



Decision by Malcolm Mahony, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-130-2071
- Site address: land north of Cardross Primary School, Barrs Road, Cardross, Argyll and Bute G82 5NY
- Appeal by Avant Homes Scotland against the non-determination by Argyll and Bute Council of the application for planning permission reference 18/01444/PP, dated 25 June 2018, to carry out the development without compliance with conditions 4 and 5, and with variation of condition 7, imposed in the grant of planning permission 15/01794/PPP dated 26 January 2017
- The development proposed: erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works
- Application drawing: 16/09 AL (0)001
- Date of site visit by Reporter: 1 April 2019

Date of appeal decision: 15 July 2019

Decision

I allow the appeal and grant planning permission in principle for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works at land north of Cardross Primary School, Barrs Road, Cardross, Argyll and Bute in accordance with application number 18/1444/PP, made on the 25 June 2018, subject to the 17 conditions listed at the end of this notice. The developer should also take note of the 13 informatives listed at the end of the notice.

Reasoning

1. In this appeal I must consider whether, if I were to grant a new planning permission subject to the proposed amendments to the conditions as imposed on planning permission 15/01794/PPP, the proposal would remain in accordance with the development plan and if not whether other material considerations indicate otherwise. Having regard to the development plan, the determining issue in this appeal is road safety. I must also consider whether the proposed conditions are consistent with Circular 4/1998: The Use of Conditions in Planning Permissions.

2. The appeal site is located on the northern edge of Cardross village and comprises a fairly level field, which is in use for grazing. It is bounded by Darleith Road to the west and Barrs Road to the east, each of which provides access, directly or indirectly, to the principal



road through Cardross: the A814. Cardross Primary School is located immediately to the south of the appeal site.

3. Housing in the area of the site which is the subject of this appeal has been under discussion since 2004 during which time the council has sought to achieve vehicular access primarily via Darleith Road and has worked with developers to negotiate suitable off-site ancillary works to make that route feasible. The site was presented through the local development plan process with Darleith Road as the indicative access. Under the name Kirkton Farm it was allocated in the Argyll and Bute Local Development Plan 2015 with an indicative capacity of 158 units. The examination report states “the development would probably be accessed principally from Darleith Road”. It notes potential constraints on that route but concludes that “allocation of the site would not be inappropriate in relation to road access.” The plan itself does not specify where vehicular or other access to the site should be taken from. The plan’s Action Programme for the Kirkton Farm allocation notes that there is an access issue, but does not include any access requirements.

4. In January 2017, Argyll and Bute Council granted planning permission in principle (reference: 15/01794/PPA) at the site for the erection of housing with associated access, infrastructure, open space, landscaping and miscellaneous works. The applicant proposed approximately 140 units on the site, but the permission does not specify housing numbers. The permission is subject to 17 conditions. Three of these relate to vehicular access for the site and are the subject of this appeal.

5. Condition 4 requires that no development shall commence until various works have been undertaken to improve road safety and vehicular movement along Darleith Road between the site and the A814. These works comprise: a give and take priority traffic calming scheme; 10 new off-street car parking spaces; improvement of a stretch of road near the site entrance; a passing place for larger vehicles; and new and upgraded street lighting.

6. Condition 5 requires that no development shall commence until the existing 30 mph speed restriction on Darleith Road has been extended to a location to the north of the proposed site access to be agreed with the council’s Road Network Manager.

7. Condition 7 requires that no development shall commence until submission and approval of full details of the internal road layout, which shall ensure that no more than 20 dwelling houses are served from Barrs Road, all other vehicular traffic to use Darleith Road.

8. To grant planning permission subject to the deletions and amendments proposed would imply that satisfactory alternative access is available. The appellant asserts that Barrs Road and the adjoining network of roads would provide a satisfactory alternative, but this is disputed by the council. So I must first turn to that issue.

Access via Barrs Rd

9. Darleith Road and Barrs Road serve an area of about 400 houses to the north of the A814 road in Cardross. Barrs Road runs almost due south from a short private access lane at the eastern edge of the appeal site downhill through to the A814, but its junction with the A road is closed to vehicular traffic. Consequently, vehicular traffic uses the adjacent network of roads to access the A road either at the Muirend Road junction or by linking through to the Darleith Road junction.

