

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: 19/02375/AMSC

Planning Hierarchy: Local

Applicant: Mr Gordon Russell

Proposal: Approval of matters specified in conditions 1-6 relative to planning permission in principle reference 16/02522/PPP - Site for the erection of residential housing development and formation of new access.

Site Address: Land north-west of Achnasheen, The Bay, Strachur

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 18 dwellinghouses (14 detached, 4 x semi-detached) - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP;
- Formation of vehicular access onto the A886 Strachur-Colintraive road - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP;
- Proposed diversion and culverting of sections of two watercourses - approval of matters specified by condition of planning permission in principle ref. 16/02522/PPP.

(ii) Other specified operations

- Connection to public water main and public sewerage system;
 - Demolition of derelict barn and byre.
-

(B) RECOMMENDATION:

It is recommended that Approval of Matters Specified in Conditions be granted subject to the attached conditions and reasons appended to this report.

(C) HISTORY:

Planning Permission in Principle (ref. 13/00724/PPP) - Site for the erection of residential housing development and formation of new access, granted 23rd September 2013 and renewed by ref. 16/02522/PPP which expired on 24th November 2019, (following receipt of current application on 13th November 2019).

(D) CONSULTATIONS:

Area Roads Manager (response dated 10th December 2019): No objections subject to conditions regarding access design standards, visibility splays and parking/turning requirements. Comments regarding design solution for surface water and culverts. Advisory comments regarding Road Construction Consent, Road Bond and a Road Opening Permit. Updated response 22nd July 2020 based on revised drainage layout confirms no objections subject to conditions and advisory notes as outlined above. Refer to Appendix A below.

Local Biodiversity Officer (response dated 18th December 2019): No information provided by the applicant relating to habitat and species interest. Applicant advised to submit a Biodiversity Checklist which will inform an Ecological Survey. Further comments will be provided on submission of an Ecological Report. Further details required on tree and shrub species. Updated response 24th March 2020 confirms no objections in principle. Advisory comments and recommended conditions following discussion with applicant's ecologist. Updated response 5th August 2020 confirms no further comments based on revised drainage layout plan. Previous concerns the subject of conditions still applicable.

Scottish Natural Heritage (response dated 16th December 2019): SNH do not intend to offer formal comment as the proposal does not meet criteria for consultation. Advisory comments.

SEPA (Updated response 25th August 2020): confirms SEPA are satisfied that the matters relating to their interests have been addressed and recommend that the relevant conditions may be discharged. Refer to Appendix A below for a more detailed technical review of the submitted material.

Flood Risk Management Updated response 26th March 2020 based on submission of revised FRA confirms that the information is sufficient to meet the flood risk and drainage aspects of the planning conditions.

Updated response 23rd July 2020 on revised drainage proposals concludes that the planning conditions have been met but it is noted that SEPA will also need to review the flood risk information. Refer to Appendix A below for a more detailed technical review of the submitted material.

Scottish Water (response dated 10th December 2019): No objections in principle. Sufficient capacity in Loch Eck Water Treatment Works subject to further investigations. Proposed development will be serviced by Strachur Waste Water Treatment Works but unable to confirm capacity at this time. Applicant to discuss connection via a Pre-Development Enquiry (PDE) form. Scottish Water will not accept any surface water connections into the combined sewer system. According to records, the development proposals impact on existing Scottish Water assets and the applicant must identify any potential conflicts with Scottish Water directly.

Strachur Community Council (response dated 17th December 2019): Comments regarding infrastructure capacity, demand for housing in Strachur and design and materials of proposed dwellinghouses. Concerned that the existing infrastructure, i.e. mains water, sewerage, and electricity supply, may not have the capacity to accommodate another 18 households. On current evidence, there is little demand for housing in Strachur.

Existing building plots have remained vacant for years and houses on the market take a long time to sell. This makes it likely that the properties in this proposed development will eventually be marketed as holiday homes or holiday lets and the whole complex will end up being a "holiday village" that is dead for a significant part of each year and of limited benefit to the local community. It is disturbing that on page 3 of the 'Design Statement', top of the list of possible occupiers is "Tourists...". The design of the houses is totally out of keeping with the surrounding buildings, particularly the intended use of untreated larch cladding and "copper coloured standing seam metal roofing" which, according to the 'Design Statement', references "the red corrugated tin roofs traditional to the area". There is in fact a notable lack of red corrugated tin roofs in Strachur, grey slate or tile being the dominant roofing material. Far from "blending with the surrounding village", this development will stick out like a sore thumb.

