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Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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23 July 2009

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **QUEEN'S HALL, DUNOON** on **THURSDAY, 30 JULY 2009** at **12:15 PM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **PLANNING APPLICATION 08/00489/DET, F & G DEVELOPMENTS LTD. FORMER ROYAL HOTEL AND SURROUNDING LAND, PIER ROAD, INNELLAN**
(Pages 1 - 22)
 - (a) PAN 41 Hearing Procedure Note (Pages 23 - 26)

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 and Cowal Area Committee**

**Ward Number - 7 Dunoon
Date of Validity - 5 March 2008
Hearing Date - 30 July 2009**

Reference Number: 08/00489/DET
Applicants Name: F and G Developments Ltd.
Application Type: Full Planning Permission
Application Description: Erection of 12 dwellinghouses, detached double garage, formation of new vehicular access, car parking, turning and landscaping.
Location: Former Royal Hotel and Surrounding Land, Pier Road, Innellan.

SUPPLEMENTARY REPORT

(A) FURTHER INFORMATION

Since preparation of my report to the meeting of the Area Committee on 23 June 2009, the Argyll and Bute Local Plan has made further progress and is now published as the Argyll and Bute Local Plan Proposals for Adoption (June 2009). Although the assessment of this application is unchanged, the recommended reasons for refusal have been revised accordingly

(B) RECOMMENDATION

It is recommended that Planning Permission be **REFUSED** for the revised reasons set out overleaf.

**Angus J Gilmour
Head of Planning
23 July 2009**

Author: Arlene Henderson 01546 604375
Reviewing Officer: David Eagesham 01369 708608

**Date: 23 July 2009
Date: 23 July 2009**

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00489/DET

1. Whilst the principle of development on this site is acceptable, the proposal as submitted represents overdevelopment of the site by virtue of its unsympathetic density and layout which would be unduly dominant on the site and detrimental to the character of this part of Innellan. The plot density of 1 unit per 0.12 acres (approx) is far greater than the existing plot densities of 1 unit per 0.37 acres (approx) of existing development in the immediate North Campbell Road area: consequently, the proposal by virtue of this density, the proposed number of garden subdivisions, the proposed/required number of parking spaces, the proposed/required adopted road and other areas of hardstanding combine to create a proposal which represents overdevelopment in the context of the surrounding North Campbell Road settlement pattern and as such would not integrate successfully with its immediate surroundings and result in a cramped and incongruous development. Accordingly, such a development with its resulting density, its particular plot and access layout and number of houses would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern which has a significantly lower density. As such this proposal is contrary to the provisions of: Policies STRAT SI 1 'Sustainable Development', STRAT DC 1 'Development Within Settlements' and STRAT HO 1 'Housing – Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV 19 'Development Setting, Layout and Design' in particular Appendix A: Sustainable Siting and Design Principles which requires any new development to respect the immediate adjoining townscape, which in this case is the second tier of development to the rear of North Campbell Road and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Proposals for Adoption (June 2009), as well as Argyll and Bute Council's Sustainable Design Guidance, all of which presume against the nature of the development proposed.

**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 7 Dunoon
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Location: Former Royal Hotel and Surrounding Land, Pier Road, Innellan.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 12 dwellinghouses;
- Erection of detached double garage, and;
- Formation of new vehicular access.
- Formation of car parking areas
- Formation of turning areas and;
- Landscaping

(ii) Other specified operations.

- Connection to public water supply and waste water network.
-

(B) RECOMMENDATION

It is recommended that Planning Permission be **REFUSED** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Innellan and covered primarily by policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development'. Policy BE 9 requires development to be of an acceptable high design standard and layout. In the Argyll and Bute Local Plan Post Inquiry Modifications, the application site is located within the small town and village settlement of Innellan and covered primarily by policies LP ENV 19 'Development, Setting, Layout and Design' and LP HOU 1 'General Housing Development'.

The proposal is contrary to the Cowal Local Plan in respect of the erection of 12 dwellinghouses and a detached garage which do not relate to the existing built form, where overdevelopment and density are key issues.

The proposal is considered contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Local Plan Post Inquiry Modifications since the 12 dwellinghouses and detached garage are not considered appropriate development for this site in terms of density, overdevelopment, and relationship to the existing settlement pattern (in terms of density).

(ii) Representations:

A total of 13 letters of representation (12 against 1 in support) have been received.

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

Not applicable. This application is recommended for refusal, although if Members consider that there may be justification for this density of development, it would be necessary to hold a hearing.

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

Not Applicable

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

This proposal does not constitute Schedule 1 or 2 EIA development.

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

The Council does not have an interest in this site.

