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Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

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14 May 2008

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **STRACHUR VILLAGE HALL, STRACHUR** on **WEDNESDAY, 21 MAY 2008** at **9:30 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **OUTLINE PLANNING APPLICATION 07/01171/OUT, EUAN MACLACHLAN, MID LETTERS, LETTERS WAY, STRACHUR (Pages 1 - 18)**
 - (a) PAN 41 Hearing Procedure Note (Pages 19 - 22)

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
Councillor Alister McAlister
Councillor James McQueen
Councillor Ron Simon
Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton
Councillor Len Scoullar (Vice-Chair)
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 6 Cowal
Date of Validity - 3rd July 2007
Committee Date - 6th May 2008**

Reference Number: 07/01171/OUT
Applicants Name: Euan MacLachlan
Application Type: Outline
Application Description: Site for the Erection of 15 Dwellinghouses, Formation of Vehicular
Accesses and Installation of Septic Tank
Location: Mid Letters, Letters Way, Strachur

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 15 dwellinghouses
- Formation of vehicular access and roads
- Installation of septic tank

(ii) Other specified operations.

- Connection to public water main
-

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that, subject to the holding of a formal Planning Advice Note 41 hearing, outline planning permission **be granted** subject to the conditions, reasons and advisory notes detailed later in this report.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application is contrary to policy POL HO 9 '*Sensitive Settlements*' of the adopted Cowal Local Plan 1993 which seeks to resist unsympathetic development that would have a detrimental effect on the existing landscape character and setting. It is also contrary to POL HO 5 of the Local Plan, which presumes against granting further planning permissions for greenfield sites in Cowal.

In terms of the emerging Argyll and Bute Modified Finalised Draft Local Plan 2006, the site lies wholly within the defined Strachur Settlement Zone, which supports medium scale housing development (between 6 and 30 units) providing this respects the established settlement character and does not result in undesirable forms of settlement coalescence.

The extent of the settlement boundary of Strachur and Policy LP HOU 1 have not been contested as part of the Local Plan public consultation process and, as such, they may be afforded significant weight in the determination of the application as the most up-to-date expression of Council policy. **The proposal can, therefore, be justified as a departure from adopted Local Plan policy.**

(ii) Representations:

There have been seven letters of representation submitted in respect of this application.

(iii) Consideration of the Need for a PAN 41 Hearing:

Given that this proposal represents a departure from the adopted Local Plan and the number of representations received, the department would recommend a hearing in this instance.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

The proposal does not represent '*large scale or unsympathetic*' development and it would not have an adverse environmental impact. It should be seen in the context of an aged Cowal Local Plan that no longer accurately reflects the understood aspirations of the Council. The totality of housing provision within the Inset Map of Strachur (as contained in the Cowal Local Plan) is not effective and the proposal would expand the portfolio of choice available within Strachur.

In addition, the application site is fully contained within the settlement boundary defined in the Argyll & Bute Modified Finalised Draft Local Plan 2006, and there were no specific representations submitted in respect of either the application site or the proposed settlement boundary at this location arising from the public consultation on the finalised draft plan.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

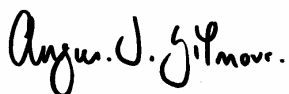
No.

(vii) Need and Reason for Notification to Scottish Ministers.

None.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
28th April 2008

Author: John Irving (Tel: 01369 708621)
Contact: David Eaglesham (Tel: 01369 708608)

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/01171/OUT

1. This permission is granted under the provisions of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced:

- a) The siting, design and external appearance of the proposed development;
- b) The landscaping of the site of the proposed development;
- c) Details of the access arrangements;
- d) Details of the proposed water supply and drainage arrangements.

Reason: *To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: *To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: *To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

4. Any subsequent application(s) for reserved matters, as required by Condition 1 above, shall be accompanied by:

- i. Plans and elevations of the dwellings showing dimensions and types and colours of external materials;
- ii. Details of existing and finished ground levels, finished floor levels in relation to a fixed datum and cross sections of the site showing the position of any built form.
- iii. Dwellings shall be designed in accordance with the *Design Statement* submitted by Rural Design dated February 2007.

