

Reference Number: 08/01508/DET
Applicants Name: Archd. Fergusson Ltd
Application Type: Detailed Planning Permission
Application Description: Erection of seven dwellinghouses, formation of vehicular access and installation of private sewerage system.
Location: Land to the south west of Heather Cottage and Kikut, Strachur.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 7 dwellinghouses
- Formation of vehicular access and roads
- Installation of private sewerage system

(ii) Other specified operations

- Connection to public water main
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(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission **be granted**, as a Departure, subject to the conditions, reasons and advisory notes detailed later in this report.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application is contrary to Policy POL HO 9 '*Sensitive Settlements*' of the Cowal Local Plan which restricts housing development in Strachur. It is also contrary to POL HO 5 of the Local Plan, which presumes against granting further planning permissions for greenfield sites in Cowal.

In terms of the Argyll & Bute Local Plan Post-Inquiry Modifications 2008 the site forms part of Housing Allocation H-AL 2/15 for the provision of 30 housing units, defined as medium-scale housing development and falls wholly within the defined Strachur Settlement Zone. There is also an extant planning permission for seven dwellinghouses within this site.

The extent of the Settlement Zone at Strachur and Allocation H-AL 2/15 have not been contested and, as such, may be afforded significant weight in the determination of the application as the most up-to-date expression of Council policy. **The proposal can, therefore, be justified as a departure from adopted Local Plan policy.**

(ii) Representations:

None.

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

In the absence of representations, a hearing is not required.

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

The application site is the subject of an explicit Housing Allocation within the Argyll & Bute Local Plan Post-Inquiry Modifications 2008 and is fully contained within the proposed Settlement Zone boundary. As there were no specific representations to the emerging Local Plan in respect of the application site, nor the proposed settlement boundary at this location, significant weight can be attached to those provisions which represent an appropriate basis for a departure from the Cowal Local Plan.

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

No.

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

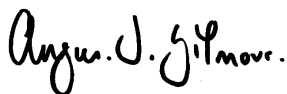
No.

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

None.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
30 March 2009

Author: John Irving
Contact: David Eaglesham

Tel: 01369 708621
Tel: 01369 708608

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

CONDITIONS AND REASONS RELATIVE TO APPLICATION 08/01508/DET

1. The development to which this permission relates must be begun within five years from the date of this permission.

Reason: *To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

2. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i) Location and design, including materials, of all walls, fences and gates
 - ii) Soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
 - iii) Programme for completion and subsequent on-going maintenance.

Boundary treatments to the perimeter of the site where it adjoins areas of open countryside shall be unobtrusive and may comprise post and wire fencing

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. This must include the planting of heavy standard trees along the north western frontage to supplement the existing tree coverage. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

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

Reason: *To ensure the implementation of a satisfactory scheme of landscaping.*

- 3 All existing trees on site shall be retained and the written consent of the Planning Authority must be obtained prior to any tree felling, lopping or removal.

Reason: *In the interest of visual amenity.*

- 4 Prior to work starting on site full details of parking provision for 2 cars within the curtilage of each dwellinghouse drawn up in consultation with the Council's Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking area shall be provided prior to the occupation of each dwellinghouse.

Reason: *In the interests of road safety.*

5. No development shall take place until full details of the design of the sewage treatment plant and maintenance schedules for the plant and odour control measures have been submitted to and approved in writing by the Planning Authority, in consultation with Public Protection Services. None of the dwellings shall be occupied

until the construction of the sewage treatment plant has been completed and is fully operational in accordance with the approved details.

Reason: *In the interests of public health and amenity.*

6. Facilities required to deal with surface water drainage at the site shall represent Sustainable Urban Drainage Systems and may include separate land soakaways if site conditions are appropriate, or a filter trench prior to disposal if not. No development shall take place until details of how a SUDS drainage scheme can be accommodated in the proposed layout, the methods to be employed and supporting drainage calculations have been submitted to and approved in writing by the planning authority.

Reason: *to provide for adequate drainage of surface water at the site and in the interests of maintaining water quality.*

7. Visibility splays at the junction with the A886 measuring 120 metres in both directions from a 2.5 metre setback shall be maintained clear of all obstructions over 1 metre in height at all times and the access road shall be constructed prior to the occupation of any dwellings at the site.

Reason: *In the interests of road safety and to ensure that an adequate level of access is provided for the development.*

8. The proposed vehicle access to each dwelling shall have visibility splays of 20 metres x 2 metres in each direction formed from the centre line of each access. Prior to the occupation of each dwelling, these visibility splays shall be cleared of all 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.

