

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the BY SKYPE
on MONDAY, 14 DECEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Kieron Green
Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

Also Present: Councillor Jim Anderson

Attending: David Logan, Head of Legal and Regulatory Support
Iain Jackson, Governance, Risk and Safety Manager
David Moore, Senior Planning Officer
Sandra Davies, Team Leader - Major Applications
Paul Farrell, Technical Officer
Douglas Whyte, Team Leader, East
David Cameron, JBL Consulting
Brian Stewart, Applicant's Agent
John Melling, Applicant's Agent
Colin Anderson, Applicant's Agent
Willie Lynch, Dunoon Community Council
Kenny Matheson, Objector
James McCrossan, Objector
Kenny MacDonald, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Donald MacMillan and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. D.HILL PROPERTY LTD: RESIDENTIAL DEVELOPMENT COMPRISING 101 DWELLINGHOUSES INCLUDING FORMATION OF VEHICULAR ACCESSES, LANDSCAPING, OPEN SPACE AND PLAY AREAS: LAND WEST OF ALEXANDER STREET, DUNOON (REF: 19/01456/PP)

The Chair welcomed everyone to the hearing which was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Mr Jackson, Clerk to the Committee, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting interested parties had confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

PLANNING

David Moore, Senior Planning Officer presented the application as follows on behalf of the Head of Development and Economic Growth.

Slide 1

As members will be aware from the Officers report and online application details

(i) *Development Requiring Express Planning Permission*

- *Erection of 101 dwellings*
- *Associated internal and external roads infrastructure to include footways and parking;*
- *Provision of SuDS compliant drainage infrastructure.*
- *Provision of landscaping,*
- *Provision of formal and informal and amenity areas*

(ii) *Other specified operations*

- *Connection to public water supply*
- *Connection to public sewage system*

This indicates the red line boundary of the site it is bounded by Alexander Street to the east, Gordon Street to the south and east and the top part of Nelson Street to the south.

Slide 2

The application is on an allocated housing site (H-AL 2/3) which has been determined to be suitable for 100 Units. As the application proposes 101 units on the site the application, on point of principle for housing development accords with the LDP in terms of land use site allocation and scale.

Slide 3

This indicates the red line boundary of the application site and shows the relationship of the site to adjoining residential properties.

The site is currently used by local residents for informal recreation. It is clear that the site is valued by the local community, demonstrated by the large number of objections which have been received to the current planning application from local residents resulting in members deciding that a hearing was appropriate to determine this application.

Slide 4

This slide shows the site boundary marked on an aerial photograph of the site. Due to the current covid hearing procedures not allowing for a site visit a larger number of photographs than normally would be the case have been added to the presentation. This is to provide members with a clearer understanding of the character and appearance of the site and its surroundings.

The following slides 5 to 25 will provide a record of walking through and around the site to provide a greater understanding of the character and appearance of the site and its surroundings.

Slide 26

This indicates the proposed layout of the application and shows the formal and informal amenity space areas in green. With the smaller rectangles indicating the proposed location of the formal play areas. The provision and maintenance of these will be subject to conditions as is normal practice.

Members are requested to note that the overall density and size of the plots and footprints of the proposal are large for a modern housing development. The overall scale and density of the proposals is considered to be acceptable and in character with the local area.

The two vehicular access and egress points are indicated in grey, one to Alexander Street and one to Gordon Street. A Transportation Assessment dealing with roads and junction capacities has been submitted in support of the proposals and the Area Roads Engineer raises no objections to the proposals.

Slides 27, 28, 29 House types proposed

The following slides indicate the mix of detached and semi detached houses proposed as part of the application, indicating that on some of the plots they will be a mixture of single storey and two storey reflecting the sloping nature of this site.

Slides 30 and 31

The 3D renders offer additional clarification of the how the mix of single and two storey elements of the development will relate to the streets to be formed.

Members are requested to note that layered landscaping, to include tree planting within the plots will be required as part of landscaping the site in order to assist in in the houses into the rising hillside.

Slide 32

Referring back to the general layout arrangement, The applicant has provided details of the slope of the site through four cross sections AA to D-D as shown of this plan. These cross sections form the next slide.

Slide 33

These sections indicate the general arrangement for developing the site and addressing slopes within it and also the relationship between the existing houses on Gordon Street /Alexander Street and the proposed houses.

