

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 15/02969/PP

**Planning Hierarchy:** Local Application

**Applicant:** Seavision (Scotland) Ltd

**Proposal:** Increase in height of part of infilled area (part retrospective)

**Site Address:** Holy Loch Marina, Rankins Brae, Sandbank

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**DECISION ROUTE (delete as appropriate)**

**(i) Local Government (Scotland) Act 1973**

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**(A) THE APPLICATION**

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

- Increase in height of part of existing infilled area (part retrospective) from 5.2m to 6.2m

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

It is recommended that, subject to a pre-determination Hearing, planning permission be approved subject to the conditions and reasons listed overleaf

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**(C) HISTORY: Y**

**06/00589/DET-** Formation of marina and port development comprising: expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815. **Approved**

**07/00790/COU-** Partial change of use and external alterations to boatshed (new upper level) to form nine office units (Class 4); erection of two-storey extension, stair tower and pedestrian link bridge and the formation of car parking area/vehicular access. **Approved**

**07/01634/DET-** Retention of a mobile home **Approved**

**08/02242/VARCON-** Formation of marina and port development comprising: expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815. (Variation of Conditions 5 (overspill car park), 10 (noise and operational management plan), 12 (boundary fencing) and 13 (external lighting) of planning permission 06/00589/DET) **Approved**

**09/00180/DET- Clyde Cottages, Colinton And Reading Rooms -** Alterations to internal access road layout and car parking provision (relative to planning permission 06/00589/DET); formation of new access road, land reprofiling works and infill to facilitate private vehicular parking areas (partially retrospective). **Approved**

**11/00010/PP-** Siting of modular building and caravan to form office. **Approved**

**11/01426/PP-** Siting of temporary modular building for a period of 5 years to provide accommodation for marina offices (Class 4) (retrospective). **Approved**

**11/01576/NMA-** Non Material Amendment to planning permission 08/02242/VARCON - Formation of Marina and Port development - to incorporate alterations to road design , car parking arrangements and landscaping **Approved**

**11/01578/NMA-** Non Material Amendment to planning permission 09/00180/DET, access, car parking, land re-profiling - to incorporate alterations to road design, car parking arrangements and landscaping **Approved**

**11/01579/NMA** Non Material Amendment to planning permission 06/00589/DET - Formation of Port Marina - to incorporate alterations to road design, car parking arrangements and landscaping **Withdrawn**

**13/01868/NMA-**Amendment to planning permission 08/02242/VARCON (Formation of marina and port development comprising: expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815. (Variation of Conditions 5 (overspill car park), 10 (noise and operational management plan), 12 (boundary fencing) and 13 (external lighting) of planning permission 06/00589/DET) - Marina development to incorporate landscaping proposals **Pending Determination**

**14/02430/PP-** Continued siting of temporary modular building for a minimum period of 3 years to provide accommodation for marina offices (Class 4) (retrospective). **Application permitted**

**14/01474/PP-** Retention of caravan and siting of temporary modular building for use as office and welfare facilities **Application permitted**

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**(D) CONSULTATIONS: Y**

Environmental Health -	No objection subject to conditions 03.08.16
SEPA -	No objection 10.12.15.
Flood Risk Assessor –	No objection following submission of technical information 20.7.16.
Sandbank Community Council -	Responses 12.12.15. and 15.02.16. Object.

There is in fact no longer a marina but a landfill site. Many of the residents feel a loss of amenity and a sea view. As residents of Sandbank and members of the CC we are trying to restore our village and make it a welcoming place to come to and drive through as we are on the edge of the National Park and have one of only two nature reserves in Argyll. The original marina would have gone a long way to help in this improvement which is much needed after the Americans left the Holy Loch.

What we have is dust, dirt, noise pollution and a building site and only the promise of more to come. After so many years of this it is clear that the residents are at a loss to know what to expect next. Other than a continual destroying what could be a beautiful place to live through a total lack of regard for others.

If this goes ahead we at the Holy Loch end of the village can look forward to, according to his figures, 66 full and 66 empty trucks a day passing each other on a road not built to take such traffic. That is one full and one empty truck passing every 12 mins for 12 hours a day 7 days a week.

The sewage pipe which runs up the middle of the A815 has completely collapsed as it is and apparently cannot be repaired as it would mean closing sections of the road which is deemed too busy now. Another consideration is the constant vibration of so many trucks travelling a road which is also suffering from subsidence. Is any of this ever taken into consideration?

