

Argyll and Bute Council
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 14/00557/PP

Planning Hierarchy: Local

Applicant: Archd Fergusson Ltd

Proposal: Formation of access, installation of private sewerage system and installation of surface water drainage (all to serve a seven plot housing development) and submission of a Housing Allocation master plan

Site Address: Land to the South West of Heather Cottage and Kikut, Strachur

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Construction of new access
- Installation of private sewerage system
- Installation of surface water drainage system

(ii) Other specified operations

- § Identification of seven housing plots
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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 subject to the conditions, reasons and informative notes given at the end of this report.

(C) 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.

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for erection of 12 dwellinghouses, formation of vehicular access and installation of private sewage system was withdrawn on 3 September 2008.

Planning Permission 08/01508/DET granted on 15 April 2009 for the erection of seven dwellinghouses, formation of vehicular access and installation of private sewerage system. Whilst the road has been formed to a significant degree and the private sewerage system installed, not all of the suspensive conditions were discharged. On this basis, it is considered that a lawful start has not been made on this permission and, therefore, it lapsed in April 2014.

An application for Planning Permission (13/01625/PP) for the erection of a dwellinghouse on one of the seven identified plots is currently being processed. A report on this application is currently before Members of consideration.

(D) CONSULTATIONS:

SEPA (letter dated 7th April 2014): No objection but recommends an informative note regarding proximity to watercourse.

Area Roads Manager (report dated 1st May 2014): No objections.

(E) PUBLICITY:

Neighbour Notification (closing date 7th April 2014) and Regulation 20/Masterplan Advertisement (closing date 11th April 2014).

(F) REPRESENTATIONS:

No representations received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
- (iii) A design or design/access statement: No**
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No**

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: No**
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(I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

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

Argyll and Bute Local Plan 2009

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*'

Policy LP 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.

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Housing Allocation Masterplan
Planning History
Argyll & Bute Council Proposed Local Development Plan

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

(L) **Has the application been the subject of statutory pre-application consultation (PAC): No**

(M) **Has a sustainability check list been submitted: No**

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

Planning Permission (ref: 08/01508/DET) was granted in April 2009 for the erection of seven dwellinghouses within the site. This identified the creation of 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.

Works commenced on the site without the full discharge of suspensive conditions and the applicant advised that they were altering the layout of the seven plots. The current application seeks to formalise the works that have taken place whilst explaining the revised layout (which is an improvement on the previous scheme).

The application is also accompanied by a masterplan for Housing Allocation H-AL 2/15. Importantly, it is considered that the submitted masterplan demonstrates how the remainder of the housing allocation site could be developed in the future in a satisfactory manner and that the current application for the infrastructure associated with seven dwellings would not prejudice the overall vision for the site.

(Q) Is the proposal fully consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 19, LP HOU 1, LP HOU 2, LP BAD 1 and LP TRAN 4 of the Argyll and Bute Local Plan (2009) and the proposal raises no other material consideration which would justify refusal of permission.

(S) Reasoned justification for a departure to the provisions of the Development Plan

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Steven Gove

Date: 11 June 2014

Reviewing Officer: David Eaglesham

Date: 11 June 2014

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 14/00557/PP

1. The development shall be implemented in accordance with the approved drawings – Location Plan (scale 1:2500); Block plan Indicating Road Layout and Plot Locations; Block Plan Indicating Foul Water Disposal; Road Layout; Block Plan Indicating Surface Water Disposal; and Road Details and Specification unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Prior to the occupation of the first residential unit, visibility splays measuring 75 metres in both directions from a 2.4 metre setback shall be maintained at the junction with the A886 clear of all obstructions over 1 metre in height at all times.

Reason: In the interests of road safety

3. 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.

4. Unless otherwise agreed in writing with the Planning Authority, the access serving the site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 which shall be constructed in consultation with the Council's Roads Engineers.

Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development.

5. No dwellinghouse served by the proposed access shall be occupied until the access has been fully constructed between the plot and the A886, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that any dwellinghouse is served by an access that is commensurate with the scale of development.

6. Unless otherwise agreed in writing with the Planning Authority, the sewage treatment plant shall not be brought into use until 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.

NOTES TO APPLICANT

3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.
4. The Area Roads Manager has recommended the following:
 - A system of surface water drainage should be provided to prevent water running onto the A886 road;
 - A channel must be formed at the uppermost passing place to direct water into the adjacent gully;
 - A system of surface water drainage shall be provided to prevent the flow of surface water from each plot onto the access road;
 - An inspection regime shall be formulated relating to the inlet grille of the 900 mm diameter culvert within Plot 7. Such a regime shall ensure that the grille does not become blocked with debris, etc.
 - The developer shall supply a street name plate and a grit bin shall be placed at locations to be agreed with the Area Roads Manager;
 - A Road Opening Permit will be required for any works on or adjacent to the A886 carriageway.
 - Road Construction Consent shall be discussed at the earliest stage with the Area Roads Manager.
5. SEPA has recommended that, given a watercourse runs through Plots 3 and 4, the future developers of those plots should be aware that a buffer strip will be required between the watercourse and any development. In relation to Plot 4, they have highlighted that, although culverting for access may be acceptable, SEPA is opposed to culverting for land gain. This issue would need to be a consideration for any future application for Planning Permission.