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

This proposal is not required to be notified to Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

A sustainability Checklist has been included in the Design Statement and is attached at Appendix D of this report.

Angus J Gilmour
Head of Planning
9 June 2009

Author:	Arlene Henderson	01546 604375	Date: 3 June 2009
Reviewing Officer:	Howard Young	01436 658888	Date: 9 June 2009

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

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00489/DET

1. Whilst the principle of development on this site is acceptable, the proposal as submitted represents overdevelopment of the site by virtue of its unsympathetic density and layout which would be unduly dominant on the site and detrimental to the character of this part of Innellan. The plot density of 1 unit per 0.12 acres (approx) is far greater than the existing plot densities of 1 unit per 0.37 acres (approx) of existing development in the immediate North Campbell Road area: consequently, the proposal by virtue of this density, the proposed number of garden subdivisions, the proposed/required number of parking spaces, the proposed/required adopted road and other areas of hardstanding combine to create a proposal which represents overdevelopment in the context of the surrounding North Campbell Road settlement pattern and as such would not integrate successfully with its immediate surroundings and result in a cramped and incongruous development. Accordingly, such a development with its resulting density, its particular plot and access layout and number of houses would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern which has a significantly lower density. As such this proposal is contrary to the provisions of: Policies STRAT SI 1 'Sustainable Development', STRAT DC 1 'Development Within Settlements' and STRAT HO 1 'Housing – Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV 19 'Development Setting, Layout and Design' in particular Appendix A: Sustainable Siting and Design Principles which requires any new development to respect the immediate adjoining townscape, which in this case is the second tier of development to the rear of North Campbell Road and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications, as well as Argyll and Bute Council's Sustainable Design Guidance, all of which presume against the nature of the development proposed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00489/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002: The following policies are applicable:

- STRAT SI 1** 'Sustainable Development' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources; respect the landscape character of an area and the setting and character of settlements; and avoid places where there is a significant risk of flooding.
- STRAT DC 1** 'Development Within The Settlements' encourages development on appropriate infill, rounding-off and redevelopment sites. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.
- STRAT HO 1** 'Housing – Development Control Policy' C) encourages appropriate forms and scales of housing infill, rounding-off and redevelopment where it is consistent with STRAT DC 1 – 10 and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan.

Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Innellan and requires to be assessed against the following criteria:

- POL HO 8** **Infill, Rounding-Off and Redevelopment** – where infill, rounding-off and redevelopment will be encouraged related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted.
- Policy BE 9** **Layout and Design of Urban Development** – seeks to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.
- Policy PU 2** **Sewage Disposal**
- The District Council will not normally permit alternative private sewage disposal schemes in areas covered by mains drainage.

Argyll & Bute Local Plan Post Inquiry Modifications

The site is located within the small town and village settlement of Innellan, where the following policies are applicable:

- Policy LP ENV 7 Development Impact on Trees/Woodland** - seeks to protect the key environmental features of important trees and woodland areas.
- Policy LP ENV 19 Development Setting, Layout and Design** - sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (Design of New Housing in Settlements, Sustainable Siting and Design Principles). Developments with poor quality or inappropriate layouts or densities including over development and over shadowing of sites will be resisted.
- Policy LP HOU 1 General Housing Development** – states a general presumption in favour of housing within the settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both the Structure and Local Plan.
- Policy LP HOU 2 Provision of Housing to meet Local Needs including Affordable Housing Provision** - Developments shall be required to make specific provision for identified local housing needs, which may include affordable housing.
- Policy LP SERV 2 Sustainable Drainage Systems (SUDs)** - This policy embraces two separate issues; the enhancement and protection of natural watercourses and the use and promotion of sustainable drainage systems.
- Policy LP SERV 4 Water Supply** – new private water supplies will not generally be supported where a public water supply is available.
- Policy LP SERV 5 Waste Management of Developments** – seeks to ensure that developments make effective land use and layout provision for waste management facilities.
- Policy LP TRAN 4 New and Existing, Public Roads and Private Access Regimes** – sets out requirements for development in respect of private access regimes.
- Policy LP TRAN 6 Vehicle Parking Provision** – aims to ensure that appropriate levels of Off-street car and vehicle parking are provided for developments.
- Appendix A Sustainable Siting and Design Principles** – all new development should be designed, sited and built to be sustainable.
- Note (i): The applicable elements of the above Policies have not been objected too 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**

Supplementary Guidance

Argyll and Bute Council; Sustainable Design Guidance

The aim of this guidance is to ensure that any proposed development is appropriate for its context and is sustainable into the future; that it does not simply meet the applicant's immediate needs.

