

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the STRACHUR MEMORIAL HALL (NEW HALL), STRACHUR  
on FRIDAY, 21 OCTOBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Roderick McCuish
Councillor Vivien Dance	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Donald MacMillan	

**Attending:** Charles Reppke, Head of Governance and Law  
David Sumsion, Applicant  
Suzanne McIntosh, Applicant's Agent  
Ross McLaughlin, Development Manager  
Brian Close, Planning Officer  
Ben Tustin, SEPA  
Jo Rains, Environmental Health Manager  
Frances Bremner, Supporter  
Alison Hutcheons, Supporter  
Elaine Pound, Objector  
Kenneth Pound, Objector  
Tuggy Delap, Objector  
Pauline Hammond, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh, Neil Mackay, Alister MacAlister and Al Reay.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. ARDKINGLAS ESTATE: ERECTION OF MIXED DEVELOPMENT  
COMPRISING 16 DWELLING HOUSES, 7 COMMERCIAL UNITS,  
CHILDCARE CENTRE, INSTALLATION OF SEWAGE TREATMENT  
SYSTEMS AND ACCESS IMPROVEMENTS: LAND ADJACENT TO  
ARDKINGLAS SAWMILL, CLACHAN, CAIRNDOW (REF: 09/00385/OUT)**

The Chair welcomed everyone to the meeting and introductions were made.

Mr Charles Reppke, Head of Governance and Law, outlined the hearing procedure and invited anyone who wished to speak at the meeting to identify themselves and once that process had been completed the Chair invited the Planning Department to set out their recommendations.

**PLANNING AUTHORITY**

Mr Ross McLaughlin, Development Manager, spoke to the terms of his report

and referred to a supplementary planning report number 3 which had been tabled at the meeting and highlighted late representations received and also the fact that Transport Scotland would not be attending the hearing today and that they felt their letter and submissions provided a full explanation to their earlier response dated 25 August 2011.

Mr McLaughlin advised that the Committee were being asked to consider an application for development of a site which was, in the Argyll and Bute Local Plan, located within sensitive countryside but forms part of Potential Area for Development PDA 9/13 'Cairndow-Inverfyne' where a mixed used business/housing/recreation use is supported and Area for Action AFA 9/14 where strategic business and environmental improvements are encouraged. He referred to a number of slides which showed the red line boundary of the site and outlined what the indicative development would include. He pointed out the existing workshops and the location of the Bonnar Weighbridge and the conifer plantation which was proposed to be felled. He advised that the conifers were ready for harvesting and that the applicant would need to obtain a felling licence before cutting down the trees. The slides also showed the layout of the proposed development and the proposed pedestrian access to Lochfyne Oysters although this was not part of the application. The slides also highlighted the existing landscaping, tree planting and shelter belts at the site and the existing native planting at the shelter belt and the proposed new planting. He advised that the application sought to include at least 25% affordable housing though it was not clear at this stage the delivery mechanism for these. The slides also included a photo montage provided by the Applicant which showed what the view of the site would be from the A83 once the trees were felled and also gave an indication of the roof line which was comparable with the existing commercial sheds. Mr McLaughlin advised that the site covered 2 hectares and was phase 1 of PDA 9/13. He referred to representations made by the Statutory Consultees which were summarised in the Planning report. He advised that SEPA had raised objections to the Masterplan submitted for PDA 9/13 (which was for indicative purposes only and currently had no planning status) and that they had raised an issue regarding the location of discharged treated sewage which appeared to be different on the submitted planning application drawings from their records in respect of the CARS licence issued to the Applicant. Mr McLaughlin also referred to the public representations received which were divided in opinion and confirmed that multiple letters had been received from both Supporters and Objectors. He confirmed that there were 11 separate Objectors and 19 Supporters. He advised that the main issues raised by the Supporters included the need for housing in the area; securing jobs for the area; the childcare centre; affordable housing for existing workers; and that some of the Objectors did not live in the area. He advised that the issues raised by Objectors included scale of the development out of keeping with the surrounding area; poor design; loss of tranquillity; focus of development should be Cairndow Village itself; no more housing needed and Pheasant Field development should be sufficient; this is Phase 1 of a much bigger development and no consultation process had taken place; road safety issues on A83; and visibility splays on a very fast road.

Mr McLaughlin confirmed that Planners were supportive of a mixed used development but that there were 3 main areas of concern and that these related to the specific density of the site which was excessive in a rural location. He also advised that there was the potential for bad neighbour conflicts from existing

operations and bad neighbour conflicts with the new industrial units proposed which would be close to the proposed new housing. Thirdly, he advised that an acceptable Masterplan for the site had not been submitted and that this was Phase 1 of a larger scheme. He advised that a Masterplan approach was advocated in devising proposals for the development of all PDAs identified by the Argyll and Bute Local Plan in order to ensure that development is planned for on a comprehensive basis and that phased development, where required, is able to proceed in the knowledge that it will not conflict with, or compromise, the future development of the remainder of the PDA and therefore recommended refusal of the application for reasons 1 and 2 detailed in his original report and for reason 3 detailed in supplementary report 1.