Reason: *In the interests of road safety.*

9. Prior to commencement of development a detailed Flood Risk Assessment for this development shall be submitted for the approval of the Planning Authority in consultation with the Council Area Roads Manager and Scottish Environmental Protection Agency, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of flood prevention.*

10. Prior to commencement of development full details of the proposed culvert head wall and any proposed inlet covering shall be submitted for the written approval of the Planning Authority, unless the written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of flood prevention and health and safety.*

INFORMATIVES:

1. The applicant's attention is drawn to the comments of Scottish Water in their letter dated 9 September 2008.
2. The applicant's attention is drawn to the comments of the Scottish Environment Protection Agency in their letter dated 4th February 2009.
3. The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads(Scotland)Act 1984 that states that:

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

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

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

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01508/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002 (approved November 2002)

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

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

PROP SET 4 '*Housing Provision in Argyll and Bute*' sets out the levels of housing land to be provided in Cowal and which are to be met principally through allocated sites within settlements, to be proposed in detail through the Local Plan.

STRAT HO 1 '*Housing – Development Control Policies*' states that 'planning conditions and planning agreements shall be required, in appropriate cases, to facilitate the delivery of housing to meet local housing need, including affordable housing provision.

Cowal Local Plan 1993 (adopted October 1995)

POL RUR 1 '*Landscape Quality*' seeks to maintain and enhance landscape quality of the Regional Scenic Coasts, including East Loch Fyne, and will resist prominent or sporadic development which would have an adverse landscape impact.

POL RUR 2 '*Nature Conservation*' resists developments which would have an adverse effect on Local Features of Wildlife Value. The current application site forms a part of a wider Local Feature of Wildlife Value occupied by woodland and scrub.

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

POL HO 5 '*Private Housing Estate Development*' opposes the grant of additional planning consents for the development of greenfield private housing sites in Cowal.

POL HO 9 '*Sensitive Settlements*' seeks to resist new housing development within Strachur to identified areas, given that unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. The current application site was not identified for development in the Cowal Local Plan.

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

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

Argyll and Bute Local Plan Post Inquiry Modifications 2008

The site lies within Housing Allocation H-AL 2/15 which provides for 30 units on a site known as 'Strachur – Mid Letters'. The site is also within an Area of Panoramic Quality.

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

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

Policy LP HOU 1 '*General Housing Development*' provides a presumption in favour of housing developments within the defined settlement zones.

Policy LP HOU 2 '*Provision of Housing to Meet Local Needs including Affordable Housing Provision*' requires developments to contribute a proportion of affordable housing provision on site where there is a total capacity of 8 dwellings or more.

Policy LP HOU 4 '*Housing Green Space*' requires developments of more than 20 dwelling units to provide children's play areas and open space provision.

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

Policy LP SERV 2 '*Incorporation of Natural Features/ Sustainable Urban Drainage Systems*' – seeks to avoid culverting watercourses wherever practicable and requires that culverting is sensitively designed where unavoidable. The Policy requires proposals for SUDS measures in relation to all development prior to determination.

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

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

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

National Planning Policy

Planning Advice Note 84 '*Reducing Carbon Emissions in New Developments*' requires all applications proposing development with a total cumulative floorspace of 500 square metres or more to incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.

(ii) SITE HISTORY

Outline planning permission 15196 granted September 1972 for residential development at this location with subsequent reserved matters approval for 12 dwellings in June 1976 which is understood to remain extant following commencement of development.

Planning permission 165/82 was granted September 1982 and represented amendment of the scheme of development approved in 1976.

Planning permission 05/01434/DET for the erection of seven dwellinghouses and installation of private sewerage system was approved on 8 December 2005 and remains extant.

Planning application 07/01966/DET for erection of 12 dwellinghouses, formation of vehicular access and installation of private sewage system was withdrawn on 3 September 2008.

(iii) CONSULTATIONS

Crown Estates Commission:

No response.

Scottish Water (response received 9th September 2008):

No objection. Strachur Hazeldene Wastewater Treatment Works has limited capacity to serve this development.

Area Environmental Health Officer (response received 9th September 2008):

No objection. Conditions recommended in relation to constructions hours restrictions and design, maintenance schedules and odour control for the sewage treatment plant.

Scottish Environment Protection Agency (responses received 16th September 2008, 12th December 2008 and 4th February 2009):

A public sewerage system is not available and private foul drainage discharging to the water environment has been discussed with the applicant's agent. Following initial assessment, SEPA confirm that the proposed discharge is capable of being authorised under the Controlled Activities Regulations.

