Agenda Item 5

PLANNING AND ACCESS COMMITTEE

MEETING: 27 January 2020

SUBMITTED BY:	**Director of Rural Development and Planning**
APPLICATION NUMBER:	**2019/0202/PPP**
APPLICANT:	**Ms. K. Brisbane**
LOCATION:	**Land at Park Avenue, Gartmore FK8 3RL**
PROPOSAL:	**Erection of 6 dwellinghouses**

NATIONAL PARK WARD:		Ward 4 (south east Loch Lomond)
COMMUNITY COUNCIL AREA:		Gartmore Community Council
CASE OFFICER:	Name:	Craig Jardine
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	E-mail:	craig.jardine@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

1.1 The application is for planning permission in principle for the erection of a housing development on a currently undeveloped site, situated on the north side of Park Avenue, located at the north end of Gartmore village, and adjacent to Gartmore Conservation Area.

1.2 There has been a significant level of local objection to the proposal, comprising of some 22 individual letters. In addition, Gartmore Community Council has lodged an objection to the application. In accordance with the National Park's Scheme of Delegation, it is considered that this application should be determined by the Planning and Access Committee.

2 RECOMMENDATION

That Members:

1. **REFUSE** the application for the reasons set out in Appendix 1 of the report.

3 BACKGROUND

Site Description

3.1 The application site is located on an undeveloped site on open agricultural land, (approx. 0.7 hectares) situated at the northern extent and within the settlement boundary of Gartmore, as detailed in the National Park's Local Development Plan (see Figure 3).

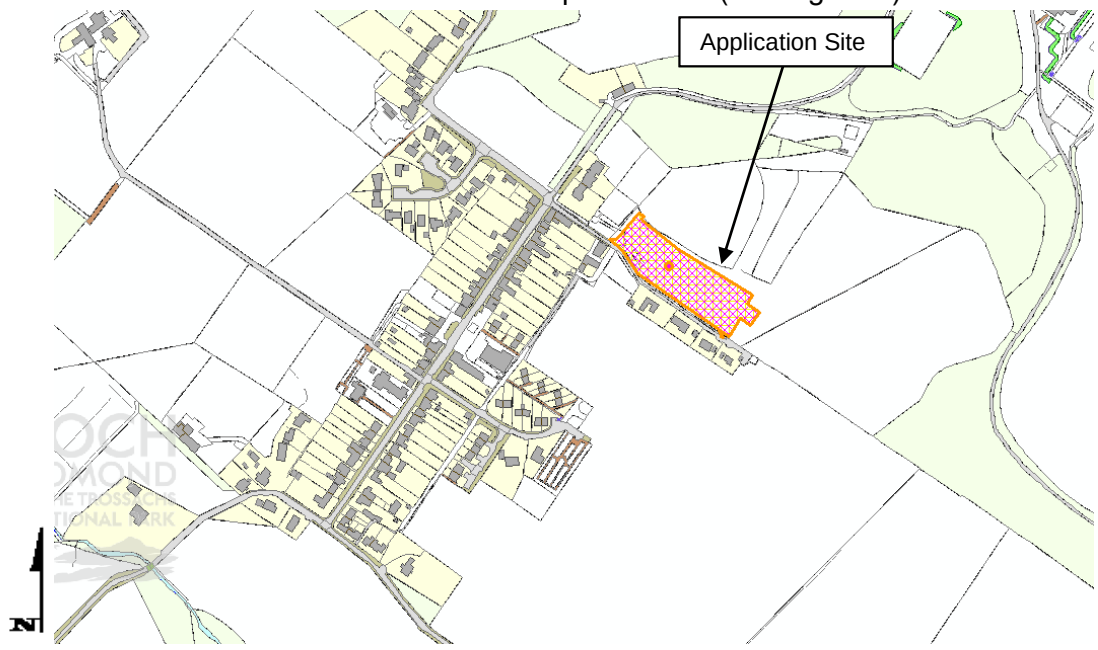

Figure 1: *Location Plan – application site within the context of Gartmore village.*

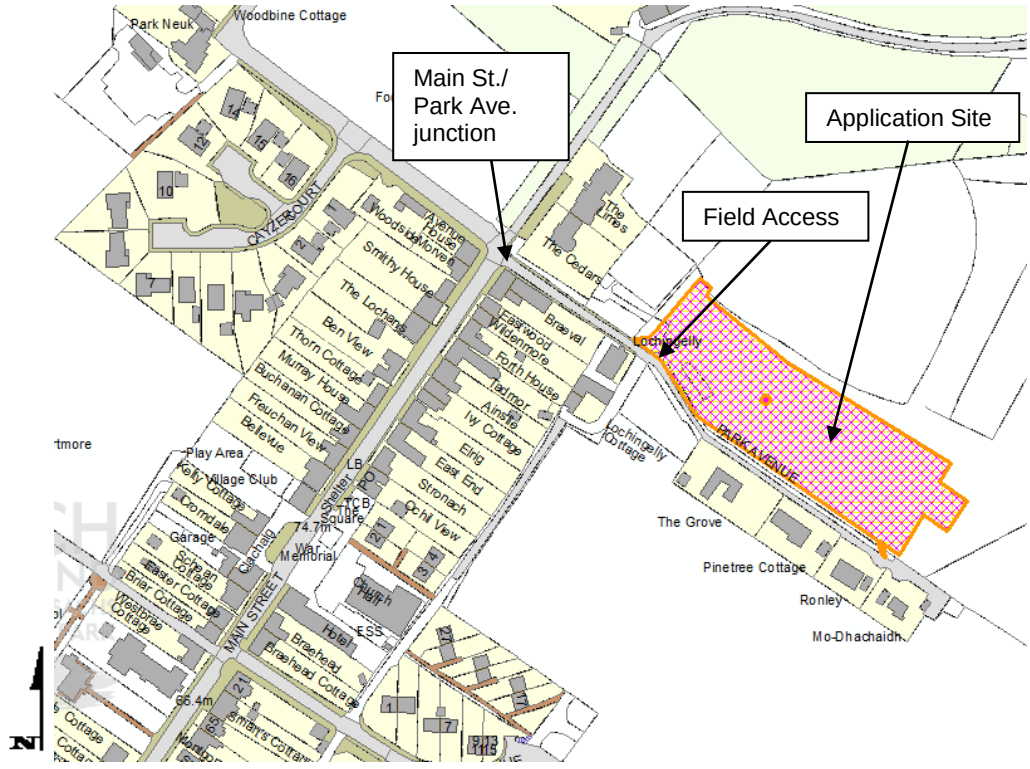

Figure 2: *Location Plan – application site within the immediate context of the north end of Main Street and of Park Avenue*

Figure 3: *extract from the Gartmore section of the Local Development Plan (village boundary delineated with solid and dashed red line; the housing site is identified as 'H1' and the conservation area boundary is shown as solid blue line)*

3.2 The site is located on the north side of Park Avenue, with existing residential properties, fronting onto Park Avenue, opposite the application site. Open fields lie directly to the north and east of the application site, with an area of woodland (part of Gartmore House estate) further to the north. The site rises to the north and slopes downwards to its eastern boundary.