Finally, given the very negative views of many Sandbank residents about the Marina generally and the subject planning application in particular, Sandbank C.C. strongly requests that in the interest of clarification and to quell possible speculation, a detailed review is carried out to establish whether the many planning conditions related to the site (including those of an advisory nature) contained in the planning permissions dated 25th January 2007 and 6th May 2009 have been satisfactorily complied with. Specifically, concerns have been voiced that the conditions related to flood risk and drainage; noise and operational management; construction environmental management; dredging and potential contamination; car parking; landscaping and vehicle cleansing have either not been met or cannot be met and thus amount to breaches or possible breaches of those planning consents.

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**(E) PUBLICITY: Y**

Press Notice – Reg 20. Expired 25.12.15

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**(F) REPRESENTATIONS:**

A total of 88 e-mails and letters of representation have been received. These comprise 32 objectors, 55 supporters and 1 representation as detailed in the Appendix at the end of this report.

**Objections**

**(i) Summary of issues raised**

Mr Downs started his project in 1999 and from the start created many problems for those adjacent to the marina and Sandbank as a whole. There were landslides of dredged materials behind the cottages which in turn created subsidence of the gardens at the time in 2002 and also in 2007. Permitting the level to rise to 6.2 metres will exacerbate these problems.

Comment: See the assessment.

There is no evidence of adequate drainage pertaining to this part of the marina, or any other part of the marina. If there was proper drainage installed as per the original planning applications then the added height to the marina would not be necessary.

Comment: Conditions attached to previous consents, including those relating to drainage, are currently subject of a separate enforcement investigation. Only part of the drainage system previously approved has been installed. Notwithstanding this the applicant has indicated that irrespective of the existing and proposed drainage the infill is still required to take account of global warming. See also the assessment.

At Millar Cottage we have flooding as a direct result of the infill. Whatever drainage has been installed is clearly not fit for purpose. Permitting the level to be raised to 6.2 metres adjacent to our property will only serve for an increase in water run-off towards our house, being the lowest part of the development.

Comment: The specific issue re flooding at Millar Cottage is the subject of a separate on-going investigation. See also the assessment.

There have been no further drainage drawings or Flood Risk Assessments provided to support the application.

Comment: See the assessment.

The level of the infill is 6.2 metres. This is above the 5 metres which was already higher than originally proposed, and is over a metre higher than the road level. This means there are issues concerning drainage and could lead to flooding.

Comment: See the assessment.

It is known that building rubble has been dumped on a regular basis on the site and people are concerned what contaminants may be contained in that rubble.

Comment: This is a matter for SEPA under separate legislation. SEPA has been consulted and advised no objections.

Disregard of phased construction plans, i.e. carrying on without finishing each phase in turn. (He still has to complete phase 1 after 13 years of construction).

Comment: Conditions attached to previous consents are currently subject of a separate enforcement investigation.

Road hazards from mud deposited on Rankins Brae and debris from log lorries throughout the village. Increased volume of large heavy goods vehicles on roads not able to cope with it. Dust caused by traffic driving across the marina and car parks.

Comment: See the assessment.

Noise from increased heavy traffic through the village from logging and the crane which operates on the pier.

Comment: Noise from existing uses is a matter for Environmental Health.

As a local business operator we bring money in to the local economy. This has been estimated at £50,000 per annum. It has been a struggle to maintain this level of input given the unsightly and noisy nature of the development. Any further increase in height of the site combined with the huge scale now becoming evident of the proposed road and jetty works is very likely to seriously threaten the viability of my business.

Comment: The principle of the marina has already been established. This application is for the additional infill of land and is judged on its merits.

Destruction to the natural habitat of the loch including the mussel beds which sustained a variety of species.

Comment: The principle of the marina has already been established. This application is for the additional infill of land and the issues highlighted are not material to the consideration of this current proposal.

Removal of the amenity of view which many residents adjacent to the infill originally bought their properties.

Comment: Loss of view is not a material planning consideration. See also the assessment.

Light pollution from spotlights both on the marina and logging boats berthed at the pier which shine into the properties adjacent. Lack of security to residents caused by potential risk of smuggling by foreign shipping entering the marina with the nearest customs & Excise offices being in Inverness and no real means of monitoring or security offered by the marina.

Comment: The principle of the marina has already been established. This application is for the additional infill of land and the issues highlighted are not material to the consideration of this current proposal.

There is a case now for now considering the entire project a bad neighbour. The entire project will continue to be used for landfill. It will continue to affect residential amenity because of fumes, noise, vibration, smoke or artificial lighting or the discharge of any solid or liquid substance. It has already altered the character of the area's established amenity and introduced significant change into a homogeneous area. As a bad neighbour it is beyond time for the Council to stop facilitating the destruction of the local environment and community by this mismanaged project and review the entire project, properly enforcing all the previous conditions applied rather than letting further slippage and deterioration to prevail at every stage.

Comment: The principle of the marina has already been established. This application is for the additional infill of land. Conditions attached to previous consents are currently subject of a separate enforcement investigation. See also the assessment.

