi-detached, reflecting the neighbouring dwellings to the north. These would have wet dash render (painted white) with smooth banding around windows & door openings. Roofs would be natural slate with profiled metal sheeting over the rear single story elements. Plot A would be a one-and-a-half story detached house with traditional style dormer windows. This would also be finished in wet dash render (white painted), and natural slate roof reflecting the prevailing vernacular. Whilst the proposal is of different materiality to the older Victorian stone buildings on the east side of the road this does not result in a harmful relationship given the existing variation of housing design and period within the group.

![Figure 2: Proposed Elevations for Plots B and C – Extract from Plan 12 Rev D (not to scale)](image-url)
Residential Amenity
The separation distance plus the proposed intervening vegetation is more than sufficient to maintain privacy in relation to no. 1 Muirland Cottages and Shalom on the east side of the road - there would be no avoid overshadowing or overlooking. The elevations between the proposed dwellings do not have habitable rooms so privacy between the proposed houses is maintained.

A number of objections raise the issue of increased 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.

Climate Friendly Design
The existing pattern of development has necessarily dictated the orientation of the dwellings however each dwelling would have a generous west-facing private rear garden with patio area to take advantage of the midday and evening sun. 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 prior to commencement of development.

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
Policy NEP1 requires development to protect the special landscape qualities of the National Park, be sympathetic to their setting and to minimise visual impact.

The applicant has submitted a Landscape Appraisal which confirms that views of the building group are contained locally and that the B832 is the main visual receptor. The development would be visible from the B832 through the open front garden of number 1 Muirlands Cottages. The Landscape Appraisal recommends the introduction of a woodland screen, comprising native deciduous species, along the northern boundary to integrate the development and provide visual separation between the existing and new development when viewed from the north (Figure 4). However in addition the National Park’s Landscape Advisor has advised that further planting, including at least 3 heavy standard trees, is needed to the south of the development to filter views from the B832 to the south. Approval to a revised detailed landscape plan is therefore recommended by condition to secure this additional planting.
**Figure 4: Proposed Landscape Planting - Extract from submitted Landscape Appraisal (received 23 October 2018)**

The new access would cut through the embankment and the re-graded embankment is proposed to be replanted with new trees post-construction. Further details of the proposed materials for the embankment retaining wall are required by condition. Otherwise, the details of the hard and soft landscaping contained within the submitted Landscape Appraisal (including stone chip driveways, boundary post and wire fence with hedging) are all appropriate and suited to the rural character. Implementation in accord with those details is recommended to be secured by condition.

The proposal would necessitate the loss of four mature trees on the northern part of the embankment to facilitate the new access (see Photograph 4). The trees on the eastern side of the embankment are outwith the access sightlines (confirmed by measuring on the ground) and do not need to be removed.

The loss of the four trees to provide the access is considered acceptable on balance given the visual impact of their loss is mitigated by the backdrop of the other retained trees on the embankment allied with the provision of compensatory new woodland planting secured by condition in accord with Policy NEP8. Tree protection measures are needed during the course of construction in accord with Policy NEP8 and the submission of a revised Tree Protection Plan prior to commencement of development is conditioned accordingly to ensure appropriate working methods where groundworks are proposed in the vicinity of retained trees.

Subject to the recommended conditions the proposal is considered to accord with Policies NEP1, NEP8, NEP9 and OP2.

**Ecology**

The applicant has submitted a Protected Species Survey which confirms that the grazing field has very little ecological importance. No signs of protected species were recorded and the subsequent Protected Species Survey (update survey in August 2018) confirmed no change in the baseline. A further survey of the trees to be felled to assess their potential for bats was undertaken on 15 October 2019 by way of an aerial inspection. At the time of writing the report was awaited however the survey identified no features suitable for use by roosting bats. Ivy present on the trees has the potential to support nesting birds.
It is therefore recommended 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 report to accord with Policy NEP4. The proposed landscape planting measures are considered sufficient to enhance the site’s wildlife value in accord with Policy NEP6.

**Flood Risk and Drainage**

The site is not identified as being at medium or high risk of flooding from any source on SEPA’s flood maps. However the small watercourse on the northern boundary has been known to flood historically following blockage of the culvert under the B832.

The applicant has commissioned a Flood Risk Assessment (FRA) including detailed topographic survey and modelling of the watercourse channel and the culvert to assess its capacity and any impacts resulting from blockage or storm events (during a 1 in 200 year storm event). The FRA confirms that neither the development, nor surrounding areas would be at increased risk of flooding subject to the implementation of measures including a new channel with culvert underneath the proposed access to re-direct overland flows from the watercourse southwards away from the development, additional flood storage areas and a maintenance programme for the culvert. The new access would be raised slightly to accommodate the culvert.