10. Barrs Road and all of the adjacent broadly rectilinear network of roads are fronted by residential properties and are subject to a 20 mph speed restriction. There are no formal traffic calming measures. The roads are single carriageway 5.5 metres wide with footways on each side except for a section of Barrs Road between Kirkton Road and the appeal site, which has a footway on one side only. The housing has been built at several dates in the inter-war and post-war periods. Some of the houses have off-street parking, but others have not. There have been no off-site improvements to address parking issues. Because of the carriageway width, on-street parking can lead to cars having to wait for on-coming traffic before proceeding. The extent of this on-street parking and the acceptability of the reduction in free flow of traffic are at issue in this appeal.

11. To address these issues the appellant commissioned, a Transport Assessment, an Access Appraisal of the locality and a Stage 2 Road Safety Review.

12. The Access Appraisal examined the capacity of roads and junctions for the Barrs Road route. Using the industry-standard TRICS database, it predicted traffic generation from 136 houses on the proposed development site at 23 arrivals and 92 departures during the morning peak period, with 80 arrivals and 42 departures in the evening peak. These figures are not disputed by the council, albeit they point out that the number of housing units allocated in the local development plan is 158. For weekdays, this averages one vehicle arriving every 2½ minutes and one vehicle departing every 40 seconds in the morning peak, with one vehicle arriving every 45 seconds and one vehicle departing every 1½ minutes in the evening peak, all being in addition to traffic flows from the existing housing.

13. The capacity of a road junction is measured by a ratio. The maximum ratio of flow to capacity at the Main Road/Muirend Road junction is 0.43, which is well below the maximum ratio of 0.85 permissible for a junction of this nature. The junction therefore has ample capacity to cope with the proposed additional traffic. The appraisal concluded that the Muirend Road/A814 junction would operate satisfactorily and safely during weekday morning, weekday evening and Saturday peak periods were traffic from the development to be added to existing flows. The appellant states that all the other existing junctions on relevant parts of the network have sightlines commensurate with the guidance set out in Designing Streets and the National Roads Development Guide.

14. As part of the Access Appraisal, surveys of on-street parking were conducted between 07:00 and 19:00 hours on Thursday 15 March and on Saturday 17 March 2018. These surveys indicate that on Barrs Road, Muirend Road and Richie Avenue, a maximum

of just over 40 vehicles were parked in any half hour period, occupying some 240 metres of kerb space. The survey also shows a turnaround of spaces creating a fluid situation in which gaps within lengths of parked cars are likely to form.

15. The Stage 2 Road Safety Review of the Barrs Road/Muirend Road access route was carried out by a firm of consulting engineers and forensic investigation specialists. This review considered the route from the A814 via Muirend Road and Barrs Road to the site only, whilst noting that there were numerous other ways to reach the site on roads of a similar standard to the preferred route. It found that historical accident records did not indicate any particular road safety problems for the type of roads studied. It noted that some of the on-street parking on Muirend Road involved cars mounting the footway to park half on and half off. It acknowledged that on-street parking would lead to occasional queuing and potential driver frustration, but compared this with a similar area in Edinburgh which has higher levels of on-street parking and includes traffic generators such as schools, but whose road networks appear to operate in a relatively safe manner. It observed that, since traffic flows at Cardross would be largely tidal in nature (that is, there would be mostly outgoing flows in the mornings and mostly incoming flows in the evenings), opposing flows would be minimal at peak times. Overall, the review revealed no capacity issues and no unacceptable road safety problem arising from the use of Barrs Road and adjacent streets to access the site.

16. The consultants recommended: refreshing the give way road markings and localised resurfacing at the Muirend Road/Main Road junction; provision of tactile paving at dropped kerbs at various junction bellmouths; control of on-street parking at key junctions, including on Muirend Road, Hillside Road and Barrs Road to keep visibility splays clear; control of parking on the right angle bend in Muirend Road to provide adequate sightlines and swept paths/manoeuvring space; review of crossing points and desire lines to identify and review visibility at the junction of Kirkton Road and Barrs Road; and possibly the provision of a raised table in that location in order to encourage slow traffic speeds and afford some pedestrian priority.