Reason: *It is necessary that such details are submitted to ensure that appropriately designed development is secured that is befitting and responsive to the surrounding landscape and adjacent area.*

5. Unless otherwise agreed by the planning authority, development shall not commence on more than 8 plots until written confirmation of the acquisition for affordable housing of plots 5-8 inclusive (as indicated on the 'Site Boundary' received on 15th April 2008 and 'Location Plan' received 16th April 2008) by Argyll Community Housing Association or other Registered Social Landlord who is registered with the Scottish Housing Regulator has been received and approved in writing by the Planning Authority. Thereafter affordable housing shall be developed on these plots and retained in perpetuity.

Reason: *In order to meet the requirements of emergent Development Plan policy LP HOU 2, the Council's published supplementary 'Development Plan Policy Guidance – Affordable Housing' and the Government's 'Scottish Planning Policy 3 – Planning for Housing'.*

6. No trees within the development site shall be lopped, topped, felled, lifted or removed without the prior written consent of the Planning Authority.

Reason: *In the interests of visual amenity in order to ensure the retention of the existing trees so that they may contribute to the environmental quality of the site.*

7. Any details pursuant to Condition 1 above shall incorporate a scheme of hard and soft landscaping for the written approval of the Planning Authority. Details of the scheme shall include the following:

- i. Existing and finished ground levels in relation to an identified fixed datum;
- ii. Existing landscaping features and vegetation to be retained;
- iii. Location and design, including materials, of any walls, fences and gates;
- iv. Soft and hard landscaping works, including the location, type and size of each tree and/or shrub;
- v. A programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which, within a period of ten years from the completion of the development die for whatever reason, are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: *In the interests of visual amenity in order to ensure the implementation of a satisfactory landscaping scheme.*

8. No development pursuant to this planning permission shall take place until the following details have been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and the Council's Flood Risk Assessor:

- i. Details which demonstrate that the development will not be adversely affected by any watercourse flowing through or adjacent to the site;
- ii. Details which demonstrate that the development is outwith the coastal floodplain;
- iii. Information in the form of either a flood risk assessment, or suitable topographic data, confirming that the development is not at risk from the '200 year' flood event.

The above information should be provided with any application for reserved matters approval or detailed planning permission (whichever is applicable). The development shall be carried out in complete accordance with the approved scheme unless the prior written consent of the Planning Authority is obtained for variation.

Reason: *In the interests of public health and amenity in order to ensure that housing is not at risk from flooding.*

9. Any details pursuant to Condition 1(c) shall incorporate the following requirements prior to the first occupation of a dwellinghouse:

- i. Access and turning area to be designed in accordance with the Council's Development Guidelines.
- ii. Two car parking spaces per dwellinghouse in addition to four unallocated visitor car parking spaces within the site.
- iii. The private access shall be a minimum of 2.75 metres wide and the gradient shall not exceed 10%.

Reason: *In the interest of road safety.*

10. Prior to development works commencing on site the vehicular access must be constructed and visibility splays measuring 180 metres from a 2.5 metre set back at the centre point of the access must be free of all obstructions (including walls, fences, hedges, etc.) over one metre in height above the level of the road and thereafter maintained in perpetuity. Unless consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: *In the interests of road safety*

INFORMATIVES:

1. **Future Reserved Matters or Detailed Application.**

The applicant is strongly advised to contact the Planning Authority prior to submitting any future reserved matters or detailed application in order that the scale, layout and design of the built form within the site can be examined at the earliest possible stage.

2. The applicant's attention is drawn to the comments of Scottish Water in their letter dated 12th July 2007.
3. The applicant's attention is drawn to the comments of the Council's Senior Engineer in his memorandum dated 16th July 2007.
4. The applicant's attention is drawn to the comments of the Scottish Environment Protection Agency in their letters dated 23rd July and 30th October 2007.
5. The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads(Scotland)Act 1984 that states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell Tel. 01369 703959) directly in this regard.

6. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (S56), Construction Consent (S21) and Road Bond. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 703959) directly upon this matter.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01171/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 1 '*Development within Settlement*' supports the principle of up to '*medium scale*' development with the settlement of Strachur on appropriate infill, rounding-off and redevelopment sites.

STRAT DC 9 '*Landscape and Development Control*' seeks to resist non-sustainable development that, by reason of location, siting, scale, form, design or cumulative impact, would damage or undermine the key environmental features of a visually contained or wider landscape or coastscape.