National Guidance

SPP 1 “The Planning System”

One of the goals includes the promotion of ‘sustainable development’. *“The planning system guides the future development and use of land in towns in the long term public interest. The aim is to ensure that developments occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development” . . . The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system”.*

SPP 3 “ Planning for Housing”

“Working with architects and developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11). . . Planning Authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development.

SPP 6 “Renewable Energy”

A key objective of this policy is to reduce carbon emissions.

PAN 67 “Housing Quality”

“The design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layouts of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages . . . Furthermore, new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural built features”.

PAN 68 “Design Statements”

Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme. . . Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.

PAN 84 “Reducing Carbon Emissions in New Development”

The key aim of this advice is to support a move towards zero and low carbon development.

'A Policy Statement for Scotland – Designing Places'

Good design creates places that work...sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it.

This advice is substantially incorporated in the Council's adopted and emerging Development Plan policies.

(ii) SITE HISTORY

The site was formerly occupied by the large scale Royal Hotel which was demolished following a fire. The Royal Bar is still in use on Pier Road, downhill from the application site, and the former Royal Cottages were demolished to be replaced by two dwellinghouses immediately adjacent to the site.

Detailed Planning Permission has been granted for the erection of five detached dwellinghouses and formation of a vehicular access on the site (Ref: 06/01528/DET).

(iii) CONSULTATIONS

Consultee	Response Date	Comment
Roads and Amenity Services	28.04.2008	Roads - No objection subject to conditions.
	02.06.2009	Roads - No objection subject to conditions – the turning area must be at or near the end of the access road as stated in the Council's Development Guidelines.
	29.05.2009	Waste Plan – no objection providing storage for at least 3 wheeled bins and sufficient turning space for vehicles to collect waste safely.
Scottish Water	18.03.2008	No objection. However any planning permission granted does not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified.
SEPA	10.03.2008	Foul Drainage – No Objection. Surface Water Drainage – No Objection.
	07.04.2008	Foul Drainage – No Objection. Surface Water Drainage – Objects due to lack of information (no Drainage Impact Assessment). Engineering Works – Objects due to lack of information.
		SEPA requests that 2 conditions are attached to any planning permission relating to: deculverting of the existing burn and the submission of a detailed construction method statement for this site.
	23.04.2008	Surface Water Drainage – removes objection. Engineering Works – removes objection.
South Cowal Community Council	30.03.2008	Requested extension of time to submit comments until April 2008.

(iv) **PUBLICITY AND REPRESENTATIONS**

Publicity

Advert Type	Closing Date
Article 18 - Local Plan Departure Advert (21) Potential Departure from policies: HO8, HO7 and BE9 of the Cowal Local Plan (1993).	11.04.2008
Section 34	04.04.2008
Article 9	04.04.2008

Representations

13 letters of representation have been received in relation to this proposal (12 against including a petition with 25 signatures opposed to the scheme and 1 in support), the full details of which are shown at Appendix C of this report. A summary of the comments received is provided below.

'Material' Planning Considerations

- *Twelve houses detrimental to local area.*
- *Local community opposed to development.*
- *Limited visibility*
- *Safety of vehicles and pedestrians.*
- *Scale of proposed development*
- *Access*
- *Precedent*
- *Wildlife*
- *Unduly dominant*
- *Royal Hotel*
- *Appearance of houses not in keeping with the rest of the adjacent and close by housing.*
- *Waste and pollution*
- *Layout - density*
- *Open space*
- *Contrary to Scottish Government planning and building guidance for rural areas*
- *Noise*
- *Sustainability*
- *'Affordable homes'.*
- *Infrastructure*
- *Out of character and would ruin the harmony of this location. Such large buildings will be visually overbearing and are inappropriate in design for the village of Innellan.*
- *Size*
- *Privacy*
- *Previous proposal more sympathetic*
- *Number of houses*
- *Character of the area.*
- *Landscape*
- *Height*
- *Stream*
- *24 refuse bins.*
- *Close proximity*
- *Car park*
- *Housing Demand*

'Non-material' Planning Considerations

- *Property Values*
- *Site traffic.*
- *Views*
- *The respect (avoiding mimicry) for the fine J T Rothead design of the demolished Royal Hotel is commendable.*

All 'material' planning issues raised above have been taken into account and addressed in this report.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00489/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Innellan and covered primarily by policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE9 'Layout and Design of Urban Development'. Policy BE 9 requires development to be of an acceptable high design standard and layout.

In the Argyll and Bute Local Plan Post Inquiry Modifications the application site is located within the small town and village settlement of Innellan and covered primarily by policies LP ENV19 'Development, Setting, Layout and Design' and LP HOU 1 'General Housing Development' as well as Appendix A: Sustainable Siting and Design Principles.