As set out in the Main report. Window to window distances meet required standards and in many cases considerably exceed them. Officers have also conditioned that

full details of any retaining walls are submitted and approved prior to construction as well as all other external materials proposed on the site.

Slide 34

This is an extract from the submitted drainage and flooding proposals which shows the complex flow patterns which currently exist across the site. This is considered by officers an important matter in determining the current planning application as this is a site of known flooding problems and many objectors have correctly raised flooding as an important material consideration in respect of determining the current planning application.

Members will also note that the main report clarifies that the area is identified in the Dunoon Surface Water Management Plan (Dec 2019) as an area which has existing flooding issues.

Lengthy discussions between the applicant and the Council's flooding advisor have ensured that the housing proposals will address existing and projected flows of water through the site and therefore the current flooding problems for residents should be addressed by the implementation of these housing proposals.

The proposals will therefore bring a community benefit in terms of addressing known flooding problems.

Slide 35

These proposals will provide planning gain in addressing the existing flooding issues.

A small section of the western boundary and a SuDS pond is outside the defined housing site within the LDP. However these matters are considered acceptable and of no planning consequence.

These will be landscaped and will form attractive biodiversity and landscape features as part of the scheme.

Slide 36 – Back to Aerial picture leave on screen

Conclusion

This is an allocated housing site within the adopted LDP where housing development of an appropriate scale is acceptable on point of principle subject to compliance with necessary policies and standards. All LDP policies and standards are considered to be met, or can be addressed by conditions and the layout and design of the housing site is considered to be in accordance with Place making requirements.

It is therefore recommended by Officers that Planning Permission be granted as a minor departure from policy LDP DM 1 in respect of the SuDS pond being outside the application site boundary but on land controlled by the applicant.

APPLICANT

Brian Stewart of Stewart Associates, who was the agent for the applicant, advised that his presentation was short due to the recommendation for approval by planning officers in accordance with the local plan. He gave some background to the application advising that the site had been purchased at the tail end of 2017 and that the applicant was an established commercial and residential developer throughout the UK with a reputation for using local design consultants and contractors. He

advised that Stewart Associates had been successful in the interview process and had been accepted on the basis that they had been involved in large developments throughout Argyll and Bute.

Mr Stewart advised that the applicant had purchased the site in the knowledge that part of it had been designated for housing within the adopted Local Development Plan. He advised that the extent of land purchased was larger than the development site itself and extended to a large area of land to the top of the site. The site already had planning permission for 40 houses, which was live, with one house already built on Gordon Street which had been approved in the late 80's with reserved conditions in the early 90's and he advised that the development was significantly closer to the gardens in Alexander Street and Gordon Street. Mr Stewart told the Committee that both the designers and the developer were conscious that this was a major economic and social development and the first large scale private housing development in the area for many years. He highlighted the developer's enthusiasm to invest and build in the local community despite the Covid-19 pandemic.

Mr Stewart then provided some information on the pre-application and detailed planning application process. He advised that the formal process had started in 2018 with a series of meetings with Brian Close of Planning and Paul Farrell of Roads which enabled them to submit a pre-application to the local office. Thereafter a pre-application consultation had been held in the Queen's Hall in October. Mr Stewart spoke of the Scottish Government tests for designing places which required developments to be distinctive, safe and pleasant, easy to move around, welcoming and adaptable and resource efficient explain how the applicant had met each of these requirements. Mr Stewart advised of the pre-application consultation event that had been held in the Queen's Hall in October 2018. He said there had not been a particularly large turnout but the comments from those who did attend had been considered as part of the design. Amendments had been made including a reduction of houses from 114 to 101 and the open space provisions had been increased to more than the suggested requirement. Mr Stewart told the Committee that there had been extensive and rigorous technical design discussions had with Argyll and Bute Council technical team and consultants on roads, engineering and flood risk which had resulted in further production of design information beyond normal planning expectations. He added that in 30 years plus experience he had never had to provide such detailed technical design information and that this would be of use if and when the application received consent. He advised that the scheme had been robustly tested and he urged the Committee to support the application. He then showed the Committee a photograph from the pre-application consultation held in the Queen's Hall and one showing a general view from the site looking toward the firth. He thanked the Chair for the opportunity to speak.