STRAT HO 1 '*Housing*' seeks to encourage, outwith formally allocated sites, appropriate forms and scales of housing infill, rounding-off and redevelopment within the settlements providing it is consistent with STRAT DC 1-10. Innovative and sympathetic developments will be encouraged where they are appropriate to their particular setting.

Cowal Local Plan 1993

POL HO 4 seeks to keep the availability of private housing development sites within Cowal under review in order to maintain a suitable range of opportunities for private house building.

POL HO 5 opposes the grant of additional planning consents for the development of greenfield private housing sites in Cowal.

POL HO 9 '*Sensitive Settlements*' seeks to resist new housing development within Strachur to identified areas, given that unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. This application does not fall within an identified site.

POL PU 2 '*Private Sewage Disposal Schemes*' discourages private sewage disposal schemes in areas covered by mains drainage.

POL BE 8 '*Tree Groups and Woodlands*' encourages the retention and enhancement of existing tree groups and belts of trees within or directly adjacent to built-up areas.

POL BE 9 '*Layout and Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 7 seeks to resist development that would be likely to have an adverse impact on trees and will ensure, through the development control process, that adequate provision is made for the preservation of woodland/trees (including new planting).

Policy LP ENV 10 seeks to resist development within, or adjacent to, Areas of Panoramic Quality where its scale, location or design would have a significant adverse impact on the character of the landscape. The highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be required within such designated areas.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy HOU 1 '*General Housing Development*' establishes a presumption in favour of small and medium scale development in small towns and villages of Argyll and Bute, including Strachur. Within the Settlement Zone, the general presumption in favour or against a development is largely based on whether or not it is of an appropriate scale, i.e. small, medium or large scale.

Policy LP HOU 2 seeks to ensure that, *inter alia*, developments of eight dwelling units or more make specific provision for identified local housing needs (including affordable housing) having regard to market conditions and the suitability of the site for such provision.

Policy LP SERV 1 sets out circumstances where the connection of the development to the public sewer will not be required. This includes situations where connection is not feasible (for technical or economic reasons) or where the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity. In addition, the proposal should not result in, or add to, existing environmental, amenity or health problems.

Policy LP SERV 8 concerns flooding and explains that, in cases where the potential for flooding is highlighted, the Council will exercise the '*precautionary principle*' and will seek the advice of the Scottish Environment Protection Agency.

Policy TRAN 4 – '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

Scottish Natural Heritage	10.07.2007	No comments to make in this case
Scottish Water	12.07.2007	No public sewers in the vicinity of the development. No known issues at present within the water network that serves this development.
Senior Engineer, Operational Services	03.07.2007	Advice provided on drainage calculations, culverts, finished floor levels and attenuation methods.
Environmental Health Officer	17.07.2007	No objections.
Scottish Environment Protection Agency	23.07.2007 and 30.10.2007	No objections
Area Roads Manager	18.04.2008	No objection subject to conditions.

(iv) PUBLICITY AND REPRESENTATIONS

The application was advertised under Section 34 and Article 9 (closing date 27th July 2007) and as a potential departure to the Development Plan (closing date 3rd August 2007). Letters of representation have been received from six sources as follows:

W R Bannatyne, *Weatheroak*, Letters Way, Strachur (dated 24th June 2007 and 21st November 2007)

Stewart & Bennett Solicitors on behalf of James Whyte, *Netherlee*, Letters Way, Strachur (dated 27th June 2007)

Mrs E McHugh, *Midletters*, Strachur (dated 27th June 2007)

Mr J Tidbury, *Letters Farm*, Strathlachlan, near Strachur (received 29th June 2007)

Frieda Bos, *Letters Lodge South*, Strathlachlan (dated 10th July 2007)

Alan Clayton, *Westfield*, Letters Way, Strachur (dated 13th July 2007)

The various issues raised are summarised as follows:

- a) Strong concern that the land referred to as Plot 1 could be subdivided with a detrimental impact upon the properties known as '*Weatheroak*', '*Letters Hill*' and '*Netherlee*'.

Comment: The present application is in '*outline*' form only and shows an indicative layout. The impact upon adjoining properties would be taken into account in detail at reserved matters stage.

- b) The four dwellings on the upper level should be served by a single track rather than the two shown. This would reduce the impact on existing trees and wildlife.

Comment: The impact of the proposal on existing trees within the site will be covered in the *Planning Land Use and Policy Assessment* section below. Scottish Natural Heritage has raised no objection to the proposal in terms of its effect upon wildlife.