17. Whilst there would be no footway on the western side of Barrs Road to the north of Kirkton Road, the appellants state that a dedicated pedestrian link within the Kirkton Farm development would allow parents and children to reach the primary school without needing to use the existing street network.

18. The council criticises the Access Appraisal as being based on two days' traffic survey data. It points out its long history of involvement in discussions over development of the appeal land, in which roads officers have given full consideration to detailed surveys provided by prospective developers, visited the site all times of day all year round, and taken part in community engagement. This is considered to have enabled the roads department to provide a more accurate analysis than the two day visit by the appellant's transport consultants. It also contends that little weight should be attached to the Road Safety Review as having been carried out on one day when traffic was light.

19. It argues that in the location of the Muirend Road/Barrs Road junction, Barrs Road is typically occupied by on-street parking on the west side. This reduces north-south traffic

movements to one lane at a point where traffic emerging from Muirend Road adds to driver decision making on who takes priority. It states that the visibility sightline to the north from Muirend Road is substandard.

20. It has assessed the possibility of creating one or more formal passing places on the west side of Barrs Road to break up lengths of parked cars, but rejected this option as it would entail removal of existing on-street parking provision so that some residents would have to park further from their homes. It has also assessed the introduction of speed calming measures, but considers that speed humps have gone out of favour and are not supported by emergency services. It doubts that horizontal lateral shift by means of chicanes or road narrowing would be practical given road layouts and existing driveway spacing. Moreover, these measures would also displace parking for existing residents.

21. The council states that the focus of pedestrian and cycle movement from the new estate would be to the east because the primary school, shops, bus stop and railway station are all located in that direction. There is a lack of continuous footway provision in that direction, requiring pedestrians to cross a number of roads which would experience increased traffic levels. This, it contends, would increase the risk from conflict between vehicular and pedestrian movements. The council questions whether direct access from the new estate to the school could be delivered given that a second access to the school might not be acceptable to the education authority on security grounds. In that case, children would have to cross and re-cross the northern end of Barrs Road.

22. The council's overall position is that, in the absence of acceptable mitigation, approval without the three conditions would have an adverse impact on road safety and would be contrary to Policy LDP 11: Improving our Connectivity and Infrastructure which requires an appropriate standard of access to serve new developments; to supplementary guidance LDP SG TRAN 4: New and Existing Public Roads and Access Regimes because the proposal would be detrimental to road safety; and to supplementary guidance SG LDP TRAN 5: Off-Site Highway Improvements because no off-site road improvements have been proposed to address issues with the substandard approach roads.

23. The council criticises the appellant's transport studies. However, I note that the council does not suggest that any of those appraisals are contrary to standard methodology or explain why the data gathered might not be representative.

24. There has been no technical evidence to rebut the appellant's contention that the local road network and the Muirend Road/A814 junction have the capacity to accommodate additional traffic from the proposed development. However, that does not take into account the effect of on-street parking and driveway access manoeuvres as cited by the council, and I look at this below.

25. The appellant and a local resident have criticised opponents of the proposal for artificially inflating the numbers of parked cars during my site inspection. However, as I said at the start of my site inspection, it is not my role to conduct my own parking survey during that visit. Whatever time and day that visit takes place, it will not reflect the variety of traffic and parking conditions which affect this locality from time to time. I therefore have to view

critically all the written evidence, photographs and videos before me together with the characteristics of the area as seen during my visit, and then to apply my experience and judgement.

26. Objectors have criticised the appellant's studies of on-street parking as being unrepresentative of the situation on the ground. The parking surveys were carried out over the relevant streets on a half hour beat from 7am until 7pm on a typical weekday and a Saturday using a GIS parking data system, which recorded individual parked vehicles and their locations. This was supplemented by subsequent site visits and in-car videos. These provide a representative snap-shot of the parking situation. The surveys were undertaken in March, which is regarded as a neutral month. Having studied this evidence and the comments, videos and photographs submitted to me, I am not persuaded that the appellant's studies are unrepresentative, albeit two of the photographs they include show quieter periods of parking.