CONSULTEES

Dunoon Community Council

Mr Willie Lynch advised that Dunoon Community Council were unanimous in their objection to the application. He advised of the strong feeling within the community who were worried about the development and especially those who lived close to the site. He referred to the intimation made about mixed support advising that this was untrue given that there had been 130 objections and only 2 in favour of the application. He referred to use of the local workforce and advised that this would be minimal due to the size of the project. Mr Lynch advised that there were several

issues with the development one of which was flood water. He said that the change from soil to concrete could increase the flooding issues already present in that area, he referred to a recommendation made in March 2020 for improvement to flood prevention measures advising that he couldn't see any alterations. Mr Lynch then referred to the second issue which was roads. He referred to the many side streets which were reduced to single lane in many parts and which could pose difficulty to residents from increased traffic and would not be suitable for construction traffic. He referred to the traffic survey that had been taken along Victoria Street advising that HGVs travelling along this street would cause immense problems to drivers and the problem would be the same on Alexandra Parade. He advised that the survey did not take into account Sandbank Road which was one of the busiest roads, as a vast number of traffic used this road for access to the town centre. He advised that Victoria Road was a narrow road with on street parking and that an increase in traffic could increase congestion and pollution. Mr Lynch advised that many of the residents had concerns over privacy and visual intrusion due to the close proximity of the development to existing houses. Mr Lynch told the Committee that there were also concerns regarding GP services and that an increase in population could affect the service which was already stretched due to a number of GP vacancies.

Roads

Mr Paul Farrell advised that he had no presentation to make but would be available to answer any questions the Committee may have.

Housing

Mr Douglas Whyte advised that he had no presentation to make but would be available to answer any questions the Committee may have.

Flooding

Mr David Cameron advised that he had no presentation to make but would be available to answer any questions the Committee may have.

SUPPORTERS

There were no supporters present at the meeting.

OBJECTORS

Kenny Matheson began by saying that the number of objectors for a development said a lot. He advised that residents were very worried and that he agreed with what Willie Lynch had said. He advised that he was disappointed that the Committee could not see the site for themselves and the surrounding roads. He referred to the flooding saying it was horrendous and the fact that the developers had said they would fix it, questioning what would happen if they didn't and there was more flooding. Mr Matheson referred to transport, in particular buses and ferries, he advised that there were only 4 buses daily that covered that area and that the ferries held the worst record for service in the western fleet. Mr Matheson said that they were working for the residents of Alexander Street and asked the Committee how much influence was given by the views of objectors. He advised that the application should not be approved and thanked the Committee for his opportunity to speak.

Mr James McCrossan advised that the consultation process had been flawed. He advised that the Local Plan in 2003 had identified the area for housing yet there had been no neighbour notification carried out. He advised that the first neighbour notifications had been issued when this specific application had been submitted. He advised that the objections lodged would have been raised at the time the site had been identified for housing had the opportunity been given. He asked how one house built on site could be justification for 101 houses with no neighbour notifications issued and said that this did not constitute best practice. Mr McCrossan advised that objectors were at an unfair disadvantage and that it was unreasonable to proceed with such a high level of objection from people who had not been notified at the appropriate times.

Mr Kenny MacDonald advised that his main objection was flooding to the area. He advised that he lived in the house where culvert 2 comes through the garden. He advised that the first he knew of this application was through word of mouth and on social media, he had received nothing through the door. He advised that he had then checked the Council website for details of the application. Mr MacDonald said that there was a serious amount of run-off water diverted to the stream which ran through his garden and a series of 4 photographs were shown to the Committee of flooding in the garden where the culvert had been blocked and the water was running through the wall into Alexander Street. Mr MacDonald advised that this happened 3 or 4 times per year and that sometimes he unblocked the culvert himself although the last time he had called the Council to assist. He advised that he had lived in the house for 12 years and there could be possible damage to the foundations to the house from the flooding. He referred to the revised drainage plan which showed a change in direction of the run-off and asked who was going to police the direction of the run-off as things were not always installed the way the plans showed. Mr MacDonald then referred to the Japanese Knotweed which was on the site and which would be disturbed through the construction process. He advised of the risk of this knotweed being disturbed and sent down the burn through countless gardens and into the Clyde. Mr MacDonald concluded by saying that the photographs had shown the damage caused due to flooding and that the development would cause more damage to his land.