- c) Questions are raised in terms of the position of the proposed septic tank and the surface drainage from Plot 1.

Comment: The present application is in '*outline*' form only and these issues will be addressed in detail at the reserved matters stage.

- d) No works within the site should affect the existing communal septic tank; should cause noise pollution or pollution of existing burns and water courses; or should affect the ground or structure of the property known as '*Netherlee*'.

Comment: These issues are essentially civil matters that would be addressed between the parties concerned.

- e) Concern is expressed that the development would raise traffic levels to an unacceptable level.

Comment: The Area Roads Manager has not raised specific objection on the grounds of increase in traffic.

- f) A new and uncompleted dwelling next to '*Letters Farm*' would tend to indicate that there is a chronic lack of demand for upmarket properties of this type.

Comment: The precise circumstances of the dwelling referred to are not known. Other house building at *Baycrofts* and within the Clachan appears to indicate there is demand for housing in Strachur.

- g) Letters and Mid Letters are not situated within Strachur but are on the extremities of Strathlachlan.

Comment: For the purpose of the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the 'settlement zone' of Strachur.

- h) The map showing the proposed area of development is outdated and inaccurate.

Comment: This does not have a material bearing upon the planning aspects of the case.

- i) Concern is expressed regarding the scale and visual impact of the development, particularly in respect of its contribution to ribbon development along the shores of Loch Fyne.

Comment: This issue will be addressed in the *Planning Land Use and Policy Assessment* section below.

- j) Concern is expressed over the effect of the proposal upon trees and wildlife within the site. A temporary protection order should be imposed.

Comment: The impact of the proposal on existing trees within the site will be addressed in the *Planning Land Use and Policy Assessment* section below.

- k) There is no pressing need for this type of development. It will not provide for a local housing demand nor will it provide affordable housing for local young families. There will only be a transient burst of employment.

Comment: The issue of affordable housing will be addressed in the *Planning Land Use and Policy Assessment* section below.

- l) Concern is expressed that an influx of new residents might have an adverse effect upon a local private water supply given there may be increased usage of the land from where the supply is taken.

Comment: This issue is essentially a civil matter that would be addressed between the parties concerned.

- m) Concern is expressed that there may be complaints from new residents regarding the noise of livestock within adjoining land.

Comment: This does not have a material bearing upon the planning aspects of the case.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/01171/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Strachur is defined as a '*Sensitive Settlement*' by virtue of Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need. In this case, there is no specific locational or operational need.

Policy POL HO 5 of the adopted Cowal Local Plan 1993 resists the granting of planning permission for private housing on greenfield sites outwith housing allocation areas within Cowal.

The proposal is therefore contrary to the provisions of Policy POL HO 5 and POL HO 9 of the Cowal Local Plan 1993.

Within the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the defined Strachur '*Settlement Zone*'.

Both Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Modified Finalised Draft Local Plan encourage both small and medium scale (up to 30 dwelling units) housing developments within the settlement zone of Strachur where this serves a local community of interest on appropriate infill, rounding-off and redevelopment sites and providing there will be no unacceptable environmental, servicing or access impact.

Policy POL HO 4 of the Cowal Local Plan 1993 seeks to maintain a suitable range of opportunities for private house building. Given that the housing allocation site in Strachur that is contained within the 1993 Local Plan (commonly referred to as *Baycroft*) has now reached capacity, it is considered appropriate that other parts of Strachur should be considered for housing development.

As the new settlement boundary for Strachur has not been objected to and there has been a change in circumstances regarding available land for housing in Strachur since 1993, a minor departure can be justified in terms of the approved Structure Plan and emerging Local Plan policies.

B. Location, Nature and Design of Proposed Development

The application site extends to 2.42 hectares and slopes from south east to north west. There is some tree cover on the road side edge but the main belt of trees is found in the middle of the site, which divide the upper and lower parts. To the north west of the site is Loch Fyne and the A886 Strachur-Colintraive road; to the north east is the housing development known as '*Letters Way*'; to the south east is rising agricultural land; and to the south west is agricultural land and an existing residential farm/courtyard development.