Photo 1: *From Park Avenue looking towards the western boundary of the application site*

Photo 2: *From Park Avenue looking north towards the central part of the application site*

Photo 3: *From Park Avenue looking towards the eastern boundary of the application site and beyond*

3.3 Access to the development site would be via Park Avenue which is served off Main Street, via an existing unmarked junction. Park Avenue is a private road which provides pedestrian and vehicular access to a number of existing properties. Park Avenue (from its junction with Main Street eastwards to the proposed site access) is of a tarmacked surface and measures between 3.5 to 4m in width with an approx. 1m wide gravel/grass strip to the side. Park Avenue continues as a tarmac surface and terminates near the last residential property on its southern edge. Thereafter it travels eastwards for approx. 250 metres as an unsurfaced lane.

Photo 4: *Main Street/Park Avenue junction*

Photo 5: *From the Park Avenue junction looking west*

Photo 6: *Looking east along Park Avenue from the junction with Main Street*

Photo 7: *Looking eastwards further along Park Avenue towards the site access*

3.4 The existing field access, situated opposite the back lane to the Main Street properties would be utilised as the site access for the proposed development.

Photo 8: *From Park Avenue looking towards existing field access (on left side of photo adjacent to signboard)*

Photo 9: *Existing field gate proposed as access location for the development.*

3.5 The original core of Gartmore was designated in 1976 as a Conservation Area for the desirability to preserve or enhance its special architectural/historic interest. The conservation area is focussed along the linear (north-east to south-west) plan of the Main Street and includes some properties immediately bounding it on the north and south as well as the historic gate entrance to Gartmore House and Estate. The application site is located outwith, but adjacent to, the Gartmore Conservation Area as shown below in Figure 4.

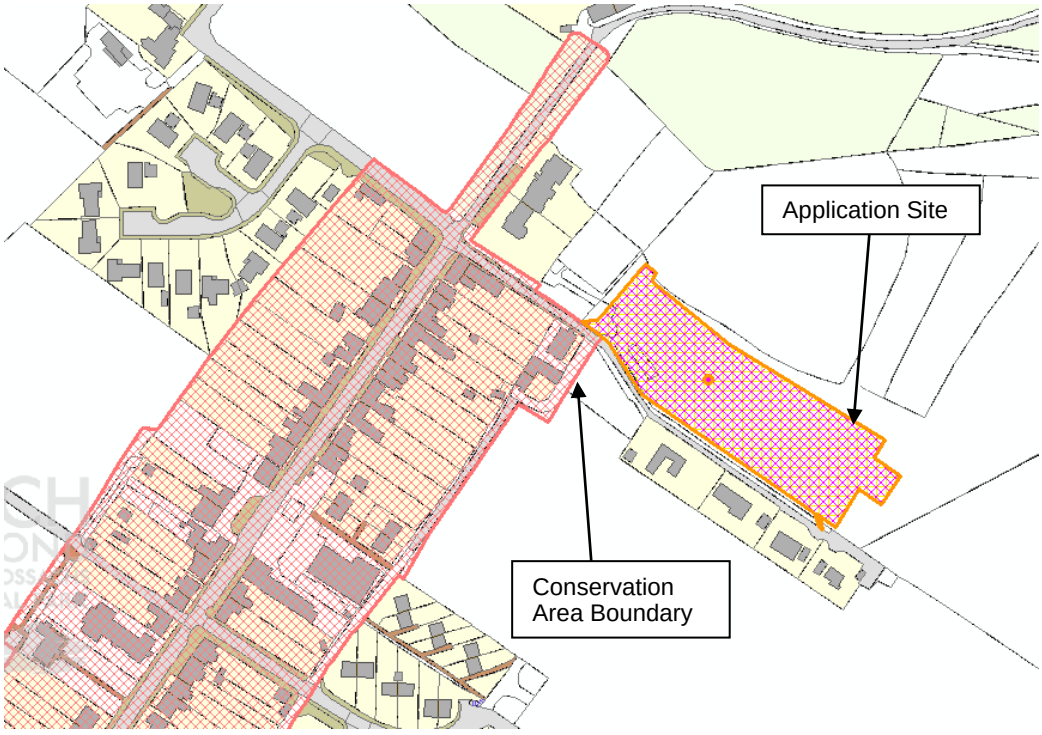

Figure 4: *Gartmore Conservation Area boundary (northern part of) in context of application site*

Description of Proposal

3.6 The development proposed is for the erection of a housing development in principle. The application proposal presented, as detailed in the applicant's submitted indicative plan and covering letter, comprises the following:

- Alterations to existing field access (from the north side of Park Avenue) to service the proposed development;
- Six detached dwellings aligned in a linear layout in groupings of two, with principal elevations fronting towards Park Avenue;
- Indicative proposals for two of the six houses to be provided for 'Discounted Sale' affordable needs or alternatively a 'Commuted Sum' for off-site Affordable Housing Needs;
- Internal access routed to the rear of the proposed houses, with private in-plot driveway and garaging adjacent to properties and an separate area of visitor parking;
- Private Foul and Surface Water Drainage to soakaway (mains water connection)
- A new footpath along the frontage of the development site connecting to Park Avenue via a gap to be formed in the existing stone dyke and an indication, in writing, that the existing stone dyke would be repaired along the length of the development site.

The applicant has indicated, in their application, that the above proposals are within their ownership.