The increased boundary and road causeway runs more than twice the distance out into the loch than the original piece of established Highlands and Islands Enterprise infill. This has the following affects:

- It affects public access to the beach;
- It encroaches on Benmore sailing Centre;
- The water flow has changed here due to the land barrier and the wash makes sailing difficult;
- It has affected the run of the river coming down McKinlays Quay;
- It affects wildlife;
- The causeway runs out almost as far and very close to the sewage overflow making it more likely that that the sewage may be contained within the loch by the barrier rather than run out to sea;

Comment: The principle of the marina has already been established. This application is for the additional infill of land and the issues highlighted are not material to the consideration of this current proposal.

## **Supporters**

### **(i) Summary of issues raised**

A ridge height of 6.2 metres should be a sufficient barrier against a tidal surge over topping in severe storm conditions. The southern shore of the Holy Loch can take the brunt of north-westerly and north-easterly storms and these, when combined with a deep low pressure weather system and high spring tides could cause flood conditions. The 6.2 metre ridge would mitigate this and any properties behind this protective line would benefit.

Comment: See the assessment.

National planners are now required to ensure that developers take action to mitigate against the effects of climate change – this includes increasingly violent storms and as time progresses, and increase in sea levels.

Comment: These comments are noted.

Significant landscaping has taken place in 2014 and 2015 resulting in an improving visual amenity – the work has some way to go but progress is being made. The removal of 1 metre off the top of the ridge would result (in addition to reducing over topping protection) in exposed soil being wind-blown across neighbouring properties and the removal of vegetation would increase water run-off and flood risk to adjacent properties. People may recall when this area was being infilled, neighbouring properties suffered from deposits being blown about such that windows could not be opened in the summer and it was difficult to dry laundry.

Comment: See the assessment.

At a public meeting the developer advised that this planning application links to an existing ridge at a height of 6.2 metres approved both by SEPA and the Council. If this is the case then it is logical to extend the ridge as proposed.

Comment: See the assessment.

The Marina employs some 69 people either directly, through logging business units or multiplier industries (such as timber transport). This helps to give economic life to Sandbank and the wider south Cowal area. It is in all our interests to encourage the completion of this development both to sustain businesses and in time increase employment opportunities.

Comment: These comments are noted.

The visiting yachts to the marina help the local shops and pubs. Visitor numbers have increased year on year with the marina offering a “pay for one night get one night half price “ deal to all visiting yachts to entice them to stay longer. This has definitely helped to keep people in the Cowal area longer.

Comment: These comments are noted.

There has been frustration at the slow progress of the overall development, the lost visual amenity during the infill operations and objections have been made to elements of the overall development. The drag on progress has been caused by several factors including the global recession, spending decisions by the Scottish Government and changing investment priorities. Regrettably it is difficult to see any quick solution to overcoming the drag.

Comment: These comments are noted.

Marine Tourism is at an all-time high. Support of this local, family operated business should be a priority to help towards the re-generation of a once bustling town.

Comment: These comments are noted.

Amazed at the difference the marina has made to a once unattractive marshy foreshore. After Sandbank being flooded this Christmas it is good to see the marina taking flood prevention measures.

Comment: See the assessment.

## **Neutral**

### **(i) Summary of issues raised**

Not clear how much higher will the increase in height actually be?

Comment: See the assessment.

The landscaping works completed thus far have made a significant improvement.

Comment: The comments are noted.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** Y
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Y

**Summary of main issues raised by each assessment/report**

The principle of a rise in level is based upon information from Argyll and Bute Council. The original promenade was 5.2 metres AOD but Council advice was that an additional 0.4 metre freeboard should be added. However, this has the potential to cause flooding on the Main Road. The solution is to leave the promenade at 5.2 metres and raise the height of the longitudinal centre line of the site to 6.2 metres. This would then stop overtopping seawater from running down the site towards the cottages and the road. This overtopping water and any surface water would flow back towards the sea rather than adding to the rain water already behind the cottages. The remaining half of the site from the centre mid height of 6.2 metres would only have half the rain water to contend with in the drainage system and have no seawater spilling over the rest of the site.

Flood risk report and associated documentation provided by the applicant submitted as part of previous applications. Confirmed as acceptable by Council's Flooding Assessment Officer.

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** N

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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** N

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

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

**Argyll and Bute Local Development Plan, 2015**

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones



LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

#### Supplementary Guidance

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity);

SG LDP BAD 1 – Bad Neighbour Development;

SG LDP DEP 1 – Departures to the Local Development Plan;

SG LDP SERV 3 – Drainage Impact Assessment;

SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development;

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

Potential Development Area (PDA) 2/50 - Mixed use - tourism/marine;

Consultee responses and representations.