In relation to surface water management from the development permeable material is proposed for the shared drive. The proposals also include individual soakaways for each dwelling within their garden areas to collect run-off from the roof areas. The submitted ground investigation demonstrates that the ground conditions are suitable for soakaways. To prevent surface run off from the higher ground to the west affecting the properties a drainage ditch along the western boundary is proposed. As a further measure the Flood Authority recommends the finished floor levels are raised above the garden level and this is conditioned. The response from AB Flood Authority confirms the drainage proposals are acceptable and they raise no objections.

The response from Scottish Water confirms no public sewerage infrastructure is available locally and as such a private (shared) treatment system is proposed. This would be located in the land adjacent to Plot C houses and would discharge to the watercourse which runs along the northern boundary.

With the measures proposed the development would not be at risk from flooding and would not increase the risk of flooding elsewhere and 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 assessed via a new shared access onto the B832 Muirlands Road. There is provision for at least two car parking spaces per dwelling plus a turning area within each dwelling curtilage to enable residents to access the B832 in forward gear.

In the interests of pedestrian safety the Roads Authority require construction of a 2m wide roadside footway along the frontage connecting to the existing footway at the front of no. 1 Muirland Cottages. The details would be agreed with the Roads Authority as part of the required Roads Construction Permit. The Roads Authority also requires additional road markings and signage on the B832 (i.e. a gateway feature at the southern entrance to Muirlands) to ensure that road safety is not compromised. The details of this are to be submitted for approval by the Roads Authority prior to commencement of development and a condition is recommended accordingly.

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 the Roads Authority have no objection to the application subject to conditions to secure the implementation of the footpath and traffic calming ‘gateway’ measures and to ensure that visibility site lines
are maintained and the accesses constructed to the required standard. Indeed the traffic calming measures ‘gateway’ feature and road markings may assist in reducing existing traffic speeds and thereby potentially improve 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.

Muirlands 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.

Heritage & Archaeology
A category B-listed building (Muirland School with walls and railings dating from 1869 - now a dwelling known as Shalom) lies opposite the site on the eastern side of the road. Policy HEP3 expects development to protect, conserve and or enhance buildings of architectural or historical merit.

The proposal is sited sufficiently far from the building that it does not impact upon its setting, which is appreciated when looking east from the road. The proposed houses would be set back and would have no greater visual presence than the existing houses adjacent and opposite. Therefore the development would not adversely impact upon the building or its setting and would thus accord with Policy HEP3.

The West of Scotland Archaeology Service has advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape including both prehistoric and Medieval sites and that the possibility that buried remains survive within the site cannot be ruled out. There is a possible record of a Medieval hospital at Muirland c.1500 and the nearby burn placename “Cross Burn” is suggestive of this as they were primarily religious houses. The topography of the application area is entirely suitable for past human use and so buried remains are a distinct possibility. They have recommended a programme of works be undertaken in accordance with an agreed scheme prior to development commencing and this is conditioned in accord with Policy HEP7.

Waste Management
Refuse would be collected under the existing local authority collection service. There are no bin storage locations shown on the drawing however there is ample room within the dwelling curtilage for storage and further details are secured by condition. As such the proposal complies with Policy WMP1.

Conclusion
In summary the proposal for three new houses in this location is acceptable in principle under the West Loch Lomondside RDF policy and Development Strategy. The development is of an appropriate mix and scale and would help consolidate the existing building group in accord with Policies HP1 and 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 the mitigation planting and measures to protect retained trees during construction in accord with Policies NEP1, NEP4, NEP6, NEP8 and NEP9. The development complies with the Roads Authority standards, would deliver road traffic calming measures and would not give rise to unacceptable road safety issues in accord with Policy TP3. There would be no adverse impacts on heritage or archaeology in accord with Policies HEP3 and HEP7.

Recommendation: Approve subject to conditions

Conditions

1. 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).

2. **Archaeological Investigation:** No development shall take place within the development site as outlined in red on the approved plan until a programme of archaeological works has been undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the programme of archaeological works shall be fully implemented and all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: to identify, protect, preserve or recover and appropriately record any items of archaeological interest which may be found on the site in accordance with Policy HEP7

3. **Refuse Storage Details:** Prior to the occupation of the dwellings hereby approved details of a bin storage area and enclosures for that dwelling shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented in accordance with the approved details.

REASON: To ensure suitable on-site provision for waste management for the collection and storage of recyclable materials in accordance with Policy WMP.

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. **Traffic Calming Measures:** Prior to the commencement of development a detailed scheme comprising road markings and signage shall be submitted to and approved by the Planning authority in consultation with the Roads Authority. Thereafter the details shall be implemented in accordance with the approved scheme prior to the construction works commencing.

REASON: To slow traffic speeds on the northbound approach to the development in the interest of road traffic safety.