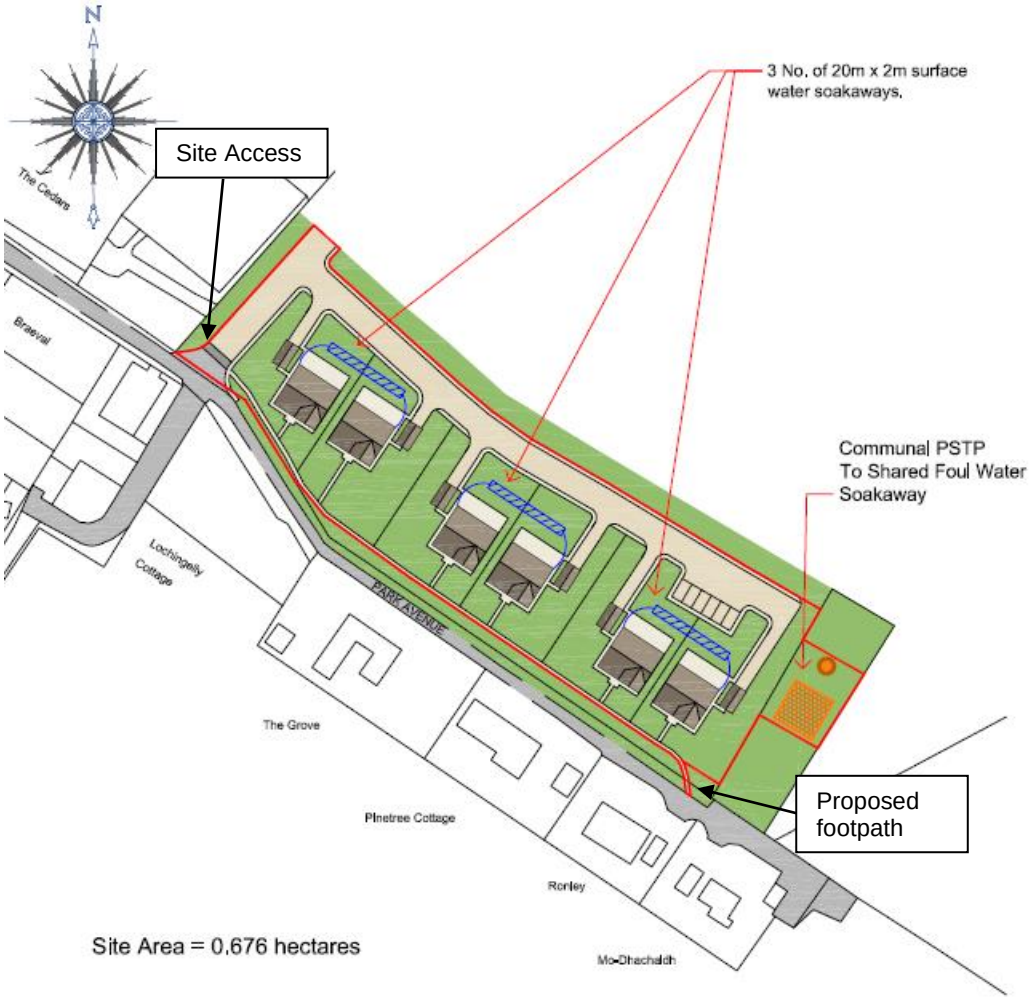

Figure 5: *Indicative site layout and drainage plan*

3.7 As this application is for 'planning permission in principle', no design details require to be submitted at this stage and the above plan [Figure 5] is indicative only of the proposed layout and design.

Planning History

3.8 No previous planning history on the application site.

Local Development Plan – Site Allocation Background

3.9 As part of the production of the current adopted Local Development Plan (2017-21) the National Park undertook a 'call for sites' in 2013. At this time a larger version of this current site was put forward by the site owner, K Brisbane (applicant for this proposal). The site was given a reference (MIR70) and it was assessed by the National Park Authority. Following this part of the process the site (MIR70) was not taken forward as a 'preferred site' in the Main Issues Report (2014). It was considered that the site did not have sufficient merit and could result in undesirable 'ribbon development' that would have potential to detrimentally affect the views from the adjacent Gartmore Conservation Area; and would raise road safety issues (owing to the restricted geometry of the private un-adopted road). The site was therefore not included in the Proposed Plan. Following the final consultation process of the Proposed Plan in 2015, a representation was submitted by the site owner (K Brisbane) requesting further consideration of a smaller site for six houses (as proposed in this planning application) – as the Plan process allows for the owner to do so. Stirling Council, as Roads Authority, provided comment and advised they could not support inclusion of this site in the Local Development Plan for road safety reasons. Following due process, the site owner's representation, alongside the other Plan representations, were referred to Scottish Ministers for their examination.

3.10 The Reporter, who was assigned to the examination of the Plan, considered this representation and recommended, on the basis of their planning judgement, that the site be included in the Plan and the village boundary be modified to incorporate the site. The National Park Authority is required by the relevant Regulations to accept the Reporter's recommendations, unless there are specific exceptions for not doing so (e.g. being incompatible with national framework or strategic development plan, conservation habitats regulations or would result in unacceptable environmental impact). Having considered the Reporter's recommended modification, (and the concerns of the Gartmore Community Council), it was concluded that this did not trigger any specific exceptions. The National Park Authority Board decided, on Oct 2016, that none of the specific exceptions applied to this modification and, as such, were required to accord with the Reporter's recommendations in full and therefore modify the Plan to include the site (ref: Gartmore H1). Development of this site is now proposed in this planning application.

4. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) AND HABITAT REGULATIONS ASSESSMENT

Environmental Impact Assessment (EIA)

4.1 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2017 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.

The proposal falls under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017. A screening opinion was adopted and in this particular instance it has been determined that an EIA is not required. The screening opinion is available to view on our website.

Habitat Regulations Assessment (HRA)

4.2 Not applicable to this planning application.

5 CONSULTATIONS AND REPRESENTATIONS

Consultation Responses

A summary of the consultation responses received are as follows:

5.1 Stirling Council – Roads (Transport Development): **Objects.** This service has previously highlighted concerns (i.e. during the Local Development Plan process) regarding the width of Park Avenue and its limited scope to widen Park Avenue at its junction with Main Street. Failure to provide a junction with a minimum width of the required standards (5.5m for a distance of 5m, as measured from the road edge of the carriageway) increases the risk of vehicles undertaking the manoeuvre onto Park Avenue to be met with a vehicle approaching. Given the limited width for a vehicle to wait off the carriageway, the vehicle would be required to reverse onto Main Street to allow the vehicles travelling in the opposing direction to pass. Without evidence the above can be achieved this service would not be in a position to support this application.

5.2 Stirling Council - Flood Prevention: **No objection.** The site lies outwith the functional floodplain and raises no issues with respect to flood risk.

5.3 Stirling Council - Environmental Health: **No objection,** subject to conditions controlling construction hours and external lighting.

5.4 Stirling Council – Housing Strategy: **No objection**. The site's location is appropriate for the provision of affordable housing and this should be geared towards the needs of the local community, and may include provision suitable to the needs of older people and people with disabilities. The Council's Housing Need and Demand Assessment (HNDA) clarifies the types and sizes of market housing required in the Stirling area.