27. The council states that on-street parking occurs on Barrs Road especially and many of the photographs submitted by third parties illustrate this. This is borne out by the appellant's parking tables which show a maximum of 31 and minimum of 14 parked cars on the road during its weekday survey. That does not seem to differ greatly from counts made by local residents. The Duration of Stay map, also shows a concentration of on-street parking to the west of the sharp bend on Muirend Road. These concentrations include stretches opposite the T-junction with Muirend Road, which forms part of the preferred route to the site, and opposite the T-junction at Richie Avenue, making manoeuvres at those junctions more difficult. The transport consultants acknowledge that inappropriate parking currently takes place near road junctions and recommends the introduction of double yellow lines. I note, however, that objectors doubt such restrictions would be effectively policed within a residential estate. Residents report that it is common at present for vehicles to have to reverse or mount the pavement in order to pass where there is on-street parking. If so, the latter would, of course, pose risks for pedestrians, including children going to or from school.

28. Barrs Terrace is identified by objectors as used by traffic from the Helensburgh direction to access the housing area and being subject to heavy on-street parking. The Road Safety Review and the parking survey within the Access Appraisal do not cover this street and they assume that all the development traffic will use the Muirend Road junction rather than the Darleith Road junction and Barrs Terrace. It is also claimed by objectors that some traffic uses the Co-operative shop car park to gain access to Barrs Road.

29. If the development takes place, that would not add more parked vehicles on the above roads because the new houses would have their own parking. But the number of vehicles needing to negotiate those obstacles would increase. For example, the appellant's projections for 2020 show that for the weekday morning peak hour at the Muirend Road/A814 junction once the development was built there would be an increase of roughly double the outbound flow (from 91 to 183 vehicles) and an increase of 43% for the inbound flow (from 53 to 76 vehicles). For the weekday evening peak, the inbound flow would roughly double (from 76 to 156 vehicles) and the outbound flow would increase by 76% (from 55 to 97 vehicles). These are significant increases, especially given the dated

character of the road network and the nature of the existing problems reported by the transport consultants, the council and residents.

30. Having given careful consideration to the evidence presented to me, especially the above figures and the Duration of Stay map, I find that there is clear potential for conflict between cars driving in opposite directions, manoeuvring cars, pedestrians and cyclists, particularly at pinch points and at peak times and school journey times. Localised congestion and delay are likely to occur. This supports the council's concerns that this would lead to driver frustration and the potential for erratic driving. Drivers might also be tempted to take routes nearer to the school and along other potentially heavily parked streets, whose safety has not been assessed.

31. In relation to the appellant's comparison with a location in Edinburgh, I have been given insufficient details to be able to make a proper comparison. However, whilst such conflict might not be unusual in city and urban circumstances, I consider that a planned approach to new development should avoid creating or exacerbating such conflict where there are clear road safety implications.

32. I have considered the mitigation measures suggested by the appellant's consultants. However, I find that these would not adequately address the hazards which I have identified. Moreover, control of parking over the lengths of road they suggest would disadvantage existing residents and tend to result in longer stretches of continuous on-street parking elsewhere on the same roads.

Local development plan and supplementary guidance

33. For the above reasons, I find that the appellant's Access Appraisal and Road Safety Review fail to demonstrate that the proposal would result in an appropriate standard of access to the development and therefore satisfy Policy LDP 11. Consequently, the proposal would not accord with the development plan.

34. In relation to supplementary guidance LDP SG TRAN 5, Barrs Road and the relevant part of the adjacent network are unlikely to cope safely with the additional traffic generated by the development; the projected increase in through traffic is not acceptable on such roads; and off-site improvement works are unlikely to accommodate the additional movements safely; and, in relation to LDP SG TRAN 4, there would be unacceptable impacts on road safety. The guidance (which forms part of the development plan) is therefore not satisfied.

Access via Darleith Rd and the Circular 4/1998 tests

35. The council considers that the three conditions in question comply with the Circular 4/1998 tests, and notes that the 2017 permission was not appealed by Avant Homes in relation to those conditions. It describes the extended period of work in which it attempted to secure the Darleith Road route, in co-operation with the appellant. This included the presentation of that option at the examination into the local development plan. It considers that access via Darleith Road was integral to the allocation of the site in the

local development plan and cites a supporting statement submitted by Keppie Planning (the agents for Avant Homes) for the site's inclusion in the local development plan, namely "The vehicular access will be taken from Darleith Road, following earlier community representation made against using Barrs Road".

