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, 2016/0392/DET & 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 west side of the old A82 to the immediate south of small building group known as Aldochlay. A location plan is provided at Appendix 1.

Figure 1: Extract from Location Plan Loc Rev A (not to scale).
The site comprises native woodland (approximately 0.4ha) and is triangular in shape, narrowing towards the south where the old A82 and the main A82 trunk roads converge. The old A82 runs along the eastern boundary separated from the site by a low stone wall. Along the top of the wall there are several mature roadside trees. The woodland slopes down and opens out to the south and west to a scrub corridor with overhead powerlines, beyond which lies the main A82.

Photograph 1: Looking south east towards the site. Southern extent is marked by the furthest tree.

Photograph 2: From the southern end of the site looking north along the eastern boundary with the old A82
Photograph 3: Looking south towards the northern site boundary. The access would be located on the southern side of the roadside sign.

Photograph 4: View from the southern boundary of the site looking north. The site incorporates the trees in the centre of the picture – some of which would be retained on the western site boundary.

The majority of the road-side cottage dwellings which make up the building group are listed (Category A and B). The dwellings situated to the immediate north of the application site boundary (Rose Cottage and Low Aldochlay East and West) are Category C listed.
Photograph 5: Looking at the northern boundary. The listed cottages are to the right of the picture (Rose Cottage is visible in the background and the porch of Low Aldochlay can be seen on the right of the picture). The group of mature oaks to the left of Rose Cottage are to be retained.

Proposal

The proposal is for 3 no. single story 3 bedroom open market dwellings (see Figure 2). These would be accessed from a new junction with the old A82 cut through the roadside bank at the northern end of the site. A shared driveway with stone chips would pass around the west side of the houses providing access and parking to the rear.

The woodland on the western site boundary is proposed to be retained along with the mature roadside trees. A post and wire fence with new hedge planting is proposed along the boundary with the old A82. The houses would have a shared septic tank positioned to the west of the shared drive.
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

**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

- **ABC Flood Prevention** – no objection
  - No objection subject to conditions to ensure appropriate soakaway design and for minimum finished floor levels for each dwelling.

- **ABC Roads** – no objection
  - Roads have no objection to the proposal subject to conditions to provision of adequate visibility splays and measures to prevent surface water from the site entering the highway.

- **Scottish Water (Glasgow)** – no objection
  - The response confirms that there is currently sufficient capacity in the Finlas Water Treatment Works but that there is no Waste Water infrastructure within the vicinity and the applicant is advised to investigate private treatment options.

- **Luss And Arden Community Council** – support
  - The Community Council supports this application which they consider contributes to the wider aims of the current Local Development Plan for Luss and Arden. They request a programme of phasing to secure affordable housing and provision of public spaces/amenities 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

One contribution was received in objection. The representation did not raise objection specifically to
issues raised by this application but to the generality of the eight applications submitted by Luss Estates. These are considered in the Overarching Report.

7. Summary of Supporting Information

Site Investigation prepared by Ardmore Point Geomatics & Geotechnical Solutions (received 25 April 2019) – investigating the suitability of the ground to accommodate soakaways.

Supporting Statement (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 29 August 2018 prepared by Wild surveys Ltd (received 29 August 2018) – update of previous survey.

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

Extended Phase 1 Habitat Survey prepared by Wild Surveys Ltd (received 22 December 2016) – assessment of the site’s ecology value and requirements to address any impacts arising.

Soakaway Design Calculations Rev A (received 25 July 2019)

8. Planning Assessment

The planning considerations are as follows:
- Principle of Development
- Design
- Roads
- Drainage
- Landscape & Trees
- Ecology

Principle of Development
This application is one of eight applications 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 including this application, are acceptable in principle subject to completion of a Section 75 agreement to control the phasing of development.

The second consideration of principle is one of scale and character. Policy HP2(c) supports development in building groups 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”.

