

# Report of Handling



**Application Number:** 2016/0388/DET  
**Location:** Land To The Northeast Of Oakbank Cottage, Porte O Rossdhu, G83 8RH  
**Proposal:** Erection of two dwellinghouses (affordable) 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, 2016/0389/DET, 2016/0390/DET, 2016/0391/DET, 2016/0392/DET, 2016/0393/DET & 2016/0394/DET. The location of these sites is shown in Figure 1 of the Overarching Report.

### Site Description:

The site is an area of woodland on the north side of a spur of the former route of the A82 at Porte O' Rossdhu, a small group of residential properties located approximately 3.7km south of Luss. A location plan is provided at Appendix 1.

The site sits atop and is bound on the south side by a vegetated, rocky embankment some of which contains remnants of a low stone wall adjacent to the former A82. The site consists mainly of scrub and shrub although a number of mature trees within the site boundary are present.



**Photograph 1: The south of the site as viewed from the old A82. Rocky embankment visible and Oakbank Cottage in the background.**

The site is contained to the north by a rocky outcrop which rises steeply up and is obscured by vegetation including *Rhododendron Ponticum*. A vehicular track marks the western extent with Oakbank house

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beyond. The eastern extent is marked by a mature Noble Fir tree. The site is currently being used to store logs from nearby forestry operations and an area has been cleared to provide a turning head for HGV vehicles.



**Photograph 2: The centre of the site looking north west from the old A82. Clearing for HGV turning and raised topography with *Rhododendron Ponticum* visible.**



**Photograph 3: View of site looking north east from the old A82. The Noble Fir tree that marks the approximate northern site boundary is visible in the background.**

Proposal:

The proposal is for the erection of 2 no. 3 bed affordable dwellings each with an individual stone chip driveway from the former A82 (now a private road), associated drainage infrastructure and landscaping.

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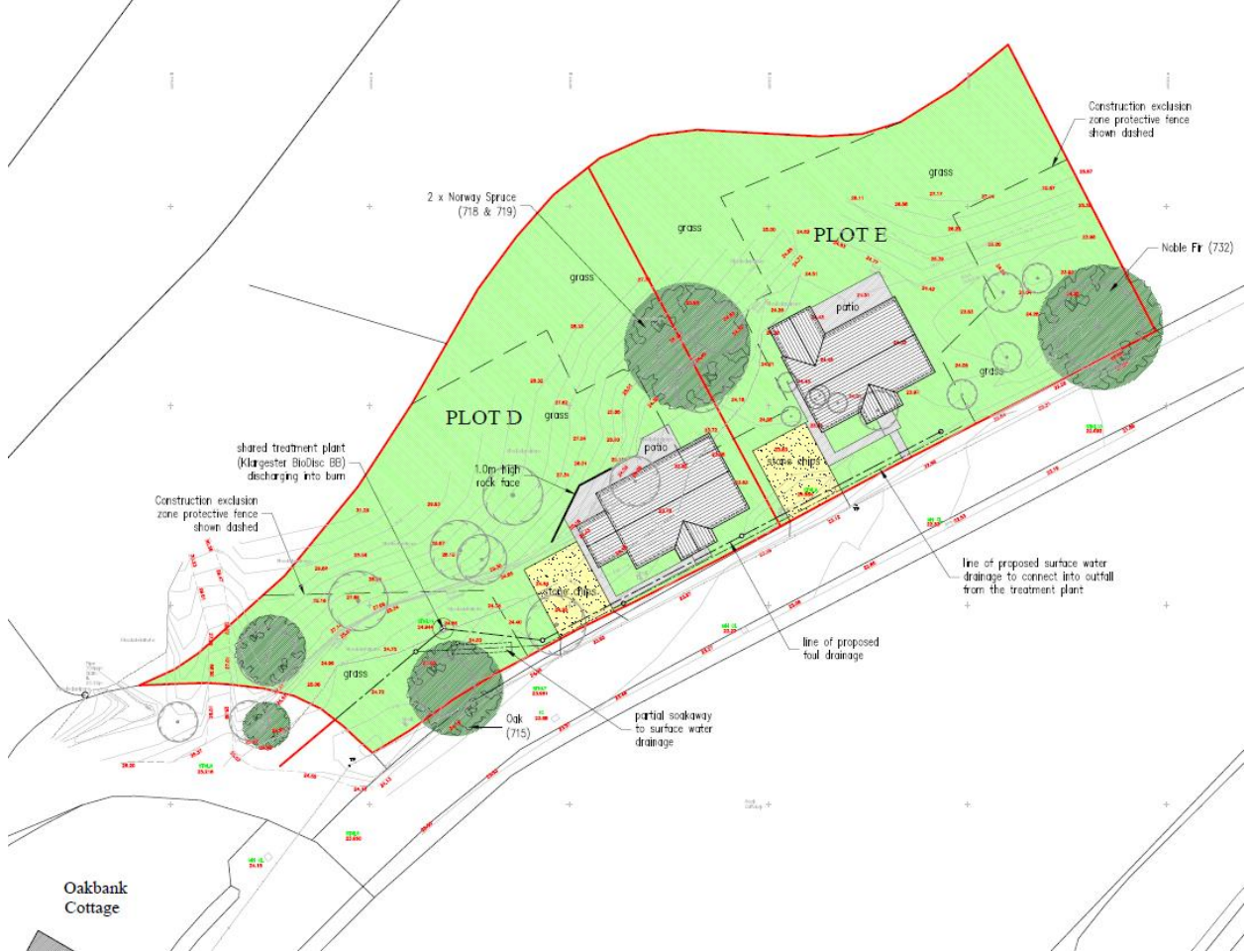
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It is proposed that the dwellings would be 'affordable' (i.e. that they would meet the specific criteria and occupancy restrictions contained in the Housing Supplementary Guidance and would be subject to a Section 75 agreement to secure compliance).