5.5 Scottish Water: **No objection.** There is currently sufficient capacity in the Turret Water Treatment Works to service the development. Scottish Water are currently unable to confirm capacity in the Gartmore Waste Water Treatment Works. Scottish Water will not accept any surface water drainage connections into the combined sewer system.

5.6 West of Scotland Archaeological Service: **No objection**. The application site lies within an area of some archaeological sensitivity and buried remains are a possibility therefore the application area should be subject to an archaeological evaluation (secured by planning condition) ahead of development.

5.7 Gartmore Community Council: **Objects.** The development would impinge on the landscape and visual amenity of the area; does not address road safety issues or issues pertaining to legal rights of access; does not provide on-site affordable housing; does not address environmental issues regarding sewage and waste disposal; would lead to loss of privacy, sunlight and overshadowing of existing properties on Park Avenue; challenges the legitimacy of the site's inclusion in the Local Development Plan.

5.8 National Park – Landscape Advisor:

The development would be likely to result in potential landscape and visual impacts on the Special Landscape Qualities, village setting, landscape character, local landscape character

and visual amenity of Gartmore village. If approved, the development would require to be subject to a landscape masterplan and further details of all building/hard landscaping materials and lighting.

5.9 National Park – Recreation and Access Advisor:

Park Avenue is a shared use path (i.e. not of core path status). The increase in traffic on Park Avenue would have a negative impact on pedestrians and cyclists. The submitted *Transportation Statement* does not have regard to certain aspects of the local road network and traffic volumes. If approved the shared use path should not be compromised by any construction phases. The inclusion of a travel plan framework in the submission is welcomed but should include more solid incentives for sustainable travel for residents of the proposed houses.

5.10 National Park – Natural Heritage Planning Advisor

The site comprises agricultural land, with woodland to the north, outwith the development footprint. There are no habitat issues raised by the application. No trees are to be removed, so there is no requirement for a bat survey. If the application is to be approved there would require to be a walk over survey for protected species (prior to development) to determine any species protection plans that may be required.

Representations Received

5.11 At the date of the preparation of this report representations, objecting to the application had been received from 22 individuals, all residents of Gartmore. No letters of support were received.

5.12 In summary, the matters raised in **objection** are as follows:

Principle of Development

- The National Park originally rejected this site for housing allocation due to its constrained access;
- The Reporter's decision to include this site for housing did not reflect the community objections and gave no opportunity for further community comment and was flawed in its assumptions regarding suitability of access road/junction;
- The existing use of agricultural/recreational land should be retained for its role in village amenity and therefore its change to housing, in principle, is not supported;
- Demand for housing in Gartmore is adequately provided for by existing stock and other sites would be better used for development in the future; and
- Housing Need has not been adequately demonstrated.

Housing Density

- Six houses presents an overdevelopment of the site.

Road Access

- The submitted *Transportation Statement* contains inaccuracies and does not accurately reflect the levels of parking on Main Street, the current level of vehicle usage of Park Avenue or the sight line issues at the junction with Main Street. The conclusions of the submitted Statement, that 'the development would have no detrimental impact', are not agreed with;
- The additional traffic generated by the development (during and post construction)

would place road users (vehicle/pedestrian/cyclists/horse riders/wheelchair users) at increased safety risk above the current incidents and near misses experienced, and could limit access by emergency vehicles and utility vehicles;

- Park Avenue is a private road (not adopted) and does not have capacity or suitability (specifically its narrow width with no passing places or pavement) to support the proposed development - with no scope for it to be widened and improved. The applicant has not proposed any solutions;
- Park Avenue was tarmacked at residents' expense and could be damaged by development. Park Avenue would require to be upgraded to adoptable standards if this development was approved;
- The site plan shows a footpath exiting through an existing wall bounding Park Avenue – this would require landowners' permission; and
- Questions are raised over the legality of the rights of access over Park Avenue for construction and subsequent occupation of the proposed development;

Public Access and Sustainable Travel

- The proposal would impact, and not protect, the walking/cycling routes that Park Avenue forms part of and which connects to the wider area; and
- Gartmore has limited public transport (e.g. primarily bus) therefore many households rely heavily on car usage – it is unlikely that the Travel Plan proposals for the development (as detailed in the submitted *Transportation Statement*) will reduce the number of car trips.

Affordable Housing

- Gartmore Community Action Plan's aspirations are for properly sited affordable housing for young families. The proposed development would not offer on-site affordable housing.

Landscape/Visual Amenity

- The views from Park Avenue are highly valued by locals and visitors and would be adversely impacted by the proposed houses with resultant loss of the character and attraction of this part of Gartmore; and
- The proposed development would detrimentally change the quiet experience of Park Avenue and alter its rural and built character.

Tree Constraints

- If approved the development would be at risk from the large ash tree at Pine Tree Cottage, if uprooted by prevailing south-west gales.

Flood Risk & Drainage

- The site is prone to a high risk of surface water flooding;
- The site is close to the main sewer and therefore, foul drainage should be to the public sewerage system; and
- Private foul drainage and surface water drainage to soakaway is not considered suitable due to the poor drainage and sloping nature of the site which could exacerbate flood risk.

Residential Amenity

- The proposed site layout would result in a loss of privacy and overshadowing of the existing properties on Park Avenue.

Lighting

- Concern that the development would include street lighting as this would detrimentally impact on dark night skies and affect the amenity of existing properties.

5.13 The full content of the consultation responses and representations are available to view on the National Park Authority's Public Access website (http://www.lochlomond-trossachs.org/planning/ click on view applications, accept the terms and conditions then enter the search criteria as '2019/0202/PPP').

5.14 The Officer's response to these grounds of objection are set out in section 8 of this report.

6. POLICY CONTEXT

The Development Plan

6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).

Local Development Plan (2017-2021)

6.2 The Local Development Plan (LDP) sets out the vision for how the National Park should change over the next 20 years. The LDP covers the period from 2017 to 2021 and is updated every 5 years.

6.3 The following LDP Policies are relevant to the determination of this application:

- 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
- HEP2 – Conservation Areas
- HEP7 – Other Archaeological Resources
- NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
- NEP4 - Natural Environment Policy 4: Legally Protected Species
- NEP5 – Species and Habitats
- NEP6 - Natural Environment Policy 6: Enhancing Biodiversity
- 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

6.4 Full details of the policies can be viewed at: http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/

Supplementary Guidance

6.5 The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:

- Housing
- Design and Placemaking

Other Material Considerations

National Park Aims

6.6 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 and are:

(a) to conserve and enhance the natural and cultural heritage of the area;
(b) to promote sustainable use of the natural resources of the area;
(c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
(d) to promote sustainable economic and social development of the area's communities.