## **APPLICANT**

Ms Suzanne McIntosh, a planning consultant, urban designer and mediator acting for the Applicant, Mr Sumsion, spoke in support of his application. She stressed to the Committee that they were considering a application for planning in principle and not a detailed worked up design. She confirmed that extensive work has been carried out by all parties to resolve issues at the application in principle stage though the process was not without frustrations and at times seemed to stall. She advised that substantial representations have been received in support of bringing forward this development which would bring positive benefits for the local area. She advised the Applicant has worked hard to address the concerns expressed by objectors and asked the Committee to carefully consider the representations and where signatories are from, how they related to this site and what their interest is in objecting to the application. She advised that over the last 30 years Ardkinglas Estate has encouraged the start up and growth of a wide range of businesses and kept housing for local rent rather than as holiday lets. She referred to a report published in 2003 on a Community Action Plan programme in Cairndow which identified need for local housing, local childcare and diverse and sustainable employment. She advised that the Estate has invested considerable sums of money in environmental improvement schemes over the years, maintaining Ardkinglas Woodland Garden, opening new footpaths and creating new native woodlands and listed a number of businesses that have been supported by the Estate including Clachan Farm, Lochfyne Oysters Ltd, the Scottish Salmon Company, Lakeland Smolts, the Tree Shop, Bonnars Sand and Gravel, Here we Are, Our Power (woodchip production unit), Our Hydro (a hydro scheme in Glen Fyne currently under development), Clachan Flats Windfarm as well as a number of 1 and 2 person businesses. She advised that Ardkinglas Estate has successfully balanced the introduction of new developments with the maintenance of the important historical environment and that the Estate has recently been selected as a case study in the Sustainable Estates for the 21<sup>st</sup> Century project run by UHI. She referred to the Estate's successful Planning application for the Pheasant Field and also referred to a of number awards won by the Applicant. She referred to the PDA issue and the Planner's view of a Masterplan approach to be agreed before approval of the planning application. She advised that the PDA was an unusual concept and peculiar to Argyll. She referred to the lack of constraints on this site being important which meant that the site was 'effective' in planning terms or can come forward at any time in the short term. She advised that development of the planning application in principle can happen in isolation or alternatively as part of a comprehensive redevelopment of this PDA. She asked Members to note that no overall vision or further level of details for the PDA is

expressed in any of the Council's documents and advised that Mr Sumsion has provided a bespoke vision for the PDA. She asked if it was reasonable to be asking the Applicant for further development of the Masterplan for the whole PDA as part of this application and she asked if a detailed Masterplan drawn up now would be relevant in 2 or 5 years time. She noted that the development was broadly acceptable and in line with PDA 9/13 and AFA 9/4 in the Local Plan and asked the Committee to endorse a general principle for this part of the site. She advised that the Masterplan Mr Sumsion was asked to submit was indicative only and not worked up to the level of detail required for consultation. She advised that the application site is the redline boundary and was not the whole of the PDA. She referred to many Masterplans in other areas being now unworkable due to the current economic climate. She advised that PAN 83 was a pre application planning tool. She advised it was important to remember that the Local Plan did not state that PDAs must have a Masterplan approved before any detailed or outline applications are approved. She advised that this application should be considered as a stand alone application and that a funding and phasing strategy will be developed later. She advised that the Applicant controls and owns much of the surrounding land and gave an assurance that specific planning gains or planting will be provided and if there are any issues to be resolved with other landowners regarding landownership in order to achieve adequate visibility splays this will be done. She advised that the development satisfied the current need and should not be held up for a Masterplan. Approving the application as it stands gives the Council the flexibility to consult widely on a Masterplan for the PDA as part of the Local Development Plan process and that a future detailed application should be when consideration of design, layout etc should be made. She advised that in approving the application the Members were giving nothing away that the Planning Act or the Local Plan does not allow them to do and that the Committee would be taking a proactive approach. She advised that it was neither in the Applicant's interest or Council to adversely affect the effectiveness of the whole PDA. She referred to Objectors appearing to be misguided by the motivations and make mention of the new village of Clachan – an idea from a different time and place being used out of context now. She referred to Housing need and that the application sought to comply with local plan Policy LP HOU 2 and that Housing Need assessments undertaken showed a preference for housing in this area. She advised that the Rural Housing for Rent Scheme was parked at the moment but still being looked at. She referred to the CAR licence issued by SEPA and confirmed that Mr Sumsion has been in touch with SEPA and the appropriate process to adjust the Licence National Grid Reference location will be completed prior to a future detailed Application being submitted to the Council. She advised that the separate Registration NGR will require an Application for Variation which will be completed in due course. She also advised that she had asked Planner's to remove reference to discussions on mediation from the Committee report as this was a confidential process. She referred to density that 15 dwellings per hectare was the norm for a Housing Association development and that the number of units arrived at in this proposal has been done by examining Argyll densities and applying this. She referred to the reasons for refusal and the concerns with density and the plans submitted and advised that reason 1 relied on an indicative Plan. She advised that reason 2 talked about density in the light of the plan and advised that as an outline application this could easily be termed housing, care business and industry. She stated that Mr Sumsion thought it would be helpful to indicate numbers but if Members felt that this confused the issue then he would be agreeable to withdrawing those. With reference to