The proposal is contrary to the Cowal Local Plan in respect of the erection of 12 dwellinghouses and a detached garage which do not relate to the existing built form, where overdevelopment and density are key issues.

The proposal is considered contrary to both the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan Post Inquiry Modifications since the 12 dwellinghouses and detached garage are not considered appropriate development for this site in terms of density, overdevelopment and their relationship to the existing settlement pattern. This development would overwhelm the townscape character of the immediate area.

B. Waste Management

Policy LP SERV 5: Waste Management in Developments requires that developments make effective land use and layout provision for waste management facilities. In particular, applications for medium scale housing developments should provide details of the arrangements for the management of waste, including: storage, separation and collection of waste from the site or roadside collection (including provision for the safe pick-up by refuse collection vehicles).

No waste management details were submitted with the application; these were requested and were received from the agent on the 14th May 2009. The details submitted comprise of the following statement: *"Unfortunately, no bins were shown on the drawings. It was always the intention that the bins be stored in the garages which are 3.05m wide. It will be the responsibility of the occupants to transport them to the end of their own driveways on collection day(s). We have assumed 2 wheelie bins per household, one recycling material and one standard"* and a plan of the garage which shows bin storage for two wheeled bins.

These details were discussed with the Assistant Operations Manager - Waste Management, Roads and Amenity Services who has confirmed that there should be storage for at least three wheeled bins, which will be required to accommodate various future recycling targets, as it is likely that each household will have at least three wheeled bins in future (two for recyclates and 1 for general waste).

There is more than enough space within the garage to accommodate one additional recycling bin and consequently it is considered that the proposal can meet with the above requirements. The proposal is therefore considered to be consistent with the provisions of Policy LP SERV 5: Waste Management in Developments.

Having due regard to the above, this proposal is considered consistent with the provisions of Policy LP SERV 5: Waste Management in Developments of the Argyll and Bute Local Plan Post Inquiry Modifications.

C. Location, Nature and Design of Proposed Development

Location

The site is located in the small town and village of Innellan. It is a brownfield site previously occupied by the former large scale Royal Hotel. It is bounded by the curve of Pier Road, which climbs steeply from Shore Road. It slopes steeply from North West to South East. An initial sharp fall from the highest point then levels out to a shallow fall before again falling steeply to the ascending pavement on Pier Road. To the North of the site, the ground falls less steeply. Above the site, two 2 storey villas overlook the proposed houses at a distance of approximately 31 metres (window to window). Beyond this, the hillside slopes very steeply to Knockamillie Terrace from which a further tier of villas is accessed. The site itself is at present extremely overgrown and a partly culverted stream runs through it. Most of the earlier properties in the area are large villas and double villas. More recent buildings tend to be smaller scale detached and semi-detached houses. Finishing materials are, in general, a combination of stone and render with slate roofs. Steeply pitched roofs, dormers and gables dominate the style of most of the properties with the principal elevation facing out to sea over long sloping gardens.

This site is an especially prominent site on the slopes to the coastline. This prominence was exploited by the Royal Hotel, which had a significant presence from both the land and sea. The site is a transitional one between two of the tiers of housing which follow the contours of the hillside. Immediately in front of the development is a 2 and 3 storey sandstone terrace, behind there are predominantly villas and double villas.

Nature

The applicants Design Statement states that: *“Two terraces are proposed flanked by a gatehouse and a two storey building on the higher ground... The design is intended to read as a unified whole with repeated forms and with all elements tied together with walls which create the change in level. From the access road the buildings read as 1 ¾ storey houses from the seaward side they are 2 ¾ town houses”.*

3 house types are proposed that vary in both form and plan: an end of terrace 3 storey townhouse with gables, a mid terrace 3 storey townhouse with combed ceilings and lead covered dormers; and a 2 storey semi-detached house with detached garage. Finishing materials proposed include: wall finishes of off white smooth render combined with a natural blue/black slate. Windows are proposed to be timber tilt and turn painted white. The roofline is broken up with dormers, gables and chimneys. The fenestration has a strong vertical emphasis. The agent has advised in the supporting design statement that the proposal would be built in one phase.

Policy LP ENV 19: Development Setting, Layout and Design requires developers to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A: Sustainable Siting and Design Principles and the Council's Sustainable Design Guide in terms of setting; layout and density; and design. Housing development should respect the character and amenity of the locality and the neighbouring properties and provide a high quality development appropriate to its context. The proposal shall now be assessed in terms of the requirements of this policy.

