

# Report of Handling

**Application Number:** 2016/0389/DET  
**Location:** Land To The south of Estate Road, Arnburn, G83 8RH  
**Proposal:** Erection of four dwellinghouses with associated access, drainage infrastructure, landscaping and associated private road upgrade.  
**Case Officer:** Caroline Strugnell  
**Target Decision Date:** 27 Feb 2017



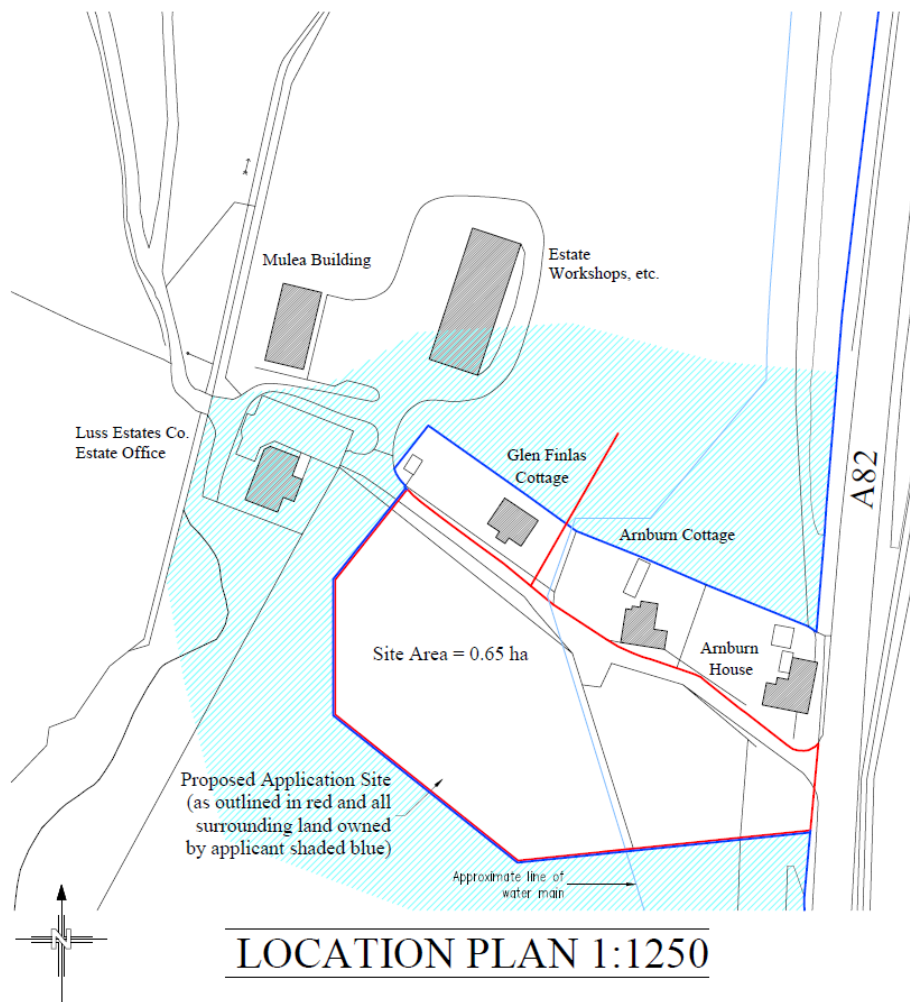
## 1 Introduction

### Background

This planning application is one of eight applications which have been submitted by Luss Estates to address the strategic aims of the West Loch Lomondside Rural Development Framework Area Supplementary Guidance (RDF). The other planning application reference numbers are 2016/0387/DET, 2016/0388/DET, 2016/0390/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 located on the southern edge of the private road that lease west from the A82 to the Luss Estates Company Estate offices and workshops. A location plan is provided at **Appendix 1**.