6.7 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Planning Guidance

6.8 The National Park's Planning Guidance of relevance to this application comprises:

- Listed Buildings and Conservation Areas

6.9 Draft Gartmore Conservation Area Appraisal

National Park Partnership Plan (2018-2023):

6.10 All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

- Outcome 2: Landscape Qualities
- Outcome 10: Placemaking
- Outcome 12: Sustainable Population

Scottish Planning Policy (SPP):

6.11 The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory but directly relates to the determination of planning applications and appeals. As a statement of Ministers' priorities, the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case.

7. SUMMARY OF SUPPORTING INFORMATION

7.1 The applicant has submitted the following documentation in support of the planning application:

Cover Letter (by applicant's agent, D.M. Hall, dated 12 July 2019)

Introduces the planning application proposals and submitted supporting information with respect to access and foul/surface water drainage. The cover letter acknowledges the policy requirement for 33% of the development to provide for affordable housing needs and acknowledges the sequential approach to delivery. The cover letter states that it is '*unlikely that an RSL will want only two homes'* and goes on to state that either a discounted sale model of delivery of on-site affordable housing or alternatively a commuted sum to contribute to off-site delivery would be acceptable to the applicant.

Transportation Statement (Modus Transport Solutions Ltd., dated July 2019)

Sets out an assessment of the site's existing transport provision and accessibility as well as an analysis of the Park Avenue/Main Street junction. The report also provides an outline Residential Travel Plan for the site to encourage a modal shift from car usage to sustainable travel. The report concludes that the site is located in a sustainable location and the access is suitable to support new development, especially when taking into account the presence of the Main Street speed restriction of 20mph, and would have no detrimental impact on the operational capacity or road safety of the road network.

Ground Assessment and Drainage Report (S.A. McGregor, dated 11 July 2019)

Provides details of ground assessments and test results (for water table depths and percolation values within five trial pits). The report presents recommendations which state that the underlying strata of the site is suitable for discharge of surface waters via three infiltration trenches situated to the rear of the house groupings. With respect to foul drainage, the report recommends two options for the design of a private foul drainage soakaway discharge which it suggests would be via a new communal private sewage treatment plant (sited to the east boundary of the application site). The report includes an indicative drainage layout

8. PLANNING ASSESSMENT

8.1 The key issues for consideration in the determination of this application are…

Principle of Development
Housing Density & Layout
Road and Public Access
Landscape and Visual Amenity
Historic Environment
Trees and Ecology
Flood Risk and Drainage
Other Material Considerations
National Park Aims

Principle of Development – Housing and Affordable Needs

8.2 The principle of development of the site for housing requires to be assessed in accordance with the relevant development plan policies, in this case Housing Policy 1 and 2 of the Local Development Plan (LDP), and the vision and strategy of the Local Development Plan.

8.3 The National Park's Local Development Plan vision and delivery strategy for housing in the National Park is for sustainable communities, with new housing being primarily focussed within existing towns and villages. The Plan also seeks to support housing that meets the needs of everyone and addresses population decline through the provision of a range of housing tenure and affordable housing provision. This is reiterated in Housing Policies 1 and 2 of the LDP. The site under consideration is allocated in the Local Development Plan for housing (indicated in the Plan for 6 homes). The location and use of the site for housing is therefore supported by the Local Development Plan. However, as with all applications for 'planning permission in principle' on allocated sites, the development requires to meet the requirements of all other relevant policies of the Local Development Plan if it is to be supported. These policy considerations are addressed below in the remainder of section 8 of this report.

8.4 Housing Policy 2 of the LDP is supportive, in principle, of the development of this allocated site for housing. This is subject, however, to the proposal delivering for affordable housing needs and meeting all other technical and policy provisions relevant to the site's context and proposals. The affordable housing requirements are set out in the Local Development Plan's delivery strategy (pg. 24 of the LDP) which defines Gartmore as an 'Accessible Rural' village with a 33% minimum requirement for affordable housing. Subject to an acceptable and detailed mechanism for delivery of affordable housing, this proposal could, in principle comply with Housing Policy 2 of the LDP.

8.5 The applicant has intimated, in the covering letter to their planning application, that they are of the view that a Registered Social Landlord (RSL) is unlikely to take forward the 33% of the housing (two houses) proposed but have not provided evidence of any such contact with an RSL. The applicant has advised instead that they would be minded to provide for affordable needs through a discounted sale mechanism on two of the six houses or alternatively pay a commuted sum towards provision of off-site affordable housing. No further work has been carried out by the applicant to progress their proposals for an acceptable affordable housing delivery mechanism and has requested that the application be determined in its current form. On this basis, and although on-site provision of affordable housing is the preference, the mechanisms suggested by the applicant may be acceptable. If Members were minded to approve this application it would require to be subject to the imposition of specific affordable housing requirements, secured in perpetuity by planning obligation (section 75 legal agreement), as set out in the National Park's Supplementary Guidance on Housing. This would require to be referred to the Planning Officer to conclude with the applicant prior to any planning permission decision being issued. On the basis of the level of detail currently presented in this application, compliance with the terms of Housing Policy 2 of the LDP (requiring the delivery of 33% of the site as affordable needs housing) cannot be confirmed.

8.6 The application under consideration is for planning permission in principle, therefore the proposed layout of housing (being six detached houses of the same plot and build size) is indicative only. That said, this indicates the applicant's intentions for a single design type which, as presented, wouldn't necessarily meet the aforementioned vision, strategy or policy requirements. Stirling Council Housing Strategy has advised that the site is well positioned to provide for affordable housing and should accommodate the needs of older people and those with additional needs as set out in the Council's Housing Need and Demand Assessment. On the basis of the level of detail presented in this application, compliance with the terms of Housing Policy 1 of the LDP (requiring a range of housing types/sizes in new development), cannot be confirmed.

8.7 The background provided in paras 3.9 and 3.10, earlier in this report, explains how the site came to be included as an 'allocated site' within the Local Development Plan. Representations received in this raise questions around the site's inclusion in the Plan. The Local Development Plan adoption process is not material to the consideration of this application. However, Members should be aware that the allocation of this site in the LDP does not mean it is effective or deliverable, if technical matters (such as road safety issues) cannot be satisfactorily resolved. Allocation of the site in the Local Development Plan does not place any obligation on the Authority to approve the planning application. The current Housing Land Audit and 5-year effective Housing Land Supply, does not currently include (or require) this site to be brought forward in this plan period, A review of the site's effectiveness would be undertaken in the next Local Development Plan process but this is separate to the decision-making on this planning application.