reason 3 she advised that it was their view that this was incorrect and that the Local Plan does not say that a Masterplan must be agreed before an application in principle is approved. She advised that it was their view that each reason for refusal was flawed and was based on an indicative concept which would indicate that if this application were to be refused and taken to appeal a Reporter would find very little in those reasons for refusal to substantiate and the Council would find itself in a difficult position of having to defend those. She advised that Mr Sumsion was keen to work collaboratively with the Planning Department and that she had demonstrated the need for the proposals and how in their view they were in line with the aspirations of the Scottish Government and the development plans and that she had also demonstrated why the reasons for refusal were incorrect. She asked the Committee to consider whether they agreed with the Head of Planning and that the proposal was not in accordance with the Local Plan and if they thought that then they would have to satisfy themselves that there was no other material considerations as to why the development should be approved. She advised that in this case the material considerations were the local need for the childcare unit, business units and low cost housing for local people; a need to meet Scottish Government objectives in proactive planning being the key to sustainable economic growth, especially in a rural area such as Argyll; supporting the endeavours of the Estate which has been proactive in creating economic growth in this area for many years; and the ability to mitigate any/all concerns through the use of conditions/legal agreements. She asked the Committee to take cognisance of the length of time the application process has taken. She advised that the Committee has the flexibility through Section 25 to look at other material considerations and whether on balance for other reasons this application should be approved. She also asked Members to take into the consideration the track record of the Applicant.

## **STATUTORY CONSULTEES**

Mr Tustin of SEPA advised that he had nothing further to add to what was in his written representations contained within the Planner's report but could confirm that at the time SEPA were considering the application they were in receipt of an application to discharge affluent into Lochfyne and that the discrepancy with the grid reference was being addressed. He advised that Foul Drainage issues were being objected to on the basis of insufficient information provided to make an opinion and there was a need to clarify this with Scottish Water.

Ms Rains, Environmental Health Manager, advised that she has concerns regarding bad neighbour issues and that no information has been provided on noise levels on existing industrial uses and how these would impact on proposed housing development. She also has concerns about how the proposed new industrial businesses will impact on housing. She advised that this fairly substantial development will require a water supply and that she will require geological information and a risk assessment on how work will impact on the existing development and how water needs will be addressed.

## **SUPPORTERS**

Mrs Bremner advised that she was a resident of Cairndow and has been for 25 years and that she has spoken to a lot of people in the village about this proposed development and that they can see potential in this development. She advised that she was a member of the Community Council but was not speaking

on their behalf today. She advised that there appeared to be a lot of input from people who did not live in the village and who did not visit the area very often. She advised that there was a lot of support in the village for what the Estate does. She advised that the Childcare centre was not run by the Applicant's family. She advised that every community will have a certain amount of people involved and some who will not be involved. She referred to the application just being for outline planning permission and that the proposed 16 houses and 7 commercial units may not get built due to the current economic climate. She advised that the application must be allowed as it was an opportunity to develop the community. She advised that she did not agree with Objectors' concerns that it will make 2 villages. She advised that in other parts of Argyll villages were spread over a distance. She advised that there was a lot of support for this development.

Mrs Hutcheons advised that her family were residents in the village and that she was involved in the Child Care Centre Committee. She advised that her husband worked in the village and that her children attended the Child Care facility. She advised that the proposed development will assist her husband's business and may also assist with her starting up her own business and she welcomed the proposed workshops units. She advised that her family would not have moved to this area if it had not been for the Child Care Centre as there was no other child care facilities for Cairndow and the surrounding area. She advised that the Child Care centre were looking to expand and that a purpose built facility will be a great improvement. She advised that she was disappointed that there was the need for a Masterplan.