**Figure 1: Extract of Location Plan Loc Rev B (not to scale)**

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The site is part of an open field currently used for grazing. The ground rises up to the west, south and east; the lowest area being in the north of the site adjacent to the private access road. To the east of the site is a wooded area forming a buffer to the A82, to the south is open pasture and to the west woodland with a watercourse that connects to Arn Burn to the north west. There is a hedge on the northern boundary adjacent to the road. On the northern side of the access road are three single story detached dwellinghouses. Luss Estates' offices and buildings are located to the immediate north east (see Figure 1).



**Photograph 1: Main access from the A82 looking south (Luss Estates signage visible)**



**Photograph 2: Private access drive. The site sits behind the hedge on the left of the picture. Dwellings on the north side visible. Luss estate's office is the building furthest away.**

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**Photograph 3: View of the northern site boundary looking west towards Luss Estates' Offices**



**Photograph 4: View across the site from the western end of the access drive at Luss Estates' Offices looking south east**

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**Photograph 5: View of the site from the northern boundary looking south.**



**Photograph 6: View of the eastern part of the site looking east towards the A82. Northern boundary hedge visible on the left of the photo.**

**Proposal:**

The proposal is for the erection of 4 no. 3 bed open market dwellings with shared access, drainage infrastructure and landscaping. The houses would be arranged in an arc facing north onto the private access road (Figure 2). Each pair of houses would share a new access onto the existing private drive. The driveways would be stone chips and accessed via new gates. Boundary hedges and post and wire fences would define the new property curtilages.

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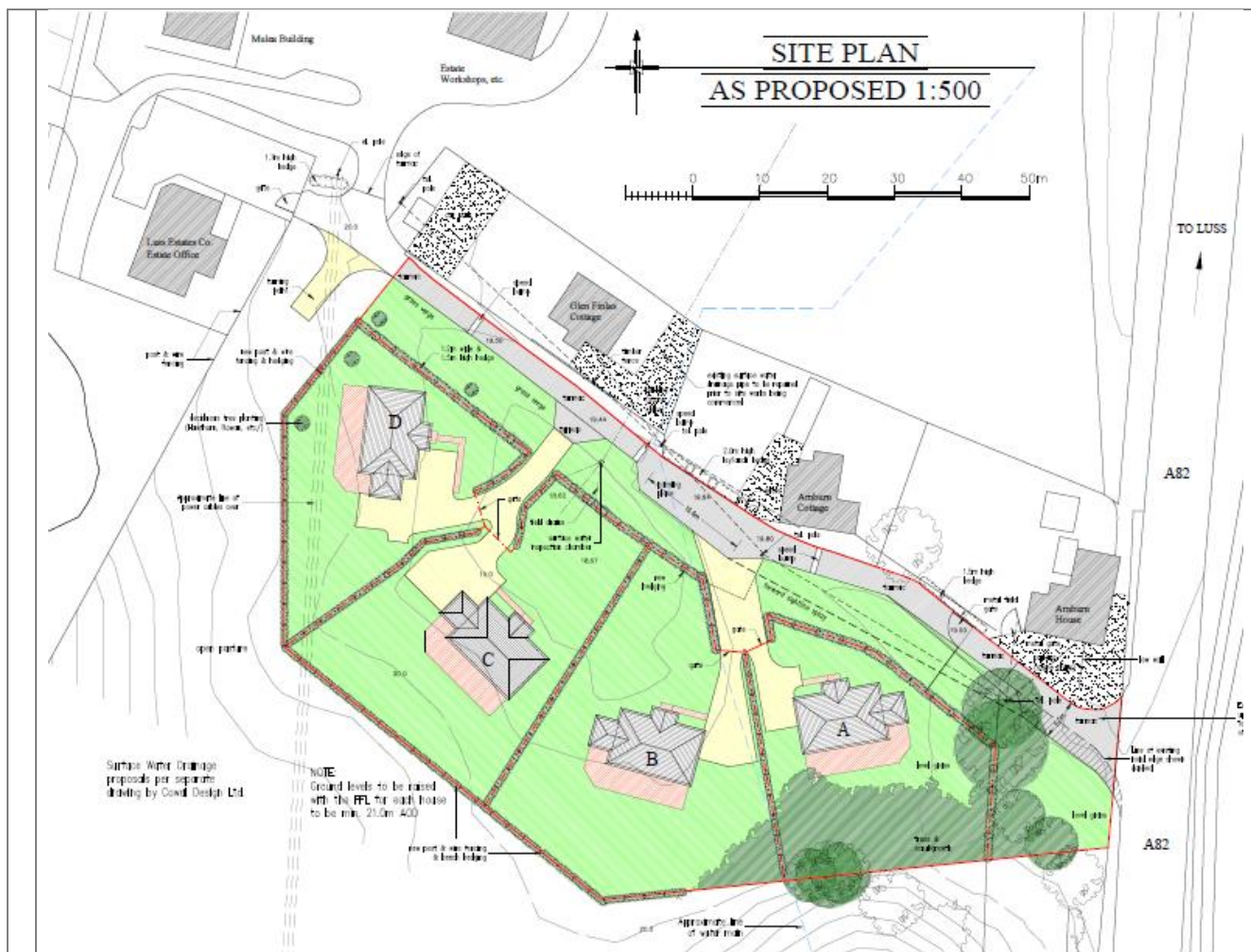
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**Figure 2: Proposed Layout – Extract from Plan 01 Rev J (not to scale)**