Councillor Jim Anderson advised that he was deeply concerned for his constituents who were worried about flooding issues and the development overlooking existing properties. He advised that the flooding plans had been based on estimates and referred to the evidence of the flooding already on Alexander Street saying that the risks were too high as no one could guarantee the impact of future flooding. He advised of the greater proportion of flooding which was happening advising that plans could not be based on previous events. He referred to the regular maintenance that would be required to be carried out to the culverts and asked who would guarantee that this would be carried out. He asked if the flood prevention measures would be carried out prior to the development as there was a strong risk of flooding during development work. Councillor Anderson then advised that the planned houses were too close to the existing houses and suggested that the application be refused and resubmitted with a larger gap between the older houses and the newer houses.

QUESTIONS

Councillor Trail referred to the concerns around flooding and asked Mr Cameron what was being done off site to address how the water would be brought down to the

sea without flooding. Mr Cameron advised there were two elements, the first was an increase in hard standing concrete and the requirement for sustainable urban systems to be put in place to ensure that the run off from the site is either the same as before or less than before. He advised that the SuDs basins would collect and release water at a controlled rate and that it should not be any more than what was currently there. He advised that it would require regular maintenance to function properly. He then said that the second element was the existing flooding and that the applicant had done a number of studies and had taken into account climate change and a 1 in 200 year flooding event, which had been included in the proposals. He advised that flooding could never be completely eliminated and that this was the same for any development across Scotland.

Councillor Trail asked where the current flooding issues were from. Mr Cameron confirmed that the current issues came from the existing water courses and run-off from the existing site. He advised of blocked culverts and blockages at the forestry road in which the water found its way onto Alexander Street.

Councillor Forrest asked why the SuDs ponds were located at the sides of the development and how the water would get to the ponds when a lot of the flooding was in the middle of the site. Mr Cameron advised that the water was collected in sewers and fed into the SuDs ponds, once the ponds reached a certain volume the water would be released in a controlled manner. Councillor Forrest asked how it could be guaranteed that the SuDs ponds wouldn't flood. Mr Cameron advised that a sensitivity test had been done on larger rainfall. Councillor Forrest asked the same question to the applicant's agent.

Mr Stewart advised that the development pattern followed existing pattern of houses and that the roads ran north to south with the hill running from east to west. He advised of a series of site platforms for each house which would pick up run off from the garden space, driveway and from the roof and which would then go through drains running along the main principle roads and through series of filter trenches. Anything left would then be discharged to SuDs ponds, anything in suds ponds was then slowed down and let into existing drainage. He advised that currently the flood system was unmanaged and that the water was running down and through gardens and that this system would manage it. He advised that this was a robust design which had been held back to take into consideration the Dunoon flood plan as well as climate change

Mr Colin Anderson added that the ponds would capture and store the run off and put it out at a controlled rate. He advised that the existing ditch was blocked and would be reformed. He advised that the reforming of green spaces would also assist in soaking up water along with the use of filter strips and therefore would be better than what was on site currently. He confirmed the position of ponds was due to the typography of the site.

Councillor McCuish asked planning to outline the process for neighbourhood notification for the application. Mr Moore advised that notification had been carried out as it would for a normal application and that neighbour notification had been carried out as well as press notices. In terms of the Development Plan he advised that the matter had been raised a while ago and had been forwarded to Mark Lodge who had issued a briefing note. He read out the briefing note to the Committee. He confirmed that neighbour notification had been carried out as it should have been for this application.

Councillor McCuish referred to the consultation event carried out in the Queens Hall and asked the applicant if they had taken further steps to get folk involved other than what was the standard requirement. Mr Stewart advised that procedure had required them to advertise the meeting in advance and that attendance had been in the low 30s, including 2 Community Council representatives and 30 or so visitors. He advised that they then used feedback to inform aspects of design in consultation with planning. In response they had moved the position of the lower west most road further east which had increased the space between the new housing and the existing housing on Alexander Street. He advised that the closest distance was now 30m as they had noted that privacy was an issue. Councillor McCuish asked for confirmation on whether they had done any more than what was required as standard. Mr Stewart confirmed that they hadn't done any more consultation work than what was required as standard.

Councillor Devon asked planning if the Local Development Plan had designated the area as an area for housing in 2003 or 2009. Mr Moore referred again to the email from Mr Lodge and confirmed that the area had been in the Cowal Local Plan previous to the Local Development Plan being adopted in 2009.

