

---

**Reference Number:** 08/00662/DET  
**Applicants Name:** Ecos Construction Ltd.  
**Application Type:** Detailed  
**Application Description:** Erection of new children's home and residential development for 34 dwellinghouses, 52 flats and conversion of Dunclutha House to form 3 flats with an overall provision for 25 % affordable housing.  
**Location:** 113 Marine Parade, Kirn, Dunoon

---

## **(A) THE APPLICATION**

### **(i) Development Requiring Express Planning Permission**

- Erection of new children's home (single storey) with car parking and garage;
- Erection of 34 dwellinghouses (12 semi-detached, 22 detached) with associated car parking;
- Erection of 3 flatted blocks (total of 52 flats) with associated parking courts (Block A – 28 flats, Block B – 12 flats, Block C – 12 flats);
- Provision of 24 (25%) affordable units within flatted Blocks B and C;
- Conversion of Dunclutha House to form 3 flats (no details submitted);
- Formation of new vehicular access from Marine Parade and James Street;
- Formation of internal access roads with visitor car parking;
- Formation of communal open space areas, landscaping, tree planting and boundary treatment;
- Retention and enhancement of existing woodland;
- Provisions of 2 children's play areas;
- Provision of external bin storage areas

### **(ii) Other specified operations.**

- Connection to public sewer and water supply;

---

## **(B) RECOMMENDATION**

Having due regard to the Development Plan and all other material considerations it is recommended that detailed planning permission be granted subject to the conditions and reasons attached.

---

## **(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

### **(i) Development Plan Context:**

In the Cowal Local Plan 1993 (adopted 1995), the application site is located within the settlement of Dunoon mostly within the Marine Parade Townscape Policy Area. While the application site (5.29 ha) is not included within the schedule of allocated sites covered by policy HO6 'Housing Land Allocation', it is considered that it is redevelopment of a brownfield site related to the existing built form and subsequently consistent with policy HO8 'Infill, Rounding-Off and Redevelopment'. The proposal is also covered by policies BE4 'Townscape Policy Areas' and TR5 'Parking Guidelines'.

In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the application site is located within the main town settlement of Dunoon and covered primarily by policies ENV 19 'Development Setting, Layout and Design'; ENV14 'Development in Special Built Environment Areas', HOU1 'General Housing Development', and HOU2 'Provision of Housing to meet Local Needs including Affordable Housing Provision.

The proposal is considered to be consistent in terms of policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan 2002 that allow for large scale housing development within the settlements.

Given all of the above, it is considered that the proposed development is appropriate redevelopment of a 'brownfield' windfall site that is consistent with the scale and immediate settlement pattern, and would not unduly impact on the amenity and privacy of neighbouring properties. The design of the houses and flats together with proposed materials are considered to be acceptable in this location. The proposal will result in a new children's home being built to replace the existing facility within Dunclutha, where the existing building will be largely retained and converted into 3 flats that will provide a traditional focal point to the overall development. Additionally the proposed development will result in the provision of two blocks of 'affordable' flats.

For these reasons the proposal is considered to accord with policies contained in the Argyll and Bute Structure Plan, the adopted Cowal Local Plan, the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008) and National Guidance.

**(ii) Representations:**

Letters of objection and representation have been received from 12 individuals. However, 3 of these relate to procedural matters or requests for further information or clarification. The planning concerns raised by the 9 objectors have been taken into account during the process of this application and have been addressed in this report.

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

Given that the proposal has not attracted a substantial body of objection, a hearing is not required.

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

The proposal is consistent with both the Development Plan and the Finalised Local Plan.

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

No

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

Yes. The application site is owned by the Council and Dunclutha House children's home is run by the Council's Social Work Department. The new children's home will form the replacement for Dunclutha House.

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

Whilst the Council has an interest in the site there is no need to notify Scottish Ministers as the proposal is not a Departure and given that there has not been a "substantial" body of objection.

**(viii) Has a sustainability Checklist Been Submitted:**

Yes

**Angus J Gilmour**

**Head of Planning**

**Author:** Brian Close/Arlene Henderson

**Date:** 29<sup>th</sup> January 2009

**Reviewing Officer:** Neil McKay

**Date:** 16<sup>th</sup> February 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](http://www.argyll-bute.gov.uk)

## CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00662/DET

1. That the development hereby granted shall be begun on or before the expiration of five years beginning with the date on which the planning permission is granted or deemed to have been granted.

*Reason : Pursuant to Sections 58 of the Town and Country Planning (Scotland) Act 1997.*

2. The 24 Affordable Housing Units shall be provided on site in accordance with the phasing plan agreed as shown on drawing no 07.143.15C. from Thomson Dawes dated 02.02.2009. After completion of the mainstream houses in Phase 3, no work shall commence on Phase 4 until the 25 % Affordable Housing Units relative to Phase 3 (affordable housing zone 2) has been completed. Similarly, after completion of the main stream houses in Phase 4, no work shall commence on Phases 6 and 7 until the 25 % Affordable Housing Units relative to Phase 5 (affordable housing zone 1) has been completed, unless otherwise agreed in writing by the Planning Authority. The mechanism for providing the Affordable Housing will be through a Registered Social Landlord (RSL) or, subject to agreement with the planning authority in writing, one of the alternative options set out in the Councils Development Plan Policy Guidance relating to Affordable Housing.

*Reason: To ensure the affordable element is secured on site in accordance with the provisions of Policy LP HOU2 of the Post Inquiry Modified Argyll and Bute Local Plan and Planning Advice Note (PAN) 74: Affordable Housing.*

3. Notwithstanding the provisions of Class 1 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the side elevations of the proposed dwellinghouses on plots 1 – 5 and plots 9 – 37 shall not be altered in any way including the formation of any opening without an express grant of planning permission from the Planning Authority.

*Reason : To prevent overlooking and in the interests of the residential amenity of the adjacent properties and in accordance with Policy ENV 19: Development, Setting, Layout and Design of the Finalised Argyll and Bute Local Plan.*

4. All landscaping and tree planting/retention works shall be implemented in accordance with the provisions shown on 1:500 Landscape Masterplan drawing ref. LO1 Rev H in accordance with the phasing plan shown on drawing no. 07.143.15C from Thomson Dawes dated 02.02.2009. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding season following the commencement of the development in the agreed phase unless otherwise agreed in writing with the Planning Authority.