The proposals also include an upgrade to the existing private road comprising widening of the first 20m at the entrance to the A82 to 6.0m and the provision of a formal passing place and turning point for refuse vehicles at the western end.

## 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

WMP1 – Waste Management Policy 1: Waste Management Requirement for New Developments

HEP7 - Historic Environment Policy 7: Other Archaeological Resources

## Supplementary Guidance

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	<p>Design and Placemaking Housing West Loch Lomondside Rural Development Framework</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u> The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.</p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Outcomes and Priorities: Outcome 10: Placemaking (Rural Development Priority 10.1: Improving Towns &amp; Villages) Outcome 12: Sustainable Population (Rural Development Priority 12.2: Affordable Housing)</p>
4	<b>Environmental Appraisal</b>
	<p><u>Environmental Impact Assessment</u> The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this instance the proposal falls under Schedule 2 of the regulations within the 'urban infrastructure project' category. The proposal was screened collectively with the other eight linked applications to assess the cumulative impact. It was determined that significant environmental effects on the environment are unlikely and therefore an EIA is not required. The screening opinion is available to view as part of the application file.</p> <p><u>Habitats Regulations Assessment</u> Not applicable.</p>
5	<b>Summary of Consultations</b>
	<p><u>Transport Scotland - Trunk Road Network (Glasgow) – no objection</u> No objection subject to conditions to ensure the access is widened and that appropriate visibility splays are provided at the access junction with the A82 Trunk Road.</p> <p><u>ABC Roads – no objection</u> No objections, there is sufficient room within each plot for parking and turning.</p> <p><u>Scottish Water (Glasgow) – no objection</u> Their response confirms that there is currently sufficient capacity in the Finlas Water Treatment Works but no public sewers within the vicinity of the proposed development. Private treatment options should therefore be explored.</p> <p><u>West of Scotland Archaeological Service – no objection subject to condition</u> Require a scheme of archaeological investigation and recording prior to commencement of development.</p> <p><u>Luss And Arden Community Council – support</u> 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. They also request in relation to this application specifically, improved public transport infrastructure (suggesting provision of a bus lay-by on the A82).</p> <p><u>AB Flood Authority– no objection</u> No objection subject to the field drain and culvert on the northern boundary of the site leading to Arn Burn being repaired/upgraded to accept surface water flows from the site.</p>
6	<b>Summary of Representations</b>
	<p>2 no contributors responded in objection to this application. In summary the concerns expressed are:</p> <ul style="list-style-type: none"> <li>The development will increase the flood risk to the existing properties which sit at a lower level to the north of the access road;</li> </ul>