Housing Density & Site Layout

8.8 A representation has been submitted stating that the proposal for six houses on the site represents an overdevelopment. However, it is considered that the density (being proposed for six houses), in principle, would not be an overdevelopment of the site, and accords with the Local Development Plan allocation. Although the site layout cannot be given significant weight in the consideration of this 'in principle' application, the indicated layout (showing groupings of pairs of houses across the site) is not typical of the immediate built context and could appear incongruous within the existing built context and character. That said, the application under consideration is in principle only and the detailed layout could be open to change within a subsequent 'matters specified in conditions' application, if Members were minded to approve this 'in principle' application. The suggested single access point is an acceptable approach in terms of placemaking principles and the intention of minimising multiple access points to reduce potential road access conflicts is supported in principle. Nevertheless, Stirling Council, as Roads Authority, record an objection to the proposal (see para 8.9 below).

Road & Public Access

8.9 The Overarching Policies and Transport Policy 3 of the LDP requires new development to accord with the Roads Authority standards for roads access and to ensure adverse impacts on traffic safety and flows are minimised. The applicant has submitted a *Transportation Statement* to support their application. The detail of this Statement has generated a number of adverse representation regarding its content and conclusions. Rather than examine all of these points in detail, the Roads Authority's advice is key to the planning consideration of this application. The Roads Authority Officer has assessed the content of the *Transportation Statement* and concludes that, despite the content and conclusions of the submitted statement, the application fails to provide a junction with a minimum width of 5.5m, for a distance of 5m, and therefore the Roads Authority has objected to the application on the ground of road/pedestrian safety. This consultation response is consistent with the Roads Authority advice at the 'Call for Sites' stage of the Main Issues Report, as referred to in para 3.9 above. The applicant has requested that the application be determined in its current form - which has no proposals to alter and widen the geometry of the road or junction, to satisfy the Roads Authority concerns, notwithstanding whether this is achievable or not. Instead the applicant seeks permission on the basis of the conclusions of their submitted *Transportation Statement* (summarised in para 7.1 above), which states that the existing road access can support the proposed development. It is incumbent on the Planning Authority to have due regard to statutory consultees and in this case the Roads Authority technical advice is considered to overrule the conclusions of the submitted *Transportation Statement*. On this basis, it is recommended that the application fails to comply with Transport Policy 3 of the LDP.

8.10 The Overarching Policies and Transport Policy 2 of the LDP requires that new developments do not result in an unacceptable conflict with existing path connections and users. Park Avenue is used by a variety of local and visitors as a local short path route as well as for vehicle access to residential properties. On the advice of the National Park's Recreation and Access Advisor the intensification of Park Avenue for six additional houses, without any proposed measures or modifications to the road to account for and accommodate these uses, is in conflict with the policy aims. Furthermore, it is concluded that the submitted Travel Plan, although welcomed, does not provide sufficient positive contributions towards encouraging a modal shift from car use to sustainable travel and in this regard does not aspire sufficiently to the aims of Transport Policy 2.

Landscape & Visual Amenity

8.11 The application site is situated at the north edge of Gartmore, extending beyond the existing built envelope into agricultural fields. No *Landscape Appraisal* has been submitted with the application and therefore an assessment of the landscape and visual effects of the development has been informed by the advice of the National Park's Landscape Advisor.

8.12 The National Park's Landscape Advisor has considered the proposal in the context of the relevant landscape interests affected. Gartmore occupies a dramatic position with the village set and planned against a highland mountain setting. Gartmore's three approaches enhance its setting and sense of arrival. The planned character and layout of this estate village follows the landscape form with the backbone of the village rising up the slope and this is emphasized by the built form of the village's staggered gables. The policies and estate of Gartmore House, including the village, contribute to the broad influence of this landscape. Gartmore village can be experienced within its wider landscape setting in particular from the south along Old Gartmore Road (National Cycle Route 7), the elevated point of *Bat a' Charcel* mast, as well as the Dalmary and High Corrie path views. Locally the village setting is also appreciated in and around the village where there are dramatic wide open outlooks to the south and east and more enclosed views to the north west. The village's edges remain generally of rural character and the architectural forms of the village provide a strong contrast to the agricultural fields, thus making it very sensitive to inappropriate development.

8.13 Taking into account the aforementioned landscape context, the National Park's Landscape Advisor states that, in principle, the development is likely to result in potential landscape and visual impacts on the Special Landscape Qualities, the village setting of Gartmore, the landscape character (i.e. Ridges and Knolls with Estates), the local landscape character and also the visual amenity of Gartmore Village. The proposed development would be set at a different orientation to the original planned village layout and conservation area and therefore would be visually discordant.

8.14 Drawing upon this advice, it is concluded that the proposal would erode, rather than conserve and enhance the local distinctiveness of landscape character; the visual scenic qualities of the landscape and the quality and amenity of the landscape experience. For these combined reasons, and in conformity with the National Park's assessment at the 'Call for Sites' stage of the Main Issues Report, it is concluded that the development site's location, position and indicative layout would unacceptably intrude upon the established and valued built environment and settlement pattern of Gartmore and would not comply with the terms of Overarching Policy 1 and 2 and Natural Environment Policy 1 of the LDP.

8.15 If Members were minded to approve the application contrary to this advice, it is recommended that it should be subject to conditions, to be addressed in a subsequent 'matters specified in conditions' application, requiring a detailed landscape masterplan for the

site and also to secure control over building/hard landscaping materials and also external lighting to ensure that any landscape/visual impacts could be reduced.

Historic Environment

8.16

Map 5: Gartmore Ordinance Survey 2nd Edition 1900

Figure 6: *extract from c.1900 Ordnance Survey mapping of Gartmore*

Gartmore is a fine example of an early 18th century planned estate village strongly influenced by its topography and Gartmore House, with its landscaped policies. The application site is outwith, but adjacent to, the north-east boundary of the Gartmore Conservation Area (see Figure 4 in section 3 of this report) and so requires to be assessed for its impact on the setting of the conservation area. In addition, maintenance and enhancement of the existing views from, and into, the conservation area is a material planning consideration and these matters are addressed by the requirements of Historic Environment Policy 2 of the LDP and the National Park's Planning Guidance on Listed Buildings and Conservation Areas.

8.17 The indicative layout shown on the site plan, raises some issues about the suitability of this proposed layout in close proximity to the traditional built context of the Conservation Area, and could appear incongruous and detract from the special qualities of the Conservation Area. If Members were minded to approve the application, this is an aspect which would require further consideration in a subsequent 'matters specified in conditions' application.