Development should be sited and positioned so as to pay regard to the context within which it is to be located. The agent puts forward an argument that this development will act as a transitional stage between the terraced development at low level and the larger villas at the higher level. It is considered that this is indeed the case and that the proposal would not appear too high or visually dominant within the current residential setting and in this respect would be sympathetic to the wider and immediate townscape. In support of the proposal the agent raises the scale of the 'Royal Hotel' building in the Design Statement. This building has been gone for several years. However, its scale sets a precedent which is a 'material consideration' in the determination of this application. Having due regard to the above it is considered that the site is capable of accommodating the scale in terms of height and mass of

buildings of development proposed and it is therefore considered that the scale of this proposal is sympathetic to its setting and in this regard compliant with Policy LP ENV 19: Development Setting, Layout and Design, Appendix A: Sustainable Siting and Design Principles and the Council's Sustainable Design Guide. However, it is the number of units proposed within the site that causes concern and results in a cramped and incongruous development.

Development layout and density should effectively integrate with the urban, suburban or countryside setting of the development. Layouts should be adapted to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over development and over shadowing of sites should be resisted.

It is considered that the layout and density of this proposal would not effectively integrate with the rural village setting of the development. It is considered that the plot sizes (approx. 1 unit per 0.12 acres) and overall scale of the proposal are inconsistent with the existing settlement pattern which is comprised mostly of much larger plot sizes (approx. 1 unit per 0.37 acres). The density of the proposal is unsympathetic to its setting and in this regard the proposal is considered to constitute over development. The previous scheme for 5 dwelling units on this site was acceptable in terms of density. This scheme, although the scale, shape and proportion of the buildings are acceptable, does not respect or complement the adjacent buildings and the proposed plot density and size (existing plots are much larger). This proposal for the provision of 12 units contained within the buildings would result in the plots looking 'cramped' and 'cluttered' in comparison to existing plots within the village in terms of; parking spaces, garden ground, waste disposal facilities and provision of an adoptable access. These are all crucial factors to enable a proposal to integrate successfully within its context. A proposal for fewer units (for example 4 or 5) contained within the proposed built form would result in: larger gardens, less parking provision, a reduction in the number of waste disposal facilities, and less visual clutter as well as not requiring an adoptable road, resulting in a more acceptable scheme overall. It is not the vertical scale or mass of the buildings that is the issue but the number of units i.e. overdevelopment and density.

In terms of overlooking, daylight and overshadowing there would not be a concern in terms of the proposed layout in respect of Policy and the guidance contained in Appendix A and the Council's Design Guide.

It is considered that the layout and density do not integrate well and are unsympathetic to the context of the North Campbell Road area in which the proposal is to be located and consequently the proposal is contrary to Policy LP ENV 19: Development Setting, Layout and Design, Appendix A: Sustainable Siting and Design Principles and the Council's Sustainable Design Guide.

Design of developments should be compatible with their surroundings in particular in terms of design. It is not the standard of design (which is acknowledged to be of a high standard) which is being questioned here: it is the number of units proposed to be contained within the built form. The design is considered appropriate in terms of form and mass for the chosen site and for this reason the proposal is considered consistent with the provisions of Policy ENV 19: Development Setting, Layout and Design, Appendix A: Sustainable Siting and Design Principles and the Council's Sustainable Design Guide in this regard. If the proposed number of houses were to be reduced to five or below this level of development would be acceptable.

The proposal would be contrary to Policy ENV 19: Development Setting, Layout and Design, Appendix A: Sustainable Siting and Design Principles of the Argyll and Bute Local Plan Post Inquiry Modifications and the Council's Sustainable Design Guide in respect of development that does not pay due regard to the existing settlement character in terms of layout and density. Development of this site at this level of density for residential purposes will result in an inappropriate level of density which is unsympathetic to the settlement of Innellan and will look visually cramped and cluttered.

Landscaping and Open Space

The Design Statement states that: *“Three types of landscaping are proposed: streetscape, perimeter and private gardens. Streetscape consists of specimen trees as shown. Perimeter – around the edge of the site small clumps of native species trees and shrubs will be planted. The very steep slopes to Pier Road will be planted in shrubs to give ground cover with groups of small native species such as Rowans. The existing stream will be deculverted and enhanced as a landscape feature and wildlife area. Private gardens: the private gardens are screened for the first 5m from the neighbouring property by rendered walls with stained timber close boarding above (1800mmhigh). The garden falls steeply to the south in three phases. Firstly, a paved terrace is accessed directly from the kitchen/dining room then the ground falls steeply to a lawn on a lower terrace, thereafter, the ground falls sharply to Pier Road. This lower slope will be planted with native species trees and shrubs. The lower slopes will be maintained in common. All of the houses have private open space in excess of 100m2 and occupy < 33% of their site. Bays of planting between driveways will be formal with semi mature trees. There will be no fences to the front of the houses to preserve the unity of the development”*. The proposed level of landscaping and open space provision are satisfactory but the implementation, maintenance and factoring arrangements for the landscaping would need to be secured by condition(s) should Members be minded to grant planning permission.