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- Land raising as part of flood avoidance is against National Policy which over rides local planning policy;
- There is a no-build zone referred to in the Flood Risk Assessment to the north of the site. It is not clear where this is.
- Arnburn was never part of the original consultation process and it should be removed from the present process;
- The proposed development will increase the small residential conurbation of Arnburn by 133%;
- The finished floor levels of 600mm above the access road level will lead to loss of residential amenity and have a greater impact on the landscape and built environment of Arnburn
- The new houses will dominate the countryside;
- There is no provision of public transport for Arnburn and residents will have no provision for safe passage across the busy road to link up with public transport, the footpath and cycleway;
- The junction onto the A82 Trunk Road cannot accommodate two vehicles;
- Concerns regarding overlooking and residential amenity (Glenfinlas Cottage);
- Danger regarding the increased requirement for placing bins on the A82 for collection;
- The turning lane seems to be outwith the boundaries of the planning application. How is this to be protected for future use?
- Concern properties will be purchased and operated for holiday let or holiday home;

The points raised are addressed in the Planning Assessment (Section 8 of this Report).

Of the above, one representation also objected to the generality of the eight applications submitted by Luss Estates. These are considered in the Overarching Report.

## 7 Summary of Supporting Information

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

Protected Species Survey Update (dated 09 August 2018) prepared by Wild Surveys (received 29 August 2018) – update of the previous assessment of the site's ecology value and requirements to address any impacts arising.

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.

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.

Flood Risk Assessment dated March 2019 prepared by Kaya Consulting (received 18 March 2019) – assesses the flood risk and drainage characteristics of the site and measures required to mitigate flood risk.

Soakaway Design Calculations Rev A (received 25 July 2019)

## 8 Planning Assessment

The planning considerations are as follows:

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

### 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

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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.

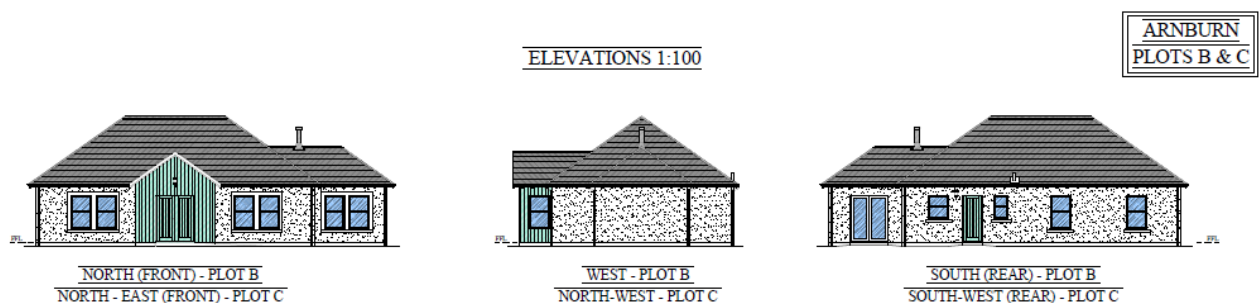
The second consideration of principle is one of scale and character. Policy HP2(c) supports development in building groups that is *“sensitive to the scale and character of the host rural community”*. The Housing Supplementary Guidance (HSG) provides further guidance on this aspect stating that, as a 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”*.

Arnburn is a small building group in the countryside comprising 3 no. dwellings and a small number of other buildings associated with Luss Estates’ business operations. The proposal would increase the number of houses in the settlement by 4 – or 133%. This is one more dwelling than permitted by the HSG. However the 100% figure is a guide with the HSG also making clear that the sense of place and settlement pattern will be the primary consideration. In this case the density and siting of the proposed houses would be in keeping with the existing pattern of development with new houses fronting onto the access road opposite existing dwellings. This helps to consolidate the grouping. The proposal remains within the confines of existing development given the overall east/west extent of the building group including the non-domestic buildings and would not expand the natural extent of the rural community in accord with the HSG. It is therefore considered acceptable having regard to 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.

### Design

The proposed houses would be traditional in style and materiality taking a cue from the existing cottages opposite (see Figure 3). They would be single story with natural slate roof, white wet dash render with vertical timber clad porches, timber doors and windows (sash and casement style).