6. **Access Works:** Prior to the occupation 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 access shall be constructed as per Standard Detail SD 08005a;
   b. the first 10m of the new access shall be a sealed surface;
   c. parking space for 2no. vehicles and onsite turning provision for each dwelling shall be provided within their boundaries;
   d. sightlines of 53 x 2.4 m x1.05 m shall be provided and all walls, hedges and fences within the visibility splays and must be maintained at a height not greater than 1 m above the road;
   e. a 2 metre wide footway with dropped kerbs shall be provided across the full frontage of the development connecting onto the existing footway.

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.

7. **Tree Retention and Protection:** Prior to the commencement of development a revised Tree Protection Plan based on the approved plans 11 K and T01 Rev A shall be submitted to and approved in writing by the Planning Authority. This shall include:
   a. The trees to be removed and those to be retained;
b. Measures to protect the retained trees using methods in accord with British Standard BS 5837(2012) 'Trees in Relation to Construction' including the establishment of protected areas;
c. Working methods where groundworks are to be undertaken within the root protection areas of retained trees;
d. Any felling, crown lifting, lopping or chopping to be carried out to the retained trees to enable access for construction.

The Tree Protection Plan shall thereafter be implemented in full and the protection measures maintained for the duration of development and no digging, storage of building materials or piling of soil shall take place within protected areas established pursuant to this condition.

REASON: To ensure the retention and protection of trees that make an important contribution to visual amenity and landscape character during the course of the development in accordance with Local Plan Policies NEP1, NEP9 and OP2.

8. Landscaping: Notwithstanding the details provided with the application prior to commencement of development a Landscape Plan shall be submitted to and approved by the Planning Authority. The details shall be based upon the Landscape Appraisal dated October 2018 (received 23 October 2018) including Figure 9 (FRLD Drawing 484/06 Rev A and FRLD Drawing 484/07 Rev A), and the Planting Specification at Appendix B and shall also include:
   a) Additional tree planting on the southern boundary of the site;
   b) Details of the proposed retaining wall (design/dimensions and materials).

Thereafter the landscaping shall be implemented strictly in accord with the approved details and the planting shall be carried out no later than the first planting season following the commencement of the development.

REASON: Landscaping is required to fully integrate the development into its surroundings and to mitigate the local landscape and visual impacts and impacts on trees. Without such landscaping the proposal would be contrary to the provisions of the development plan Policies NEP1, NEP8 and OP2.

9. Flood Mitigation Measures: Flood mitigation measures, including elevated finished floor levels (minimum of 0.3m above the surrounding ground level), provision of a sustainable urban drainage system (SUDS) (including an overland flow channel with culvert under the access and additional storage areas) shall be designed and fully implemented in accordance with the recommendations of the approved Flood Risk Assessment (October 2019) prepared by Kaya Consulting Limited (received 03 October 2019). The design shall include a maintenance regime for the SUDS and culvert which shall be complied with thereafter.

REASON: To reduce the risk of surface water flooding in accordance with Policy NEP12.

10. Surface Water Drainage Design: The design of the proposed soakaways and surface water drainage system shall be accordance with CIRIA C753 and Sewers for Scotland 4th Edition.

REASON: To manage surface water and prevent flooding in accordance with Policy NEP12.

11. Wildlife Protection: The development shall be carried out in accordance with the recommendations set out in the Protected Species Survey Update dated 17 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).

12. 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.

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

13. 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
A Section 75 legal agreement is required to secure the phasing of the provision of the open market homes which are the subject of this application against provision of the affordable housing plots and community infrastructure (village green) which are the subject of the wider package of application proposals.

List of Plans

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<th>Title</th>
<th>Reference</th>
<th>Date Received</th>
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<tbody>
<tr>
<td>Location &amp; Site Plan</td>
<td>11 K</td>
<td>20/09/19</td>
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<tr>
<td>Proposed Site Plan Sections and Photos</td>
<td>T01 Rev A</td>
<td>20/09/19</td>
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<td>Proposed Drainage Layout</td>
<td>J2498-P-03 RevC</td>
<td>25/07/19</td>
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<td>Plots B&amp;C Proposed Floorplans and Elevations</td>
<td>12 Rev D</td>
<td>29/08/18</td>
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<tr>
<td>Plot A Proposed Elevations and Floorplan</td>
<td>13</td>
<td>29/08/18</td>
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<tr>
<td>Landscape Appraisal</td>
<td>October 2018</td>
<td>23/10/18</td>
</tr>
<tr>
<td>Protected Species Survey Update</td>
<td>17 August 2018</td>
<td>29/08/18</td>
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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.
Appendix 1 - Site Location Plan

Land to the South of Muirdlands
2016/0392/DET

Not to Scale