(E) PUBLICITY:

Regulation 20 advert (publication date 13th December 2019, expiry date 3rd January 2019). Neighbour notification expired on 19th December 2019.

(F) REPRESENTATIONS:

Letters and emails of objection have been received from the following 18 individuals.

1. Mr Thomas Gibson, Gorston House, Strachur (email dated 6th December 2019);
2. Mr Andrew Sutcliffe, Ardran, The Bay, Strachur (email dated 12th December 2019);
3. Mr Rob Thuring, Shore Cottage, Strachur (email dated 12th December 2019);
4. Irene Sutcliffe, Ardran, The Bay, Strachur (email dated 12th December 2019);
5. John B Sutcliffe, Ardran, The Bay, Strachur (letter received 13th December 2019);
6. Lucia Cordani, Shore Cottage, Strachur (email dated 13th December 2019);
7. Miss Michelle Speirs, Police Station House, Strachur (email dated 13th December 2019);
8. Maureen Thuring, Shore Cottage, Strachur (letter dated 13th December 2019);
9. Mr Myles Gardner, Ashburn, Baycroft, Strachur (email dated 14th December 2019);
10. Sarah A Black, Waterside Cottage, The Bay, Strachur (email dated 14th December 2019);
11. Ronald Leahy, Waterside Cottage, The Bay, Strachur (email dated 14th December 2019);
12. Joseph McKie, Raineachan, The Bay, Strachur (email dated 16th December 2019);
13. Nicolas Deshayes, g/f Flat 2, Victoria Park, Dover (email dated 16th December 2019);
14. Vivien Hill Rosehill Strachur, (email dated 16th December 2019);
15. Mr Grant Gibson, Fernbank, The Bay, Strachur (email dated 17th December 2019);
16. Caragh Thuring, Shore Cottage, The Bay, Strachur (emails dated 17th December 2019, 24th March 2020, 15th July 2020 and 28th July 2020);
17. Grace Yoxon, Director International Otter Survival Fund, 7 Black Park, Broadford, Isle of Skye (email and letter dated 17th December 2019);
18. Mr Thomas Hill, Rosehill, The Bay, Strachur (email dated 17th December 2019);

The concerns raised are summarised within the various common themes below:

Validity of Current Application

- *Application 16/02522/PPP was valid until 24th November 2019. 19/02375/AMSC was validated on 27th November 2019, which is 3 days after the lapsed planning permission. Does this not render 19/02375/AMSC invalid?*
- *Planning in Principle has lapsed. The original planning permission in principle 13/00724/PPP for the erection of residential housing development and formation of new access was extended on 24th November 2016 and expired on 24th November 2019.*

- *Approval for matters specified in conditions was validated on 27th November 2019 after the extension for the planning in principle expired. Therefore, the approval of conditions, which have been submitted, seems to relate to a lapsed planning in principle. Surely the applicant must be required to apply for a new planning application?*
- *Documents submitted in the Approval of Matters Specified in Conditions represent a new scheme which is radically different from that which was granted planning in principle and does not operate in the interest of the local community.*
- *There has recently been a material change to the original planning application. Surely a new application is necessary for such major changes.*
- *The recent submission of amendments and renewal would warrant a new application as design and quantity of houses has changed along with diverting a major water course.*
- *There has also been no commencing of work, which is one of the points in order to retain the permission.*

Comment: Planning Permission in Principle is not a permission to start work on site. The decision notice for 16/02522/PPP stated which matters were reserved for later approval. In terms of statutory time periods for Planning Permission in Principle, an application for approval of the matters specified in conditions must all have been made within three years of the in principle approval (i.e. in this case the application was submitted on 13th November 2019, prior to the expiry of the Planning Permission in Principle ref. 16/02522/PP on 24th November 2019).

When all of the reserved matters have been approved, work may begin on the site. Planning Permission lasts for two years from the last date that the reserved matters were approved, or, three years from the date that Planning Permission in Principle was approved – whichever date is the later.