**Figure 3: Proposed Elevations Plots B&C (A&B Handed) – Extract from Plan 03 Rev C (not to scale)**

### Residential Amenities

The properties would be sited on or around the 19.5m AOD contour. This is a similar level to the existing access road (which is between 19.4 and 19.8m AOD). The Finished Floor Level would be a minimum of 20.1m (in accord with the recommendations of the Flood Risk Assessment) which is around 300mm to 700mm above the access road. Given the intervening distance of a distance of approximately 28m from

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the access road this level distance would not be readily discernible particularly as views would be obscured by the proposed 1.5m hedge along the boundary.

The distance from the nearest proposed house to the existing dwellings on the north side of the access road would be 20m to Arnburn House and 21.4m to Glen Finlas Cottage which accords is adequate separation so as not to impact upon the privacy of the neighbours. The gables between each proposed property have no habitable rooms and so privacy between the plots is maintained.

#### *Climate Friendly Design*

Each dwelling would have a generous south-facing rear private garden with patio area to take advantage of the 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 at a later date.

Overall the proposal accords with Policy OP2 in relation to design.

#### Flood Risk and Drainage

The site is not identified as being at risk of flooding from any source on SEPA's flood maps. However the site is evidently subject to periodic flooding with water pooling at the northern end at the low point adjacent to the access road after periods of heavy rainfall. Public representations accompanied by photographic evidence highlighted that the flood water sometimes comes close to the road level and threatens to overtop it and flood properties on the northern side.

The source of the water is understood to be run-off from the field (the submitted Flood Risk Assessment confirms that the site is not at risk of flooding from Arn Burn or the other watercourses in the vicinity). The applicant has investigated the cause of the ponding via a CCTV drain survey and has confirmed this occurs due to the culvert under the access road from the field drain at the site's northern boundary (which can be seen in the grass verge in photograph 3) being blocked under the neighbouring property's driveway between the site and the outfall at Arn Burn to the north.

The Flood Authority requires works to the land drain and culvert to unblock it and to ensure that the capacity is adequate to receive the surface water flows from the site. The works are required to take place prior to the commencement of any development approved on the site. As the works are off site and potentially involve a third party landowner a suspensive condition is recommended.

As regards the management of surface water from the new houses, this is proposed to be directed to individual soakaways for the new properties which would be sited away from the low point. These have been designed to accommodate the 1 in 30 year rainfall with additional allowance for climate change. Any exceedance in the 1 in 200 year event would run off the field and down to the field drain on the northern boundary. The Site Investigation confirms that the ground is suitable for an underground soakaway type of SUDS system.

In addition a new interception ditch is proposed around the western side of the development to allow surface waters during extreme events to flow away from the site into the drain on the northern boundary mimicking the existing situation. As a further measure to protect the new dwellings from surface water a minimum finished floor level is proposed of a minimum of 20.1m AOD which is around 1.6m higher than the private access road and 300mm above the surrounding garden level.

The required repair works to the drain and culvert, secured by condition, would assist in managing the surface water flood risk to achieve a neutral or better outcome than at present. In addition the interception of surface water by the dwelling soakaways means the total flows entering the land drain are likely to be reduced compared to existing flows resulting in a net reduction of risk to properties outwith the site

The Flood Authority has no objection to the proposal provided that the issues with the blocked drain and culvert are remedied prior to development taking place.

In relation to foul drainage the response from Scottish Water confirms sufficient capacity in the Finlas Water Treatment Works to supply water but no public sewerage infrastructure is available locally and as such a private (shared) treatment system is proposed. The applicant has indicated their intention to install a waste water treatment plant to serve the four dwellings however the design and location is still to be confirmed. A

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condition is recommended to agree the design of the system and its location and outfall prior to the commencement of development.

### Landscape & Trees

The National Park's Landscape Advisor has advised that the visual impact of the new development (as seen from the main public receptor which is the A82) would be minimised by the existing woodland screening which is to be retained. Supplementary planting is required to the south of the new development to soften and integrate the new plots into the open field. This would require the addition of new field boundary trees and native planting to replicate the surrounding landscape character. A landscaping condition is recommended to secure appropriate retention of existing vegetation and new landscape planting (including appropriate species) to provide the requisite landscape integration.