Aldochlay is a small building group comprising a collection of six cottages. The proposal to extend the group by three additional houses would not expand the grouping by more than 100% and is therefore in accord with Policy HP2(c) and the Housing Guidance in terms of scale. The development proposed would continue the existing pattern of development southward and reflects the existing low density of the existing dwellings. In this regard the arrangement and density of the development is considered appropriate and sensitive to the location within this building group in accord with Policy HP2.
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 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.

**Design**

The dwellings would each be comprised of two linked sections, the main section containing living accommodation and the longer, subordinate section containing the bedrooms. The style and materiality would be traditional (pitched roof with natural slate and zinc ridgings, random stone) but with the bedroom section and the link being finished in more contemporary style timber cladding (Figure 3).

![Figure 3: Proposed Elevations – Extract from Plan 12 Rev C (not to scale)](image)

The dwellings have been designed to be of similar scale and style to the other dwellings in Aldochlay. The use of traditional materials including natural slate and random stone walling is also reflective of the existing buildings within the grouping but contemporary grey-stained timber elements simultaneously allow the new dwellings appear ‘of their time’.

The proposed design approach is sympathetic to the heritage context with the linked elements reflecting the approach of recent extensions to some of the listed cottages. The separation between the development and the nearest neighbouring listed buildings (Aldochlay East and West Cottages) preserves their setting in accord with Policy HEP3. Timber doors and window details including timber sash and casement units and exposed rafters at the eaves is also reflective of the listed buildings and would help reinforce the character of the area.

**Residential Amenity**

In terms of residential amenity the distance from the nearest proposed dwelling to the nearest existing residential property (Aldochlay East and West) is 24m. The dwellings are sited relative to each other such that the minimum distance between the windows of habitable rooms is c. 18m. The separation is adequate to safeguard the privacy of the occupants and existing residents.

Road noise at the site is apparent due to proximity to the A82 to the west which means it would be difficult to mitigate noise levels within west-facing rear gardens. However this is the case for the existing dwellings and others in Aldochlay. The houses will likely require enhanced noise reduction measures (such as higher specification glazing and ventilation) to ensure acceptable internal noise levels are achieved for bedrooms and a condition is recommended to secure this.

Consideration has been given to waste disposal and a communal bin storage area is accommodated adjacent to the access. There is ample room for provision of storage areas for bins within the curtilage of each dwelling. Details of the communal bin storage are required by condition. The proposal therefore accords with Policy WMP1.

**Climate Friendly Design**

The approach to climate friendly design includes easterly orientations with south and west-facing gardens. The lounges and kitchens have been positioned to take advantage of solar gain whilst the bedrooms would benefit from evening sun. The retention of woodland to the west will provide shelter from prevailing winds. 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. Taking account of all of the above the proposal accords with Policy OP2.
Roads
The proposed development accesses onto the old A82. In order to achieve the requisite sightlines it would be necessary to cut through the existing verge embankments in both directions. The required sightlines are shown on drawing ref. 11 Rev F. In the interests of road safety the Roads Authority requires a condition to ensure the visibility splays are implemented prior to construction works starting on the houses and to ensure they are maintained in perpetuity. The Roads Authority has confirmed that the area available within each site to accommodate the requisite parking and turning is acceptable. The proposal therefore accords with Policy TP3.

Drainage
Surface water is proposed to drain to an individual soakaway for each dwelling as shown on the submitted Drainage Layout Plan J2498-P-02C. The applicant has submitted a Site Investigation Report which confirms that the ground conditions are suitable to accommodate soakaways. The Flood Authority has no objection subject to a condition to ensure that the surface water drainage is designed in accordance with the relevant guidance.

The overall site boundary appears to lie within the indicative limits of surface water flooding shown upon the SEPA Flood Map (2014) however; the proposed location of the houses appears to be outside of these indicative limits. As a precaution, and to ensure the houses would be sufficiently protected from possible surface water flooding, the Flood Authority recommend a condition to ensure that the finished floor levels are at least 0.3 m above ground level.