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): N**

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**(M) Has a sustainability check list been submitted: N**

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

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**(O) Requirement for a hearing (PAN41 or other):** The site comprises an existing marina where the principle of infill has been established. However, 88 representations have been submitted and the Community Council has objected. Given the level of representation and local community interest it is considered that a Hearing would give added value and would be justified in this instance.

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

The application site is located within Sandbank and comprises part of the marina granted planning permission under reference 06/00589/DET. Part of the application site is also a Potential Development Area (PDA) Mixed use - tourism/marine.

Local Development Plan Policies LDP 1 - Development Within Development Management Zones, LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment, LDP 4 – Supporting the Sustainable Development of our Coastal Zone, LDP 8 – Supporting the Strength of our Communities and LDP 9 – Development

Setting, Layout and Design are all applicable. By virtue of the 2006 planning permission the marina has been determined as consistent with development plan policy.

In terms of Supplementary Guidance the following policies are also applicable. SG LDP ENV 1 Development Impact on Habitats, SG LDP BAD 1 – Bad Neighbour Development, Species and our Biodiversity, SG LDP DEP 1 – Departures to the Local Development Plan, SG LDP SERV 3 – Drainage Impact Assessment, SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development and SG LDP Climate Change.

The proposal seeks to increase an area of existing infill on the southern boundary of the Marina site parallel with the A815 by 1 metre from 5.2 metres to 6.2 metres. The additional infill is required to combat climate change and the potential for flooding of the site. The highest point will be 6.2 metres in the centre of the site and will then taper down on both sides: one towards the A815 and the other towards the Holy Loch. The key issues are the proposed visual impact and the impact on surface water run-off and flooding.

In visual terms the site already has extensive infill which has been seeded and is subject of tree and shrub planting. The site is still maturing and areas of rubble are clearly visible. However, as the site matures the area will appear as a green sward and will form the base for parking, landscaping and a new port access/entrance which have already been approved. As such the increase of the area of infill from 5.2 metres to 6.2 metres suitably seeded and planted will not have an adverse visual impact and will not detrimentally impact on the character and amenity of adjoining properties or the surrounding area.

Prior to application 06/00589/DET the site comprised two boatyards and seabed. Infilling operations have since taken place and flooding and drainage impact were considered under this original proposal. The Council's Flooding adviser has been consulted and indicated no objections in principle subject to clarification on rainfall data. SEPA has also offered no objections.

By virtue of planning permission 06/00589/DET the marina development has been determined as consistent with development plan policy. The increase of the area of infill from 5.2 metres to 6.2 metres suitably seeded and planted will not have an adverse visual impact and will not detrimentally impact on the character and amenity of adjoining properties or the surrounding area. The Council's Flooding adviser has been consulted and indicated no objections. As such the proposal is consistent with policies SG LDP ENV 1, SG LDP BAD 1, SG LDP DEP 1, SG LDP SERV 3 and SG LDP SERV 7.

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**(Q) Is the proposal consistent with the Development Plan: Y**

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

It is considered that the proposed infilling will not be visually intrusive or exacerbate flood risk. As such it is consistent with Local Development Plan Policies LDP 1, LDP 3, LDP 4, LDP 8 and LDP 9. It also accords with Supplementary LDP ENV 1, SG LDP BAD 1, SG LDP DEP 1, SG LDP SERV 3 and SG LDP SERV 7.

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: N**

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**Author of Report:** Howard Young

**Date:** 04.08.16

**Reviewing Officer:** Angus Gilmour

**Date:** 29/7/16

**Angus Gilmour  
Head of Planning**

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 15/02969/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 19.10.15 and the approved drawing reference numbers:

1260/003      Location Plan/Site plan  
1260/002A    Proposed areas of infilling

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. The capacity of the catchpits, associated filter drain and 150 mm pipe shall be quantified. This will include an estimate of the return period of the storm that they are designed for. These details shall be submitted to and agreed in writing by the Council prior to any further infilling works taking place and within 2 months of the date of this consent.

Reason: To ensure the development will not be detrimentally affected by flooding or result in flooding to adjoining properties and the surrounding area.

3. Details demonstrating that any flooding from the drainage system associated with the 1 in 200 year plus climate change event is either contained on site or discharges to sea shall be submitted to and agreed in writing by the Council prior to any further infilling works taking place and within 2 months of the date of this consent.

Reason: To ensure the development will not be detrimentally affected by flooding or result in flooding to adjoining properties and the surrounding area.

4. A method statement detailing surface water containment during construction shall be submitted to and agreed in writing by the Council prior to any further infilling works taking place and within 2 months of the date of this consent.

Reason: To ensure the provision of adequate surface water drainage and to prevent flooding.