Planning Circular 3/2013: Development Management Procedures (Regulation 12), states that applications for approval of matters specified in conditions (AMSC) are not applications for planning permission but there are still requirements for neighbour notification, and for advertising where neighbour notification has not been carried out. Also, there is no statutory limit on the number of such approvals which can be sought in any one application.

The relevant legislation is contained within The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Following the granting of Planning Permission in Principle, an Application for Approval of Matters Specified in Conditions deals with some or all of the outstanding details of the outline application proposal, including:

- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development;
- means of access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen;
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;
- scale - includes information on the size of the development, including the height, width and length of each proposed building.

The principle of the development of 18 dwellinghouses on the site has already been established by the granting of Planning Permission in Principle ref. 16/02522/PPP on 24th November 2016 (which extended the original permission (ref. 13/00724/PPP, granted 23rd

September 2013). Accordingly, this application for approval of matters subject of conditions has been made within the requisite timescale.

Procedural Matters

- *There is not a planning notice anywhere on the site, evidence of this is also clear on the planning portal that shows no such documents or dates as available;*
- *No, or few, notices detailing the proposed proposition have been posted around the village. We believe this is illegal and affects all of the village community;*
- *There needs to be a thorough consultation for a development on such a scale;*
- *A large project that affects the whole community, landscape and biodiversity of the area should be properly conducted;*
- *Amendments that affect the whole Strachur community should be communicated with more than 15 letters to 15 immediate houses, this would only be acceptable for a new single dwelling and not a housing estate that does not appear to be for the benefit of the community;*
- *This was also demonstrated at the village council meeting on 11th December 2019 when residents presented the proposal to the council leaders and other members of the village in attendance, all of whom who were wholly unaware of the development proposal. And particularly perturbed by lack of details of such a large project, its density and the manner in which this application is being conducted.*

Comment: Neighbour notification procedures and Regulation 20 Vacant Land Advertisement procedures have been carried out correctly. There is no requirement to place a site notice. The community were similarly neighbour notified and informed by advertisements for previous applications 13/00724/PPP and 16/02522/PPP.

- *I am concerned about the manner in which the developer and Argyll and Bute Planning are conducting this application.*

Comment: This allegation has been answered separately and directly to the objector.

Habitat and Species

- *Where is the Environmental Impact Survey? Why has there been no Environmental Impact Assessment been conducted at any point of this application?*

Comment: The application is not for planning permission but is an Application for Matters Specified in Conditions. The principle of development has been established by previous permissions. As such an Environmental Impact Assessment is not required.

- *It is surprising that neither the Planning in Principle application nor the Approval of Matters Specified in Conditions address the important issue of European protected species, which could be affected by the development. This includes otters which have been observed in the area, together with red deer and red squirrels which use the site. An Environmental Impact Assessment of the site to identify affected species, along with a professional survey of the current wildlife population, should accompany any application. The scheme needs to include proposals to identify and mitigate any effect on the local ecosystem. It is not an area accidentally been left behind but was a space full of trees and scrub.*
- *Concerns with the loss of habitat for important local wildlife. This paddock is used for deer and where they go to give birth. The loss of this habitat would also effect, bird life and Otters which all use this as nesting, source of food and natural cover. These are a European wide legally protected species. The boggy land supports a careful ecosystem of fauna, flora and water distribution focused on two waterways leading to Loch Fyne. The loss of this ecosystem for an unnecessary building development seems unjustified.*

- *The habitat has been partly destroyed by the removal of at least 30 trees before planning was applied for. This is an eco disaster for the area.*
- *Biodiversity officer contacted for the first time in the application on 11th December 2019.*
- *The project mentions diverting two natural watercourses which flow into Loch Fyne, this will have a serious impact on the wildlife who are dependent on this habitat. It is an offence to destroy or damage a holt, breeding site or habitat of otters in Scotland.*
- *Trees were removed before the original planning application was obtained. These were the habitat of our red squirrels and offered protection for the deer and their young.*
- *The area has never been developed and as such is a haven for nature, a variety of wild flowers and plants which sustain our rapidly declining insects and bees crucial for sustaining our eco system.*
- *I further object that no Habitat survey has been undertaken to understand the impact on nature conversation. I also believe there are other desirable creatures from a nature conservation perspective that live in the field that will now be at risk.*
- *Can you also confirm that the hedgerow along “New City Road” will be maintained or enhanced to support the local wildlife and plant life rather than any wooden fencing or breeze block walling and also that no access from the estate to the Road will be allowed so as maintain some privacy?*

Comment: A Habitat and Species survey has been submitted to the Council's Biodiversity Officer who offers no objections subject to safeguarding conditions. Refer to report (Appendix A) below.