The Scottish Water response confirms that there is no public sewage infrastructure nearby. As such it is proposed to connect to an on-site septic tank (discharging to total soakaway) which would be located on the west side of the development.

Subject to the recommended conditions the proposal is acceptable and in accordance with Policy NEP12.

Landscape
The houses would be visible from the old A82 on the approach to Aldochlay. As the proposal involves the loss of trees, landscaping of the site is needed to integrate the new development into the remainder of the woodland setting and ensure the character from the roadside views is appropriately maintained. Conditions are recommended to agree the details of the new tree and shrub planting within the site (including species and numbers and methods for establishment) to ensure the successful integration of the development.

The remnants of a low stone wall alongside the old A82 and the associated embankment together are an important feature of the local landscape. Although development is not likely to affect this directly, the proposed garden boundaries run along this boundary feature. A condition is therefore recommended to ensure its preservation.

Trees
The application site is developing, immature oak-birch woodland, some of which has been disturbed in recent years (in the northern section). There is a small relic area of ancient oak woodland on a rocky knoll to the north of the site (highlighted within the Phase 1 Habitat Survey (target note 17)) and three mature trees adjacent to the roadside on the eastern boundary (growing in the wall/embankment) which are important to the landscape character and setting of the development site. Both these groups of features are to be retained.

The development will however necessitate the removal of an area of immature native woodland. Compensation planting is therefore required in accord with Policy NEP8. As the compensation site would be off-site and would also accommodate compensation planting for other sites within the application package where native woodland is affected, this is best secured by way of a Section 75 legal agreement.

No tree survey accompanies the application but given the proximity of the roadside trees to plot C groundsworks may affect their roots. As such a Tree Protection plan is recommended to be secured by condition to ensure these trees are retained and adequately protected during construction in accordance with Policies OP2, NEP1, NEP8 and NEP9.
Ecology
The applicant has submitted an Extended Phase 1 Ecological Survey and later Update in August 2018. There were no protected species recorded at the site however the site contains suitable habitat for breeding birds. As such clearance should take place outwith the nesting season and a condition is recommended to ensure this and the establishment of measures to enhance the site value for birds post-construction in accord with Policy NEP6. A condition is recommended to ensure compliance with the recommendations of the Survey to protect other wildlife which may be using the site during construction.

The ecology survey confirms the presence of Rhododendron ponticum within the scrub woodland areas on and adjacent to the site. This is an invasive species that requires to be eradicated in accord with Policy NEP6. A condition is recommended accordingly.

Conclusion
The principle of development of this site for open market family housing is acceptable having regard to the policies of the West Loch Lomondside Strategic Rural Development Framework. The mix and density is appropriate having regard to Policy HP1 and the design of the houses is sympathetic to the heritage context and accords with Policy OP2 and HEP3. The access arrangement and parking accords with Policy TP3 and the foul and surface water drainage proposals are acceptable having regard to Policy NEP12. Important trees, woodland and local landscape features will be retained and protected and compensation planting secured via a legal agreement in accordance with Policies NEP1, NEP8 and NEP9. There would be no adverse impacts on protected species and subject to conditions the proposals accord with Policies NEP4 and NEP6.

Recommendation: Approve with 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 ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

2. Invasive Species Removal: No site clearance works shall be undertaken until a scheme for the eradication of rhododendron ponticum from the site, including the adjacent woodland, has been submitted to and approved in writing by the Planning Authority. The scheme shall identify the location of the rhododendron ponticum 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 construction of the dwellings 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.

3. Tree and Woodland Retention and Protection: Prior to site clearance a Tree Retention and Protection Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:
   a. Identification of the individual trees and areas of woodland to be retained (which shall include the three mature trees on the eastern boundary and mature oaks identified within the Extended Phase 1 Habitat Survey (received 22 December 2016) (Target note 17)), their canopy spread and root protection areas;
   b. Details of any works proposed to the canopy of any retained tree (lopping, chopping, crown lifting etc);
   c. A method statement for any foundation or excavation works within the root protection areas of retained trees;
   d. Identify the location of protected area fencing which shall be in accordance with British Standard BS 5837(2012) ‘Trees in Relation to Construction’.