Councillor Devon referred to the designation of the site for housing within the Local Development Plan since 2009 and asked Mr Lynch if the Community Council had made a representation about the designation prior to the submission of the current application and if they had ever tried to have the designation changed. Mr Lynch advised that he had been a member of the Community Council for 7 years and the first they knew of the application was in 2018 when they got notification from the Council. He advised that he could not advise on what had happened before that time. Councillor Devon asked him to confirm that they had not asked for the designation to be changed prior to that time. Mr Lynch confirmed that they had only made a representation when the current application came forward.

Councillor Colville referred to the difficulty with the blocked culvert in Mr MacDonald's garden and asked if the scheme would reduce the water flowing through the culvert or increase it. He then referred to the further ground that had been purchased and asked if there were any plans to divert the water off that ground as well. Mr Stewart said that it was his understanding that the design of the flow of water into existing culvert would be at a reduced level to what the culvert could accommodate. In terms of the additional land he advised that there had been primary discussions about use of the land for leisure and recreation. He added that the design took account of the water course to the north and as the area was way north of site boundary there has been no discussion regarding the diversion of water from that part of land.

Councillor Colville referred to the roads construction consent and lack of pavements and sought assurance from Mr Farrell around the traffic calming measures and maximum speed limit of 20mph. He also asked Mr Farrell to comment on the objectors point about the suitability of the surrounding streets for use by HGVs and heavy traffic. Mr Farrell advised that the roads infrastructure for the scheme was based through Scottish Planning Policy and had been designed to limit speed and make a safer space for all road users. He advised that the road would be set up as shared surface for pedestrians, cyclists and cars. He advised that a TRO would be required to enforce a speed restriction on the site and would include the surrounding areas as well as the application sites.

Councillor Colville asked Mr Farrell if permission was granted, if that was a process that he would start. Mr Farrell confirmed that it was and that a condition had been

added which required this to be discussed with the developer. Mr Farrell advised that the roads surrounding the site were suitable for additional traffic and for heavy goods vehicles. He advised that the agent's traffic consultation had proven that the surrounding network had capacity for all vehicles, both on construction and at the finished stage. He added that a lot of the streets to the north had waiting restrictions, which would maximise the space available for heavy vehicles coming in to gain access to the site.

Councillor Colville commented that he could not recall anything in the conditions about applying for a TRO and restricting the speed limit to 20MPH and asked Mr Moore if this was something that could be added. Mr Moore advised that there was no specific condition as it would be a matter for a roads act and not a planning act. He advised that the situation was similar to other applications where safety was prioritised, would be picked up as part of the roads construction consent and therefore was not something to be added as a planning condition.

Councillor Colville advised that it was likely that the new Development Plan would take into account the use of electric vehicles and new schemes would require to provide charging points. He asked that even though this was not something included in the current Development Plan, if it was a consideration that could be included for this development given the long timescale of the development. Mr Moore advised that there were draft policies in the new plan for electric vehicles, however, as this application had been considered under the current plan there was no requirement for the developer to provide charging points. He added that some developers were offering the options of having charge points put into the garages of new builds. Councillor Colville said that his concern was that in future there would be a requirement to dig up the roads to install charging points if this was not done during development. He asked if any consideration had been given to this by the applicant. Mr Stewart advised that in terms of sustainable design all of the houses would be fitted with modern heating systems and it was proposed to add charging points for electric vehicles at the visitor parking spaces which would correspond with the large areas of recreational space and play.

Councillor Taylor referred to the prior consent for 40 houses and asked Mr Moore if it was for the same site as was being applied for now or just part of the site. Mr Moore confirmed that it was for part of the site, specifically the lower section of the site closest to the existing houses. He advised that the application site was larger.