*Reason: To ensure the implementation of the landscaping.*

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

*Reason: To ensure the maintenance of the landscaping scheme required by condition 4 above.*

6. Prior to any site works commencing, full details of a scheme to protect the trees that are to be retained within the site as shown on the approved Landscape Masterplan drawing ref. LO1 Rev H from TGP Landscape Architects shall be submitted to and approved in writing by the Planning Authority. No trees identified for being retained shall be felled, lopped, topped or removed without the prior written consent of the Planning Authority.

*Reason: In order to protect the existing woodland area and other trees within the site in accordance with Policy ENV 7: Development Impact on Trees/Woodland of the Finalised Argyll and Bute Local Plan.*

7. Development shall not begin within individual phases until samples of materials to be used within that phase (on external surfaces of the buildings) including harling and windows and for the construction of hard standings, walls and fences or other boundary treatment has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

*Reason: In order to integrate the development into its surroundings and in accordance with the provisions of policy ENV19.*

8. The agreed method of on-site disposal of surface water drainage including Sustainable Urban Drainage Systems as shown on approved Drainage Strategy drawing no. S100854/01 Rev C for any individual phase of development shall be fully implemented and operational prior to the occupation of any

development in that phase. No phase of the development shall be occupied until the agreed drainage system for that phase has been fully provided.

**Reason:** *To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses in accordance with Policy SERV 2: Sustainable Urban Drainage Systems of the Finalised Argyll and Bute Local Plan.*

9. Prior to commencement of any development a detailed construction method statement for this site shall be submitted to and agreed in writing with the Planning Authority, in consultation with the Scottish Environment Protection Agency. This method statement shall address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SuDS.

**Reason:** *In order to prevent potential pollution of the water environment in accordance with Policy SERV 2: Sustainable Urban Drainage Systems of the Finalised Argyll and Bute Local Plan..*

10. Prior to work starting on each individual phase the developer shall provide the Planning Authority with written proof from Scottish Water of the public mains water and drainage connections for that phase.

**Reason:** *In the interests of public health and in order to ensure that adequate drainage and water provision is available for the site.*

11. Prior to the commencement of any works on site, full details shall be submitted for the proposed detention pond and associated landscaping works in front of Block 'A' (open space area 07 shown on drawing no. 07.143.15C from Thomson Dawes dated 02.02.2009).

**Reason:** *In the interests of providing a detention pond capable of supporting the approved SuDS and to integrate it with its surroundings and to provide any safety or other barriers as may be required.*

12. All works required for the provision of the play area(s) shall be completed in accordance with the details contained within drawing no. 07.143.15C from Thomson Dawes dated 02.02.2009 which shall comply with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors).

**Reason:** *In the interests of public health and safety and to ensure compliance with the standards contained in BS 5696 (Play Equipment Intended for Permanent Installation Outdoors).*

13. Prior to work starting on site details of a factoring scheme to cover the maintenance of all open space, woodland, play areas, landscaping and associated footpaths and terracing behind plots 19-25 shall be submitted to and approved in writing by the Planning Authority. This factoring agreement shall make specific reference to the inspection intervals for all areas covered by the scheme and for their ongoing maintenance.

**Reason:** *In order to secure the long term maintenance of all open space, woodland, play areas, landscaping and associated footpaths and terracing behind plots 19-25.*

14. No works in connection with the development hereby approved shall take place unless a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority in consultation with Protective Services and the Scottish Environment Protection Agency. This plan shall include details of the arrangements for the storage, including the design and location of all bin stores together with the separation and collection points for waste from the site or roadside collection points, including provisions for the safe pick-up by refuse collection vehicles. The approved Waste Management Proposals shall be carried out in accordance with the approved scheme.

**Reason:** *To ensure that waste from the proposed site is dealt with in a sustainable manner in accordance with the National Waste Strategy for Scotland and the Area Waste Plan for Argyll & Bute.*

15. The access from James Street and from Marine Parade serving houses 36 and 37 shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager, unless the prior consent for variation is obtained in writing from the Planning Authority.

**Reason:** *In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.*

16. Prior to work starting on any development taking access from James Street, the vehicular access to James Street shall be formed with sightlines of 42 X 2.4 metres in each direction measured from a 2.5 metres setback from the centreline of the proposed access. No obstruction to visibility shall be permitted thereafter within these visibility splays above a height of 1.0 metres from the level of the highway edge.

**Reason:** *In the interests of road safety and to ensure that appropriate sightlines can be achieved and maintained.*

17. Prior to work starting on Block A, a vehicular access shall be formed onto Marine Parade with sightlines of 42 x 2.4 metres in each direction from a 2.5 metres setback from the centreline of the proposed access. No obstruction to visibility shall be permitted thereafter within these visibility splays above a height of 1.0 metres from the level of the highway edge.

**Reason:** *In the interests of road safety and to ensure that appropriate sightlines can be achieved and maintained.*

18. The gradient of any driveway shall not be greater than 5% for the first 5 metres and shall have a sealed surface for the first 5 metres and a gradient of no greater than 8% for the remainder of the driveway.

**Reason:** *In the interest of road safety.*

19. Prior to work starting on any phase involving the formation of a driveway, details of the access to each dwellinghouse in that phase which shall be constructed with a system of surface water drainage to prevent surface water being discharged onto the public highway or footpaths shall be submitted to and approved in writing by the Planning Authority. Thereafter the driveways shall be constructed and maintained in accordance with the approved details.

**Reason:** *To prevent surface water from being discharged onto the public highway in the interests of road safety.*

20. Prior to work starting on site the visibility splays at the Marine Parade and James Street accesses shall be cleared of obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

**Reason:** *In the interests of road safety.*

21. The development hereby permitted shall not come into use until such time as dropped kerbing has been provided at the Marine Parade and James Street accesses to the satisfaction of the Planning Authority.

**Reason:** *To ensure that appropriate provision is made for safe passage of pedestrians and other road users in the interests of highway safety.*

22. The development granted permission shall not be occupied until space has been laid out within the site for vehicle turning areas, so that vehicles may enter and leave the site in forward gear, details of which shall have been agreed in writing by the Planning Authority, prior to work starting on site.

**Reason:** *In the interests of Road Safety.*

23. Parking shall be provided in accordance with the current parking standards which require provision of 1 space per 1 bedroomed property, 2 spaces per 2/3 bedroomed property and 3 spaces for 4 and above bedroomed properties. 0.25 spaces per unit shall be provided for visitor parking throughout the development and all parking bays shall be a minimum of 5 x 2.5m.