The houses would be located on the north side of the former A82 and front onto it (Figure 1). Both would be single story and traditional in style and materiality with natural slate roof, vertical timber cladding and timber doors and windows (sash and casement style).

The houses would share a private waste water treatment facility which would be located to the south west.



**Figure 1: Extract from Site Plan 11 Rev D**

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

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|  |
|--|
| <p>WMP1 – Waste Management Policy 1: Waste Management Requirement for New Developments</p> <p><u>Supplementary Guidance</u><br/>Design and Placemaking<br/>Housing<br/>West Loch Lomondside Rural Development Framework</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u><br/>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><br/>Relevant Outcomes and Priorities:<br/>Outcome 10: Placemaking (Rural Development Priority 10.1: Improving Towns &amp; Villages)<br/>Outcome 12: Sustainable Population (Rural Development Priority 12.2: Affordable Housing)</p>  |
| <p><b>4 Environmental Appraisal</b></p>  |
| <p><u>Environmental Impact Assessment</u><br/>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><br/>Not applicable.</p>  |
| <p><b>5 Summary of Consultations</b></p>   |
| <p><u>Transport Scotland - Trunk Road Network (Glasgow) – no objection</u><br/>No objection subject to conditions to ensure the junction width at the Old A82 and the Trunk Road (A82) is at least 5.5m wide to allow vehicles to enter and exit at the same time.</p> <p><u>ABC Roads – no objection</u><br/>No objections as the access road is outwith the public road boundary and there is sufficient room within each site for parking and turning.</p> <p><u>Scottish Water (Glasgow) – no objection</u><br/>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.</p> <p><u>Luss And Arden Community Council – support</u><br/>The Community Council supports this application which they consider contributes to the 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><b>6 Summary of Representations</b></p>   |
| <p>3 no contributors responded to the consultation on this application. In summary the concerns expressed are:</p> <ul style="list-style-type: none"> <li>• Concern properties will be purchased and operated for holiday let or holiday home;</li> <li>• Concern the properties won’t be assessed as affordable due to build cost;</li> <li>• Concern the properties won’t be affordable as a maintenance contribution would be needed for the upkeep of the private road;</li> <li>• The protective species assessment is defective – it doesn’t highlight red squirrels which are present in the forest beside Oakbank Cottage, bats and slowworms which are also present.</li> <li>• Concerns about the impact of the proposed dwellings on the upkeep of the drainage and private</li> </ul>  |

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- access road.
- Concerns regarding existing 4x4wd and logging activities and nuisance in this area.