5. Prior to any further infilling works taking place and within 2 months of the date of this consent, full details of soft landscape proposals for the additional areas of infill shall be submitted to and approved in writing by the Council. These details shall include Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and implementation timetables.

Reason: To ensure an appropriate scheme of landscaping to integrate the development with the surrounding area.

6. Infill operations shall only take place between 08.00 – 18.00 Monday to Friday, 09.00 – 13.00 Saturdays and not on Sundays or public holidays.

Reason. In the interests of and to protect residential amenity.

7. Prior to any further infilling works taking place and within 2 months of the date of this consent, details of wheel cleaning and hose-down facilities in place on site to clean down vehicles before they return to the public highway shall be submitted to and agreed in writing by the Council. Thereafter, the agreed facilities will be implemented prior to any further infilling works taking place.

Reason: To ensure debris is not carried on to the public road in the interests of road safety.

8. Prior to any further infilling works taking place and within 2 months of the date of this consent, a dust management plan shall be submitted to and agreed in writing by the Council. Thereafter, the agreed plan shall be implemented prior to any further infilling works taking place.

Reason: In the interests of and to protect residential amenity.

## **NOTES TO APPLICANT**

1 The length of the permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

2 In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

3 In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 15/02969/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

Planning permission is sought, part retrospectively, for additional infill at Sandbank Marina by the Holy Loch. The additional infill is required to combat climate change and the potential for flooding of the site. The application site is located within Sandbank and comprises part of the marina granted planning permission under reference 06/00589/DET. Part of the application site is a Potential Development Area (PDA) for mixed use - tourism/marine.

Local Development Plan Policies LDP 1 - Development Within Development Management Zones, LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment, LDP 4 – Supporting the Sustainable Development of our Coastal Zone, LDP 8 – Supporting the Strength of our Communities and LDP 9 – Development Setting, Layout and Design are all applicable. By virtue of the 2006 planning permission the marina has been determined as consistent with development plan policy.

In terms of Supplementary Guidance the following policies are also applicable. SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity, SG LDP BAD 1 – Bad Neighbour Development, SG LDP DEP 1 – Departures to the Local Development Plan, SG LDP SERV 3 – Drainage Impact Assessment and SG LDP SERV 7 – Flooding And Land Erosion.

The proposal seeks to increase an area of existing infill on the southern boundary of the site parallel with the A815 by 1 metre from 5.2 metres to 6.2 metres along a length of approximately 320 metres. The additional infill, which comprises material both from within and outwith the site, is required to combat climate change and the potential for flooding of the site. The highest point will be 6.2 metres in the centre of the site and will then taper down on both sides: one towards the A815 and the other towards the Holy Loch. The key issues are the proposed visual impact and the impact on surface water run-off and flooding.

In visual terms the site has extensive infill which has been seeded and is subject of tree and shrub planting. The site is still maturing and areas of rubble are clearly visible. However, as the site matures the area will appear as a green sward and will form the base for parking, landscaping and a new port access/entrance which have already been approved. As such the increase of the area of infill from 5.2 metres to 6.2 metres suitably seeded and planted will not have an adverse visual impact and will not detrimentally impact on the character and amenity of adjoining properties or the surrounding area.

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

The site is roughly L-shaped and extends to some 1.487 hectares. It slopes from the adjoining A815 on its western boundary and comprises an existing area of infill which it is proposed to be used for parking and a new access. The eastern boundaries comprises previous infill and the Holy Loch. The northern boundary has more infill and rock armour. The eastern boundary will be a new marina entrance.

In terms of Supplementary Guidance the following policies are also applicable. SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity, SG LDP DEP 1 –

Departures to the Local Development Plan, SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development and SG LDP Climate Change.

In visual terms the site already has extensive infill which has been seeded and is subject of tree and shrub planting. Whilst areas of rubble are visible the site has already matured in places and appears as a green sward. This means that any detrimental visual impact is limited, acceptable and will decrease through time as the site matures. The increase of the area of infill from 5.2 metres to 6.2 is in the centre of the site and tapers on both sides to the A815 and the Holy Loch and it will not look substantially different from the existing situation. The increase in the area of infill from 5.2 metres to 6.2 metres suitably seeded and planted will complement the existing planting and appear as a small extension in terms of height to the existing landscaped green sward. As such it will not have an adverse visual impact and will not detrimentally impact on the character and amenity of adjoining properties or the surrounding area.

### **C. Drainage/Flooding**

Prior to application 06/00589/DET the site comprised two boatyards and seabed. Infilling operations have since taken place and flooding and drainage impact were considered under this original proposal. SEPA have reviewed the information provided in this consultation and note that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map. Therefore, it may be at medium to high risk of coastal flooding. An approximate 1 in 200 year water level for the area is 3.9mAOD based on extreme still water level calculations using the CFB Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry (i.e. the measurement of the depths of bodies of water) at this location.