**Reason:** *To ensure adequate provision of parking in the interest of road safety.*

24. Prior to any construction works on the type G dwellinghouses full details (in respect of design and materials) of all proposed garages for all Type G dwellinghouses (as shown on 1:500 Site Plan ref. 07.143.03\_G) shall be submitted to and approved in writing by the Planning Authority.

**Reason:** *No such details have been submitted and are required in order to integrate the proposal with the site in accordance with Policy ENV/19 of the Finalised Argyll and Bute Local Plan.*

25. This permission does not carry with it any consent for the demolition or alteration of Dunclutha House or its outbuildings.

**Reason:** *For the avoidance of doubt as no such details have been submitted.*

26. Prior to any construction works on site, involving access being taken from Marine Parade or James Street full details of a public art scheme(s) or entrance features at the entrance to Block A on Marine Parade and main entrance onto James Street and within the development, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved public art features shall be implemented for the relevant phase prior to starting work on the next phase. The phases referred to being those detailed in condition 2 above.

**Reason:** *In the interest of visual amenity and to create a sense of place in accordance with Policy ENV 20: Public Art of the Finalised Argyll and Bute Local Plan.*

27. Prior to the commencement of any works to clear the site, full details of the method of the treatment and subsequent removal of the large areas of Japanese Knotweed (*Fallopia japonica*) on the application site, shall be submitted to and approved in writing by the Planning Authority. All removal

and clearance operations shall be carried out in accordance with such agreed course of action, unless consent for variation is obtained in writing from the Planning Authority.

**Reason:** *In the interests of residential amenity and to control the spread of this pernicious weed.*

28. Prior to the commencement of the development, full details of the intended methods of dust suppression measures shall be submitted to and approved in writing by the Planning Authority in respect of dust and particulate contamination in the immediate locality of the works. Such details as are approved shall be utilised during the course of construction works.

**Reason:** *In order to prevent the adjoining dwellinghouses, other premises and land uses being affected by an unacceptable level of dust pollution.*

29. Unless the prior written consent of the Planning Authority is obtained for variation, all external lighting units within the site shall be operated, positioned and angled to prevent any glare or light spillage outwith the boundaries of the site, having regard to the Institute of Lighting Engineers Guidance.

**Reason:** *In order to avoid the potential of light pollution infringing on surrounding land uses/properties.*

30. No development shall commence on individual phases until details of the location of construction compounds for that phase and location of vehicular wash-down area(s) (which shall be close to the boundary of the works) has been submitted to and approved in writing by the Planning Authority. No demolition, construction or any associated infrastructure works shall commence on each phase until the vehicular wash-down area(s) has been brought into use which shall be retained in the approved location for the duration of each phase and until the final completion of each phase unless the prior written consent of the Planning Authority is obtained for variation.

**Reason:** *To prevent contamination on the public roads and in the interests of road safety.*

31. Prior to any work starting on site the applicant shall submit a red squirrel survey together with any mitigation measures which will identify the presence or otherwise of any red squirrels within the site or that use the site. Such a survey shall be drawn up in consultation with the Council's biodiversity officer and shall include any mitigation measures that are required in order to ensure that the red squirrels within the site or using the site are not prejudiced.

**Reason:** *In the interests of safeguarding the habitat of a protected species in accordance with Policy ENV 6: Habitats and Species of the Finalised Argyll and Bute Local Plan.*

32. Prior to the occupation of either plot 36 or 37 the existing access serving Dunclutha House shall be closed off immediately at a point past plot 36. Prior to closing off the access full details of the means of closure and associated turning space shall be submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of road and public safety.*

## **INFORMATIVES: 08/00662/DET**

- (i) *The Area Roads Manager has advised that the development will require Construction Consent (S21), Road Bond (S17) and a Road Opening Permit (S56). The Scheme will be subject to traffic calming measures with an advisory 20s plenty scheme with appropriate signing. The parking courts will not be included within the area to be adopted but will require Construction Consent. A system of surface water drainage is required to prevent water running onto the footways and roads. Drainage systems 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 708613) directly on these matters.*
- (ii) *The applicant is advised by Scottish Water that :*
- *Scottish Water has no objections to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk);*
  - *Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. DIA forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk);*

- *Loch Eck Water Treatment Works currently has capacity to service this proposed development;*
- *Dunoon, 109 Alexandra Parade Wastewater Treatment Works – at present there is limited capacity to serve this new demand. The Developer should discuss the development directly with Scottish Water;*
- *In some circumstances it may be necessary for the developer to fund works on exiting infrastructure to enable the development to connect. Should we become aware of any issues such as flooding, low pressure etc. the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules;*
- *A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*
- *If the connection to the public sewer and/or water main requires to be laid through land outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude;*

*For the advisory notes above, the applicant/developer is advised to contact Scottish Water directly (Planning and Development Services, 419 Balmore Road, Glasgow G22 6NU, Susan Miller, Customer Connections, Tel. 0845 601 8855 or at [www.scottishwater.co.uk](http://www.scottishwater.co.uk))*

- (iii) *The applicant/developer is advised that in terms of construction noise the Public Protection Service will use powers under the Control of Pollution Act 1974 to control the noise from construction work.*

*It is envisaged that, in order to comply with the above controls, construction operations within the site may require being restricted to the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday only and at no times on Sundays and Bank Holidays.*

*In addition, all vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.*

*Prior to the commencement of any construction works, the applicant is requested to discuss with the Council's Public Protection Unit (tel. 01369 707120 ext 24) measures that will be put in place to control noise from the site. It should be noted that any agreement made at this time will not preclude any action being taken under Section 60 of the Control of Pollution Act 1974 should it be deemed necessary.*

- (iv) *The applicant is advised by Scottish Environmental Protection Agency (SEPA) that non-objection is based on the understanding that the foul drainage is connected to the public sewer. The applicant is advised to consult with Scottish Water in this regard. SEPA suggest that the applicant be required to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.*
- (v) *It should be noted that any works to Dunclutha House including any external alterations or its change of use to a dwellinghouse(s) or flats will require a separate planning application.*



## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00662/DET

### MATERIAL CONSIDERATIONS AND ADVICE

#### (i) POLICY OVERVIEW AND MATERIAL ADVICE

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

STRAT SI 1 'Sustainable Development' seeks *inter alia* to make efficient use of vacant and/or derelict brownfield land and respect the setting and character of settlements.

STRAT DC1 'Development Within The Settlements', serving a wide community of interest where encouragement shall be given generally to large scale development (i.e. exceeding 30 units) on appropriate infill and redevelopment sites.

STRAT HO1 – Housing – Development Control Policy. Outwith formally allocated housing sites, appropriate forms and scales of development are encouraged within the settlements where it is consistent with STRATDC1.