8.18 In contrast to the other more modern developments in Gartmore (e.g. *Jellicoe Avenue,* to the east of Main Street, and *Cayzer Court,* to the north-west) this north-eastern edge of the Conservation Area, and the quality of its views eastwards, are highly sensitive to new development. This sensitivity to new development has been stated by the National Park's Landscape Advisor (referred to above in paras 8.12 & 8.13) as the natural setting, adjacent to the planned built environment, creates a unique landscape character. This is also referred to within the National Park's *Draft Gartmore Conservation Area Appraisal* – which highlights that important views out of the Conservation Area should be respected, as a management priority for this designated area. It is considered that the long views from Park Avenue and the north-eastern edge of the Conservation Area would be inhibited by new development on this site. On this basis, in principle, the development does not comply with Historic

Environment Policy 2 of the LDP as it would neither maintain nor enhance the setting and views of the Conservation Area.

8.19 The National Park's Archaeological Advisors (West of Scotland Archaeology Service) have identified the site as having potential for archaeological remains due to its undeveloped nature and the area's history of settlement. To ensure the protection of archaeological resource, in line with national and local policy (Historic Environment Policy 7 of the LDP) if Members were minded to approve the application, this matter could be satisfactorily addressed with the use of a negative suspensive planning condition requiring a prior site evaluation prior to any development works commencing.

Trees and Ecology

8.20 There are no trees located within the development site. Some mature trees line the southern boundary of the site (outwith the applicant's ownership). It is likely that the buildings and any other development could be managed to ensure that the root systems of the mature trees would remain unaffected. A representation has been received referring to the potential risk posed to the development by an ash tree located near to the southern boundary of the application site. This risk of damage, as a result of collapse due to gales or poor condition, would be a civil, rather than a planning matter to be addressed by the applicant and the relevant owner of the tree.

8.21 If Members were minded to approve the application the matter of new landscaping to help integrate and appropriately screen the development, as well as enhance biodiversity (in accordance with Overarching Policies and Natural Environment Policy 6 of the LDP) would require to be addressed through planning conditions and a subsequent 'matters specified in conditions' application.

8.22 The site is currently an agricultural field, as such the proposed development raises no direct habitat or protected species issues. Consequently, the applicant was not required to submit a habitat survey of the site. If Members were minded to approve the application however it is recommended that this would be subject to conditions requiring a walk over survey for protected species and breeding birds (prior to development) to determine any species protection plans that may be required and to ensure compliance with Natural Environment Policy 4 and 5 of the LDP.

Flood Risk and Drainage

8.23 The site is located outwith the functional flood plain and it has been confirmed by Stirling Council, as Flood Authority, that this development raises no issues in this regard. A number of representations have been received referring to the site's surface water flooding and poor drainage and as such its unsuitability for development or the introduction of foul and surface water drainage soakaways proposed in this application. The applicant has commissioned and submitted a *Ground and Drainage Assessment*, carried out and certified by a qualified civil engineer, which concludes that the water table and ground conditions are suitable to support the development proposals. On the basis of the consultee advice and that of the civil engineer commissioned by the applicant, it is concluded that the proposal poses no significant risk from, or increasing risk elsewhere of, flooding and therefore complies with Natural Environment Policy 13 of the LDP.

8.24 Notwithstanding the ground's suitability for a private foul drainage system, national and local policy (Natural Environment Policy 12 of the LDP) requires that new developments, located within or adjacent to the public network, should seek to connect to the public network. The

development intends to connect to the mains water supply, but proposes a private foul drainage system. The site is located close to the main sewer and the Gartmore Treatment Works and, although Scottish Water has advised that they are currently unable to confirm capacity at the Treatment Works they invite the developer to submit a pre-development enquiry form to Scottish Water to investigate this matter further. The applicant has requested that the application be determined in its current form, and on the basis of their submitted *Ground and Drainage Assessment*, without carrying out further investigations to ascertain if connection to the public foul drainage network is feasible. If Members were minded to approve the application it is recommended that a negative suspensive condition be attached requiring the developer to fully investigate connection to the public network. Only then if either connection is not possible, or prohibitively expensive to achieve (rendering the development unviable) would a private waste treatment plant be considered to service the development. In the event that this was the outcome for the development proposal, such a system would only be an interim measure in lieu of Scottish Water investment to address the constraints with capacity - at which point the development would be required to connect to the public network. Delivery of this requirement would also be through planning condition, to accord with the requirements of Natural Environment Policy 12 in the interests of sustainable drainage and protection of the natural environment. On the basis of the proposals, as presented, the application does not comply with Natural Environment Policy 12 of the LDP.

Other Material Considerations

8.25 A number of representations received have raised concerns about the impact that the development would have on the amenity of the existing residential neighbours fronting onto Park Avenue and also the wider local amenity of the area as a result of overshadowing and privacy and also external lighting from the development.

8.26 Given that this application is 'in principle' and that the indicative layout cannot be taken to be anything other than an initial indication of how the development may be designed and laid out, it would be unreasonable to form any conclusion on whether the development was of a suitable separation distance from the existing properties of Park Avenue to negate any potential privacy impacts. However, the indicative site layout does indicate a distance, between the respective front elevations of opposing properties, in excess of 20 metres. This would not raise any significant issues in this regard and could, if Members were minded to approve, be designed to ensure this is safeguarded in the final design.

8.27 In conjunction with the indicated separation distance, the orientation of the existing Park Avenue properties and proposed development in relation to the southern aspect of the sun-path does not raise any concerns regarding overshadowing or sunlight impacts from the proposed development.

8.28 Matters relating to external lighting for the new development, in the interests of residential amenity and visual amenity of the village, landscape setting and also to minimise impacts on dark night skies could be regulated through a suitably worded planning condition, if Members were minded to approve the application.

National Park Aims

8.29 It is considered that the proposal does not collectively meet the National Park's four statutory aims. The fourth aim seeks to promote the sustainable social development of the area's communities. Although the proposal presents new housing for Gartmore on a Local Development Plan allocated housing site, it cannot be concluded (on the basis of the application submission) that it would deliver on-site affordable housing, or that it would provide a range of housing types suitable to meet the identified housing need and demand of

the area. However, it is acknowledged that these matters could be potentially addressed if Members were minded to approve the 'permission in principle' application. It is considered that the proposal would not meet the third aim as it would have a detrimental impact on the existing enjoyment of public access use of Park Avenue (in its role as a local path link that compliments the wider core path network surrounding Gartmore) and no enhancement measures have been proposed to mitigate this impact. Ultimately, the proposal does not comply with the first aim as it has not been demonstrated that it would conserve or enhance the natural and cultural heritage of the area. Rather, it is considered that the development of this site would erode the landscape character, village setting and amenity and landscape experience by further extending the village development outwith the historic pattern and estate planned village character. As a result, and in addition, the proposal would not comply with the Overarching Policy 1 of Local Development Plan.