## **OBJECTORS**

Mrs Pound advised that she was not opposed to development of the rural craft workshops and extension of the Oyster Bar/Tree Shop which was originally proposed for PDA 9/13 or for housing including affordable where there is a need. However, she advised that she was opposed to a major industrial estate and major housing estate in this location with no justification, material considerations or special circumstances and a new village named Clachan and she stated that there was a difference between an Allocation Area and Potential Development Area and that a PDA had to comply with the Structure Plan, Local Plan, Policies and a mini-brief which PDA 9/13 did not. She advised that PDA 9/13 was in an area of Panoramic Quality and extends to an area of land known as Sensitive Countryside as defined in the Local Plan which states that small scale development on infill, rounding off and redevelopment may be absorbed but medium to large scale development may be permitted only in special circumstances and subject to being consistent with all other policies of the Structure and Local Plan and satisfying the requirements of an Area Capacity Evaluation (ACE). She advised that when this PDA was submitted by the Agent for the developer in 2005, it was designated as 'Estate development to consolidate existing business activity at the Oyster Bar/Tree shop, develop recreational activities within the reinstated gravel works, provide three workshops and environment improvements to the farm/sawmill buildings', ie an extension of the original hub and consequently PDA 9/13 was incorporated into the Local Plan on that basis. She said that the Agent at the time stated that Ardinglas Estate welcomed the proposed PDA subject to an ACE and compliance of all relevant Structure and Local Plan policies, in particular that linked to the existing Oyster Bar operation, and that the Estate were keen

to overcome the access and road safety constraints as well as providing a comprehensive Masterplan. She also advised that the Development Manager, Ross McLaughlin had advised the developer that it was on this basis that the PDA was incorporated into the Local Plan and that he had advised at no time was there any discussion over the removal of the woodland, significant recreational development, medium scale housing in multiple locations, childcare facility in close proximity to existing commercial buildings and the use of HGV's and given the variation in the submission for PDA 9/13 and what is now proposed, he had stated that there was even greater value in pursuing a Masterplan approach to allow the Council, Statutory Consultees and public to express their views and he had stated that he did not consider this approach to be flawed as it is a requirement of the mini-brief for PDA 9/13. Mrs Pound stated that the Scottish Government had confirmed that the Local Plan has to be considered as a whole - not cherry pick sections of it - and therefore the Masterplan for this 30 hectare PDA was not for "indicative purposes only" and she stated that Brian Close had advised the developer by letter that a Masterplan was a requirement and would be considered as "additional information to inform their decision on the consent and then be viewed as supplementary planning guidance to inform the future development of the site and any future review of the local development plan". She advised that Planning requested a more diagrammatic Masterplan which was provided under CDA 06 which confirmed further commercial development, a hotel and further 50/70 houses and tourist accommodation within this PDA. She advised that this is clearly a major application and that the application cannot be considered in isolation and the development has to be looked at as a whole and have full consultation with the community, statutory consultees and neighbours. She stated that the 'mixed use' for PDA 9/13 did not originally include 'housing' as it stated Business/Recreation/Tourism. She also commented that there were anomalies within the application and that a Sustainability Checklist had not been provided and within the red line boundary of the application, the footpath to the Oyster Bar and the access visibility splays had been omitted and that the visibility splays were within land owned by Achadunan Estate. She stated that Planning had requested an up-dated statement in respect of the mechanism to provide affordable housing which had not been provided and that this was a private development not an affordable housing development. She stated that the Government had ceased RHOG and RHfR which had been provided for Pheasant Field which was currently being built providing 15 houses, 10 under RHfR and 5 plots under RHOG and satisfied the Housing Needs and Demands Assessment (HNDA) which confirmed that the maximum requirement for Cairndow going forward was 12 houses and she stated that the developer had confirmed in a letter to Fergus Murray in March 2010 that Pheasant Field would also be expanded for further housing, The Square would be converted into holiday home accommodation and apart from four other sites, she said the letter stated it also confirmed that this application is Phase 1 of a new village called 'Clachan'. She advised that this application was endeavouring to be achieved in a piecemeal approach contravening endless policies, the Local Development Plan, Sustainable Siting and Design Principles and Sustainable Design Guidance all of which presume against the proposed development and the Written Statement of the 2009 Plan and Government Advice Planning No 83 – Masterplanning. She stated that this proposal had been going on for some years and the Development Manager had requested that this application be withdrawn and resubmitted and she said it was clear that this application should be classed as a major application with attaching Masterplan and required proper

consultation and was a major departure from the Development Plan. She also said that politically driven economic growth does not override the Local Development Plan, policies or Planning Acts which have been put in place to protect the public and environment and requested the Committee to support the recommendations of the Planning Department and not create a new village, major housing estate and major industrial estate in an area of Panoramic Quality and Sensitive Countryside under the illusion that it is about affordable housing when it is not and when there are no material considerations or special circumstances to support this application.

Mr Pound advised that he did not have much more to add but referred to a lot of emphasis being put on the Child Care Centre and that under the proposed plan this was for indicative purposes only and that if it was to go ahead will need funded privately or by Argyll and Bute Council. He also advised that there were a number of omissions within the red line boundary area including the footpath to Loch Fyne Oysters and advised if it had been included it would bring the site to over 2 hectares which would mean it was a major application rather than a local application.