A SUDS scheme is required for surface water drainage in accordance with the Controlled Activities Regulations supported by full details of the proposed methods, how they will be accommodated in the site layout and calculations demonstrating their suitability.

SEPA is in receipt of further information regarding the culverting of an existing watercourse at this site as part of the proposed development. SEPA considers the culverting proposals as set out within the submitted plans acceptable in this case due to the minor scale and nature of the watercourse and the fact that it appears that no

other practical option exists that would allow the watercourse to remain open. SEPA therefore withdraws its objection to this aspect of the proposal.

Development Policy Team (response received 4th September 2008):

Suggests requesting masterplan for the wider Allocation as a component of the current application to ensure that the balance of the development area is not compromised by the current proposal and that infrastructure is constructed to accommodate the future development of the allocation.

Indicates that there is no need to insist on the proposal providing affordable housing as the affordability element for this site was removed as a modification to the Finalised Plan.

Points to potential significant heat loss from external access doors which open directly into living spaces.

Area Roads Manager (responses received 17th September & 23rd December 2008):

No objection, originally sought deferral for further information on carriageway gradients at bends and junctions.

(iv) PUBLICITY AND REPRESENTATIONS

The application was advertised under Section 34 (closing date 26th September 2008) and as a potential departure to the Development Plan (closing date 3rd October 2008). To date, no letters of representation have been received.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Strachur is defined as a '*Sensitive Settlement*' by Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need.

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

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

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

The proposal is therefore considered to be consistent with the provisions of Policy POL HO 4 of the emerging local plan.

Within the Argyll & Bute Local Plan Post Inquiry Modifications 2008, the site falls within the defined Strachur '*Settlement Zone*' and the site forms part of Housing Allocation H-AL 2/15 (Mid Letters, Strachur – 30 units), which is defined as medium scale housing development. Neither the *Settlement Zone* at this location, nor the allocation of this site, were contested at the Local Plan Inquiry and significant weight can now be afforded to the emerging development plan. The applicant has submitted an indicative masterplan for the entire housing allocation which demonstrates that this application need not compromise the future development and layout of the remaining housing allocation area.

The proposal is therefore considered to be consistent with policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

The application site extends to 1.33 hectares and occupies gently sloping land between steeper wooded slopes above the site and the rear gardens of domestic properties along the A886 which contain many trees, making views into the site difficult to obtain from the roadside.

The proposal seeks full planning permission for seven dwellings – the site is of sufficient size for additional dwellings and the site layout preserves this possibility and retains the potential to access areas to the east and south which are outwith the application site but form part of the wider Allocation in the emerging Local Plan.

The applicant's agent has provided an indicative masterplan for the wider Allocation which demonstrates how the road layout for this proposed phase of development

could be extended to facilitate development of the remainder of the site. This masterplan includes an indicative house layout for all 30 units, footpath provision, areas of new woodland and open green space and children's play space. Importantly, this masterplan demonstrates that the approval of this planning application will not compromise the future development of the remaining housing allocation.

In terms of its relationship with the existing settlement, it can be argued that the proposal would represent a natural extension of the settlement at this location, creating a row of six houses behind the gardens of the existing domestic properties along the A886 with a further house sitting a little higher up the hillside behind Heather Cottage. The form and density of the development would be similar to that represented nearby at Mid Letters and Baycroft.

The proposed dwellings would each utilise a simple single pitched roof and, whilst of two storeys, the use of render to the ground floor and timber cladding and slate to the upper floor and roof should ensure they do not have a prominent appearance. The proposed simple dwelling forms and proposed materials are characteristic of the surrounding area. Post and wire fencing is proposed for boundary treatments, consistent with the Council's Sustainable Design Guidance, providing for unobtrusive boundary treatment to surround open rural space.

On the basis of the foregoing, it is considered that the proposal is consistent with Policy POL BE 9 of the Cowal Local Plan 1993; Policy HOU 4 and ENV 19 along with Appendix A of the Argyll & Bute Local Plan Post Inquiry Modifications 2008; together with the Council's Design Guidance.

C. Biodiversity/ Nature Conservation

The site forms a small part of a much larger Local Feature of Wildlife Value identified in the adopted Local Plan and subject to POL RUR 2. The feature in question is a much larger area of woodland and scrub occupying large areas of sloping ground above Strachur and extending for many kilometres along the south side of Loch Fyne. Whilst the proposed development would inevitably have some effect upon the nature conservation value of the site, in the context of the wider area this is not considered significant.

The proposal represents a minor departure from adopted Local Plan Policy POL RUR 2 but this is not considered significant and the proposal also requires to be considered against the more recent provisions of the Argyll & Bute Local Plan Post Inquiry Modifications 2008 which supports development on the site.