The above points are addressed in the Planning Assessment (Section 8).

Of the above, one representation did not raise objection specifically to 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

Protected Species Survey Report (dated 19 May 2017) prepared by Wild Surveys (received 28 June 2017) – assessment of the site’s ecology value and requirements to address any impacts arising.

Tree Survey and Arboricultural Constraints (dated 07 September 2016) prepared by Alan Motion Tree Consulting Ltd (received 22 December 2016)

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

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.

Tree Survey for Bats – prepared by Wild Surveys (received 24 September 2019) – assesses trees to be felled for bat potential.

## 8 Planning Assessment

The planning considerations are as follows:

- Principle of Development
- Design
- Landscape & Trees
- Ecology
- Drainage
- Roads
- 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 two affordable houses and is therefore compliant with Policy H2(c).

It is relevant to note that this application is one of eight applications 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 which is not supported 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 should be noted that the overall package is contingent on this application proposal since it comprises 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

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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”.

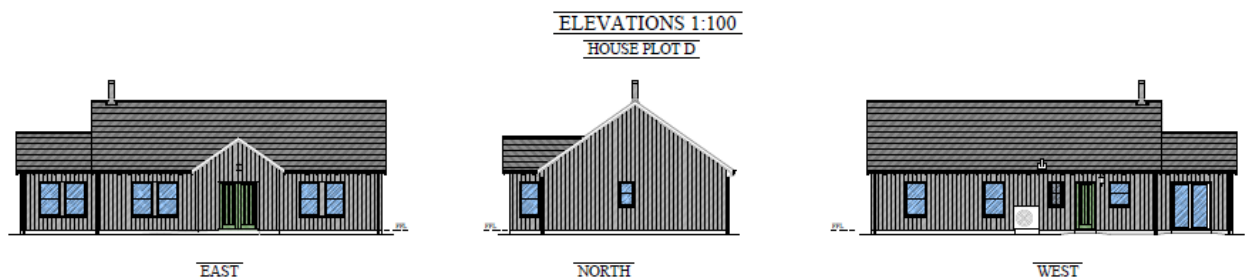
Porte O’ Rosdhu is a small building group in the countryside comprising four dwellings two of which are traditional cottages and two are converted buildings (former workshop and kennels). This proposal (along with application ref 2016/0387/DET for three affordable houses) would amount to five no. additional dwellings to the group which is one more than the HSG advises. However the 100% figure is a guide with the HSG also making clear that the sense of place and settlement pattern are primary considerations. In this case the density and siting of the proposed houses (along with the others proposed under application 2016/0387/DET) would consolidate the rather dispersed pattern of development in Porte O Rosdhu with the new houses completing the line of houses fronting onto the road and forming a natural extension of development along the former A82 which terminates a short distance north of the site boundary. The proposal remains sensitive in scale and would complement rather than diminish the character of the building group overall. It is therefore considered acceptable having regard to Policy HP2(c).

The floor area of the houses for which planning permission is sought is restricted to 104m2 to comply with the requirements of the HSG for affordable houses to be ‘modest’ in scale. To ensure the dwellings would comply with Policy HP2(c) and the HSG definition of ‘affordable’ a legal agreement would be put in place to limit their occupation to primary residence to ensure that the houses are subject 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.