It is proposed to raise the level of this western part of the site to bring levels in line with the remainder of the site. Previously a level of 5.2mAOD has been recommended. The applicant considers 6.2 metres appropriate as this would allow any over topping to run naturally back into the sea or through the drainage system without the risk of damage to the existing landscaping. It would also allow the gradient of access bridges to remain more user friendly and not too long. Any surface water would be split 50% between shedding towards the sea and 50% towards the houses and main road. SEPA consider land raising in areas of coastal flood risk an acceptable solution and as such has no objection to a minimum of 5.2mAOD. The Council's Flooding adviser has been consulted and has also indicated no objections in principle subject to clarification on rainfall data. This can be covered by condition.

### **D. Construction Issues**

The proposed application has the potential to cause nuisance to the surrounding area during the construction phase from noise from vehicles and machinery, dust from the tipping and spreading of infill material, dust from dried mud on the wheels of vehicles arriving and leaving site, and potentially lighting from the headlights of machinery and vehicles operating on the site at dusk and in darkness.

Proposals which have the potential to be classed as Bad Neighbour Developments will only be permitted, inter alia, where there are no unacceptable adverse effects on the amenity of neighbouring residents and the proposal includes appropriate measures to reduce the impact on amenity. The infill material comes both from within the site and from the surrounding area. On average a total of 40T per week is dumped on site which is normally a 1 x 8 wheeler with 20T and 20T spread over 5 days with smaller vehicles. Environmental Health has advised that the principle means of mitigating the nuisance from vehicle and machinery noise is to limit the times of operation on site. As such a

safeguarding condition will be applied to ensure operations pertaining to the infill works occur from 08.00 – 18.00 Monday to Friday, 09.00 – 13.00 Saturdays and not on Sundays or public holidays. In addition there should be wheel cleaning and hose-down facilities in place on site to clean down vehicles before they return to the public highway. Again this can be covered by condition.

To mitigate the dust emissions from the tipping and spreading of infill materials a dust management plan will be required and approved by the Planning Service in conjunction with Regulatory Services as part of the consent. The dust management plan will include a water-bowser to spray and damp down on site on a regular basis. Lighting would not be considered an issue provided there are time restrictions on site operating hours. On the basis of the above, Environmental Health has no objections and it is considered that the proposal complies with policy SG LDP BAD 1.

## **E. Previous Planning History**

As indicated above the marina has a detailed planning history. The original development was approved in 2007 under application 06/00589/DET with further variations in 2009 under 08/02242/VARCON. Concerns have been expressed both by objectors and supporters regarding the length of time the development has taken. The slow progress has been caused by several factors including the global recession, spending decisions by the Scottish Government and changing investment priorities. This is unfortunate but it is difficult to see any quick solution. Properties adjoining the site have looked over what is effectively a construction site and there has been an impact on amenity. The site is the subject of separate enforcement investigations and is being monitored. However, areas of infill have been seeded and landscaping has been put in. As such this has helped to soften the impact of on-going operations. The site will continue to be monitored and it does not affect determination of the current application which is judged on its merits against development plan policy and other material considerations. The increase in height has the potential to impact on future development. However, for the most part the current application site will serve as a parking and access area and any impact in terms of previously approved buildings will be minimal.

## **E. Conclusion.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan relevant to the application comprises the Local Development Plan (LDP).

By virtue of planning permission 06/00589/DET the marina development has been determined as consistent with development plan policy. The increase of the area of infill from 5.2 metres to 6.2 metres suitably seeded and planted will not have an adverse visual impact and will not detrimentally impact on the character and amenity of adjoining properties or the surrounding area. The Council's Flooding adviser has been consulted and indicated no objections. As such the proposal is consistent with policies SG LDP ENV 1, SG LDP BAD 1, SG LDP DEP 1 and SG LDP SERV 7.



## Appendix - Representations Received for: 15/02969/PP

Total Representations: 88

Representations - Summary	Totals
1 - OBJECTORS	35
2 - SUPPORTERS	52
3 - NEUTRAL	1

### 1 - OBJECTORS

Ann Galliard	Glenshiel Pier Road Sandbank Argyll PA23 8QH	11/12/2015	O
Cecilia Colquhoun	1 Clyde Cottages Sandbank Dunoon Argyll And Bute PA23 8PE	19/01/2016	O
David Gracie	Bornish Sandbank Argyll And Bute	11/12/2015	O
David Simpson	Miller Cottage Sandbank Dunoon Argyll And Bute PA23 8PE	06/01/2016	O
Elizabeth Moretti	Woodbank Main Road Sandbank Argyll PA23 8PD	11/12/2015	O
Elizabeth Neilson	Rockbank Cottage Sandbank	09/12/2015	O