   Thereafter the development shall be carried out in accordance with the approved details and no
digging, storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition.

REASON: To ensure the longevity of the roadside trees and woodland setting of the site which is an important characteristic of this area and to protect retained trees and the potential habitat they provide from loss or accidental damage during the course of the development in accordance with Local Plan Policies NEP8, NEP9, NEP1 and OP2.

4. **Details of Landscaping:** Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved by the local planning authority. The scheme shall include:
   a. any earthworks and associated proposed finished levels or contours;
   b. details of all soft landscaping including a planting schedule (plant sizes and proposed numbers/densities);
   c. specifications for the establishment and maintenance of native trees, shrubs, hedging and grass seeding;
   d. materials/specification for all proposed hard surfaces;
   e. details of any proposed retaining structure for the site access;
   f. details of any new walls, fences, hedges, enclosures or gates;
   g. details of the communal bin storage area structure/enclosures;
   h. A programme/timetable for implementation.

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

REASON: The proposed development site requires landscaping to fully integrate the development into its surroundings and to mitigate the landscape and visual impacts. Without such landscaping the proposal would be contrary to the provisions of the development plan Policies NEP1 and OP2.

5. **Biodiversity Enhancement:** Prior to the commencement of the development hereby permitted, a scheme for the enhancement of biodiversity within the development site, which shall include measures to enhance habitat for nesting birds 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: Enhancing Biodiversity.

6. **Access Drainage:** Prior to the commencement of development details of measures to prevent surface water run-off from the site entering the public road shall be submitted to and approved in writing by the Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the commencement of construction of the dwellings hereby approved.

REASON: To manage surface water run-off from the site in the interest of road safety and to accord with Local Plan Policies TP3 and NEP12.

7. **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.

8. **Access Visibility Splays:** Prior to the commencement of construction of the dwellings hereby approved visibility splays measuring 2.4m x 75m x 1.05m metres in both directions as shown on drawing ‘Location and Site Plan ref. 11 Rev F’ shall be provided and thereafter maintained in perpetuity.

REASON: In the interest of road safety and to accord with Local Plan Policy TP3.

9. **Wildlife Protection:** The development shall be carried out in accordance with the mitigation measures identified in Section 4.2 of the Extended Phase 1 Habitat Survey (received 22 December 2016) and subsequent Protected Species Survey Update (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).

10. Low Wall / Mound Retention: The low wall (or remnants thereof) and associated embankment feature along the eastern boundary of the site adjacent to the old A82 shall be retained.

REASON: The feature is an important to the local landscape character of this area and requires protection in accordance with Policy OP2.

11. Noise Assessment: Prior to commencement of development a noise assessment shall be submitted to and approved in writing by the Planning Authority. The assessment shall identify appropriate measures to be incorporated into the development to ensure compliance with the following internal noise levels:
   - 40 dB LAr, T (Internal with Windows Closed - Day);
   - 30 dB LAr, T) (Internal with Windows Closed - Night).

REASON: The development site is in close proximity to a Trunk Road (A82) and assessment of noise and appropriate mitigation is required to ensure a satisfactory standard of residential amenity for the occupiers of the dwellings in accordance with Local Plan Policy OP2.

12. Surface Water Flood Mitigation: The surface water drainage system/SUDS for each dwelling shall be designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition including assessment of the proposed drainage system against the 1 in 200 year plus climate change event and implementation of any necessary measures to ensure this would not result in an increase in flood risk to the proposed development or elsewhere. The finished floor levels for each dwelling shall be at least 0.3 m higher than the surrounding ground level.

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

13. 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.

14. 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. A Section 75 agreement is also required to secure woodland compensation for losses of native woodland arising from this application and others within the overall application package.

List of Plans

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Informatives

1 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.

2 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 embankment 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.

3 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.

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 Aldochlay, By Luss, 2016/0393/DET

Not to Scale