Planning conditions shall be required to facilitate the delivery of affordable housing provision.

STRAT DC10 – Flooding and Land Erosion. Suitable mitigation measures could be acceptable to guard against flooding or from erosion which would increase the risk to other land or property.

The above policies are developed further in the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).

**b) Cowal Local Plan 1993 (adopted 1995)**

The Cowal Local Plan 1993 identifies this site within the settlement zone of Dunoon mostly within the Marine Parade Townscape Policy Area where policy BE4 applies. The application site is an unallocated site within the main settlement zone where the proposal would be consistent with Policy HO8 'Infill, Rounding Off and Redevelopment' as the proposal represents appropriate redevelopment of a brownfield site related to the existing built form.

**c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)**

In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the site is located within the main town settlement of Dunoon where policies LP ENV1 'Development Impact on the General Environment'; LP ENV19 'Development Setting, Layout and Design' (including Design Guidance); LP ENV20 'Public Art', LP HOU1 'General Housing Development'; LP HOU2 'Provision of Housing to meet Local Needs including Affordable Housing Provision', LP HOU3 'Special Needs Access provision in Housing Developments', LP HOU4 'Housing Green-Space', LP SERV3 'Drainage Impact Assessment', LP TRAN4 New and Existing, Public Roads and Private Access Regimes; LP TRAN6 'Vehicle Parking Provision', are all applicable.

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

**d) National Guidance**

The following advice and guidance from Central Government relevant to the site includes:

- a) Scottish Planning Policy SPP3 – 'Planning for Housing';
- b) Scottish Planning Policy SPP7 – 'Planning and Flooding';
- c) Planning Advice Note 74 – 'Affordable Housing';
- d) Planning Advice Note 67 – 'Housing Quality';
- e) Planning Advice Note 68 – 'Design Statements';
- f) 'A Policy Statement for Scotland - Designing Places';

#### (ii) SITE HISTORY

An application for outline planning permission for the erection of a children's home on the site of the market garden was withdrawn on 28<sup>th</sup> June 1999 (ref. 98/01759/NID).

Notice for Intention to Develop (ref. 03/00868/NID) for the erection of a children's unit, formation of vehicular access, car parking spaces and garage was approved on 19<sup>th</sup> September 2003. This proposal was for a replacement children's home on the site of the former market garden.

Advertisement consent (ref. 03/01982/ADV) for the erection of temporary signboards was granted on 1<sup>st</sup> December 2003.

Planning permission (ref. 06/01157/DET) for change of use of a dwellinghouse to office accommodation and formation of car parking court was granted on 12<sup>th</sup> September 2007 and implemented.

A detailed planning application (ref. 07/01666/DET) for the erection of a residential development comprising 40 dwellinghouses, 52 flats, partial demolition and conversion of Duncutha House into 3 flats and erection of children's home and garage; formation of vehicular accesses and landscaping was withdrawn on 4<sup>th</sup> April 2008.

(iii) **CONSULTATIONS**

**Area Roads Manager** (16.02.09) has advised that he has no objection to the proposal subject to conditions relating to: sightlines at the entrance on the A815 Marine Parade and on James Street; submission of a Traffic Impact Assessment and a Flooding Assessment; no restrictions within visibility splays; accesses constructed as per Council Guidelines; dropped kerbing at each of the accesses; width of roads and footways; provision of service strips; maximum gradient of roads and junctions; provision of turning areas; surface water drainage to prevent water on roads and footways; driveway gradients; driveway surfacing; parking provision; and size of parking bays.

**Scottish Water** (responses dated 16<sup>th</sup> April 2008, 28<sup>th</sup> April 2008, and 26<sup>th</sup> August 2008): No objections in principle but due to the size of the development would have to fully assess proposal. Advisory notes recommended.

**Scottish Environment Protection Agency** (responses dated 24<sup>th</sup> April 2008, 28<sup>th</sup> October 2008, and 30<sup>th</sup> December 2008): As it is proposed to connect the foul drainage from this development to the public sewer, SEPA have no objections to this aspect.

SEPA (letter dated 24<sup>th</sup> April 2008) originally objected to the proposals for surface water drainage due to lack of information but have recently confirmed that the revised surface water scheme is acceptable and have removed earlier objections.

**Operational Services** (responses dated 8<sup>th</sup> June 2007, 14<sup>th</sup> April 2008, 1<sup>st</sup> September 2008, 23<sup>rd</sup> December 2008): Original request for Flood Risk Assessment and comments that swales would not be acceptable on this sloping site. Revised surface water drainage proposals now considered acceptable in principle. Proposed pond and porous surface should be connected to the surface water drainage system.

**Public Protection** (response dated 17<sup>th</sup> April 2008): Comments regarding noise and dust from construction activities and lighting.

**Strathclyde Police - Operational Services & Property Services** (responses dated 8<sup>th</sup> May 2008, 15<sup>th</sup> May 2008): No objections. Comments regarding car park design, building orientation, surveillance, footpaths, play areas, surfacing of vehicle entrances and speeds, and security issues.

(iv) **PUBLICITY AND REPRESENTATIONS**

The proposal was advertised under Article 18 *Potential Departure* to policies POL COM5, HO7, HO8, BE4, BE8 and BE9 of the Cowal Local Plan 1993, advertisement published 23<sup>rd</sup> May 2008 (expiry date 13<sup>th</sup> June 2008); under Section 34 Bad Neighbour advertisement published 23<sup>rd</sup> May 2008 (expiry date 13<sup>th</sup> June 2008); and article 9 neighbour notification. Objections have been received from nine individuals and some of these include copies of letters submitted from the withdrawn scheme ref. 07/01666/DET additionally, a further three letters were received which were essentially requests for information and not objections, the objections were received from:

Objections

1. Mr and Mrs Tom Guthrie, Dunkeld, 65 Hunter Street (letters dated 18<sup>th</sup> April 2008, 3<sup>rd</sup> June 2008);
2. John M Thomson, Baravulin, 72 Hunter Street (letter dated 10<sup>th</sup> April 2008 with a copy of original letter dated 12<sup>th</sup> September 2007);
3. George Kennedy, G R Kennedy, 93 Marine Parade, Kirn (letter dated 2<sup>nd</sup> April 2008 with a copy of original letter dated 12<sup>th</sup> September 2007);
4. John McGhie, Colaba, Hunter Street (letter dated 14<sup>th</sup> April 2008 with original letter dated 11<sup>th</sup> September 2007);
5. John and Jane Morris, 17 Argyll Terrace, Kirn (objection letter dated 7<sup>th</sup> May 2008, letters dated 4<sup>th</sup> September and 1<sup>st</sup> October 2008 relate to a separate matter that is being addressed separately);
6. Clifford Most, 18 George Street, Hunters Quay (letter dated 29<sup>th</sup> April 2008).