The proposal seeks outline planning permission for fifteen dwellings – this number has risen from the original fourteen dwellings, the reason for which shall be explained later in this report. The latest indicative plans (received on 15th April 2008) identify the provision of eleven plots along the lower, roadside part of the site and four plots on the upper part of the site. The eleven plots incorporate a terrace of four dwellings; six dwellings in a courtyard/steading layout; and a single dwelling at the north eastern end of the site. The four upper plots are detached with relatively spacious grounds. A Design Statement accompanies the application, which explains the rationale behind the indicative layout and design that has been submitted.

In terms of its relationship with the existing settlement, it can be argued that the proposal would represent an infill development between the existing buildings at *Letters Farm* and the entrance to the housing development known as *Letters Way*. This is certainly the intention of the new '*settlement zone*' in the Modified Finalised Draft Local Plan 2006 that, importantly, received no objections during the consultation stage. The scale and density of the proposal also fall within the definition of '*medium scale*' referred to in the 2006 document. Clearly, the actual design of the buildings would be very important in providing a high quality development

and it is considered that the embryonic ideas submitted on behalf of the developer form a good basis for further negotiation and discussion.

On the basis of the foregoing, it is considered that the proposal is consistent with the provisions of Policy POL BE 9 of the Cowal Local Plan 1993; Policy ENV 19 and Appendix A of the Argyll and Bute Modified Finalised Draft Local Plan 2006; together with the Council's Design Guidance.

C. Impact on Woodland

The trees within the application site are one of its key features and the impact of any development on these trees has always been highlighted to the developer as a significant issue. The indicative layout submitted identifies the removal of six trees within the central tree belt that separates the upper and lower parts of the site. However, the vast majority of trees within the site are to be retained and the Design Statement explains that "*the existing area of woodland between the two plots will be designated as an amenity space for the enjoyment of the occupants of the site and will be subject to a future management plan*".

This application represents an opportunity to protect the existing trees by the imposition of a condition preventing unnecessary felling (there being no control over this at present) together with the chance of securing the long-term management of this small wooded area.

On the basis of the foregoing, the proposal is considered to be consistent with the provisions of Policy POL BE 8 of the Cowal Local Plan 1993 and LP ENV 7 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.

D. Affordable Housing

As noted elsewhere in this report, the Modified Finalised Draft Local Plan 2006 specifically addresses the issue of affordable housing and, in cases of windfall sites exceeding eight units (such as the present one), there is an expectation that affordable housing will be included. Supplementary Planning Guidance on affordable housing was agreed by the Council's Executive Committee in December 2007.

Mechanisms for achieving affordable housing within the site have been the subject of discussion with the agent over the last few months. It has been concluded that the most appropriate method would be to attach a condition requiring that the developer transfer an area of serviced land within the application site for a valuation based on affordable housing only to an approved Registered Social Landlord (RSL). In this regard, both the Argyll Community Housing Association (ACHA) and Fyne Homes have confirmed in writing that they would be interested in being affordable housing partners at this particular site.

Keppie Architects have advised that the indicative plot layouts would not necessarily meet the needs of an RSL with the consequence that they have proposed an increase in the number of units to fifteen with four units being put forward for affordable housing (in excess of 25%). This latest indicative layout shows a terrace of four dwellings at the south western end of the site and will obviously require further discussion prior to the submission of any reserved matters applications. In the context of the current application for outline planning permission, this increase in the number of units by one is not considered to be material in nature.

Subject to a suitably-worded condition, it is considered that the proposal would comply with the provisions of Policy POL HOU 2 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.

E. Flooding

A Flood Risk Assessment (dated April 2007) has been carried out by Cowal Design Consultants Ltd on behalf of the applicant. This defines the possible sources of flooding within the site as being two watercourses and proposes methods to address the minimal risks these watercourses pose. SEPA agrees with the methodology that has been carried out but recommends that the input data and calculations should be reviewed. It is considered that such a review should be undertaken at reserved matters stage given that no major flood risk issues have been highlighted at the present time.

On the basis of the foregoing, the proposal is considered to be consistent with the provisions of Policy LP SERV 8 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.

F. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has raised no objection to this application subject to a number of conditions concerning sightlines, surface water drainage, parking and turning provision and access and gradient requirements.

On this basis the proposal is therefore consistent with the provisions of Policy TRAN 4 of the Finalised Local Plan.

G. Infrastructure

It is proposed to connect into the public water supply and Scottish Water has raised no objection to this element of the proposal.