Ms Delap advised that this development was extremely inappropriate for this part of the world it was sited in. She referred to access onto the fast stretch of road on the A83 and referred to separation of the community. She advised that the community in the new development will not have easy access to Cairndow Village and that families will need 2 cars as public transport was extremely dodgy. She referred to the community living next door to the industrial site and that noise from the quarry and wood chip plant was significant and that she would not recommend the Child Care Centre being sited next to it. She believed the quarry will operate until 2015 but that the woodchip plant has the potential to expand rather than shrink. She advised that the proposed development was too crowded and that Kilmorich does not have as many houses per hectare as this proposal. She also advised that it will not be possible for this housing development to have a vegetable patch. She stated that this was Phase 1 of a much bigger development. She advised that she believed the Applicant had plans for the whole PDA area up to Lochan. She stated that the proposal was totally inappropriate for the top of Lochfyne and that Cairndow Village still has space for development.

Mrs Hammond advised that she believed she lived closest to the development and that the chipper and quarry operations were very noisy and that the area was not suitable for housing just suitable for business units. She referred to the development being isolated from the village and the lack of public transport. She advised that she does not believe there is work in the area as she has to commute to Dunoon for employment and has been unable to access employment in Cairndow.

## **MEMBERS' QUESTIONS**

Councillor Marshall asked Mr McLaughlin if he considered the site suitable for development and he replied yes.

Councillor Marshall asked Mr McLaughlin to comment on the potential for further development at Cairndow Village. Mr McLaughlin advised that he was aware of concerns raised by Transport Scotland in respect of the junctions to the north

and south of the village and advised that less than 5 houses could be developed without major reconstruction of the junctions.

Councillor Marshall asked, if Transport Scotland were to relax their viewpoint, how many houses could be developed in the existing PDA. Mr McLaughlin advised that in respect of the PDA behind Cairndow Inn maybe a maximum of 15 houses.

Councillor Marshall referred to the site visit earlier in the day and asked the Mr McLaughlin for his viewpoint on the agricultural shed, caravans and rubbish and asked if development would improve this. Mr McLaughlin advised that the present site was quite organic and there was a need for environmental improvements before development took place.

Councillor Marshall asked Mrs Pound to confirm where her main abode was and if her home was somewhere other than Cairndow. Mrs Pound advised that she did not think that was relevant.

Councillor Marshall advised that this information was relevant looking at it in the context of local people and the impact a development might have. Mrs Pound advised that she did not think it was relevant and confirmed that she was a stakeholder in the village.

Councillor Marshall advised that Mrs Pound had stated that the countryside would suffer if this development went ahead and asked did she not think that the local indigenous population who actually live and work in Cairndow should know better than Mrs Pound what is good for them. Mrs Pound said that everyone had a right to express a view in this matter and she reiterated that she was a stakeholder in the village.

Councillor Marshall also asked Mrs Pound if she had ever carried out any development in Argyll and Mrs Pound advised that other than reconstruction of the cottage on the shore, no.

Councillor McCuish referred to SEPA's main objection being to the Masterplan and asked if they had any objections to the application which was being dealt with today. Mr Tustin replied he had no issues with this application.

Councillor McCuish asked Environmental Health to confirm if the information they required was needed at this time or did they have the opportunity to receive this at a later time. Ms Rains advised she would need information in respect of the existing industrial development to determine if it would have a major or minor impact on the proposal.

Councillor Chalmers referred to Mrs Bremner being a member of the Community Council and acknowledged that she was not representing the Community Council at the meeting today. He asked if this application had ever been debated at the Community Council and was this the type of thing the Community Council got involved with. Mrs Bremner advised probably not as much as it should and that there were quite a lot of new Members on the Community Council.

Councillor Chalmers referred to Mr Pound's comment about appearing to

suggest that the application went beyond 2 hectares and asked the Development Manager to provide information on different processes for major and local applications. Mr. McLaughlin advised that the current application came in before major and local applications were defined. He advised that the main difference with a major application was that public engagement was required at the pre application stage and that a public event required to be held before an application was submitted. He confirmed that the physical size of the site was less than 2 hectares.

Councillor Chalmers referred to the Masterplan issue and that this development was 2 hectares out of 30 hectares and asked the Development Manager if he envisaged that this 1<sup>st</sup> Phase would impact on infrastructure for the 30 hectares. Mr McLaughlin advised that with any development in a sensitive area it was imperative to lay down foundations. He advised that this was the gateway to a larger site and that issues in respect of sewage, access requirements, landscaping, noise levels required to be addressed as potentially a residential area may not be possible in this area.

Councillor Chalmers asked if there was anything present in principle specific to the application objecting to further development. Mr McLaughlin referred to structural planting at this stage and also advised that it was important to obtain information about the water supply as this is an unknown.

Councillor Dance asked when the application was validated. Mr McLaughlin confirmed this to be 12 March 2009.