7. Robert Thomson, Enmore Hotel, 111 Marine Parade, Kirn (e-mails dated 31<sup>st</sup> March and 28<sup>th</sup> April 2008);

Requests for further information or to clarify matters were received from:

1. Frank and Patricia Sallie, Dunclutha Lodge, 115A Marine Parade (letter dated 14<sup>th</sup> April 2008);
2. Fiona Smith, 167, Marine Parade, Hunter's Quay (email information request dated 17<sup>th</sup> September 2008);

The concerns and issues raised in the letters of objection can be summarised as follows:-

- *Concern that previous comments for withdrawn scheme were not transferred to new application.*

**Comment:** Many of these comments have been copied in with current letters of objection and the points raised are contained and addressed within this report.

- *Type of access/egress during construction; noise pollution during construction stage;*

**Comment:** Public Protection have powers under their legislation to control the construction activity at this site

- *Environmental impact on surrounding area in terms of trees and root systems, land erosion, drainage, air pollution and dust, traffic movements and impact on boundary walls and trees of Enmore Hotel.*

**Comment:** There are a number of conditions imposed to cover the above issues, or they are controlled by separate legislation.

- *Massive flatted buildings are incongruous in the overall concept and pay little heed to the historical development and layout of Hunter's Quay/Kirn;*

**Comment:** Whilst the flatted blocks appear modern in their design, the design elements with glazing panels and monopitch roofs help to break up otherwise heavy massing elements. The choice of materials will be crucial in terms of the combination of white render and a good quality reconstituted stone and insert cladding panels. A condition is recommended in terms of approval of all external materials.

- *Massive input of vehicular traffic to James Street will highlight the junction with Marine Parade which at present with modest traffic movements is lethal to exit with inadequate visibility. Understood that main access was to be taken from Marine Parade between Enmore Hotel and Fountain Quay.*

**Comment:** The Area Roads representative considers that the surrounding street network are acceptable in terms of the scale of the proposed development.

- *Main entrance to development sited at junction with George Street that is a difficult junction. Development will result in a significant increase in the number of vehicles along existing streets with potential safety impacts for traffic and pedestrians.*

**Comment:** The Area Roads representative has not objected to the junction arrangements.

- *Block of flats in north west corner overlook front garden of property in Hunter Street removing existing privacy;*

**Comment:** These flats were originally proposed as 3-storey but are now 2-storey due to topography and concerns over proximity to existing properties in Hunter Street. The 2-storey flatted Block 'C' is located some 45-50 metres from the nearest dwellings in Hunter Street.

- *Do not wish to have existing driveway at Dunclutha Lodge used as a shortcut*

**Comment:** The proposal should not affect Dunclutha Lodge that has its own dedicated gated private access.

- *Removal of trees in the north west corner of the site would have an impact on the immediate townscape;*

**Comment:** Overall it is considered that the balance between trees loss and development is acceptable and consistent with Policy.

- *Density of 95 units appears particularly high for this area*

**Comment:** Overall density on such a large site is actually medium density which also reflects the character of the immediate surrounding area.

- *Concern about habitat for red squirrels*

**Comment:** A condition is recommended in terms of survey information and mitigation measures.

- *Discrepancies in Design Statement in terms of tree retention and removal*

**Comment:** Design Statement has been updated but details shown on Landscape Masterplan indicate the planting schedule.

- *Feel that flat types could be more harmonious with house types and less slab like in their presentation.*

**Comment:** While the flats offer a different design approach to the dwellinghouses, this creates a variety of building types that reflect the mixed and varied character of the surrounding area. Focal points like Dunclutha House and the flatted blocks will add interest around this large site that will also be screened by replacement and enhanced treeplanting.

- *Considered that the development adjacent to the north end of Argyll Terrace leaves insufficient distance to provide some buffering between existing properties and the new buildings. Proximity will lead to reduced amenity.*

**Comment:** Separation distances all around the site have been assessed and considered acceptable. Proposed buildings are set back within their plots or located in positions that would avoid any significant overlooking or loss of privacy.

- *Visual impact from several points and particularly from seaward views*

**Comment:** Given the prominent location of the site it will be visible from seaward views but will not have a detrimental impact on the wider townscape.

- *Existing problems with overgrowing vegetation and collapsed wall*

**Comment:** This matter has been investigated by the Estates Department.

- *Infestation of Japanese Knotweed growing on the site*

**Comment:** Limited to small areas within the site but the subject of a condition requiring safe treatment and removal.

#### **(v) Applicant's Supporting Information**

The applicant's agent has submitted a Design Statement in support of the scheme (dated 14<sup>th</sup> October 2008 but amended and revised at 19<sup>th</sup> January 2009), which is summarised below.

The overall concept is to build a replacement children's home in the north-west corner of the site and accessed from Argyll Terrace. The remainder of the site is to be developed for residential purposes maximising sea views and topography.

Section 1 assesses the proposal against the Council's Development Guidelines and includes topics such as settlement pattern, good siting, integration with landscape setting, settlement pattern adoption, sustainable access, privacy and security, community, biodiversity, renewable energy, infrastructure, buildings to shape urban spaces, neighbourhoods, routes and accesses, parking, character external spaces, smaller scale components, massing and proportion, planting and gardens, accessibility, design for minimal energy use and dealing with climate change.

Section 2 looks in more detail at the design rationale and particular design elements of the scheme and open space/play areas and phasing.

## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00662/DET

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site is an unallocated site located within the main town settlement of Dunoon, where in terms of STRAT DC1 and STRAT HO1 of the Argyll and Bute Structure Plan and Policy HO8 of the Cowal Local Plan, there is a presumption in favour of large scale development serving a wide community of interest on appropriate infill, rounding-off and redevelopment sites that would help to deliver affordable housing and provide appropriate open space/play space. This is also supported by Policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)

**It is considered that the proposal would be an appropriate redevelopment of a brownfield site of an appropriate scale with the immediate surroundings and therefore consistent with POL HO8 of the adopted Cowal Local Plan, STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan.**

#### B. Location, Nature and Design of Proposed Development

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) where a high standard of appropriate design is expected in accordance with the Council's design principles.