Siting, Design and Materials

- *Planning in principle was for 18 dwellings consisting of four types. Each of these types was a small scale, dwelling of render with tiled roofs. They did not include attached garages. The roof forms were simple gable forms with a clear primary and secondary roof element, which were appropriate to the village setting.*
- *The new proposed dwellings consist of 13 types. These are now much larger than the original proposed houses and the new development represents an increase in development area without justification and not in the spirit of the Planning in Principle.*
- *The scale of development does not 'fit happily' with the rural village of Strachur especially within this particularly sensitive area of mainly well-spaced Victorian villas.*
- *Open space provision for the community in this part of the village has been overlooked and if this development goes ahead will be taken away from them. The 'Design Philosophy' of the proposed site is way off the mark in this particular case. I am surprised that the design and in particular the density has been deemed acceptable by the local planners.*
- *The layout and density of building development does not reflect a village environment and certainly does not allow for green spaces within the development itself. Given the number of proposed houses, this will change the very nature of the village itself.*
- *Copper coloured roofs on such a dense scale will be an eyesore and are not part of the local vernacular. The housing design is not in keeping with the local vernacular.*

- *Red tin roofs are not in keeping with the village. Such a dense scale will be an ugly eyesore.*
- *This development is not in context with the area. The development does not fit the area and its aesthetics. It is over populated for the small ground it covers. Plus the houses are no longer bungalows as outlined in 13/00724/PPP.*
- *This development turns a village into a housing estate which is unsuitable for the area. There are no two-storey houses in this area e.g.: The two "Type C" apartments are outwith the character of the established settlement in this part of Strachur.*
- *While individual developments in local area may have a more contemporary character, this is not appropriate for such a large scheme of 18 dwellings. The large number of dwellings will fundamentally overwhelm the appearance, scale and character of the village. I believe the character of the original planning in principle has been lost in the new proposals and this new character is not appropriate to the area.*
- *The site is over developed with 18 houses being proposed which would create a dense housing estate that will look incongruous to the rest of the village. The proposal suggest that the estate will be in keeping with the natural surroundings and well may have been developed sooner if the land had been available. However, the natural surroundings of the village include cottages, buildings from the 1800's, bungalows and fisherman cottages all with space between the buildings and therefore the estate feels over loaded and too dense for a quiet and peaceful village in an area of natural beauty. This is particularly apparent from the architect's depiction of the estate 'view from the pontoon pier'.*
- *The new dwellings include attached garages connected by flat roofs and a contemporary mix of materials - they are quite different in scale, material and appearance from the original Planning in Principle. Background reading of correspondence with the planning department suggests that the main justification for these changes are matters of convenience For example, it is possible to build slate roofs in a way which will not 'blow away' as claimed in the project correspondence and this cannot be considered justification for such a radical design change.*
- *The first application had merit due to the consideration of social housing and the proposed houses being single storey that therefore in a small way had slightly less of an impact on the existing houses whilst this proposal does not and that is why I ultimately object.*
- *Although the site is highly visible from the village. The elevations provided are highly schematic (houses have been rotated 'for simplicity'), show no context and provide no sense of how the proposed scheme will sit within its context.*
- *The visualisations and computer generated images show only the development itself and do not provide a sense for how it sits within the village, how it appears from key vantage points in the wider area or how it relates to existing building and landscape features.*

Comment: Refer to report (Appendix A) below.

Renewables and Sustainable Design

- *No mention of renewables being implemented to heat the buildings. In 2015 Scottish parliament brought in new building regulations to encourage developers to reduce carbon dioxide emissions in line with Scottish government targets.*
- *Energy used for heating, hot water, cooling and lighting is a major factor in energy consumption and the creation of greenhouse gas emissions. There is no information regarding the green credentials of this development.*

- *No renewables seem to be used in the construction. This does not fit in with the Scottish Government's emissions targets.*

Comment: Refer to report (Appendix A) below.