ANNEX A – RELATIVE TO APPLICATION NUMBER 14/00557/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A Settlement Strategy

Within the Argyll & Bute Local Plan 2009, 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).

At the Planning, Protective Services and Licensing Committee in November 2011, Members decided to introduce a protocol for dealing with applications proposing the development of part(s) of a Potential Development Area or Housing Allocation. This has resulted in a masterplan being produced for the whole of Housing Allocation H-AL 2/15 which has been advertised for public consultation purposes. At the time of writing, no representations have been submitted to either the current proposal or the wider Housing Allocation.

In terms of the Housing Allocation, it is considered that the submitted masterplan demonstrates how the site could be developed in the future in a satisfactory manner and that the current application for the infrastructure associated with seven dwellings would not interfere negatively with the overall vision for the site.

B Location, Nature and Design of Proposed Development

The application site extends to 1.5 hectares and occupies 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 site itself rises from approx. 8m at the A886 to 27m at its eastern corner.

Planning Permission (ref: 08/01508/DET) was granted in April 2009 for the erection of seven dwellinghouses within the site. This identified the creation of 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.

Works commenced on the site in 2012 relating to the formation of the access road and the installation of the private sewerage system. Whilst these works were generally in accordance with the approved plan, there were some suspensive conditions attached to the permission that were not fully discharged prior to the development commencing. In discussing with the applicant at the time, it became clear that the layout they wished to pursue did not accord with the approved plans. In addition, they had decided that, rather than building all seven dwellinghouses themselves, they would market the plots.

In the circumstances of the premature commencement of works and the change to the layout, it was agreed that the current application would be submitted to formalise the works that had taken place along with identifying the new plot layout. Although the plot layouts do not constitute development and, consequently, do not form part of the application site, they are clearly indicated on the submitted plans.

It is considered that the proposed layout would actually be an improvement on the linear nature of the previous approval and details such as final location, design and landscaping will be determined when the application for each plot is submitted. 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.

The applicant's agent has provided an indicative masterplan for the wider Allocation and this is discussed in detail in a separate report to Members. Importantly, this masterplan demonstrates that the approval of this planning application will not compromise the future development of the remaining housing allocation.

On the basis of the foregoing, it is considered that the proposal is consistent with Policies LP ENV 10, LP ENV 19 and LP HOU 1 along with Appendix A of the Argyll & Bute Local Plan 2009.

C Road Network and Parking

The vehicular access to the site has largely been formed with the major omission being the final surfacing. At the time of the previous application in 2009, the road was approved in relation to the provision of seven dwellings without a condition ensuring that the road would be to adoptable standard. However, an informative note stated that the Area Roads Manager had recommended that Construction Consent would be required.

The text associated with the masterplan indicates that, during preliminary works, it became evident that the presence of extensive rock within the site would necessitate the re-appraisal of the original house layouts approved in 2009. On this basis, a new road specification was prepared to meet the demands of the site and to render the project financially and practically viable.

The road is 5 metres wide for the first 35 metres back from the public road and is then approximately 3.5 metres wide thereafter. It has a 2-metre wide service strip; a passing place; and a turning place at its end. It is understood that part of the road do not meet the gradients necessary for adoption.

Policy LP TRAN 4 of the Argyll and Bute Local Plan 2009 states that developments of up to five dwellings can be served by a private access but that development serving more than five units should be to an adoptable standard. In this particular instance, principally due to ground conditions, the road is not of a standard that would normally merit adoption. However, in the interests of compliance with LP TRAN 4, a relaxation of standards can be justified for the adoption of this particular stretch of road.

On the basis of the above and the justification for the adoption of the access road, it is considered that the development can be viewed favourably in terms of Policy LP TRAN 4 of the Argyll and Bute Local Plan 2009.

D Infrastructure

The private sewerage system (which has already been installed although is not in use) is the same as that approved in 2009. SEPA has confirmed that there is no objection on foul drainage grounds and that there is a current licence (ref: CAR/S/1111553) for the system under the Water Environment (Controlled Activities) Regulations (CAR) 2011 (as amended).

At the time of the previous permission, there was a condition requiring details of maintenance schedules for the plant and odour control measures to be submitted to and approved prior to the occupation of any dwellinghouse. In the interests of compliance with Policy LP BAD 1 (Potential Bad Neighbour Development), it is recommended that such a condition be repeated.

E Affordable Housing

At the time of the previous application in 2009, the following was stated in the Report of Handling:

“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 present application, whilst not specifically relating to the erection of dwellinghouses, does have an associated residential component. Similar to 2009, there is no affordable housing element proposed. In the 2009 Local Plan, the allocation specifies that 25% of the proposed residential units should be affordable. Within Bute and Cowal, the issue of affordable housing is currently the subject of debate during the production of the Local Development Plan and the draft LDP indicates that affordable housing within the two PDAs will not be necessary for the two years after its adoption. On this basis, the masterplan does not specifically identify the provision of affordable housing.