

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

Reference No: 19/00094/PP

Planning Hierarchy: Local Application

Applicant: Mr Pelham Olive

Proposal: Erection of 12 dwellinghouses, alterations to vehicular access and installation of private drainage system

Site Address: Land East Of Lochside, Portincaple

SUPPLEMENTARY REPORT NO. 2

1.0 INTRODUCTION

The purpose of this report is to advise Members of a number of late representations and also of a number of objections which have been withdrawn. In addition, the agent has submitted comments in relation to the proposed Hearing.

2.0 OBJECTIONS WHICH HAVE BEEN WITHDRAWN

The following individuals who had previously objected to this application have now asked for them to be withdrawn:

Kenneth Steven
John Pender
Lorraine Armstrong
Silvie Kozma
Steven McGuire
David Wilson
Alexander Wilson
Rowan Welch
David Matthews

3.0 SUMMARY OF POINTS OF OBJECTION /REPRESENTATION

Since the publication of the Report on Handling there have been a number of further objections and representations noted below. The points of representation are summarised

below. Full details of all representations can be viewed on the Council's website www.argyll-bute.gov.uk

Jackie Baillie MSP

While the current application is for a reduced development, it is a matter of continuing concern that the developers intentions are for something on a larger scale and that this is merely the first stage in a more significant development.

Comment: This is a standalone application and does not form part of a Masterplan or phased development. Any application submitted in the future would be considered on its merits against the policies of the Local Development Plan and other material considerations.

This application would be more than double the size acceptable for a small settlement.

Comment: See assessment.

There is insufficient road capacity to cope with 12 additional dwellings and associated cars and delivery vehicles.

Comment: See assessment. The Area Roads Officer has no objections to the proposal subject to conditions.

I would be grateful if the Planning Committee would support their views and oppose this planning application.

Comment: Noted

Finally can I address the inference made by the developers at an early stage of the application process, that this housing was for MOD personnel. Having consulted the MOD, it is not the case that they have entered any arrangement with the developer or commissioned these housing units.

Comment: The agent has confirmed that the applicant has consulted with the MOD who have advised on their need for housing and have identified the types of housing required. A section 75 agreement is proposed in order to secure this identified housing need for MOD purposes.

I have made separate representation to the Council about the inadequacy of holding a virtual meeting for an application with so many objectors and would ask that the decision is postponed until there is an opportunity for a public session with appropriate social distancing measures taken.

Comment: This is a matter for Members to consider.

Further objections:

R. Fletcher, Bridgend, Portincaple (three emails dated 17/8/20, one with an attached letter of objection dated 15/8/20);

Alan Reid, 136 Fairhaven, Kirn, Dunoon PA23 8NS (dated 14/8/20);

David Bradshaw, The Gantocks, Shore Road, Kilcreggan G84 0HW (dated 14/8/20);

Duncan Macpherson, Ferry House, Feuins Road, Portincaple G84 0ET

Disagree that the proposal should be regarded as a minor departure;

Comment: See assessment.

Questions that there is any need for further military housing;

Comment: The agent has confirmed that the applicant has consulted with the MOD who have advised on their need for housing and have identified the types of housing required.

A payment of £72,000 in lieu of affordable housing is morally unacceptable and lays the Council and Council Officers open to the accusation of bribery. The Council Officers' recommendation for 12 houses which then gains the Council £72,000 is unacceptable and appears corrupt to anyone who sees through the reasoning;

Comment: See assessment. The payment of a commuted sum is considered appropriate and is in accordance with the Council's Local Development Plan policy on the delivery of affordable housing.

The Hearing should not be held until the current limits on meetings are no longer in force so that it will be possible for everyone who wishes to attend to be able to do so.

Comment: This is a matter for Members to consider.

The decision to recommend the grant of approval for the above application was extremely disappointing, biased in favour of the applicant, incomplete and inconsistent. It appears from the dates included, that it did not meet the completion date of the 30th July for the submission of papers to the Committee Services, which maybe explains some of the above. I trust this was not down to undue external pressures being applied to meet a specific date!

Comment: The recommendation on the application has been reached through robust consideration of the policies of the LDP and other material considerations.

It is questioned when the proposed footpaths were added to the proposal.

Comment: The proposed footpaths are shown on the Portincaple Landscape Strategy Masterplan which was submitted in May 2020.

Mention is made of an appendix 2, where can this be viewed.