9. CONCLUSION

9.1 The application site is allocated in the Local Development Plan for housing (indicated in the Plan for 6 homes). The location and use of the site for housing is therefore supported by the Local Development Plan. Notwithstanding that this proposal is a site allocated for housing in the Local Development Plan, which has statutory status, this does not mean that development is justified 'in principle', as, with all other similar 'permission in principle' proposals, other technical and policy considerations require to be satisfied through the planning application process. In assessing this planning application in light of the relevant provisions of the Development Plan, and having regard to any other material considerations, the following conclusions are drawn:

9.2 No definitive proposals have been submitted to meet the required 33% provision of affordable housing for the development, to accord with the Housing Policy 2 requirements of the LDP. Furthermore, the indicative layout suggests a single type of housing design and size and therefore does not comply with Housing Policy 1 of the LDP (which requires new housing to be of a range of types to meet the needs in the area).

9.3 Gartmore is a historic estate planned village positioned within a dramatic setting and landscape surroundings and the village itself enjoys wide open outlooks from its boundaries. The development proposed, by virtue of its location, would extend into the undeveloped fields of this sensitive northern edge of Gartmore. The applicant has not submitted a *Landscape Appraisal* to justify the acceptability of the proposed development in landscape/visual amenity terms. In principle, and on the basis of the application presented, it is determined that this proposal would have an adverse effect on the special qualities, visual amenity and important views into Gartmore or the views from the north-eastern edge of the Conservation Area. Therefore it is considered that the proposal would not accord with the Overarching Policies, Natural Environment Policy 1 or Historic Environment Policy 2 of the LDP, or the first statutory aim of the National Park.

9.4 The Roads Authority, as the National Park's key advisor on technical roads matters, has advised against approval of the proposed development - due to the restricted geometry of Park Avenue and concerns regarding road safety and notwithstanding the conclusions of the submitted *Transportation Statement*. Furthermore, it is considered that the public access, currently enjoyed along Park Avenue, would be detrimentally affected by the resultant intensification of vehicle usage on this narrow private road. No proposals to overcome the road safety or public access issues, to satisfy the Roads Authority, have been presented by the applicant; therefore it is considered that the issues raised by this application present an unacceptable impact and do not accord with the Overarching Policies, Transport Policy 2 or 3

of the LDP, or the third statutory aim of the National Park.

9.5 Finally, the proposals (for a private treatment plant for the development) do not present a sustainable solution for the management of waste water drainage and the options for connecting to the public network have not been fully investigated or concluded by the applicant at the point of determination (having requested that the application be determined in its current form). On the basis of the proposals presented the application fails to satisfy the Overarching Policies or Natural Environment Policy 12 of the LDP.

9.6 Therefore, the proposed development fails to meet the required technical standards and policy requirements with respect to road safety and waste water drainage; and fails to satisfy the policy requirements for affordable housing provision, public access, landscape and visual amenity protection and the sensitivities of the views from the historic built environment of the Conservation Area.

9.7 In conclusion, the proposal does not accord with the development plan or the National Park Aims, and other material considerations do not outweigh this conclusion. Therefore, the proposal is recommended for refusal (as detailed in Appendix 1).

Background Documents: ***http://www.lochlomond-trossachs.org/planning/***
Click on view applications, accept the terms and conditions then enter the search criteria as '2019/0202/PPP'

List of Appendices: ***Appendix 1 Reasons for Refusal***

Appendix 1 Reasons for Refusal

Proposed Reasons for Refusal

1. The proposal would not comply with Housing Policy 2 of the Local Development Plan. The site is located within the village boundary of Gartmore and identified for housing in the Local Development Plan, and therefore the location and use is supported. However, the proposals are for six private houses with only an indication, by the applicant, of providing 33% of the housing (i.e. 2 houses) as discounted sale or alternatively providing a commuted sum payment. On the basis that no definitive proposals have been presented for the delivery of affordable housing at the point of determination, the proposal therefore does not provide sufficient information for an assessment to be made on the acceptability of the proposal providing for affordable housing needs. The indicative layout of six detached (and same sized) properties does not indicate a range of house types and sizes to provide for a range of needs in the area, and as such does not comply with Housing Policy 1 of the Local Development Plan.

2. The proposal would not comply with all of the criteria set out in Overarching Policy 1 & 2 or Natural Environment Policy 1 of the Local Development Plan. It would not contribute collectively to the four aims of the National Park as it would be in conflict with the first aim (which, of the four aims, the first is to be given greater weight) by virtue of the proposals, in principle, having the potential to have an adverse effect on the special landscape qualities, visual amenity and important views of, the Gartmore area. The indicative layout would extend the sensitive northern edge of Gartmore and not relate well, or be sympathetic, to the setting qualities of Gartmore therefore not *'conserving or enhancing the natural heritage of the area'*.

3. The proposal would not comply with all of the criteria set out in Overarching Policy 1 & 2 or Transport Policy 2 of the Local Development Plan or the third aim of the National Park, which is for promoting enjoyment of the special qualities of the area, including in the form of recreation. The proposal, as presented, would result in an adverse impact and conflict (short and long-term i.e. during construction and upon completion and occupation of the housing) of the existing path usage of Park Avenue (in its complimentary role to the core path network of Gartmore by providing access to the surrounding countryside) by virtue of a significant intensification of this narrow private road access that is currently used and enjoyed by locals and visitors. Furthermore, in light of this conflict, the applicant has not adequately demonstrated that the housing, upon occupation, would be encouraged to employ a modal shift from private car to sustainable modes of transport.

4. The proposal would not comply with all criteria set out in Overarching Policy 1 & 2 or Transport Policy 3 as, on the advice of the Roads Authority, the use of Park Avenue as access for the development, would have an adverse impact on traffic flows and road safety and is not in conformity with the Roads Authority standards for new development. The applicant has presented no alternative options or enhancements to Park Avenue or its junction with Main Street to satisfy the Roads Authority concerns and enable support. The proposed development therefore does not provide a safe road access nor an arrangement which would be easy to move around.

5. The proposal would not comply with all criteria set out in Overarching Policy 1 & 2 or Historic Environment Policy 2 as development of this site, with a linear pattern, would

not respect the adjacent setting, built character and estate planned layout nor the views from Gartmore Conservation Area north-east to the surrounding countryside.

6. On the basis of the proposals, for a private waste water treatment plant to service the development, the application would not comply with Natural Environment Policy 12 of the Local Development Plan as it is located within proximity to the public sewerage system and the potential for connection has not been fully investigated or ruled out.