Sustainable Drainage Systems (SUDs)

The Scottish Environment Protection Agency has no objection to this proposal subject to two conditions being attached to any grant of planning permission relating to deculverting of the existing burn and the submission of a detailed construction method statement for this site. The agent’s drainage engineer has assured the agent that the parameters set out by SEPA can be met. The agent also wishes it to be noted that a wildlife habitat and corridor will be created where there was previously a culverted burn with no provision for the passage of wildlife.

Having due regard to the above the proposal is therefore considered consistent with the provisions of Policy LP SERV 2: Sustainable Drainage Systems (SUDs) of the Argyll and Bute Local Plan Post Inquiry Modifications.

Sustainability

Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan requires that developers adopt a sustainable approach in the design of their proposals. Developers are also now required to complete the “Sustainability Checklist” contained within the Argyll & Bute Local Plan Post Inquiry Modifications. This proposal has been assessed against policy STRAT SI 1 and the developer has completed the sustainability checklist (see Appendix E of this report). It is considered that this proposal does not meet with the requirements of this policy due to its inappropriateness to fit well within the context it is proposed to be located making it unsustainable.

The agent submitted a statement on PAN 84 compliance on 14 May 2009 which includes details of the zero and low carbon equipment to be incorporated into the development, and predicted carbon emissions (using SAP calculations) in accordance with the provisions of PAN 84: Reducing Carbon Emissions in New Development and SPP6: Renewable Energy.

Having due regard to the above the proposal is considered inconsistent with the provisions of Policy STRAT SI 1: Sustainable Development of the Argyll and Bute Structure Plan 2002 and consistent with the provisions of PAN 84: Reducing Carbon Emissions in New Development and SPP 6: Renewable Energy.

D. Impact on Woodland

A survey drawing of the site has been submitted, which details all existing trees on site. In the absence of a proper tree survey and plan (detailing all species) an assessment of this drawing against the site layout plan (which shows indicative tree planting) confirms that a number of these trees would be lost as a result of the development. There is to be an appropriate level of compensatory planting consistent with the provisions of Policy LP ENV 7: Development Impact on Trees/Woodland.

Having due regard to the above the proposal is considered consistent with the provisions of Policy LP ENV 7: Development Impact on Trees/Woodland

E. Affordable Housing

Policy LP HOU 2: Provision of Housing to meet Local Needs including Affordable Housing Provision states that *'on windfall sites, local needs and affordable housing will be required on housing sites of more than 8 units having regard to market conditions and the suitability of the site for such provision'*. The agent has advised (email 5th February 2009) that it is the applicant's intention to make an off-site contribution to deliver the 'Affordable Housing' provision. A detailed justification is provided for this proposed method is summarised in the following paragraphs.

The agents states that: *"When this application was submitted, this brownfield site already had full planning permission for 5 very large dwellinghouses, with no requirement for affordable housing"*. Given that the proposals here involve a development of only 12 units on a brownfield site the developer is of the opinion that this site is not suitable for the affordable housing suggested due to the following factors: *"As the proposals show, this site will involve unusually high ground work costs including a large amount of earth moving, excavation and remediation for a relatively low density scheme (8.33/acre). There will also be considerable amount of retention works and bridging works over the burn. All of which makes the build cost per unit much higher than normal. These costs are very high when compared with the competition within the targeted market sector (e.g. a 3 bed semi-detached house on a level site)"*.

Furthermore, the agent states that *"Evidence from the Argyll and Bute Local Housing Strategy 2003-2008, with reference to the Cowal area, notes that the owner-occupier market in Dunoon is relatively buoyant but that settlements such as Colintrave, Strachur and Cairndow are displaying shortfalls in owner-occupied housing, suggesting that the priority for affordable housing should be focused on these areas rather than Dunoon. The study also notes that where demand exists, this is for affordable flatted accommodation, not in the larger family houses proposed. The Local Plan has identified substantial PDA's within Dunoon that are much more suitable for affordable provision"*.

The agent also considers that: *"The proposed development is appropriate for the site in respect of house types, tenure and density. A redesign of the scheme resulting in additional numbers to allow affordability would not enhance the layout. Some larger Potential Development Areas closer to and around Dunoon have no affordability requirement as these sites may also have been considered to meet the demand for owner-occupied housing. The site is a significant distance from the main built-up area of Dunoon and thus is not suitable for the provision of this type of housing in terms of its location. Also, this type of housing is not suitable as low cost entry housing"*.