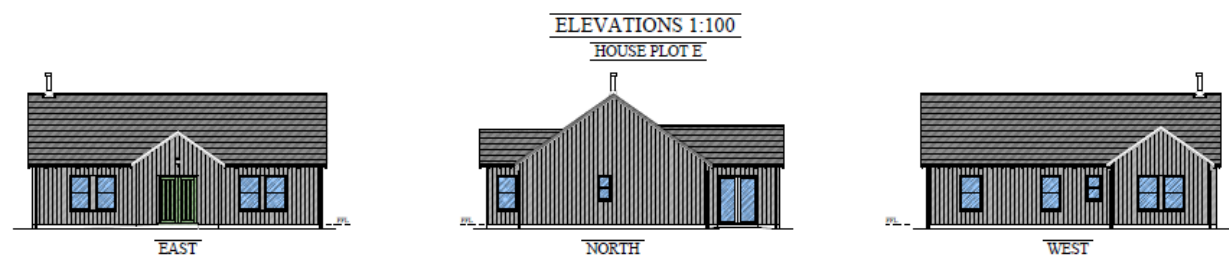
In summary development of affordable housing within this building group is acceptable in principle having regard to the LDP and Policy HP2(c).

Design

The orientation, scale and traditional style of the proposed dwellings (Figures 2 and 3) are designed to reflect the existing cottages in the vicinity and in particular Oakbank Cottage which is adjacent to the south. Whilst the existing buildings in the grouping are constructed of natural stone the choice of timber cladding for the proposed dwellings provides a more contemporary look and will assist in managing build costs to ensure the houses remain affordable. The proportions of the houses and natural slate roofs and window styles maintain a traditional aesthetic and connection with the other buildings within the grouping.



**Figure 2: Proposed Elevations for Plot D (Extract from Plan 12 Rev A) (not to scale)**



**Figure 3: Proposed Elevations for Plot E (Extract from Plan 13) (not to scale)**

The design approach is appropriate to this rural location, will retain the character of the building group and is acceptable having regard to Policy OP2.

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### *Residential Amenity*

The elevations between each proposed property do not have windows to habitable rooms and so privacy between the plots is maintained. There would be no impact upon the privacy or amenity of Oakbank Cottage to the south due to the intervening distance.

Private amenity space to the rear of the properties would be limited due to the topography which comprises a rocky outcrop that rises steeply behind both dwellings to the north. However there is adequate room to either side of each dwelling to accommodate a private garden area. The details of how it is proposed to lay out the garden areas and the location and detail of boundary treatments are required to be submitted by condition.

### *Climate Friendly Design*

The main habitable rooms are placed on the south and westerly elevations of the dwellings to take advantage of the sunlight that would reach the site from the south and west. 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.

### Landscape & Trees

The site is within an area classified as ancient woodland. Policy NEP8 contains a presumption against the loss of ancient woodland however the pressing need for affordable housing within the West Loch Lomondside area and the importance of this site in supporting the wider provision of market housing is considered to be of sufficient public benefit so as to justify the loss of this small pocket of woodland. .

The woodland within the site would need to be cleared to make way for the new houses however some individual trees are proposed to be retained (including an Oak on the western boundary, two Norway Spruce trees in the centre and the Noble Fir). In total across this site and the site to the south of Oakbank Cottage (2016/0387/DET) some 48 trees are required to be removed. It is apparent that the site has been affected recently by forestry operations and the laying of hardstanding for vehicle access which has degraded the woodland to some extent.

Where development is accommodated in woodland areas compensation planting is required in accord with Policy NEP8 to ensure there is no net loss of woodland. This is to be secured off-site by way of a Section 75 legal agreement. Whilst a suspensive condition could be attached to secure a scheme of off-site planting, in this case a Section 75 legal agreement is proposed given that the compensation site will also address woodland compensation requirements arising from other applications within the overall package. Protection for the remaining trees, and specifically the noble fir, is secured by condition in accordance with Policy NEP9.