In respect of foul drainage, Scottish Water has advised that there are no public sewers in the vicinity of the site. The application proposes the installation of a new private sewerage system that would serve the proposed fifteen dwellings and also the properties served by an existing septic tank. SEPA have raised no objection, in principle, to the use of a private sewerage system.

Whilst both existing and emerging Development Plan policies encourage new developments to connect into public infrastructure, this is not possible in this case. **On this basis, the proposal is consistent with the provisions of Policy POL PU 2 of the Cowal Local Plan 1993 and Policy LP SERV 1 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.**

H. Conclusion.

Whilst the proposal is contrary to existing Local Plan policies POL HO 5 and POL HO 9, the principle of the development can be justified as a '*minor departure*' to policy given the unopposed extension to Strachur's settlement boundary as contained within the Modified Finalised Draft Local Plan 2006.

The applicant is proposing an affordable housing element within the development in excess of 25% and no major roads or infrastructure issues have been highlighted at this stage in the development.

**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 6 Cowal
Date of Validity - 3rd July 2007
Committee Date - 6th May 2008**

Reference Number: 07/01171/OUT
Applicants Name: Euan MacLachlan
Application Type: Outline
Application Description: Site for the Erection of 15 Dwellinghouses, Formation of Vehicular
Accesses and Installation of Septic Tank
Location: Mid Letters, Letters Way, Strachur

SUPPLEMENTARY REPORT 1

(A) FURTHER OBJECTION

A further representation has been received from Mr John Tidbury (e-mail received 2nd May 2008). The points raised are summarised below:

- i) I would like to re emphasis that the erection of such dwellings will not benefit the community or enhance the rural nature of the locale.

Comment: The department does not agree with this comment. See assessment contained within original committee report.

- ii) Such a proposed ribbon development along the shore of Loch Fyne will be tantamount to vandalising the rural area, with a developers equivalent of graffiti, in as much as it will mar the aspect of the Loch for miles around. With special concern as this area is now one of the gateways to the newly instated national park.

Comment: The department does not consider this proposal to be ribbon development. The development will have a limited wider landscape impact and Scottish Natural Heritage has raised no adverse landscape issues.

- iii) It will also have a significant effect on the incumbent flora /fauna. As a point of interest, who will be the owners of the oak woodland in the middle of the proposed development and responsible for its care and upkeep? Will it become common land?

Comment: Scottish Natural Heritage raised no objection to this application. The existing woodland will be retained as an amenity area and this will be protected through appropriate conditions and a future management plan.

- iv) It is maintained that the dwellings will provide affordable housing in the area for younger families. Strachur has a higher than the national average of elderly, reason is there is a lack of local industry and employment opportunities. What is the benefit of providing housing for younger families when the employment opportunities to purchase and finance their upkeep is so minimal. Even the lack of a bus service timed to help people to commute to work hinders employment prospects for residents already located in the area.

Comment: Affordable housing provision within the site is essential to ensure compliance with policy LP HOU 2 of the emerging Finalised Draft Local Plan.

- v) The vehicular access definitely needed as all community services are at least a mile away. Doctors, shops, local community hall, pubs and hotels. The latter leading to a concern for the possible increase in drink driving incidents. All dwellings will need parking for at least two cars, given its location. Is this catered for or will the extra cars spill into the central area currently housing the woodland.

Comment: Parking provision for two cars per dwelling house plus visitor car parking will be provided on site. Incidents of drink driving are not a material planning consideration.

- vi) Any children will also find that they will enjoy the current disadvantage of the children living in the area. There is no bespoke school bus service, nor a means of allowing them to participate in extra mural activities at the grammar school. Unlike nearby communities they are not able to be lodged in Dunoon during the week but are obliged to travel twenty plus miles every day.

Comment: This is not a material planning consideration.

- v) The septic tank. I thought it had been stated by the regulation body, that this area was already saturated and at maximum tolerance, as far as septic tanks were concerned? If the committee should be short-sighted enough to seriously consider granting planning permission, what is wrong with the newly installed mains sewage system?

Comment: Scottish Water have confirmed there is no public sewer in the vicinity of the development. SEPA have raised no objection to the proposed private sewerage system.

- vii) Should these considerations be dismissed, why are not the more central 'brownier less green belt', areas of the village not being considered for development first?