Dunoon  
Argyll And Bute  
PA23 8PA

George Neilson	Rockbank Cottage O Sandbank Dunoon Argyll And Bute PA23 8PA	01/12/2015	
Gillian Clark	3 Victoria Crescent Helensburgh Argyll And Bute G84 7BX	15/02/2016	O
Graeme Murray	Scougal Sandbank Argyll PA23 8PD	22/12/2015	O
Hazel Burke	Westfield Sandbank Dunoon Argyll And Bute PA23 8PD	17/12/2015	O
Iain McNaughton		08/12/2015	O
J Bond	Bow Lynn Sandbank Dunoon Argyll And Bute PA23 8PD	09/12/2015	O
J Graham	Walden Shore Road Sandbank Dunoon PA23 8PA	29/01/2016	O
J R Williams	2 Woodbank Main Road Sandbank PA23 8PD	11/12/2015	O
Jacqueline Westby	Ground Flat Seaforth Sandbank Dunoon Argyll And Bute PA23 8PA	17/12/2015	O
James Murray	Underwood Cottage Sandbank Dunoon	16/12/2015	O

Argyll And Bute  
PA23 8PD

James Webber

Garthland  
Sandbank  
Dunoon  
PA23 8PA

11/12/2015

O

Kenneth MacLeod	Wellmeadow Sandbank Dunoon Argyll And Bute PA23 8PD	09/12/2015	O
Lilias Tyre	Camus Mhor Sandbank Dunoon Argyll And Bute PA23 8PD	20/01/2016	O
Linda Buchanan	1 Annfield Main Road Sandbank Dunoon PA23 8PA	15/12/2015	O
Louise Perrett	Bow -Lynn Sandbank	09/12/2015	O
Mrs Gracie	Bornish Sandbank Argyll And Bute	11/12/2015	O
Mrs Wilson	The Beeches Sandbank Argyll	06/01/2016	O
Norma Murray	Underwood Cottage Sandbank Dunoon Argyll And Bute PA23 8PD	13/12/2015	O
Norma Murray	Underwood Cottage Sandbank Dunoon Argyll And Bute PA23 8PD	17/12/2015	O
Peter Galliard 09/12/2015	Sandbank Community Development Trust O  Glenshiel Pier Road Sandbank Dunoon Argyll PA23 8QH		
Peter Galliard	Glenshiel Pier Road Sandbank Dunoon	08/12/2015	O

Argyll And Bute  
PA23 8QH

R J Canning

Corner Cottage  
Ardentinny  
By Dunoon  
PA23 8TT

22/12/2015

O

Ray Hewitt	Oakwood Pound Lane Knockholt Sevenoaks TN14 7ND	08/12/2015	O
Sally Taylor	Glenalmond Cottage Sandbank Dunoon Argyll And Bute PA23 8PA	18/12/2015	O
Sue McKillop	Broxwood Cottage Sandbank Dunoon Argyll And Bute PA23 8PD	20/01/2016	O
Suzanne Buchanan	2 Annfield Main Road Sandbank PA23 8PA	15/12/2015	O
T Wilson	The Beeches Sandbank Argyll	11/12/2015	O
Thomas Wilson	No Address Given	06/01/2016	O
Tom McKillop	Broxwood Cottage Sandbank Dunoon Argyll And Bute PA23 8PD	20/01/2016	O
2 - SUPPORTERS			
Owner/Occupier	No Address Given	15/02/2016	S
A McDonald	2 Douglas Cottages Park Road Kirn Dunoon Argyll And Bute PA23 8JN	15/02/2016	S

A Mitchell	No Address Given	15/02/2016	S
Alasdair Brown	Tarskavaig Sandbank Dunoon Argyll And Bute PA23 8PA	03/03/2016	S



Alison Allan	22 Dawnlight Circle Ardrossan KA22 8AB	28/01/2016	S
Alison Newlands	No Address Given	20/01/2016	S
Andrew Kinnaird	27 Finbracken Sandbank Dunoon PA23 8PH	03/03/2016	S
Ashley Diamond	No Address Submitted	12/02/2016	S
Bryan Pearce	Ros Mhor Cottage Cromlech Road Sandbank PA23 8QH	25/02/2016	S
C M Talbot	12 McKinlay Quay Sandbank Dunoon PA23 8NZ	05/01/2016	S
Christopher Chalk	Mount Carmel 12 Clyde Street Kirn PA23 8HR	28/01/2016	S
Christopher Hurst	6A Jane Street Dunoon PA23 7HX	26/02/2016	S
Colin Chalk	10 Jessie Place Dunoon PA23 7PB	28/01/2016	S
D Robinson	99 Sandhaven Sandbank Argyll PA23 8QW	26/02/2016	S
David Crawford	50 Knockrivoch Place Ardrossan KA22 7PZ	15/02/2016	S
Donna McFarlane	8 Allan Terrace Sandbank Dunoon Argyll And Bute PA23 8PR	05/02/2016	S
Donnie McFarlane	8 Allan Terrace	05/02/2016	S