Siting, Privacy and Overlooking

- *Shore Cottage is located at the bottom of the hill located below the road level. There are two types of houses proposed that given the height and the elevation from the hill will look directly into my bedroom sky lights and our garden leading to a loss of privacy and overshadowing. Shore Cottage and its garden will be overlooked and possibly overshadowed particularly by the Type C housing on the roadside. Screening, ideally greenery, should be provided to mitigate this loss of privacy.*
- *Change in construction from single storey also materially impacts Overlooking/loss of privacy - moving from single story clearly impacts on height and therefore loss of privacy. Note I invested quite a lot of money in an outside seating area to enjoy the view down across Baycroft and the Loch which will now be rendered worthless.*
- *Owners of Fernbank comment that every other existing house on what is locally known as Beech Avenue is either higher than the proposed new builds or is situated in a gap between the proposed new builds, with the exception of Fernbank where the new build is directly in front of the house. In addition, the house type ("C") is higher than any of the other house types in the development. We consider this to have a disproportionate effect on our residential amenity. We would also point out that, looking at the SE elevation of building type C, it is going to be like looking onto the end of an industrial building!*
- *From the site layout as proposed, ground floor windows of Fernbank are almost completely obscured by the new houses, whereas all the other existing houses are either higher than the new development or situated in a gap between the new houses. Given that the houses on plots 15 & 16 would appear to be full 2-storey houses as opposed to all the others on the site which are 1½ it seems as if we will be disproportionately affected, and there will inevitably be an element of overshadowing.*

Comment: The layout has been designed to ensure that no surrounding houses will be directly overlooked (i.e. less than 18m separation distance between directly facing habitable room windows). Refer to report. Minor changes have however been made to the orientation of the four semi-detached dwellings on Plots 15 and 16 to improve their siting.

Affordable Housing

- *The development does not have affordable housing in the proposal. If there is no call for affordable housing there must be no call for any development at such a scale in the area?*
- *Affordable housing has been removed from the original application I believe this is detrimental to the young in this community who will be forced to move with their families which will result in the closure of the local primary school and Strachur becoming a village of mainly second homes, holiday lets and retirees.*
- *Note that affordable housing component appears to have been removed with no policy justification. For a development of this size it should be seen as a long-term strategy, especially in a rural area. New homes are not designed to be family homes.*

- *In trying to remove the original stipulation that a certain amount of affordable housing must be built is callously ignoring the needs of certain locals who would wish to live in this part of the village if the housing were affordable.*

Comment: The proposal indicatively identifies the erection of eighteen units within the site. When planning permission was originally granted, Policy LP HOU 2 of the Local Plan 2009 advised that, in schemes of greater than eight units, there should be 25% affordable housing. In this particular case, four units have been shown as affordable housing.

In terms of the Affordable Homes component of the development (the 'Type C' houses), the applicant comments that *"we have conducted research since our initial pre-app discussions, and have been informed that there is likely to be no demand for affordable homes in this area. We believe that our Type C houses could have similar specifications to the Type A and Type B houses and be marketed on the same basis, perhaps as houses more suited to those who would rather avoid the maintenance issues of the larger private gardens attached to the other plots. From a site security and psychological perspective, we feel that the Type C houses as currently designed fulfil a key function in appearing to have southerly overview of the entire length of the new access road, thus helping to render it 'defensible space' in sociological terms. As can be seen from our photomontage view from the north, their larger built form and gables seem to provide an element of 'book-end' and 'marker' to the north of the development site, helping to bind it into the rest of the village's built forms, by mediating between larger and smaller volumes"*.

The moratorium on the provision of affordable housing in Bute and Cowal was for a period of two years from the adoption of the LDP in 2015 and this was reflected in the original consent. The current AMSC reflects the conditions attached to the original consent including any requirement for the provision of affordable housing.