D. Landscape

The proposal would result in development within an Area of Panoramic Quality under Policy LP ENV 10 of the Modified Finalised Argyll and Bute Local Plan. Bearing in mind that the site is not prominent and the proposal represents a modest extension of the existing settlement of a similar character to other recent nearby development, any impact on the much wider Area of Panoramic Quality is considered minimal.

Subject to the imposition of an appropriate condition in respect of landscaping as recommended above, it is considered that development on the site would not have any significant adverse impact on the character of the landscape.

The proposal can be considered acceptable in terms of Policy LP ENV 10 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the A886 between two existing properties known as March Cottage and Carraig. The seven proposed dwellings will be accessed by a single linear access road which will incorporate a turning head at either end of its span. Each plot boasts adequate space for parking and turning provision for two cars.

The Area Roads Manager's original consultation response recommended a variety of conditions and informatives to be attached to the grant of planning permission but deferred a decision until further information regarding the access gradients and further sectional drawing were submitted. The sectional information has been agreed and a condition can be attached to the planning permission requiring the submission of a Flood Risk Assessment prior to commencement of development.

The proposal can be considered acceptable in terms of Policy LP TRAN 4 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

F. Infrastructure

It is proposed to connect into the public water main and Scottish Water has confirmed there are no capacity or network issues.

It is further proposed to install a private, non-adopted, foul drainage system discharging to coastal waters. Scottish Water has indicated that there is limited capacity at Strachur wastewater treatment works to serve the proposed development. SEPA has held discussions with the applicant's agent in connection with the lack of an available connection to the public sewerage system. Discharge to water requires authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and SEPA's initial assessment of the proposed discharge has confirmed that the proposed discharge is capable of being authorised.

Policy SERV 1 of the emerging local plan favours a connection to the public sewer. However, Scottish Water has confirmed that there is no capacity to connect to the public sewer, while SEPA has raised no objections with regards to the proposed foul drainage arrangements. This policy allows the use of a private septic tank where there is no capacity to connect to the public system and there are no known environmental, health or amenity issues. As such the proposed foul drainage arrangements are considered to be consistent with emerging local plan policy.

The proposed septic tank has not been designed with capacity to accommodate all 30 housing units within this allocation. However, the applicant has confirmed that if further houses are developed there is sufficient land next to the proposed septic tank where additional unit(s) could be installed, sharing the same outfall.

SEPA has indicated the need for appropriate SUDS measures for surface water drainage. It is considered that these matters can be dealt with by condition.

SEPA originally raised an objection to the proposed culverting of a watercourse within the development site. This objection has since been removed due to the minor scale and nature of the watercourse and the fact that it appears no other practical option exists that would allow the watercourse to remain open.

The proposal is consistent with the provisions of Policy POL PU 2 of the Cowal Local Plan 1993 and Policy LP SERV 1 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

G. Affordable Housing

The proposal makes no provision for affordable housing.

Whilst forming part of a proposed housing allocation, the application site cannot be considered as a new housing site in that two extant planning permissions already allow for its development. Therefore there is no requirement for compliance with this local plan policy, to provide affordable housing provision on site. However, the applicant's indicative masterplan for this housing allocation has made provision for affordable housing elsewhere within the allocation and this demonstrates that this application does not compromise the requirements of policy LP HOU 2.

The proposal is considered consistent with Policy STRAT HO 1 of the approved Structure Plan and Policy LP HOU 2 of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

H. Other Scottish Executive Advice

Given the size of this development there is a requirement to comply with PAN 84 which requires that all such developments must incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.

The applicant's agent has confirmed that 'The proposal will satisfy the PAN 84 requirement for an extra 15% reduction in CO₂ emissions beyond the 2007 Building Regulations standards. The houses all have good south orientation, with south-facing living spaces and also solar collectors to contribute to the space and water heating load. All houses have underfloor heating and also wood-burning stoves. The insulation levels proposed will provide U-values of 0.15 for walls, 0.16 for roofs and 1.40 for windows which are an improvement on the minimum standards of 0.35, 0.25 and 2.20 respectively. The timber frame construction and lightweight external cladding of larch and mineral render produces a construction that has low embodied energy.'

The proposal is therefore considered to be compliant with the provisions of PAN 84.

CONCLUSION

Whilst the proposal is contrary to the adopted Cowal Local Plan, the principle of the development can be justified as a '*minor departure*' to policy given the extant planning permissions, the unopposed extension to Strachur's settlement boundary and the Allocation of this site for housing development within the Argyll & Bute Local Plan Post Inquiry Modifications 2008.