Sandbank  
Dunoon  
Argyll  
PA23 8PR

Donnie McFarlane	8 Allan Terrace Sandbank Dunoon Argyll PA23 8PR	28/01/2016	S
Hannah Newcomb	50 Knockrivoch Place Ardrossan KA22 7PZ	15/02/2016	S
Hazel Chalk	Clutha Cottage 10 Jessie Place Dunoon PA23 7PB	28/01/2016	S
Iain Diamond	No Address Submitted	12/02/2016	S
Iain Diamond Snr	Thistle Cottage 14 Ardenfield Ardentinny By Dunoon PA23 8TU	25/02/2016	S
Iain Hurrel	Ground Flat Ashleigh Lodge High Road Sandbank Dunoon Argyll And Bute PA23 8PN	22/02/2016	S
Isabella Bell	Hunters Quay	04/02/2016	S
Isla Ross	Ardnadam Farmhouse North Sandbank Dunoon Argyll And Bute PA23 8PN	15/02/2016	S
J Mitchell	No Address Given	15/02/2016	S
J Ritchie	2 King Street Dunoon Argyll And Bute PA23 7BH	15/02/2016	S
James Parker	Ashburn Barran Kilmore By Oban PA34 4XR	25/02/2016	S
Jamie Duncan	5 Crawford Lane Dunoon Argyll PA23 8JP	27/04/2016	S

Janice Goldie

Flat 1  
231 Alexandra Parade  
Kirk  
Dunoon  
PA23 8HD

15/02/2016

S

John Kennedy	Callanish Balliebeg Castleton By Lochgilphead PA31 8RU	03/03/2016	S
K Ritchie	1 Dunloskin View Kirn Dunoon Argyll And Bute PA23 8HW	15/02/2016	S
Karen McFarlane	8 Allan Terrace Sandbank Dunoon Argyll PA23 8PR	04/02/2016	S
L Marshall	Kilearn Victoria Road Hunters Quay PA23 8JY	26/02/2016	S
L Robinson	99 Sandhaven Sandbank Argyll PA23 8QW	26/02/2016	S
L Welsh	38 Calderpark Street Lochwinnoch PA12 4AX	26/02/2016	S
Lindsay Brodie	Aurelia Dixon Place Kirn Dunoon Argyll PA23 8NF	28/01/2016	S
Lindsay Wallace	Tarskavaig Sandbank Dunoon Argyll And Bute PA23 8PA	03/03/2016	S
M J Lewis	The Hillock Cromlech Road Sandbank Dunoon Argyll And Bute PA23 8QH	27/01/2016	S

Mark Cox

Aurelia  
Dixon Place  
Kinn  
Dunoon  
Argyll  
PA23 8NF

28/01/2016

S

Martin Goldie	Flat 1 231 Alexandra Parade Kirn Dunoon PA23 8HD	15/02/2016	S
Mary Diamond	Thistle Cottage 14 Ardenfield Ardentinny By Dunoon PA23 8TU	25/02/2016	S
Mr Downs	Ardnadam Farmhouse North Sandbank Dunoon Argyll And Bute PA23 8PN	19/01/2016	S
Nicola Hurst	6A Jane Street Dunoon PA23 7HX	26/02/2016	S
R Diamond	2 McDonald Avenue Sandbank By Dunoon PA23 8PL	25/02/2016	S
Robert Bell	Flat 1/1 40 George Street Hunters Quay PA23 8JU	05/02/2016	S
Sam Ross	Ardnadam Farmhouse North Sandbank Dunoon Argyll And Bute PA23 8PN	13/01/2016	S
Sandra Newlands	17 Henrietta Street Galston KA4 8HN	25/02/2016	S
Sandy Connell	17 Henriettat Street Galston KA4 8HN	25/02/2016	S
Simon J Shelton	36A Argyll Street Dunoon	31/03/2016	S
Skye Ross	Ardnadam Farm Sandbank Dunoon	15/02/2016	S

Argyll And Bute  
PA23 8PN



Stuart Allan

Aurelia  
Dixon Place  
Kirn  
Dunoon  
Argyll And Bute  
PA23 8NF

19/01/2016

S

3 - NEUTRAL

C M Talbot

12 McKinlay's Quay  
Sandbank  
Dunoon  
PA23 8NZ

30/11/2015

R