Comment: Appendix 2 contains list of objectors, representees and supporters. The title of this appendix was omitted in error. A revised contributor list is attached to this report to address this and to provide an up to date list as some names have been withdrawn and some have been added since the list was published for committee.

Observations raised about compliance with SPP 2014 and NPF 3 are summarily dismissed, without any reasoned argument in support of this statement, anywhere else in the document.

Comment: NPF3 and SPP 2014 are considerations in the determination of this planning application. The LDP reflects the strategic aims of NPF3 and accords with the SPP 2014.

I note that a supplementary report has been produced, which will be available to the PPSL committee. With that in mind could I ask that you also prepare another with the following included, so that the committee are made aware of further comments which have been submitted, but have been omitted in the RoH:

A comment that the Woodland Trust lodged an objection on 16th March.

Comment: The Woodland Trust are included in the list of objectors.

No consideration in the Assessment of the Housing Needs and Demands Assessment (HNDA). No consideration in the Assessment of the Strategic Housing Investment Plan (SHIP).

Comment: Both the HNDA and the SHIP have been considered in the assessment of this application. These identify that there is a need for affordable and MOD housing in the Helensburgh and Lomond Area which have been provided for as part of this planning application.

No consideration in the Assessment of the Argyll and Bute Sustainable Design Guidance Part 2 Document for Extending Existing Settlements. (specifically P19).

Comment: The issue of this scale of development has been carefully considered with reference to the Council's Sustainable Design Guidance and in consultation with the Council's Design and Conservation Officer.

The information provided under BS5837:2012 is incomplete, even for this Feasibility/Planning stage.

Comment: The Council's Biodiversity Officer has been consulted and is satisfied with the proposals. Tree protection conditions are proposed as part of the Construction Environmental Management Plan which is required by condition 16.

I note also that the RoH printed off the agenda for the PPSL meeting was 43 pages long, but that the same document now available on the planning portal is 45 pages long. Please advise why, and what if anything has been added/changed, if possible before the meeting on Wednesday 19th Aug.?

Comment: This is the same report, however, the committee version appears to be more compressed.

I note in both the report of handling and on the public access portal, that all issues concerning the above have been issued to the same person, i.e. the local biodiversity officer. I understand from an internet search that she has worked for Argyll and Bute Council for 20 years. Has this been on a full- or part-time basis?

Whilst this does indeed give her unrivalled experience of the local area, it does also encompass a huge range of topics to cover. Is it possible that she can advise with an in depth "professional" knowledge of all that she is being asked to comment on?

Comment: It is confirmed that the Council's Local Biodiversity Officer has appropriate qualification in land use, fresh water and marine and coastal habitats and species with 20+ years' experience as a Local Biodiversity Officer.

4.0 AGENT'S COMMENT IN RELATION TO A PROPOSED HEARING

The agent for the application has submitted the following comments in response to the letter from Jackie Baillie MSP:

"I am writing to address the issue of Pre-Determination hearings for Planning Applications.

This has been necessitated by the late representations made by Jackie Baillie MSP which both refer directly to this issue.

Your Report of Handling has recommended the application for approval subject to a Pre-Determination hearing. Tomorrow the Committee will sit to make decisions on your recommendations.

It will also sit to consider what the Pre-Determination Planning Hearing arrangements should be during the Covid-19 response period, which may therefore be relevant to this case.

My understanding is that PPSL Committee meetings and also for that matter LRB's have already been undertaken perfectly well using virtual technology, and in many other areas of business or Governance right across the country, virtual technology has been employed to great effect, often removing unnecessary repetition, delay and damage to the economy.

As the Architect and Agent for this development I am therefore in full support of virtual hearings in order to keep the Planning system moving as freely as possible and have no doubt that all the relevant facts from whatever standpoint can still be delivered and considered using virtual technology without detriment to the process.

I have full confidence that the Committee will be able to make an informed decision for the most sensible way forward on this matter based on facts, the law and democracy, despite the challenging times that Covid-19 has presented to us all."

5.0 RECOMMENDATION

The points made have been considered during the processing of this planning application and do not alter the recommendation details on the main Report on Handling, namely, that, that planning permission be granted subject to:

- (i) a pre determination hearing;
- (ii) A section 75 agreement to ensure a commuted sum for affordable housing and housing addressing the needs relating to the expansion of HMNB Clyde; and
- (iii) conditions

Author of Report: Sandra Davies

Date: 18/08/2020

Reviewing Officer: Peter Bain

Date: 18/08/2020