Need for Housing

- *There are currently houses available for sale in Strachur, some being on the market for a considerable time. Why do we need more houses in the area?*
- *This is an unnecessary development which will have a negative impact on the village and its infrastructure.*
- *The main non material consideration is the economic impact on the local housing market and existing home owners who may have to sell their property to move for work or other family considerations that may now find the local market depressed for a number of years due to this large number of houses.*
- *Strachur does not need any more 2 bedroom houses. Strachur needs affordable family homes.*
- *From looking at historical developments proposed and realised in the area to date there is no need for a private development of this type, considering the vacant building plots and holiday rentals already in the area.*
- *The proposals do not fit well with the proposed local development plan 2.*
- *Two bedroom houses do not make family homes. The new houses are promote in the DDS) are being as an investment for holiday letting. There is already a plethora of this type of housing. These do not add to community living in the village.*
- *There are limited amenities in the village. The housing market in this area is very slow. There are several empty houses and sites with planning permission still to be developed.*

- *The village currently has an excess of land and property for sale which is not affordable for local families or families moving into the area and many properties are vacant for most of the year as they are used for holiday lets. Is this estate filling the needs of the local community or are you creating more holiday lets that will remain vacant for most of the year with very little positive effect on local business and contributing little to the local community that live here? I have had some discussions with young families in the village that are on mid-scale salaries (who wouldn't be eligible for SHIP) who are finding it difficult to make the transition from smaller to larger or mid-size housing as their families grow. Many have expressed a need for housing in the village that will be affordable for them and allow them to stay in the village and send their children to the school here.*

Occupancy

- *The new homes are not designed to be family homes. If DETAIL are aiming for the Air BnB and holiday home market then this development doesn't bring anything to improve the local community.*
- *These properties, I fear, are intended mainly for holiday lets, possibly by DETAIL themselves given that they are already a part of the holiday rental market. In effect, it is likely to become an upmarket holiday complex which will be profitable to the developers but not to the village.*

Comment: The application is for 18 mainstream dwellinghouses (Class 9). Holiday homes are classed as regarded as sui generis in nature which would require a change of use and determined on its individual merits.

Access, Car Parking and Turning

- *The plans do not leave the development with enough space for more than one car or turning points in each drive as specified in conditions 1-6;*
- *The development does not have proper road and safety provision as defined in the initial application. E.G sufficient turning space by each dwelling;*
- *There is no consideration of disabled access, turning circle and parking for two cars;*
- *We are also concerned about the limited access and understand that there is only parking for one car per house. Where will all the other cars park?;*
- *The road turning into the development is behind my property and should be positioned further away from the dwellings, post office and more busy area of the bay area of the village;*
- *The wider road and pavement will bring an urban look to an area so close to the loch and one of the few areas with trees;*
- *The designs appear to lack provision of car turning space within each property - does this not contravene a recognised stipulation of new builds.*

Comment: Roads offer no objections subject to conditions and advisory notes. Refer to report (Appendix A) below for Roads comments.

Flooding and Impact on Watercourses

- *The developer ignoring SEPA advice as stated in letter dated 9th December 2019 SEPA Ref:PCS/168940, the developer adding water diversions without contacting SEPA and obtaining the correct discharge notices from them.*
- *Diverting a second watercourse and a loss of footpath should further require a new planning application.*

- *Such dense coverage of boggy land will cause problems with water drainage. It is not just about diverting the waterways but accommodating the water within the site.*
- *Any change to the current water dispersion on the site. The damage and erosion to the watercourse and shore front running to the loch next to Shore Cottage are of concern to the stability of the surrounding land, shorefront and my property. This should have been/be subject to a thorough consultation with relevant bodies. Concerned about the risk of flooding due to this site.*
- *Shore Cottage is located opposite and next to a natural burn and the proposal suggest that two burns will be redirected though this has not been approved yet by SEPA. I am concerned firstly for the loss of habitat for the wildlife that use the burn and also the increase of run-off water. Increased run off will result in shoreline and loch erosion which will have an adverse effect and possible damage to our land and Shore Cottage itself as well as possible flooding. The letter from SEPA dated 9th December states that they are not happy with the applicant's response to previous feedback:*
- *Due to the proposed development, the increase in surface water will be disproportionate to the outlets. The existing trees, scrub and marshland act at the moment as soakaways and natural drainage of the area. SEPA abdicate responsibility for any issue other than flooding to the Local Authority. There appears to be no clear proposal on management of surface water, why not ?
To state that there is no need for 'filtration' of the run-off is completely to ignore the beneficial effect of the grass field in absorbing and filtering the rainfall, especially in times of high rainfall. This is a real and valid concern since the run off exits right next to our cottage and will in time result in damage. Ideally the foreshore needs to be professionally surveyed and recorded in its present condition, with the cost being borne by the developer.*

Comment: Refer to report below (Appendix A) for SEPA and Flood Risk Management comments.