Councillor Dance advised that Ms McIntosh suggested the Masterplan was perhaps an outmoded institution and referred to the time taken for other Masterplans to be put together and also referred to the Helensburgh one which was now back to the drawing board. Councillor Dance asked the Development Manager what his response was to the suggestion that a Masterplan was not required at outline planning stage and how did his rejection of the application sit with the need to support the Argyll and Bute Corporate Plan which aspires to unlocking our potential to create jobs and a sustainable future.

Mr McLaughlin advised that the Masterplan in Helensburgh was a Council Masterplan and that this Masterplan was required from the developer and, in terms of timescales, it would depend on the length of time the developer took to produce the Masterplan and on production of this there would be a 6 week consultation period with submissions to this coming before the PPSL Committee for consideration. He advised that the Scottish Government were not moving away from the Masterplan approach and that PAN 83 recognised the importance of laying down the framework for development. He referred to page 99 of the Local Plan and paragraph 11.4 advising that potential development which form obstacles in mini-briefs which include Masterplans must be overcome.

Councillor Dance asked the Applicant if any of the issues raised by Ms Rains had been discussed with him and if any of the objections raised could not be addressed. She also asked how long it took to develop Pheasant Field and finally asked for comments on what Mr McLaughlin said about the Masterplan and what, in his opinion, was insensitive about the development. Mr Sumsion advised that he had seen the consultation response submitted by Environmental Health but had not direct discussion with them on this subject. With regards the

Pheasant Field, Mr Sumsion confirmed that the detailed application was submitted in 2009 and that pre application discussions took place as far back as 2003/4 and that this was the same for the outline application before the Committee for consideration today.

Ms McIntosh advised that she agreed with Councillor Dance's views about the Masterplan. She stated that the Masterplan approach was still used and was an effective toolkit in some cases. However, as a result of 3 or 4 years of recession in the building industry, a lot of Masterplans were being rewritten.

Councillor Dance asked what the cost would be to the developer to produce a Masterplan and Ms McIntosh estimated £50,000 as consultation with professionals in different fields would be required.

Ms McIntosh addressed the insensitive issue and confirmed that a lot of the detail of the application could be worked on and changes could be made to make sure care and sensitivity was applied and that a lot of the concerns raised could be addressed through conditions or section 75 legal agreement and that the Applicant was happy to comply with this.

Councillor McCuish asked the Development Manager was it not a fact that any development could be described as out of context and existing development could be out of context and that this was okay as long as you could not see it. Mr McLaughlin advised that the current industrial block was very well screened by existing conifers and that a development of this nature could be accommodated with softening and screening but that was only one of a number of issues that needed to be addressed.

Councillor McCuish asked if the trees would be removed regardless of whether or not the development went ahead. Mr McLaughlin advised that the trees were ready for harvesting and that the Applicant required a felling licence before removing trees.

Councillor McCuish asked the Development Manager to confirm if he thought this development was not suitable in an area of sensitive countryside and Mr McLaughlin advised that in his opinion the development was not suitable.

Councillor Marshall asked Mrs Hammond to confirm that she was unable to get work locally and she confirmed that this was the case.

Councillor Marshall asked the Supporters to comment on this. Mrs Bremner advised that it was a bit harder now than it was a couple of years ago but there were jobs around it just depended on what type of job you were looking for and what you were qualified to do. She advised that people from as far away as Glasgow commuted to work in the area.

Mrs Hutcheons referred to her husband's business having a job vacancy and there was also a position available in the Child Care facility.

Councillor MacMillan referred to the details of Local Plan Policy LP Bad 1 and asked if the proposal met the requirements of this Policy. Mr McLaughlin advised that he was presently concerned with the development going against the requirements of Local Plan Policy LP BAD 2 and that he was more conscious of

a bad neighbour in reverse situation arising.

Councillor MacMillan asked if the application was a minor departure from STRAT DC 1 and Mr McLaughlin advised that you could not treat this application as a minor departure from Policy.

Councillor Dance asked and received clarification from Mrs Hutcheons that her reasons for moving to the area were because of the Child Care facilities available and that it would not have been possible if they had not been there.

Councillor Dance asked the Applicant if he envisaged expansion of the Child Care centre at the proposed development or was it just a case of moving to a more modern and dedicated building. Mr Sumsion advised that the Child Care centre had been included in the proposal at the request of the Child Care Committee. He advised that more than one site had been offered to the Committee and that they favoured this one.

Councillor Dance referred to Mrs Pound's comment about PDA standing for "Please Develop Argyll" and asked what was wrong with development in Argyll. Mrs Pound advised that she had nothing against development in Argyll but it should not go against Planning Policies.

Councillor Chalmers referred to Policy LP BAD 2 and asked the Applicant to comment on this. Mr Sumsion referred to the proposed layout of the site and where the industrial units would be in relation to the housing units and also referred to the separate access arrangements for the proposed housing development, Child Care centre and industrial units to address this.