In landscape terms the site is well screened by existing woodland which limits views from the A82. The retained trees within the site and the surrounds would maintain the woodland setting qualities and local visual amenity however plot landscaping is needed to fully integrate the proposed development into this setting. A detailed landscape scheme is required by condition to provide greater detail in relation to boundary treatments and the setting out of the garden areas. The remnant of the low stone wall and embankment along the southern site boundary that bounds the old A82 is an important local landscape feature which should be retained where possible (or recreated where it is absent or removed) and this is required as part of the landscaping details. Subject to these details being controlled the landscape and visual impact is acceptable and in accord with Policies NEP1 and OP2.

### Ecology

The applicant has submitted a Protected Species Survey (undertaken in May 2017) which confirms the site provides habitat suitable for foraging and commuting otter, badger, red squirrel, pine marten and habitat suitable for use by bats and nesting birds. However no field signs for any protected species were observed at the time of the survey. More recently (July 2019) the individual trees were assessed for bat presence. A single Oak was identified as having potential however there were no field signs of bats present.

A condition is recommended to ensure compliance with the recommendations of the Protected Species Survey and the Tree Survey for Bats (July 2019) which includes further pre-construction checks for bats and squirrels in trees prior to felling and measures to safeguard Protected Species (including otter, badger

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and pine marten) and other wildlife which may use the site during construction in accord with Policy NEP4. Vegetation clearance should also 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.

The Protected Species Survey identified the presence of bluebells within the site. Soils containing bluebells that would be disturbed should be stored on site for reuse. This forms part of the requirements for the detailed landscape plan which is required by condition.

The woodland to the rear of the plots has *Rhododendron ponticum*. This is an invasive species that requires to be eradicated in accord with Policy NEP6. A condition is recommended accordingly.

#### Drainage

The site is not at risk of flooding according to SEPA's flood maps. Surface water from the dwellings is proposed to be managed via a soakaway or partial soakaway which would then discharge to the watercourse beyond the western site boundary. The design detail for the soakaway has yet to be determined as this would depend on ground conditions being suitable for the type of soakaway proposed. As such a condition is proposed for the details to be submitted for approval prior to commencement of development. As a precaution a condition is also attached to ensure that the finished floor levels are raised 0.3m above ground levels to prevent flooding from any surface water entering the site.

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 to the south west of the properties and would discharge to the watercourse. This approach accords 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.

Access to the two proposed houses would be via a spur of the old A82 which connects to the main A82 Trunk Road. Transport Scotland has no objection to the proposal provided the existing main access to the Trunk Road is maintained at 5.5m in width to allow vehicles to enter and exit at the same time without conflict or obstruction to the main carriageway. The existing entrance is c.6m wide however the condition that they stipulate is recommended to ensure the width is maintained in the future.

Provision for two car parking spaces per dwelling is made which is adequate for the sizes of dwelling proposed. The Roads Authority has no objection to the proposal which accords with 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 location of the building group is remote from existing public transport infrastructure however the rural nature of the West Loch Lomondside Rural Development Framework Area means it is likely to be difficult for development within existing building groups to achieve access to public transport in all instances. Whilst the scale and nature of the proposed development could not facilitate direct public transport subsidy or investment, the expansion of the building group could make provision of future bus services more viable. On balance this locational shortcoming is outweighed by the need for affordable housing in the RDF area.

#### Waste Management

Refuse would be collected under the existing local authority collection service. There are no bin locations shown on the drawing and as there is a change in level from the house to the road the bin store would need to be located so as to provide access via the driveway. The layout demonstrates sufficient space for bin storage and the details including location and any structures are required as part of the landscaping condition. As such the proposal is capable of compliance with Policy WMP1.

#### Conclusion

In summary the proposal for two new affordable dwellings on this 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 the building group in accord with Policy OP2. The development complies with the Roads Authority standards

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and Policy TP3 and the drainage proposals are in accord with Policy NEP12. There would be no adverse impacts on landscape and the local landscape features and ecological interests at the site would be safeguarded subject to conditions in accord with Policies NEP1, NEP4 and NEP6. Tree compensation planting (off-site) and protection of retained trees would be secured in accordance with Policies NEP8 and NEP9.