To conclude the justification for off-site provision of 'Affordable Housing' the Developer considers that: *"the inclusion of an affordable portion on such a small site would seriously affect the sales of these properties, which already have narrow profit margin. Also, the Developer would argue that the provision of economical 3 bed family houses already addresses an identified need within this area rather than the 5 very large villas previously proposed"*.

It is considered that the above justification for off-site provision of Affordable Housing is satisfactory. From the information provided it would seem that the best mechanism to deal with securing the provision would be the following as detailed in the Council's Supplementary Guidance: *"Developers agree (in lieu of the transfer of land or direct provision) to make an equal and equivalent financial contribution to an Strategic Housing Fund managed by the Council which will enable the latter to promote the direct provision of affordable accommodation with an approved Registered Social Landlord on other sites in the same housing market area"*.

This is a matter which requires to be agreed with the agent/applicant and secured by a Section 75 Legal Agreement prior to any planning permission being granted to ensure the proposal meets with the requirements of Policy LP HOU 2: Provision of Housing to Meet Local Needs including Affordable Housing Provision and the Council's Supplementary Guidance.

In correspondence dated 14th May 2009 the agent confirmed that the applicant agrees to the mechanism detailed above regarding provisions to secure a financial contribution to the Strategic Housing Fund and that the applicant is prepared to enter into a Section 75 Agreement to secure this.

Having due regard to the above, the proposal is considered consistent with the provisions of Policy LP HOU 2: Provision of Housing to Meet Local Needs including Affordable Housing Provision of the Argyll and Bute Local Plan Post Inquiry Modifications.

F. Road Network, Parking and Associated Transport Matters.

Area Roads advised via email on 21 January 2008 that parking requirements for this development will be 2 allocated spaces and 0.25 unallocated space per unit, giving a total of 24 allocated and 3 unallocated (27 overall), furthermore that the garages cannot be considered as parking spaces for the scheme. The access will require to be adopted as there are more than 5 dwellinghouses proposed. A turning area to required dimensions must be provided at the end of the development, not half way along. The carriageway, footway and verges will require to be designed and constructed as per the Council's Development Guidelines. The maximum gradient must be 8% for the first 2.5 metres from the back of the existing footway on Pier Road.

The agent had confirmed that the access and parking densities have been agreed with the Roads Authority, which is 200% for all houses with 25% visitor parking. Furthermore, that by agreement the integral garages to the townhouses have been excluded from the calculation. They have also advised that conversion of the garages will be prohibited in the Titles for each house. In terms of finishing materials the agent has confirmed that the access road and pavements will be finished in tarmac and the driveways in gravel with footpaths in sandstone coloured concrete paving.

Assessment of the plans and further consultation and discussion with the Area Roads Engineer (3rd June 2009) has confirmed that the location of the turning area is more than half way along and is acceptable, furthermore that all of roads requirements can (via condition) or have been met. In its current form the proposal is therefore considered to be consistent with Policy LP TRAN 6: Vehicle Parking provision and Policy LP TRAN 4: New and Existing, Public Roads and Private Accesses.

Having due regard to the above the proposal is consistent with the provisions of Policy LP TRAN 6: Vehicle Parking and contrary to the provisions of Policy LP TRAN 4: New and Existing, Public Roads and Private Accesses of the Argyll and Bute Local Plan Post Inquiry Modifications.

G. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water have no objection to connections to serve this development but comment that there may be capacity issues that can only be resolved following the proposal receiving planning permission, whereby separate consent will be required from Scottish Water for connection to their infrastructure.

Having due regard to the above the proposal is considered consistent with the provisions of Policy POL PU2 of the Cowal Local Plan 1993 and Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems and LP SERV 4: Water Supply of the Argyll and Bute Local Plan Post Inquiry Modifications.

CONCLUSION

Development of this site for 12 dwellinghouses and a detached double garage would result in the introduction of an inappropriate density of development within the immediate settlement unacceptable and unrelated to the prominent density of the settlement contrary to Policy HO 8 of the adopted Cowal Local Plan and Policy LP HOU 1 within the emerging Argyll and Bute Local Plan.

Additionally, issues concerning over-development, density, and the impact on settlement character raised by neighbouring residents are supported by the department. The proposal is contrary to both the Argyll and Bute Structure Plan and emerging Argyll and Bute Local Plan since the 12 dwellinghouses and detached garage proposed cannot be regarded as appropriate development for this site where the development would result in an inappropriate density unsympathetic to the townscape character of the immediate area, which has the potential to create a visually 'cluttered' and 'crammed' development in terms of plots size, car parking, waste facilities and accommodation of an adoptable access road.