It is proposed to remove the existing hedge along the access road to accommodate visibility site lines and passing place and also to enable future upgrade of the road to 2-way. This would be replaced with a new hedge set back behind a wider verge. New garden boundaries would be provided by post and wire fencing with new hedge planting. This approach is appropriate to the character of the rural area. Gates are proposed across the entrances to the two shared driveways. The details of the gates are to be agreed by condition to ensure these are reflective of the rural character of the area.

The existing trees and woodland that are to be retained require to be identified on a tree protection plan and safeguarded during construction in accordance with Policies NEP8 and NEP9. Again a condition is recommended accordingly.

### Ecology

The applicant has submitted an Extended Phase 1 Habitat Survey which confirms that there are limited habitats of ecological importance, the site being largely made up of improved / semi-improved grassland and small areas of woodland. No signs of protected species were recorded and the subsequent Protected Species Survey (update survey) confirmed no change in the baseline.

The survey recommends that vegetation clearance prior to construction should take place outside the bird breeding season of March to August inclusive due to the potential for ground nesting species to be present. This is secured by condition as well as compliance with the recommended mitigation to protect wildlife during construction to accord with Policy NEP4. The details of proposed measures to enhance the site's wildlife value are also conditioned in accord with Policy NEP6.

There is *Rhododendron ponticum* within the scrub woodland areas. This is an invasive species and should be eradicated from the site in accord with Policy NEP6. A condition is included accordingly.

### 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 proposal includes the widening and resurfacing of the access road at the junction with the A82 to 6.0m for the first 20m, provision of a passing place on the south side and a new turning head at the western end for emergency and refuse vehicles. A sign at the junction will also be relocated to improve visibility.

Transport Scotland has no objection to the proposal provided the existing main access to the Trunk Road is widened to allow vehicles to enter and exit at the same time without conflict or obstruction to the main carriageway and provided the required visibility splays are provided. Conditions are recommended accordingly. A condition is also proposed to ensure that the passing place and turning head are provided along with sightlines on the access road itself to ensure safe access and egress for new residents as well as existing residents alike.

There is provision for three car parking spaces per dwelling plus a turning area within the dwelling curtilage. The Roads Authority has no objection to the proposal. On the basis of the above the proposal 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

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transport.

The Community Council response highlights the lack of access this site has to public transport and has specifically requested that opportunities to improve the situation in the future are explored. Objectors have also highlighted the remote nature of the location and difficulties in accessing footpath and cycleways on the eastern side of the A82.

It is recognised that access to the Core Path network does require crossing of the A82 however there is a footpath on the eastern side of the road opposite the junction which can be directly accessed and which provides onward connections. It is also acknowledged that 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 to achieve access to public transport in all instances. The scale and nature of the proposed development could not facilitate direct public transport subsidy however the expansion of the building group could make future services and infrastructure investment more viable. The building group at Arnburn also incorporates the Luss Estates offices and there is therefore some potential for new residents of the houses to live and work on site. The improvements the proposed development would deliver to the safety of the existing junction with the A82 are also acknowledged and therefore, despite the sustainability shortcomings, on balance development here is considered acceptable.

#### Waste Management

Refuse would be collected under the existing local authority collection service. Provision of the new turning head at the western end of the access road and the road widening proposed would permit refuse collection from outside the dwellings rather than at the junction with the A82 as occurs at present. Details of the in-curtilage refuse storage locations and collection areas are required by condition. As such the proposal is compliant with Policy WMP1.

#### Archaeology

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. 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.

#### 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, density and design is appropriate having regard to Policies HP1 and OP2. The access road upgrade, access driveways and parking accord with the relevant Authority standards and Policy TP3. The surface water drainage proposals are acceptable and the proposal would secure improvements to the existing field drain to reduce the risk of surface water flooding in accordance with Policy NEP12. New planting would maintain a high quality of visual amenity and there would be no adverse landscape impacts in accord with Policy NEP1 and OP2. Retained trees will be protected during construction in accordance with Policy NEP9. There would be no adverse impacts on protected species and rhododendron ponticum removal will provide enhancement in accord with Policies NEP4 and NEP6. There would be no adverse impacts on archaeology in accord with Policy HEP7.