Councillor Taylor noted that the responsibility for maintenance of the flooding system was not included in a planning condition and referred to the current drainage from the hill which was not currently well maintained. He referred to the confirmation from the flooding expert that the system would require ongoing maintenance and asked whose responsibility the maintenance would be. Councillor Taylor advised that he had an awareness of SuDs and had seen them in sites, and on motorways, and sometimes in urban settings covered over with a hard finish. He asked if there was a safety consideration where there were open ponds where children would be. Mr Moore advised that the maintenance was covered by standard conditions 9, 10 and 11. He advised of discussions with roads in order that the Council did not have to take on the maintenance of drainage and advised that the SuDs points remained the responsibility of the owner until they had been signed off and adopted by Scottish Water. In terms of safety, he referred to condition 11 which dealt with the safety around the SuDs ponds confirming that these were areas they did not want any party to have access to and that there was a duty of care placed on the developer. He

advised that the post and rail fence had worked well on the Persimmon site in Helensburgh as an example.

Councillor Taylor asked what would be done to control flooding and pollution during the construction phase. Mr Moore advised that flooding was often an issue on construction sites and the developer would be required to submit a Construction Environment Management Plan (CEMP) which would bring together safety and environmental matters for the construction process and a traffic management plan. He advised that there was a requirement that a development does not cause pollution to existing water courses which was controlled by SEPA. This was also built into the CEMP, to ensure there was no pollution or discharges into water courses.

Councillor Freeman noted that as per the report of handling, the only statutory consultee that had objected to the application was the Community Council. He asked the Community Council how they had obtained the views of the community. In terms of their objection, he asked who had confirmed that Post Office and Council services were already stretched. Councillor Freeman noted that roads had no objection subject to conditions and that the negative financial impact on housing market was not an appropriate planning objection.

Mr Lynch confirmed that the Community Council had obtained the views of the community through social media as they did not have a hall big enough to call a meeting. In terms of the view that the post office was over stretched he advised that they had spoken to the head postmaster who had felt that things were tight. In terms of the Council he advised that amenities had been cut back through various budget cuts and Supervisors had felt things were stretched. In respect of the market Mr Lynch advised that before Covid-19 the housing market was not buoyant and property had been on the market for some time. He advised that Covid-19 had encouraged people to buy houses and no one knew if and when that would change. Councillor Freeman reiterated his point that the housing market was not a relevant reason to reject planning.

Councillor Freeman referred to the Section 75 agreement and noted that it only related to the finance arrangement. He asked if a Section 75 agreement could be placed on the SuDs area as it was out with the boundary of the site and to ensure that it was in place prior to development. Mr Moore advised that in terms of the Section 75 agreement that Dunoon was unique as a moratorium had been placed on affordable housing and they had to decide in consultation with policy and housing needs and demands if the funding would be an appropriate way of bringing forward affordable housing. Councillor Freeman advised that his concern had been that it was only the finance agreement that had been put under the Section 75 agreement and why the SuDs area had not been included or included with conditions as it was out with the boundary of the site.

Mr Moore confirmed that the land where the SuDs would sit was within ownership of the developer and therefore there was no need for a Section 75 agreement. He added that the requirement for the SuDs was already included in the conditions. Councillor Freeman asked if this was required to be in place prior to construction. Mr Moore advised that this was something that could be included in the CEMP. Councillor Freeman said that he believed it should be included and in place prior to occupation. He referred to page 33 of the report and advised that he could not see where the SuDs area would sit. Mr Moore explained where the SuDs area would sit. Councillor Freeman then asked if that area would have permitted development rights and if these should be removed. Mr Moore confirmed that the area would remain as

countryside as it was on the outside of the boundary and that he was not aware of any permitted development rights that would affect the function of the suds pond.

Councillor Green referred to the transport assessments and asked how these conclusions were arrived at and if there had been flow analysis done. He asked if the capacity of residential areas had been factored in. Mr Farrell provided Councillor Green with the figures from the report on traffic analysis which had concluded that there would not be a significant impact on the surrounding network and that it could take the increase in traffic from this development with capacity for more vehicles. He confirmed that the traffic flow in Dunoon was light compared to other areas in Argyll and Bute, such as Helensburgh.

Councillor Forrest asked if the spread of Japanese Knotweed would be included in the CEMP and if there was there a plan for the removal of waste from the building site. Mr Moore confirmed that a special plan was required for the removal of knotweed from the site and that this would be included as part of the CEMP. He advised that the removal of building waste would be included as well, although rather than remove the waste from the building site, developers tried to incorporate the waste into the site due to avoid landfill charges. Mr Stewart confirmed that they would be happy to comply with any statutory requirements.