- (i) *Development Setting - Development shall be sited and positioned to pay regard to the context within which it is located.*

The application site (5.29ha) comprises unused land and woodland that surrounds Dunclutha House, a two-storey traditional villa that has been extended and currently in use as a children's home run by the Council, who own the entire site. The application site marks the transition between the neighbourhoods of Kirm to the south and Hunter's Quay to the north, although these districts are contained within the major settlement of Dunoon.

The application site contains Dunclutha House and its outbuildings in the central part of the site that slopes in tiers from Hunter Street and Dunclutha Lane on the western side of the site towards Marine Parade on the east. The site is bounded by Argyll Terrace in the south where the replacement children's home would be located and accessed from. A former dwellinghouse in the south-west corner of the site off Argyll Terrace is in use as an office and accessed from Argyll Terrace. The site is bounded by James Street and Hunter's Quay to the north. On the eastern side, the application site wraps around Fountain Quay, a two-and-a-half storey flatted sheltered housing development and Dunclutha Lodge, a traditional gatehouse.

Dunclutha House is currently served by a vehicular access that is shared with Fountain Quay from Marine Parade. The large site lies mostly within the Marine Parade Townscape Policy Area and is surrounded by a wide variety of house sizes, types and vintages in addition to other larger buildings including the Enmore Hotel (that is currently being converted into flats) and Dunoon Hostel. Surrounding densities and settlement patterns range from three-storey blonde and red sandstone tenement properties to traditional one/one-and-a-half/two storey detached dwellinghouses and modern bungalows. The site is characterised by the presence of Dunclutha House, balanced by Fountain Quay to the north and Enmore Hotel to the south with a strong backdrop of mature woodlands that surround the site particularly in the northern portion of the site.

- (ii) *Development Layout and Density - Development layout and density shall effectively integrate with its setting.*

This proposal is for the erection of a new children's home and residential development comprising 34 dwellinghouses, 52 flats and conversion of Dunclutha House to form 3 flats. In terms of density, 89 units equates to 17 units per hectare and considered medium-density in respect of Policy LP HOU 1.

The various components of the development package are as follows:

##### Children's Home

The replacement children's home, albeit in a different location from that previously approved (ref. 03/00868/NID) on the eastern side of Argyll Terrace, represents a similar design of a bungalow style building in open courtyard form. Due to topography in this part of the site the proposed home has been repositioned to avoid excessive underbuilding and retaining elements. Proposed materials are white render and light green timber cladding panels for external walls, reconstituted sandstone for basecourse and entrance detailing and grey smooth tiles for the pitched roof with gabled features.

##### Conversion of Dunclutha House

Due to security issues it has not been possible for the applicants to develop internal layouts for the existing Dunclutha House. Only limited details have been submitted that suggests that existing outbuildings would be demolished leaving the original core of the building which could be converted to provide a maximum of 3 flats. Dedicated car parking spaces and communal open space is shown around Dunclutha House where there would appear to be no overlooking or privacy concerns. While the general principle of conversion is acceptable, the precise details will be assessed at a later stage and will require to be the subject of a separate planning application.

#### Erection of dwellinghouses

The development includes 22 detached units (25% of total) and 12 semi-detached units (13%). With the exception of two detached dwellinghouses located off Fountain Quay and accessed from Marine Parade, the remaining dwellinghouses would be located off an internal spine road from James Street serving an upper cluster and main central cluster of development. The development has been sub-divided into neighbourhoods or 'home-zones' which help to integrate the number of units within the site whilst retaining and enhancing existing woodland areas.

The dwellinghouses proposed include an interesting variety of mainly two-storey dwellinghouses with a number of traditional features incorporated within modern styles. Materials for the dwellinghouses generally include white wet dash render for external walls, reconstituted stone for basecourses and detailing, grey slate effect concrete tiles, brown upvc mock sash and case windows and black downpipes and guttering.

#### Erection of 3 Flatted Blocks.

The development includes the erection of a 3 / 4 storey flatted Block 'A' (28 flats) accessed from Marine Parade and located between Enmore and Fountain Quay. Due to the juxtaposition of these adjacent buildings Block 'A' has been positioned and designed to create an 'L' shaped courtyard concept with Fountain Quay in order to avoid any overshadowing or loss of daylight to these properties. A new vehicular access will be created from Marine Parade close to the boundary with Enmore. Dedicated car parking (63 spaces) with a turning area and bin shelters are proposed. The front courtyard of this block will be landscaped where a surface water detention pond will be integrated within the landscaping scheme.

External materials will be white Sto render for walls with buff/brown reconstituted stone for basecourses and slate grey inset panel features. Pitched and monopitch roofs will be covered in a Sarnafil grey single ply membrane with grey window units and black rainwater goods.

Block 'B' (12 flats) is located close to the northern boundary and accessed from James Street. The flats will be contained within a three-storey modern rectangular block that has been designed to cope with a sloping site. External materials for the flatted block will be similar to Blocks A and C.

Block 'C' (12 flats) is located in the upper cluster adjacent to Hunter Street and also accessed from James Street. The flats will be contained within a two-storey modern rectangular block that has been designed to cope with a sloping site. External materials for the flatted block will be similar to Blocks A and B.

#### Phasing Plan

A detailed phasing plan has been submitted that explains how this large site shall be developed.

Phase 1 – construction of new children's home

Phase 2 – construction of main internal road from James Street to southern end of site;

Phase 3 – construction of affordable zone 2 (Block 'B') once dwellinghouse units 1-5 and 9-25 are complete;

Phase 4 – new western loop road formed and construction of dwellinghouse units 26-35;

Phase 5 – construction of affordable housing zone 1 (Block 'C');

Phase 6 – construction of dwellinghouses 36 and 37 adjacent to Fountain Quay;

Phase 7 – construction of Block 'A' Marine Parade flats

(iii) *Development Design – Including location, layout, open space, and landscaping.*

The proposed development provides a range of house types and mixes that is typical of the surrounding area. The retention of Dunclutha House and major parts of existing woodland will help to retain key features.

The location, nature and topography of the sloping site and existing settlement character dictate that buildings face eastwards to maximise views of the River Clyde and surroundings. While only a few

dwelling have a southerly aspect a Carbon Reduction Statement has been submitted (see below). The layout of the site is an attempt to merge varying house types and street patterns that surround the site. Photomontages illustrate that the general settlement character of the wider area would not be compromised.

The large site offers pedestrians a number of choices with good permeability throughout the site linking housing clusters with open space areas and play areas.