36. However, where, as now, an alternative access option is at appeal, I have to assess that on its own merits and to examine the validity of the three conditions in that context.

37. The appellant company, Avant Homes, argues that it had proceeded reluctantly with the application using Darleith Road as the main access to the site, having failed to persuade the council to support the Barrs Road option. However, its subsequent investigations have shown that the Darleith Road route together with the associated requirements imposed by the three above conditions is not feasible. It maintains, however, that Barrs Road and the immediate road network are capable of serving as the sole access between the site and the A814. It therefore seeks the deletion of conditions 4 and 5, together with amendment to condition 7, as these relate to off-site road works, speed limit changes and internal road layout, all related to facilitating the Darleith Road approach. It contends that the three conditions fail the relevant tests contained in Circular 4/1998: The Use of Conditions in Planning Permissions in that they are not necessary, not relevant to the development to be permitted, and not reasonable.

38. The appellant has submitted drawings indicating works along Darleith Road as required by the contested conditions. These require acquisition of land in third party ownership, including private garden ground supporting trees and hedgerows, and land at Geilston House owned by the National Trust for Scotland. The appellant has been in discussions with the trust to acquire the necessary land, but has now received written confirmation of the trust's refusal to sell the land. This is expressed as a refusal in principle rather than over price. Some of the third party land is of unknown ownership. The appellant has tried to trace the owners, who include the successors of an estate which no longer exists, but this has proved impractical. The council has been unwilling to allow some of the required works to take place as part of upgrades to the adoptable road. In these circumstances, the appellant argues that it has demonstrated that insufficient control over land, particularly that owned by the trust, to carry out the works required to satisfy condition 4, and therefore to retain condition 4 would be unreasonable.

39. Additionally, Avant Homes argues that the cost of works required by the three conditions would be unacceptably high. The works to provide 10 new off-street parking spaces are extensive and out of proportion with the proposed development. The land involved sits over a steep embankment and would require major engineering works to support the road (which would effectively be cantilevered over the embankment). It is stated that the resulting structure would require to be maintained and monitored.

40. However, in the absence of any form of costings for the works and financial appraisal in relation to the proposed housing development, it is not possible for me to determine whether the works specified would be disproportionately expensive and therefore to find that it would be an unreasonable requirement.

41. The appellant maintains that the works to provide new off-street spaces would extend into the wooded gorge which runs along part of the western side of Darleith Road and would involve the loss of a number of mature trees. That would damage the character of this corner of the village and wildlife habitat. In response, the council argues that the trees are not protected or within a conservation area and that their loss would be acceptable. Whilst I appreciate that the loss of trees and habitat would not be ideal, in the circumstances I consider that this is a matter of judgment for the council.

42. The new spaces are intended to be for compensatory parking, but the appellant states that only three spaces would be lost to traffic calming measures. The number of spaces provided would therefore not be reasonably linked to the development. The works would be addressing a pre-existing parking issue along Darleith Road rather than relating to the development.

43. I note that the discrepancy in numbers of spaces has not been explained by the council and am not convinced that the requirement is properly related to the needs of the proposed development. I consider that the provision of only three spaces can be justified.

44. The appellant also argues that the requirement in condition 4 for existing lighting to be upgraded and lighting to be provided to the north of the site access, where there are no pedestrian linkages, is unrelated to the impacts of the proposed development. Whilst I can understand that lighting at the junction would assist road safety, I have been offered no justification for lighting to the north of the junction.

45. In view of my finding, above, that using the Barrs Road route as the vehicular access to whole of the proposed development would be contrary to the interests of road safety, I must conclude that, as matters stand, the principle of development is only acceptable on the basis that Darleith Road would be the primary access from the A814. The main purpose of the conditions in contention is to restrict primary access to Darleith Road and to ensure that Darleith Road is improved to a safe standard for such use. Extrapolating from Circular 4/1998, the mere fact that a desirable condition, worded in a negative form, appears to have no reasonable prospects of fulfilment does not mean that planning permission subject to such a condition is unreasonable in law. On this basis, I consider that condition 4 does not fail the test of reasonableness in that respect even though there is doubt over the practicality of delivering some of the works required in the conditions; in planning terms it remains necessary.