Councillor Kelly asked why the pedestrian access to Loch Fyne Oysters had not been included in application. Mr Sumsion advised that this was a footpath and not a development and if it was required could be enforced through a section 75 agreement.

Councillor Kelly asked the Applicant if it was his intention to put a footpath in, advising that the road was a very busy road and that he was disappointed that Transport Scotland had not attended the meeting today as he thought it was important that they be present for this very important application. Mr Sumsion advised that he believed a condition could be worded to ensure a footpath was in place before any housing development took place and that development of commercial units could progress before installation of a footpath. He advised that it was his opinion that the existing junction had good visibility splays compared to other areas.

Councillor Kelly advised that he had seen a lot of accidents happen at the junction into Lochfyne Oysters and that there was a need to get the junction at the access into the proposed development right and that a section 75 agreement would be required here also.

Councillor Kelly referred to the invitation by the Scottish Government to the Applicant to discuss the application along with Council representatives and asked why the Applicant had not taken this invitation up. Ms MacIntosh advised that the offer from the Scottish Government was to take part in one of many case studies and that the Scottish Government took up to 18 months to report on

these case studies. She confirmed that she had advised Mr Sumsion that it was not the right thing to do at this stage in the process to be a guinea pig in part of the study.

Councillor McCuish asked the Development Manager to confirm that the application site related to 2 hectares out of a 30 hectare PDA site and Mr McLaughlin confirmed this to be the case.

## **SUMMING UP**

### **Planning Authority**

Mr McLaughlin advised that this was a very generous PDA within the Argyll and Bute Local Plan. He referred to the Supporters comments about the economic benefits this would bring to the community and also to the comments from the Objectors. He advised that the Planning Department do want to see a mixed use development in this PDA site but there was a need to build firm foundations, a strategy and design ethos. He advised that economic development was of paramount importance in Argyll and Bute but so was protecting the environment. He expressed the need to work with the Applicant to produce a Masterplan.

### **Applicant**

Mr Sumsion advised that RHfR and ROG have not ceased they were just on the back burner. He referred to the suggestion that there was a lack of consultation with the community and advised that this outline application has been discussed at community council meetings pre and post application stage. He stated there was an overemphasis on an indicative Masterplan and that the proposed current application was independent of any future discussions and was not dependent on any requirements for further development in the future. He advised that the scale of the development would be easily absorbed by the landscape and that careful thought had been given to commercial and residential developments. He advised that he was fully committed to achieving at least 25% affordable housing and that it would be many years, if any, before returns of investments would be achieved. He advised that it was in his interest to see continued growth for the local economy and that it was in everyone's interest.

### **Statutory Consultees**

Mr Tustin of SEPA advised that impacts have been assessed and there was a need to make sure the Masterplan put forward addressed sewage treatments and the water supply.

Ms Rains, Environmental Health Manager, advised that she had nothing further to add.

### **Supporters**

Mrs Bremner stated that this was just an outline planning application and should go ahead and that the Applicant, villagers and local Community will ensure the site is developed sensitively and will not impact on the surrounding area as a whole.

Mrs Hutcheons advised that it would be nice to see a development like this come to fruition in respect of her business and for her children.

## **Objectors**

Mrs Pound stated that she was not opposed to housing and affordable housing where there was a need but this application which is a major application cannot be considered in isolation as part of PDA 9/13 when a Masterplan is a requirement of that PDA.

Mr Pound referred to the process taking 2.5 years with differing opinions of the Applicant and Planners. He felt that there was plenty of housing at the Pheasant field site and that this was a most inappropriate development in an inappropriate location within sensitive countryside.

Ms Delap referred to there being lots of new housing developments in Strachur and Inveraray which were 12 and 8 miles away from the site plus there were 15 houses being developed at the Pheasant field and therefore the housing need was being met nearby and that you did not need to live next door to where you worked.

Mrs Hammond advised that she had nothing further to add.

The Chair asked all parties to confirm if they had received a fair hearing and they all replied that they had.

## **Debate**

Councillor Marshall advised that the Committee should be supportive of the application and that he had a motion which he would put forward in due course. He referred to Mrs Bremner's point about housing being a local need and also referred to Ms Delap's comments about housing in Strachur and Inveraray. He referred to the elderly in the village and that there was a lack of housing for them. He stated that there was a need to follow Scottish Government guidelines regarding the need for affordable housing and sustainable development. He advised that he did not think it was an exceptionally dense development. He expressed concern about the economy of the country as a whole and the economy of Argyll and Bute that this was important to him and his fellow Councillors. He advised that the Cairndow and Clachan area had been successful and strong over the last 20 years and he applauded the developments by Ardkinglas Estate. He referred to the farming operations, caravan and rubbish at the site which was viewed today and that if this site was cleared up by the development taking place then this would be an improvement.

Councillor McCuish agreed with Councillor Marshall's comments and referred to no objections from Statutory Consultees though SEPA was still opposed to the rest of the 30 hectare site. He advised that social and economic benefits outweighed any reasons for refusal.