All of the units proposed have access to either private or communal open space/amenity areas. All of the communal open space areas will be managed by a single factoring agreement. The proposal provides for two children's play areas and several areas of open space linked by a network of paths. A large section of the central woodland area will be retained and structured tree planting is proposed all around the site.

The development will be connected to the public water mains and public waste water system. Scottish Water does however require a totally separate surface water drainage system and this is covered by a recommended condition.

Policy LP HOU 4 'Housing Green-Space' states that for new residential proposals of 20 dwellings or more there is a requirement to provide both a minimum of 12m<sup>2</sup> per unit of casual play space and a minimum of 6m<sup>2</sup> per unit of equipped children's play space including provision for under 5s, which shall be secured by the imposition of planning conditions or Section 75 Agreements.

Throughout the development a variety of open spaces as well as woodland areas have been provided, all spaces are sympathetic to topography, vegetation and open outlook. The provision made for open space (as defined in the agents 'Design Statement' is as follows: woodland area – 4, 468m<sup>2</sup>; path network – 293 metres with two open zones linked by pathways; play area – open space 1 – 1284m<sup>2</sup>; open space 2 – 3,241m<sup>2</sup>; open space 3 – 1, 258m<sup>2</sup>; open space 4 – 1, 046 m<sup>2</sup>; open space 5 – 431m<sup>2</sup>; open space 6 – 378m<sup>2</sup>; open space 7 – 1,903m<sup>2</sup> and open space 8 – 385m<sup>2</sup>. This amounts to a total of 14, 384m<sup>2</sup> of open space (communal areas) provision. Details have also been submitted in terms of proposed play equipment, boundary treatments and management regime.

A total of 89 residential units will be provided as a result of this development this means that in terms of policy HOU4 there is a requirement for a total of 1068m<sup>2</sup> casual play space in total and 534m<sup>2</sup> of equipped children's play space. Taking the above into consideration this proposal meets with the requirements of policy HOU4 in terms of its provision of casual and equipped play space.

Full details of landscaping, tree and shrub planting, boundary treatments and maintenance management of communal spaces and structures have been submitted and considered to be acceptable. These aspects are the subject of planting conditions.

In terms of design, the overall solution and effect is adequate given site topography and attempting to bridge the transitional space between two different neighbourhoods. Generally the proposed dwellinghouses offer a range of styles where the overall scale, massing, layout and design meets the technical standards anticipated. The flats design, scale and location are acceptable although Block A on Marine Parade has some impact on Dunclutha House that can be resolved by the approval of quality materials and some design improvements to the side gable. However the development is acceptable and it is considered that the provision of good quality landscaping/open space scheme will be required to help to break-up the mass of the buildings with heavy planting and features. The introduction of home-zones helps to create a hierarchy of the street pattern which avoids a suburban style layout. Instead, the development allows for a series of landscaped areas and path systems through wooded areas that will help to integrate this development with existing built form. Specific conditions are however recommended in respect of materials, individual phasing and provision of open space/play areas and the delivery of 24 'affordable' units within Blocks B and C.

**Having due regard to the above the proposal is considered to be consistent with Policy STRAT SI 1 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 19: Development Setting, Layout and Design (and Design Guide), LP SERV 2: Sustainable Urban Drainage Systems, LP HOU 4: Housing Green-Space and Appendix A of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008). This proposal is therefore acceptable in Policy terms.**

### **C. Affordable Housing**

In terms of affordability the applicants are offering 24 x 2-bed 'affordable' flats within flatted Blocks 'B' and 'C' (i.e. 25%) where the agents have indicated that these will be delivered via a Registered Social Landlord. The agent has advised in the 'affordable housing statement' (09.02.2009) that the affordable housing units will be provided on site in accordance with the phasing plan. This statement confirms that: *'The first 12 affordable housing units within Zone 2 can commence after completion of the children's home (Phase 1) and the mainstream homes in Phase 2'; 'Phase 1 enables completion of the*

*children's home'; Phase 2 enables completion of the mainstream housing units 1-5, 9-25, the associated services and road access'; ' No works shall commence on Phase 4 until the Zone 2 affordable housing units within Phase 3 have been completed'; No works shall commence on Phase 4 until the Zone 2 affordable housing units within Phase 3 have been completed'; 'After completion of the mainstream houses within Phase 4 – units 26-35, work can commence on Zone 1 affordable housing units'; ' No works shall commence on further phases to the development until the affordable housing units to Zone 1 are complete, unless otherwise agreed in writing by the Planning Authority'; ' The mechanism for securing the affordable housing will be through a registered social landlord (RSL) or, subject to agreement with the Planning Authority in writing , one of the alternative options set out in the council's development plan policy guidance relating to affordable housing'; ' This mechanism for providing the affordable housing will be consistent with the options set out in the council's development plan policy guidance relating to affordable housing'; 'Completion of affordable housing units within Zone 1 and 2 relative to the development phasing shall meet the requirements of 25% ratio affordable housing units to mainstream housing units within the development'.*

**Having due regard to the above it is considered that an acceptable level and variety of affordable housing will be provided on site and that it will be implemented in harmony with the mainstream housing proposed, consequently this proposal is considered to be 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 (November 2008).**

#### **D. Flooding**

Both Roads and The Transportation and Infrastructure Team requested the submission of a Flood Risk Assessment to fully justify the proposal. A Drainage Impact Assessment (Revision A, July 2008) and a Drainage Strategy (Drawing No. S100854/01) were submitted by the agent, the details of which, are considered acceptable to the Infrastructure Team and SEPA. A specific condition is recommended. The proposal is therefore considered to be consistent with the relevant Structure and Local Plan policies in this regard which aim to protect development sites from flooding and ensure that they do not cause offsite flooding.

**Having due regard to the above it is considered the proposal is consistent with the provisions of Policy STRAT DC 10 of the Argyll & Bute Structure Plan 2002 and Policies, LP SERV 3: Drainage Impact Assessment and LP SERV 8: Flooding and Land Erosion of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).**

#### **E. Road Network, Parking and Associated Transport Matters**

The proposed development would be served by four different access points. The replacement Children's Home would be served from Argyll Terrace. Two detached dwellinghouses adjacent to Fountain Quay would share the existing main access that would be permanently closed off beyond these accesses for any other vehicular traffic. The main access into the site will be formed in James Street at the northern boundary of the site at a point adjacent to the junction with George Street. This central spine road will serve housing court car parks for flatted blocks 'B', 'C' and Dunclutha House in addition to the remaining 32 dwellinghouses. A further new access will be created between Fountain Quay and Enmore to serve only proposed flatted Block 'A'.