### **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).

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- 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 any 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. 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

- 4. Culvert and Field Drain Works:** No development shall commence until works to the field drain and culvert on the northern site boundary leading north to Arn Burn to achieve the requisite capacity to accept flood waters from the site have been undertaken to the written satisfaction of the Planning Authority in consultation with the Flood Authority.

REASON: The field drain and culvert is not of a satisfactory standard to accept surface water flows from the site and the works are needed to prevent the development being at risk from surface water and to ensure that the development would not increase the risk of flooding to nearby properties.

- 5. Access Road:** Prior to the commencement of the development the passing place and turning area suitable for refuse and emergency vehicles at the western end of the access road shall be constructed and visibility splays/sightlines provided in accordance with the details shown on Plan 01 Rev J.

REASON: To ensure appropriate provision for servicing and emergency vehicles and to allow vehicles to safely enter and exit the proposed driveways and to pass each other on the access road in accord with the requirements of Policy TP3.

- 6. Foul Water Treatment Facility:** Prior to the commencement of development details of the location and design of a waste water treatment plant to serve the dwellings shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be installed in accordance with the approved details.

REASON: To ensure that the impact of any such installation can be considered in accordance with LDP Policies NEP11, NEP12 and OP2.

- 7. Access Junction:** Prior to the commencement of the development the width of the existing junction at the old A82 and the Trunk Road (A82) and the first 20m of the access road from the A82 westwards shall be widened in accordance with the details shown on Plan 01 Rev G.

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

- 8. Tree and Woodland Retention and Protection:** Prior to site clearance a Tree Protection Plan shall be submitted and approved by the Planning Authority. This shall identify the trees, hedges and areas of woodland to be retained (including their associated root protection areas), the measures to protect the retained trees during the course of construction and a method statement for any works proposed within root protection areas. Thereafter the development shall be carried out in accordance with the approved Tree Protection Plan. The protection measures, which shall accord with British Standard BS

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

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5837(2012) 'Trees in Relation to Construction' 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 protect retained trees, hedges and woodland against accidental damage during the course of the development in accordance with Local Plan Policies NEP8, NEP9, NEP1 and OP2.

- 9. 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:
- any cut and fill earthworks and associated proposed finished levels or contours;
  - details of all soft landscaping including a planting schedule (plant sizes and proposed numbers/densities) which shall include new field boundary trees and additional tree planting adjacent to the east of Plot A;
  - specifications for the establishment and maintenance of native trees, shrubs, hedging and grass seeding;
  - materials/specification for all proposed hard surfaces;
  - details of any new walls, fences or gates;
  - details of the in curtilage storage and collection areas for refuse;
  - A timetable for the implementation of the planting.

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

REASON: To agree the planting extent and species details of plot landscaping and boundary planting and because additional landscaping is required to fully integrate the development into its surroundings to mitigate the local landscape and visual impacts. Without such additional landscaping the proposal would be contrary to the provisions of the development plan Policies NEP1 and OP2.

- 10. 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.

- 11. 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.

- 12. Finished Floor Levels:** The finished floor levels for the dwellings hereby approved shall be a minimum of 20.1m AOD and a minimum of 300mm higher than the surrounding ground level.

REASON: To minimise flood risk to the properties 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. Visibility splays:** Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of

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between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

REASON: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road

- 15. 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

Title	Reference	Date Received
Proposed Drainage Layout	J2498-P-01 Rev C	25/07/19
Location Plan	Loc Rev B	22/07/19
Proposed Site Plan	01 Rev J	15/10/19
Plots A&D Proposed Elevations and Floorplan	02 Rev C	29/08/18
Plots B&C Proposed Elevations and Floorplan	03 Rev C	29/08/18
Topographical Survey No 1		22/12/16
Topographical Survey No 2		22/12/16

### Informatives

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

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

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