Comment: The Finalised Draft Local Plan has identified this site within the settlement zone of Strachur. The proposal is considered to be of an appropriate scale to be consistent with policy LP HOU 1 of the emerging local plan.

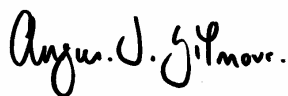
(B) APPLICANTS FURTHER INFORMATION

The department has received an additional e-mail from the applicant's agent dated 2nd May 2008 advising the following:

'I have received written confirmation from my client that ARUP Scotland has been instructed to progress the outstanding building warrant issues associated with the site drainage and the building that was previously on the site.'

(C) RECOMMENDATION

The recommendation in my report dated 15th April 2008 is unaffected.



Angus J Gilmour
Head of Planning
6th May 2008

Author: John Irving (Tel: 01369 708621)
Contact: David Eaglesham (Tel: 01369 708608)

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

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PROCEDURE NOTE**PAN 41 HEARING**

1. On any occasion when the Council decides that a PAN 41 discretionary hearing is required.
2. The Committee Clerk will thereafter notify the applicant, all representees and objectors of the Council's decision to hold a discretionary hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not.
3. The Committee Clerk will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
4. At the hearing the Director of Development Services staff will present their recommendations to the Committee on how the matter should be disposed of.
5. The applicants will be given an opportunity to present their case for approval of the proposal and shall include in their submission any relevant points made by representees supporting the application.
6. The consultees, supporters and objectors (see notes 1 and 2), will be given the opportunity to state their case to the Council.
7. All parties to the proceedings i.e. the applicant, the Director of Development Services, the consultees, the supporters and objectors shall be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Committee shall be able to extend the time for a presentation by any of the parties to the hearing at their sole discretion.
8. Statutory consultees (including Community Councils) should be invited to attend the meeting to provide a verbal presentation on their written submissions to the Committee, if they so wish.
9. The Members of the Committee only will then be given the opportunity to put questions to the Director of Development Services' representative, the applicant, the consultees, the supporters and the objectors.

10. At the conclusion of the question session the Director of Development Services' representative, the applicant, any consultees present and each of the supporters and the objectors will be given an opportunity to comment and sum up on any particular information given by any other party after they had made their original submission, with the Director of Development Services' representative first then the applicant, then the consultees, and then each of the supporters, and then each of the objectors as may be, in turn. The Committee will then debate the merits of the case and shall reach a decision on the planning application. No new information can be introduced at this stage.
11. A summary of the proceedings of the Committee in regard to this hearing will be recorded by the Committee Services Officer.
12. If it appears to the Chairman that any of the parties to the hearing is speaking for an excessive length of time he will invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

The Applicant - not more than half an hour.
The Consultees - not more than half an hour.
The Supporters - not more than half an hour.
The Objectors - not more than half an hour.
- (4) The purpose of the meeting is to ensure that all relevant information is before the Committee and this is usually best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified, as a representee on the application report who wishes to be given an opportunity to speak will be given such opportunity.

PLANNING HEARING

PROCEDURE

1. The Head of Planning's representative (David Eaglesham) will be asked to present his recommendations to the Area Committee.
2. The Applicant/Agent will be asked to present his case to the Area Committee.
3. The statutory Consultees as shown below have been invited to provide a verbal presentation on their written submissions to the Area Committee.

Mr Paul Farrell, Operational Services, - Nothing further to add.

Ms Jo Rains, Senior Environmental Health Officer - apology

Scottish Environmental Protection Agency – Nothing further to add

Scottish Natural Heritage – Nothing further to add

Scottish Water

4. The Committee is aware that one spokesperson wishes to speak on behalf of the Objectors to the application. The order of speaking will be determined at the opening of the Hearing.

The Objectors have a period of not more than thirty minutes in which to make their presentation to the Committee.

Mr. Bannatyne

5. Area Committee Members will have the opportunity to ask any questions of the Head of Planning's representative, the Applicant, the Consultees, and Objectors.
6. When there are no further questions the Chair will **ask all parties if they wish to comment and sum up on any particular information given by any other party.**

STARTING WITH

- the Head of Planning's representative
- the Applicant
- the Consultees
- the Objectors

7. The Chairman will ask if everyone is satisfied that they have had a fair hearing.
8. The Area Committee will then debate the merits of the case and reach a decision on the planning application.

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