**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 comply with Policy NEP4 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 the individual trees to be retained (which shall include the Noble Fir (Tree Survey ref. 732, the roadside Oak (Tree Survey ref 715), Norway Spruce (Tree Survey refs. 718 & 719) and Oak (Tree Survey ref. 720) shall be protected by the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction', or by such other means of protection as shall be agreed in advance in writing with the Planning Authority in the locations indicated on Plan 11 Rev. D. The protection measures shall be maintained for the duration of construction 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 woodland against and potential habitat for Protected Species loss and accidental damage during the course of the development in accordance with Local Plan Policies NEP8, NEP9, NEP1 and OP2.

- 4. Surface Water Flood Mitigation:** Prior to the commencement of development the details of the proposed surface water drainage system/SUDS for each dwelling shall be submitted to and approved in writing by the Planning Authority in consultation with the Flood Authority. The surface water drainage system/SUDS shall be designed in accordance with CIRIA C753 and Sewers for Scotland 3<sup>rd</sup> Edition. The development shall thereafter be implemented in accordance with the approved details.

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

- 5. Finished Floor Levels:** 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.

- 6. 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:

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- a. any cut and fill 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. details of bluebell mitigation including identification of affected areas, locations for the storage of bluebell soils and the areas for reuse within the site;
- d. specifications for the establishment and maintenance of native trees, shrubs, hedging and grass seeding;
- e. retention of the remnants of the low stone wall and embankment along the southern boundary of the site adjacent to the old A82 and reinstatement as a boundary feature;
- f. details of any new walls, fences, hedges, enclosures or gates;
- g. materials/specification for all proposed hard surfaces;
- h. details of refuse / wheelie bin storage;
- i. A programme/timetable for implementation.

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

REASON: Details of plot landscaping and boundary treatments require to be assessed and landscaping is needed to fully integrate the development into its surroundings and to mitigate the local landscape and visual impacts. Without such landscaping the proposal would be contrary to the provisions of the development plan Policies NEP1 and OP2.

7. **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 by Policy NEP6: Enhancing Biodiversity.

8. **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.

9. **Protected Species and Wildlife Protection:** The development shall be carried out in accordance with the Further Survey and Mitigation requirements identified in Section 4.2 of the Protected Species Survey dated 19 May 2017 (received 28 June 2017) and the Tree Survey for Bats (received 24 September 2019).

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 European Law or the Wildlife and Countryside Act 1981 (as amended).

10. **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.

11. **Access Width:** The width of the existing junction at the old A82 and the Trunk Road (A82) shall be at least 5.5 metres wide.

REASON: To ensure that the main vehicular access is wide enough to allow vehicles to enter and exit at the same time without conflict.

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

#### LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

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 houses would be subject to the discounted value in perpetuity and to restrict their occupation to primary residence. In addition a legal agreement is required to secure a scheme of native woodland planting (off-site but within the National Park) as compensation for woodland loss that would result from this application proposal.

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 these affordable housing plots along with community infrastructure (village green) against the open market housing.

### List of Plans

| Title                                    | Reference         | Date Received |
|--|-------------------|---------------|
| Proposed Site Plan and Location Plan     | 11 RevD           | 22/07/19      |
| Location Plan                            | Loc2              | 29/08/18      |
| Plot D Proposed Elevations and Floorplan | 12 RevA           | 29/08/18      |
| Plot E Proposed Elevations and Floorplan | 13                | 29/08/18      |
| Protected Species Survey Report          | Dated 19 May 2017 | 28/06/17      |
| Existing Tree Survey                     | LE-POR-TS-01      | 22/12/16      |
| Tree Survey for Bats                     |                   | 24/09/19      |