Such a development with its particular density would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to SPP 3 'Planning for Housing'; Policies STRAT SI 1 'Sustainable Development', STRAT DC 1 'Development Within The Settlements' and STRAT HO 1 Housing – Development Control Policy of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-off and Redevelopment and BE 9 Layout and Design of Urban Development of the Cowal Local Plan 1993; and Policies LP ENV 19 Development Setting, Layout and Design (including Appendix A – Sustainable Siting and Design Principles) and LP HOU 1 General Housing Development of the Argyll and Bute Local Plan Post Inquiry Modifications, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.

Having due regard to all of the above, the proposal is recommended for refusal for the reasons stated in this report. The proposal is considered unacceptable and contrary to the Development Plan and the Argyll and Bute Local Plan Post Inquiry Modifications.

APPENDIX C – REPRESENTATIONS RELATIVE TO APPLICATION NUMBER: 08/00489/DET

A total of 12 representations AGAINST and 1 in SUPPORT of this proposal have been received from the following individuals:

Name	Address	Letter Received
1. A Holland And Others	Tigh Na Uilt, 62 Wyndham Road, Innellan, Dunoon.	20.03.2008
2. Mr A McGill And Ms T Duffy	1 Royal Cottage, North Campbell Road, Innellan, Dunoon, PA23 7SB	12.03.2008
3. Euan Macdonald	Tower Bank, Knockamillie Terrace, Innellan.	04.04.2008
4. Harry James Revie	2 Braeside Terrace, North Campbell Road, Innellan.	25.03.2008
5. Margaret Revie	2 Braeside Terrace, North Campbell Road, Innellan.	08.04.2008
6. Theresa Duffy And Others (Letter signed by Theresa Duffy together with a petition of 25 signatures).	1 Royal Cottage, North Campbell Road, Innellan, Dunoon.	09.04.2008
7. Mr And Mrs D Thomson	5 Braeside Terrace, Innellan, Dunoon, PA23 7RQ.	09.04.2008
8. Steven Mayberry	3 Braeside Terrace, Innellan, Dunoon, PA23 7RQ.	01.04.2008
9. Steven Mayberry	3 Braeside Terrace, Innellan, Dunoon, PA23 7RQ.	02.04.2008
10. Donald McKinnon	Eddlyburn, Wyndham Road, Innellan, Dunoon	30.03.2008
11. Secretary of the South Cowal Community Council	PO Box 9343, Dunoon	30.03.2008
12. K R M Adams	Forbes And Adams, 54 Shore Road, Innellan, Dunoon	01.04.2008
13. G Holland and others (handwriting difficult to make out names)	Seaforth, 2 North Campbell Road, Innellan, Dunoon.	20.03.2008

Appendix D: Sustainability Checklist: 08/00489/DET

Sustainability Checklist

Q	Community	Yes	No	N/A	Details
1	Does the project have widespread community support?			*	
2	Does the project strengthen the local community?	*			provision of family homes appropriate to the area
3	Does the project help to ensure everyone has access to the same level of resources?			*	
4	Does the project have any impact on existing facilities or other organisations?		*		
Economy					
5	Does it help increase value of local products or make sustainable use of existing resources?	*			redevelopment of a brownfield site providing sustainable homes
6	Does it create jobs or retain existing jobs?			*	provides homes for families wishing to remain in the area
7	Does it help to develop skills/knowledge of local people?			*	
8	Does the project purchase goods and services locally?	*			local contractors will be used
9	Does the project impact on existing businesses?		*		
Environment					
10	Does the project help reduce waste and pollution?	*			decoupling the burn and clearing the land of debris
11	Has the project undertaken an Area Capacity Evaluation (ACE)?		*		
12	Does the project minimise energy use and/or support the development or use of renewable energy?	*			houses will be insulated to a very high standard
13	Does the project provide or safeguard access to and awareness of wildlife and open spaces?	*			creates maintained landscape wildlife habitat
14	Does the project safeguard, protect and enhance the natural environment and support local biodiversity?	*			works to the burn and planting of the steep slope will encourage biodiversity
15	Has the project considered the re-use of brown field land or an existing building?	*			this is a brownfield site
The Future					
16	Will the project bring positive changes?	*			strengthen the community by 12 families
17	Does the project link with existing services or organisations?			*	
18	Does the project have any long-term impacts on the environment?	*			sustainable planting, trees etc will mature over time




**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00489/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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Meters



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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 15 minutes.
The Consultees - not more than 15 minutes.
The Supporters - not more than 15 minutes.
The Objectors - not more than 15 minutes.
- (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, Technical Officer, Operational Services, Argyll & Bute Council.

Scottish Environmental Protection Agency – apology

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 fifteen minutes in which to make their presentation to the Committee.

Mr A McGill

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 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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