Councillor Chalmers advised that the Masterplan was the key issue here and was an aspirational document at this stage. He confirmed that he had heard of the difficulties from Ms McIntosh about this and the concerns expressed that could be covered by conditions and advised that he supported Councillor

Marshall.

Councillor Dance agreed with Mr McLaughlin that this was a very generous PDA and advised that the Committee were only looking at 2 hectares and that the rest of the PDA could be dealt with at a later date and that Members were only interested in the application before them today. She advised that a local need was being met with housing, economic activity and a child care centre and that the developer has a very good track record of doing what is best for the area. She referred to unlocking our potential here to develop further in the future. She stated that the local support from people was tangible and that it was a very reasonable development which would deliver local and community needs.

Councillor MacMillan advised he was born and bred in Argyll and would support this application.

Councillor McQueen advised that the biggest export from Argyll was young people and for the first time in 12 years he would be supporting Councillor Marshall.

Councillor McNaughton advised that across Argyll and Bute there was an aging population and that young people were required to boost the area and that there was a need for accommodation and employment for them. He stated that Cairndow was a good place for employment and that it had a very active and very ambitious social enterprise as well as a very active community and that he supported the application.

Councillor Kelly advised that as Chair he would be moving the recommendation of the Planner's to refuse the application and asked if there was a seconder.

There was no seconder.

### **Motion**

As set out in the report of the Head of Planning and Regulatory Services "in the Argyll and Bute Local Plan, the application site is located within Sensitive Countryside but forms part of Potential Development Area PDA 9/13 'Cairndow-Inverfyne' where a mixed use business/housing/recreation use is supported, and Area for Action AFA 9/4 'Inverfyne' where strategic, business and environmental improvements are encouraged." I consider that the mix of development proposed in this application for planning permission in principle is wholly consistent with those objectives.

By designating the Potential Development Area, the Council has accepted that the settlement pattern in this part of Glen Fyne will change. In that context, the development of 16 dwellinghouses, 7 commercial units and a childcare community building within a 2ha site need not be regarded as excessive. Most of the land surrounding the actual application site is within the Applicant's control, so there would be no difficulty in imposing conditions requiring the submission and implementation of a strategic landscape plan to assist the development's assimilation into the countryside.

Furthermore, regardless of any shortcomings of the Applicant's Masterplan for the wider PDA, which extends to almost 30ha, the development of this site of

less than 2ha need not prejudice the satisfactory development of the PDA in the longer term.

Any other issues raised by consultees, such as water supply or access, can be adequately addressed by planning conditions.

I therefore move that the application be approved as being consistent with Potential Development Area PDA 9/13 and relevant policies of the adopted Argyll and Bute Local Plan, subject to appropriate conditions to be remitted to Officers in consultation with the Chair and Vice Chair of the Committee.

Moved by Councillor Bruce Marshall, seconded by Councillor Vivien Dance.

Mr Reppke confirmed that the Motion as it stood was not competent as it did not address all the policies which included the need for a Masterplan as required by the Local Plan and that the Committee needed to take this into consideration if they were minded to grant the application.

Mr McLaughlin advised that Planning were not looking for an overly elaborate Masterplan just one with more detail than the indicative one produced by the Applicant which was not part of the application for consideration today.

Councillor Dance asked, if to overcome the impediment for the need for a Masterplan, could the Committee not simply refer to the current economic climate and what Members had heard today and that this was a reason for it not being considered necessary that the Masterplan route be taken.

Mr Reppke advised that there was a need to assess the application in conjunction with a Masterplan and that this was a material consideration. He also referred to Bad neighbour and Environment policies not being addressed fully in the Motion either.

Councillor McCuish advised that some of the policies could be addressed through a competent motion today but there was a need to clarify if the Masterplan prepared by the Applicant had been withdrawn in part or full.

Mr Reppke advised that a Masterplan ought to be the subject of public consultation.

Councillor Dance asked why Members were here today if they were not able to go against the Planners.

Mr Reppke advised that Members, in the first instance, needed to go through procedural steps if they were minded to approve the application.

Councillor Dance moved that the Committee adjourn for 30 minutes to allow for the competency of the Motion to be addressed and this was agreed.

The Committee reconvened at 2.05 pm.

As his first motion was advised to be incompetent Councillor Marshall presented an amended Motion.

## **Motion**

I would like to move that the application be continued to the next PPSL Committee on 23 November 2011 and that in the meantime the Applicant should submit to Planning Officers an amended Masterplan for approval of this Committee.

Moved by Councillor Marshall, seconded by Councillor Dance.

Mr Reppke confirmed that the contents of this Motion were competent.

## **Decision**

The Committee unanimously approved the amended Motion and this became the decision of the Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 13 October 2011, issued and Supplementary Report 3 dated 20 October 2011, tabled)