### 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.


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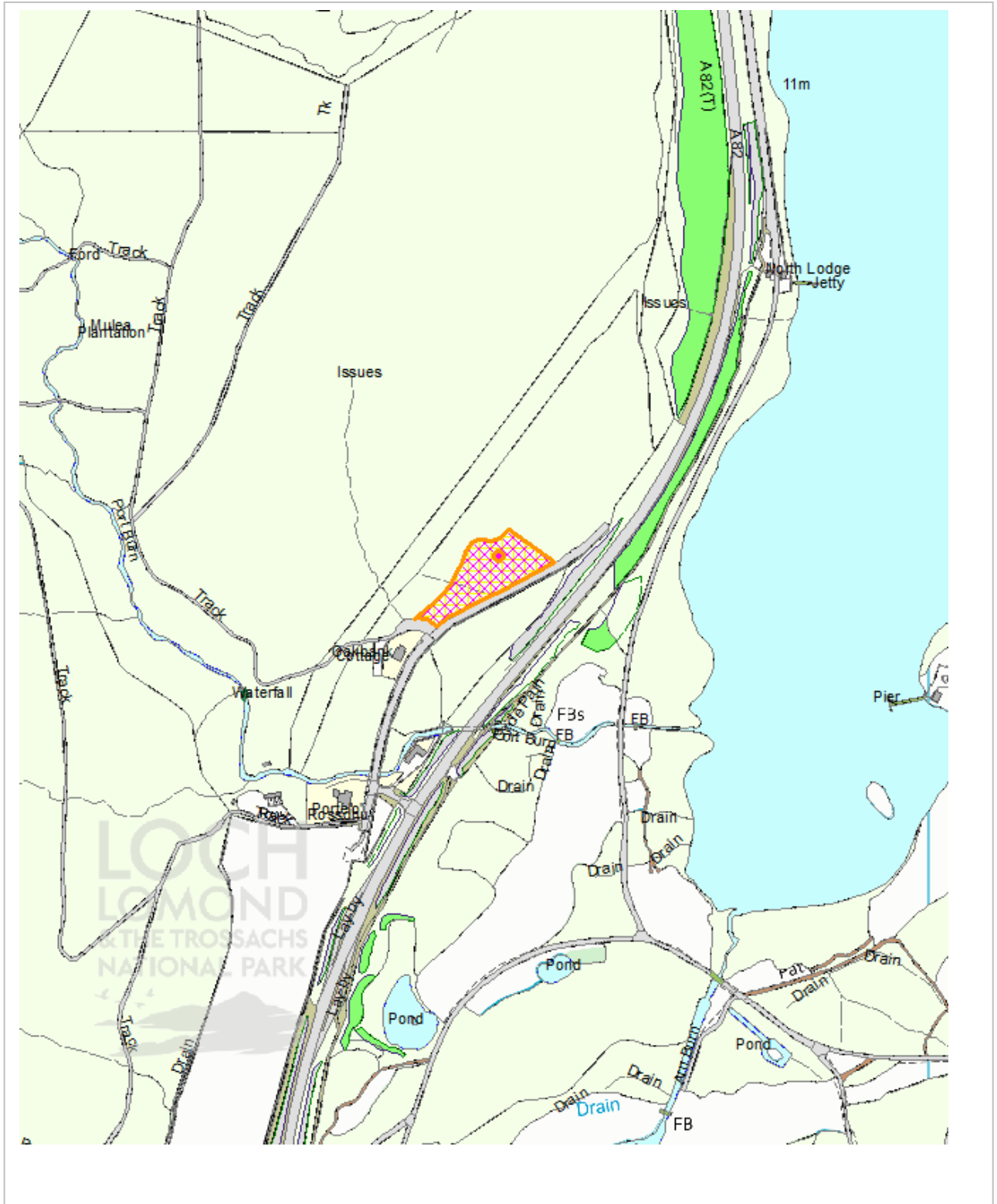
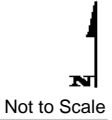
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# Appendix 1 - Site Location Plan

Land To The Northeast Of Oakbank Cottage, Porte O Rosdhu

 2016/0388/DET



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