Councillor Blair asked if the preventative measures for flooding could be increased and if there were any other areas of the town that could be affected by an increase in traffic such as the ferry terminal. He then asked if checks had been done around education capacity. Mr Moore advised that it would be unfair to the applicant to increase the standards for the flooding measures given that the applicant had met the standards set by national guidance. He added that the applicant had held off drawing up the SuDs plan until after the Council and SEPA had drawn up a new flooding plan. Mr Farrell confirmed that there would be minimal effect on traffic elsewhere in Dunoon due to the development, advising that the further away from the site the less the impact.

Councillor Hardie asked Councillor Anderson to provide more detail on the strength of feeling against the application by residents. Councillor Anderson advised that he had received emails, texts and telephone calls from countless people who had made representation. He advised there was a very strong feeling in Alexander Street that there was a threat to people's homes and futures and nervousness around flooding. He advised that in his time as a councillor he had never received so much representation over something. He advised that he felt that had a full hearing been held in Dunoon the Members would have been able to gauge the strength of feeling better and would have been able to view the site and surrounding roads themselves.

Councillor Kinniburgh asked Mr Cameron if it was his opinion that the development would improve the flooding issues. Mr Cameron confirmed that it would improve as long as the system was maintained.

Councillor Kinniburgh referred to the presentation made by Councillor Anderson and sought clarity from Mr Cameron that a larger gap between the older houses and the new houses would not make any difference in terms of flooding. Mr Cameron confirmed that it would make no difference.

SUM UP

Sandra Davies summed up on behalf of the Head of Development and Economic Growth as follows –

The planning act is clear as to the approach to be adopted by decision-makers in the determination of planning applications. The development plan should always be the starting point in assessing the merits of development proposals. It is clear that in determining an application, it should be decided in accordance with the development plan unless material considerations indicate otherwise.

In this case the adopted local development plan is the 2015 local development plan. The forthcoming LDP2 current carries little weight as we do not have sufficient clarity about the detail of the objections relating to the policies of this plan. However it should be noted that this housing allocation is also contained within LDP2.

The proposed houses are all located within the boundary of the allocation with the only exception being that the smaller SUDS pond at the northern end of the site is located outwith the allocation and lies within the countryside zone. This is considered by officers to be a minor and justifiable departure from LDP policies as the SUDs facility will have an undeveloped appearance with landscaping appropriate for a countryside location.

In all other respects the proposal accords with the policies of the local development plan.

The issues discussed today mainly relate to flooding and drainage and roads issues. We have heard from the Council's flooding consultant that the proposed drainage system for the site will be built in accordance with current standards and will provide attenuation of water on site. This provides a managed solution for run off which it was previously unmanaged and this will be an improvement on the current situation.

We have also heard from the local roads officer who has advised that he is satisfied with the proposal and that the addition of this development will not cause problems for the existing road network.

Officers and their technical consultees consider that these issues have all been adequately addressed. It is therefore recommended that planning permission for this housing allocation be approved.

Mr Brian Stewart advised that when they started looking at the site they had recognised it would be controversial as residents had been there for many years with an open hill at back of their properties. In respect of this he advised that the design had been well thought out, would provide new housing for Dunoon and was good for the economy. He advised that he knew flooding and road capacity were big issues but what they had proposed respected accessibility and safety, respected the core path network and provided lots of open space. The design and whole scheme would help the local economy and would resolve the problems that had been suffered over many years.

Mr Willie Lynch advised that he stood by everything he had said and that the roads would be a problem. He referred to the high volume of traffic already on the roads and that there were already difficulties crossing roads and driving through streets due to parked cars. He reiterated that the increase in traffic would be a problem.

Mr Paul Farrell confirmed he had no further comment to make.

Mr Douglas Whyte confirmed he had no further comment to make.

Mr David Cameron confirmed he had no further comment to make.

Mr Matheson referred to the comments made by Mr Farrell advising that he did not agree. He advised that his mother in law stayed in Alexander Street where there were cars parked on road and sometimes it could take 5 minutes to get along the road due to cars parked on both sides. He advised that he could not cross roads at some points due to the volume of traffic. He advised that the views of the objectors should be approved and the application not approved.

Mr McCrossan asked members to give careful consideration to the completely inadequate notification given to neighbours during the process.

Mr MacDonald referred again to the flooding and the retention basin which was to be built to the north end of the site advising that the piece of land subject to fly tipping at moment and asked that it be ensured that this was monitored if the application was approved.