Environmental Concerns

- *The development will cause noise, light and traffic pollution to the area.*
- *I am dubious about the noise disturbance with cars accelerating and decelerating. Noise pollution will also be an issue for us during the construction period.*
- *This area has enjoyed "dark skies" since the beginning of time, street lighting would destroy the pleasure we derive from observing the night sky.*
- *Smoke from these houses would affect all the residences to the North East of the development.*
- *We note that a new access road will be part of the development. Will street lighting be erected, causing more detrimental issues to the environment?*
- *Given the density of the estate and the proximity to my home I am concerned about the increase of light pollution at night time from houses, street lights and from cars turning into the estate causing a wash of bright lights into my front room window, due to the close proximity of the entrance of the estate to our driveway and home*
- *I also ask that trees be replanted along the A815 on the development site so that my garden is not overlooked and noise and light pollution is minimized.*

Comment: Refer to report (Appendix A) below.

Water Supply

- *Strachur's domestic water supply has given concerns in the past. Has the Water Board taken on board these concerns?*
- *The water treatment plant is also stretched to capacity*

Comment: Scottish Water offer no objections. Refer to report (Appendix A) below.

Sewage Proposals

- *Sewage management is also an issue in the village.*
- *The existing sewage supply causes unpleasant smells and large areas of polluted sea water coming in to shore. This fact should also come under Environmental impact.*

Comment: Scottish Water offer no objections. Refer to report (Appendix A) below.

Electricity and Services

- *Electricity Sub Station at the top of Beech Road will need increased electricity output and damage will be caused to the track (Beech Avenue) by maintenance engineers.*
- *The local electrical substation is currently unable to supply residents sufficiently with frequent surging.*
- *As regards electrical supply to 18 properties, we already suffer electrical surges due to the supply not being sufficient enough to supply the already existing properties.*

Comment: Service connections are matters to be addressed via Building Warrant or to the service providers directly.

Following the submission of additional supporting information, a further representation was received from Caragh Thuring, Shore Cottage (email dated 24th March 2020) with the following comments:

- *Flood Risk – The scheme proposes to divert two watercourses within the site to accommodate the proposed residential development. However, it is unclear from the information submitted how the applicant has demonstrated that the realignment/diversion of the watercourses would not increase flood risk elsewhere (i.e. on neighbouring sites). The FRA submitted by the applicant simply states that the realignment/ diversion of the two watercourses ‘does not increase flood risk to the development and/or elsewhere provided the channels and channels are adequately sized and appropriately sized.’*

This is somewhat unfounded from the information submitted, and there is currently no mechanism in place to ensure the developer provides channels which are appropriately sized to limit flooding elsewhere. Further information should be provided by the applicant, and the Council should provide confirmation on how the channel width is going to be controlled through the planning process.

Please also note my emails to you of 10th March 2020 - Proposed drain layout A1 6 February 2020 and 24th March 2020 J2762-C-04 Proposed Drainage Layout 19 March 2020, highlighting the incorrectly drawn plans.

Comment: This enquiry was passed to the agent and his engineering consultant for comments. The neighbour was informed that the new outfall location to the rear of the roadside verge, would take it away from her property. Whilst there will still be a remainder of the existing flow in the existing culvert, it will be much less under the diversion proposed and will greatly reduce any risk of flooding to this property.

- *Biodiversity/Ecology - I've noted comments from the Council's Local Biodiversity Officer (attached), which raised issue with the absence of an ecological report assessing the ecology of the existing site. The applicant has since issued an ecological report to the Council however, it isn't clear whether the Council consider the report to be acceptable. One point which I've noticed is that the ecological surveys carried out as part of the report were carried out out-of-season, with the consultant stating that 'the same conclusions would have been reached if carried out in the summer months'. However, this is an assumption not based on any evidence, and I would argue that these surveys should be carried out at the optimum time, given the existing site's potential to support a number of species or through ways to the land behind, in the existing trees, shrubbery and reedbed. Until these surveys are carried out in the appropriate season, the scheme should be considered unacceptable from a biodiversity perspective.*
- *Highways – It doesn't appear that the applicant has provided any information which addresses the highways comments attached (i.e. details of visibility splays, access widths etc.). Also, no Transport Assessment has been provided. A robust Transport Assessment, assessing the potential impact of the scheme on the surrounding highways network, should form a fundamental part of the submission, particularly as the addition of 18 residential units (and potentially circa. 40 vehicles) in this location could have a significant highways impact. My property will be greatly affected by the current scheme. My driveway is currently used as a turning space by vehicles and will be hugely impacted by more potential turning space and all the extra traffic coming in and out from the development. Therefore, at present, the Council cannot make a decision on whether the current scheme is acceptable from a highways perspective.*