Four points of access into the site are proposed from James Street (main entrance), Marine Parade (Block A only), Marine Parade (Fountain Quay and two dwellinghouses only) and Argyll Terrace (replacement children's home only). There are no road safety issues subject to various conditions.

The Area Roads Manager has no objections to the proposed scheme in respect of the new vehicular access which must be constructed to adoptable standards, car parking provision, visibility, access design, traffic calming and signage. The Area Roads Manager has however requested that a Traffic Impact Assessment and Flood Assessment be carried out. This was requested on the 16<sup>th</sup> February 2009 and the application was valid on the 8<sup>th</sup> April 2008, this request is 10 months into the determination process and as such is considered unreasonable. Development Services is satisfied that all road network, parking, flooding and associated transport matters have been addressed.

**Having due regard to the above the proposal is considered to be consistent with Policies TRAN 1: Public Access and Right of Way, TRAN 2: Development & Public Transport Accessibility, TRAN 3: Special Needs Access Provision, TRAN 4: New and Existing, Public Roads and Private Access Regimes, TRAN 6: Vehicle Parking Provision of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008). This proposal is therefore acceptable in Policy terms.**

#### **F. Infrastructure**



The proposals to deal with surface water drainage systems have been revised as swales were considered unacceptable on this sloping site. The revised scheme includes measures to dispose of road drainage and roof water run-off directly to the sea via a conventional gully arrangement and storm water and parking areas will also discharge to the storm water sewer via porous paving. SEPA comment that two levels of sustainable drainage treatment is appropriate for road surface run-off from residential developments such as this but due to the scheme discharging to controlled waters offers no objection.

Scottish Water has advised that it has no objections to this proposal. Although Scottish Water has given approval at this stage, this does not guarantee a connection to Scottish Water's infrastructure. It is recommended that a condition be attached to any grant of planning permission requiring the developer to provide proof of public mains connection prior to work starting on site.

**Having due regard to the above the proposal is considered to be consistent with Policies SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. drainage systems); SERV 2 Sustainable Drainage Systems; SERV 3 Drainage Impact Assessment and SERV 4: Water Supply, of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).**

#### **G. Noise and Construction Activities**

Protective Services has advised that given that the proposed development is in an area surrounded by residential dwellings, the construction work could give rise to complaints of noise affecting the neighbouring properties. There is currently an increase in complaints from neighbours adjacent to construction sites relating to noise, usually at the site preparation stage. The noise issues are usually on the hours worked and occurring at the weekends. Given the close proximity to neighbouring dwellings it is anticipated that complaints are likely if the hours of operation are not controlled. It is requested that the contractor is informed of Protective Services concerns and although not a condition, that the hours of operation should be between the hours of 8.00 – 18.00 Monday to Friday with no weekend working. Protective Services can under the Control of Pollution Act and the Environmental Protection Act formally impose these requests upon the contractor should a nuisance occur, once the site is operating, but would prefer the contractors are aware prior to commencement of work. It is recommended that this is attached to any grant of planning permission as an informative.

#### **H. Conclusion**

While the adopted Cowal Local Plan makes no allowances or allocations for development of this large 'Brownfield' site, it is considered that the proposed development represents appropriate redevelopment of the site that would relate to and be consistent with the existing built form. Development is also supported in both the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008). The scheme has undergone a number of revisions in terms of design and layout improvements and what is currently proposed is considered to be acceptable in relation to the Sustainable Siting and Design Principles in Appendix A and Sustainable Design Guidance contained within the Argyll and Bute Local Plan Post Inquiry Modifications.

Other matters include the maintenance of communal spaces and SuDS /Flood Risk schemes and the delivery of a landscaping scheme to help the development integrate within its setting. These issues have been addressed during the planning process and are also the subject of planning conditions.

Concerns have been raised from local neighbours regarding design, scale and visual impact of the proposed flatted blocks. It is however recognised that while the character of the site will alter significantly, it has always been within the main Dunoon settlement zone in the adopted Cowal Local Plan and Argyll and Bute Local Plan Post Inquiry Modifications (November 2008). The proposed density of 89 units is considered to be consistent with surrounding areas.

The siting, design and scale of the flatted developments are considered to be acceptable in their surroundings and will not give rise unduly to any significant privacy or overlooking issues. The design is considered to be modern and of simple articulation with appropriate materials and acceptable separation distances.

The development will provide for 24 'affordable' flats, create a new children's home, retain the existing Dunclutha House for conversion into 3 flats, provide a varied mix of well designed mainstream housing, provide 28 flats, retain and augment existing unmanaged woodland and create a network of open spaces and play areas.

Having due regard to all of the above, the proposal is recommended for approval subject to the attached conditions. Having due regard to all policy matters and all other material planning considerations the proposal is considered acceptable and in full accordance with the Development Plan and the Modified Finalised Draft Local Plan and associated Government advice.

## **APPENDIX E – RELATIVE TO APPLICATION NUMBER: 08/00662/DET**

### **Sustainability Checklist**

A Sustainability Checklist has been completed by the applicant for this proposal and was received on 27<sup>th</sup> March 2008. The contents of the checklist are summarised below:

**Community** – The sustainability checklist concludes that it will strengthen the local community with the provision of a new children’s home, will ensure that everyone has access to the same level of resources and that the project has an impact on existing facilities with the conversion and retention of the existing Dunclutha House and erection of a purpose built replacement children’s home.

**Economy** – The sustainability checklist concludes that the project will create or retain existing jobs with the children’s home staff. With regard to whether it will help to develop skills/knowledge of local people the developer has stated that this is not applicable. In relation to whether or not the project will purchase goods and services locally the developer has indicated that construction materials could be acquired locally. The developer has confirmed that the project will impact on existing businesses with increased custom due to additional residents in the area.

**Environment** – The sustainability checklist concludes that the project will not help reduce waste and pollution; the project has not undertaken an Area Capacity Evaluation but the project will minimise energy use and/or support the development or use of renewable energy in terms of new construction – high insulation values and efficient heating systems. The project provides and safeguards access to and awareness of wildlife and open spaces with maintained woodland which will also enhance the natural environment and support local biodiversity. The project has also considered the re-use of brownfield land or an existing building with the conversion of the existing children’s home to form flats.

**The Future** – The sustainability checklist concludes that the project will bring positive changes in terms of children’s home facilities, maintained woodland and a good mix of housing; that the project links with existing services and/or organisations specifically the children’s home, and; that the project will have long term impacts on the environment with maintained woodland and open spaces.