46. However, I still require to assess which of the works specified in those conditions have been shown to be necessary and commensurate with the provision of safe access to the site. Based on my considerations above, I find that condition 4 requires to be amended to reduce the number of new off-street parking spaces to three and to remove the requirement for the extension of street lighting to the north of the new junction.

47. As no case has been made with regard to the deletion of condition 5 other than the availability of an alternative route, this will remain unchanged. As the proposed amendments to condition 7 would be inconsistent with my finding that using the Barrs Road

route as the vehicular access to whole of the proposed development would be contrary to the interests of road safety, that too will remain unchanged.

Other matters

48. Other third party representations refer to school capacity, noise, pollution, impacts on drainage infrastructure, commuter parking at the train station and land ownership. However, as this is an appeal under section 42 of the Act, my remit is focussed on consideration of the planning conditions attached to the 2017 permission. The principle of residential development in this location has been considered in the local development plan allocation and the previous consent, in which impacts were assessed as being in line with plan policies, subject to the imposition of planning conditions.

49. Various parties have complained that the appellant went to appeal before completing discussions and attendance at a discretionary pre-determination local hearing in relation to an application to use Barrs Road to access the entire development. However, it is an appellant's right to appeal once the planning authority has exceeded the statutory period for consideration of applications, and is not something I can take into account.

Conclusions

50. The proposal is for deletion and amendment of conditions which would allow the consented housing site to the north of Cardross Primary School to take its access from Barrs Road and the adjacent road network. My decision must be made on the merits of the Barrs Road access and not by comparison with the alternative Darleith Road route. On the basis of the evidence presented I find insufficient certainty that a safe access could be secured through the proposed deletion/revision of the conditions subject of this application. Nevertheless, my reasoning above supports the amendment of condition 4 to secure compliance with the terms of the circular, and the appeal is allowed only on that basis.

51. Moreover, for the reasons set out above, I conclude that the proposal fails to accord overall with the relevant provisions of the development plan and that other material considerations do not indicate otherwise.

52. I therefore, propose to grant planning permission in principle for the proposed development with condition 4 amended to read:

“Unless otherwise agreed in writing by the planning authority in consultation with the Road Network Manager no development shall commence unless and until the following road improvements to Darleith Road have been provided:

- (i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for the prior written approval of the planning authority
- (ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002B
- (iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions

(iv) Upgrading of the existing lighting between Mill Road and the existing 30 mph speed restriction limit.”

All other conditions shall apply.

53. For ease of reference, I have appended the full schedule of conditions, as now amended, together with the relevant informatives, as applied to permission reference 15/01794/PPP.

Malcolm Mahony

Reporter

SCHEDULE OF CONDITIONS

1. Plans and particulars of the matters specified in conditions 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16 and 17; below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Pursuant to Condition 1 - no development shall commence in respect of any individual plot until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at least 0.3 metres to 0.6 metres above finished ground levels. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements established by policies SG LDP TRAN 3 and SG LDP HOU2.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to Condition 1 - no development shall commence until a scheme for the provision of affordable housing that is in accordance with the provisions of the Council's Development Plan Policy and Supplementary Guidance on Affordable Housing has been submitted to and approved in writing by the Planning Authority. The scheme shall:

- Provide that a minimum of 25% of the approved dwellings are affordable homes;
- Define those dwellings that are to be used as affordable homes;
- Establish the timing of the provision of the affordable homes relative to the phasing of the development, which shall ensure that works on the last 25% of those approved dwellings that are not affordable homes are not commenced until the affordable homes have been completed for occupation;

- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

4. Unless otherwise agreed in writing by the planning authority in consultation with the Road Network Manager no development shall commence unless and until the following improvements to Darleith Road have been provided:

- (i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for the prior written approval of the planning authority
- (ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002B
- (iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions
- (iv) Upgrading of the existing lighting between Mill Road and the existing 30 mph speed restriction limit.”

Reason: to provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

5. Unless otherwise agreed in writing by the planning authority in consultation with the Road Network Manager no dwelling house shall be occupied unless and until the existing 30 miles per hour speed restriction on Darleith Road has been extended and brought into effect to a location north of the Darleith Road access, the exact location to be agreed in consultation with the Road Network Manager.

Reason: in the interests of road safety.