Councillor Anderson advised that his views had not changed since the beginning of the meeting. He advised that addressing the flooding issues did not give him or the residents any comfort. He advised that on Alexander Street only one car could be driven down the street due to parked cars on both sides and that there was no doubt that there would be traffic congestion. He advised that he stood by his objection.

The Chair confirmed that everyone had received a fair hearing. In terms of the Councillors' National Code of Conduct, Councillor Jim Anderson, objector, left the meeting at this point.

DEBATE

Councillor Trail said that having listened to the discussion and following the presentations given he was reassured in respect of flooding and that the plans would improve the situation for residents along Alexander Street. Given that there were very few other material planning issues he advised that he had no problem in supporting the application.

Councillor Freeman advised that as the proposal complied with the LDP with a minor departure he could not justify refusal. He advised that he still had concerns surrounding the safety issues Councillor Taylor had raised and would prefer the fencing to be in place around the SuDs prior to the occupation of the houses.

Councillor Taylor advised that he had no doubt that the houses would lead to significant change which would be difficult for residents, but nevertheless, the site benefited from prevailing consent and the impact of the new application was no different to the impact from the prevailing development. He added that there would be an improvement in the current draining problem and on that basis he was content to support the application.

Councillor Colville advised that he had been reassured by the questions that had been asked and that officers had addressed any issues. He advised that he had to go by the professional opinion provided by officers and he believed this was a development by an established developer that would bring economic development to

Dunoon. He said that he had taken into consideration the views of objectors but would be going with planning and supporting the development.

Councillor Green commented that it was clear from the hearing that there was a lot of feeling from the community. He said it was good that a lot of evidence had been given and substantial answers given to questions and on that basis he was minded to support application.

Councillor Forrest said that on the basis of the information presented she had been persuaded that the application should be refused. She advised that as she had only just come to that decision she did not have a Motion to that effect. She advised that should there be a Motion to approve the application she intended to move an Amendment that the hearing be continued to allow her to seek advice in relation to framing a competent Motion for refusal.

Councillor Blair said that having listened to the comments and the reassurance provided about flooding he supported the application, however, he advised he still had concerns around traffic.

Councillor Redman thanked all contributors for their presentations advising that good arguments had been given on both sides. He advised that he supported the application as due to trying economic times and demand for housing he believed that the development would benefit the fragile economy.

Councillor Devon advised that as the application agreed with policy and as she felt that concerns had been more than addressed she would be supporting officer's recommendation.

Councillor Douglas advised that she had held concerns but felt that everything had been covered well and in that respect she was happy to support the application as it stood.

Councillor McCuish advised he had nothing to add.

Councillor Kinniburgh commented that a number of questions had been covered by all parties. He advised that his main concerns had been around flooding but he was satisfied they had been addressed. He referred to the point made by Councillor Freeman regarding the inclusion of the SuDs in the Section 75 agreement and advised that he was satisfied that this point had been covered by conditions. He moved the following Motion which was seconded by Councillor Colville.

Motion

I move that planning permission is granted as a minor departure from Policy LDP DM1 subject to the conditions and reasons detailed on pages 18 to 24 of the pack before the committee subject to the conclusion of a section 75 agreement between all necessary parties to secure the appropriate level and timing of the affordable housing contribution by means of a commuted payment within 4 months of today's date or within 4 months of the determination date of the value per unit of the commuted sum by the District Valuer, whichever is the later.

Moved Councillor Kinniburgh, seconded Councillor Colville.

Amendment

I move that the hearing be continued to allow me to seek advice in relation to framing a competent motion for refusal.

Moved Councillor Forrest, seconded Councillor Freeman.

As the meeting was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic the vote required to be taken by calling the roll and members voted as follows –

Motion

Councillor Blair
Councillor Colville
Councillor Devon
Councillor Douglas
Councillor Green
Councillor Hardie
Councillor Kinniburgh
Councillor McCuish
Councillor Redman
Councillor Taylor
Councillor Trail

Amendment

Councillor Forrest
Councillor Freeman

Decision

The Motion was carried by 11 votes to 2 and the Committee resolved accordingly.

(Reference: Supplementary Report 1 dated 22 September 2020 and Report by Head of Development and Economic Growth dated 4 September 2020, submitted)