6. Pursuant to condition 1 - no development shall be commenced until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter the schemes shall be carried out in accordance with the approved details. Such details shall incorporate:

- (i) On the A814 Main Road, Cardross, a scheme to enhance the gateway features in both directions at the entrances into Cardross village to be fully implemented in accordance with these details prior to occupation of the first dwelling house.
- (ii) On the A 814 Main Road, Cardross, within the village envelope a scheme to enhance traffic calming to be fully implemented in accordance with these details prior to occupation of the first dwelling house.

Reason: In the interests of road safety.

7. Pursuant to condition 1 - no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the planning authority. The development layout shall ensure that no more than 20 dwelling houses will be served from the east access, i.e. via Barrs Road. All other vehicular traffic will be required to access the development site from Darleith Road. The internal roads shall be constructed in accordance with the principles of Designing Streets.

Reason: In the interests of road safety and good place making.

8. Pursuant to Condition 1 - Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

Reason: In the interests of road safety.

9. Pursuant to Condition 1 - no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions.

This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on the site are confirmed proposals for their preservation shall also be included.

Reason: In order to protect archaeological resources.

10. For the avoidance of doubt the proposal hereby approved shall be served by public water and sewerage connections.

Reason: The proposal has been assessed on this basis and the introduction of private connections would represent a further material consideration in the determination of this planning application.

11. Pursuant to condition 1 - no development shall commence until the following details have been submitted to and approved in writing by the planning authority:

- i) Details of the proposed cut-off ditch (or similar) to be located along the northern border of the site along with calculations demonstrating that this proposed mitigation measure will not exacerbate flooding elsewhere;
- ii) The existing flow pathway in the vicinity of the sewer line shall be maintained;

- iii) A detailed drainage assessment and layout;
- iv) Method Statement detailing surface water containment during construction.

Reason: In order to ensure appropriate mitigation for flood risk.

12. Pursuant to condition 1 - full details of the proposed SUDs shall be submitted to and approved in writing by the planning authority. Thereafter the development shall commence in accordance with these details. These details shall include:

- i) Full details of the proposed design and appearance of the SUDs facility to be designed in accordance with CIRIA C753;
- ii) Detailed design calculations for this facility;
- iii) Details of the proposed drainage of the SUDs facility;
- iv) Details of the proposed maintenance regime and maintenance responsibilities for the SUDs facility.
- v) Soil information to be provided if infiltration SUDs are proposed.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

13. Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates. This shall include details of a secure boundary between the application site and the disused quarry on the south west corner of the site;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vi) The proposed landscape plan shall take account of the Design Recommendations (para 4.8) contained within the applicant's supporting Landscape Report dated June 2015 undertaken by Ann Nevett.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

14. No trees overhanging the site shall be lopped, topped or felled other than in accordance with the details provided to satisfy the requirements of condition 13 above.

Reason: In order to protect the trees overhanging the site in the interests of amenity.

15. Pursuant to Condition 1 - no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority.

The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects. The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

16. Pursuant to Condition 1 - no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to an approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

17. Pursuant to condition 1 - no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).

INFORMATIVES

1. This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
2. Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
3. Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
4. The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
5. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
6. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
7. Please see the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
8. Please see Scottish Water's consultation response dated 31/5/16.
9. The consideration to reduce the 30mph speed restriction should be assessed in conjunction with Police Scotland and the council's Roads Officer

10. An application for a Roads Construction Consent is required to be submitted and approved. Thereafter a financial security bond will require to be lodged with the Council's legal services section before any works commence on site.

11. In order to meet obligations under wildlife legislation and to protect any breeding birds on the site, any vegetation removal should be undertaken outside the bird nesting season (March - August). If vegetation removal is planned during the bird nesting season a suitably qualified ecologist should inspect the area for the presence of nests up to a maximum of one day prior to removal. If an active nest is discovered vegetation cannot be removed and must be left in situ until the young have fledged.

12. Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plants may extend laterally up to 7 metres beyond this.

13. Prior to the submission of an Approval of Matters Specified in Conditions application, the applicant is requested to contact the Council's Education Department in order to investigate the opportunity for the provision of a pedestrian footpath from the site directly into Cardross Primary School for the use of children attending the school.