Refer to report below (Appendix A).

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
- (iii) A design or design/access statement: Yes**

A Design Statement by Detail dated 7th November 2019 and revised 13th February 2020 and 3rd July 2020, has been submitted in support of the proposed development. The following is a summary with further information contained in the report section (P) below.

“Detail Developments now seek to sensitively develop this land into what should ideally seem like a natural extension of the village, such as might have evolved organically had the land been available earlier. At the same time, clearly a development of 18 new houses presents an architectural opportunity to create a new paradigm for 21st century rural housing. The site is far enough from Glasgow to have an atmosphere of unspoilt nature, but close enough to offer residents the possibility of travel to urban amenities for shopping

or entertainment, or even work commuting. Therefore we anticipate that the houses will be attractive to a wide range of possible occupiers such as (in no particular order):

- *Local people with employment nearby;*
- *People with employment further afield who are able to commute or practice partial home-working, who are drawn to the area by its natural beauty;*
- *Retirees, potentially from anywhere in Scotland or further afield, who are able to enjoy the area fully without any need to leave regularly due to work commitments;*
- *Tourists staying in a house as a holiday let, owned by those who maintain it as an investment.*

The specification and sales prices of the houses will be pitched so as to encompass this diverse demographic, which we believe fits well with what will be generally desirable in terms of the long-term economic health of the area.

Our primary design criteria for the Scale, Form and Layout of the project can be summarised as follows:

- *To damage as little possible the existing views towards the loch that are currently enjoyed by the houses to the east road above the site (e.g. 'Achnasheen', 'Rubybank' etc);*
- *To capture views to the loch for the new houses in such a way that each house is an unaware and unobstructed as possible by its neighbours;*
- *To ensure that views into the site consistently suggest a sensitive and appropriate addition to the village.*

The solution that we have chosen to all of these issues is to step the houses into the slope with a split-level plan form and one-and-a-half-storey section. This gives the living spaces facing the loch extra ceiling height for a sense of drama fitting of their setting, while allowing the sleeping spaces to the rear to present the absolute minimum elevation to the east, thus minimising their impact on the existing landscape. Our intention is to disrupt the existing contours as little as possible, so that, as can be seen from our photomontages, the houses will seem to sit as naturally and seamlessly into the ground as can be achieved, thus appearing a good fit with the surrounding village.

Our governing Design Philosophy for the project can be summarised as follows:

- *All recognisable connotations of 'suburban' housing to be avoided as much as possible in favour of imagery more redolent of a 'rural', 'semi-rural', or 'frontier' living.*
- *Ancient subconscious symbols of settlement (iron-age round-houses, highland blackhouses) to be evoked through tent-like roofs and chimneys. Although wishing to blend with the surrounding village, a unique common character, a shared visual language, to give the houses their own sense of community and enclosure, within reason, is desirable.*

Our solution to the above is to use three basic interspersed houses types, A, B and C, dual-pitched roof, hipped roof, and semi-detached villa form, whose differing relationships to the road are generated by practical issues of path gradients and garages. Thus a first 'filter of variation' is introduced across the site to avoid regimentation and emulate instead the natural randomness of an evolved village".

- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No, however a Drainage Assessment was submitted in support of the previous application.**

Kishorn Strachur Development Flood Risk Assessment by EnviroCentre Ltd. for Cowal Design Consultants dated 3rd July 2020;
Proposed Drainage Layout drawing no. J2762-C-04 Rev F by Cowal Design Consultants revised 16th July 2020;

Storm Sewer Design calculations by Micro Drainage dated 20th March 2020;
Drainage Statement from Cowal Design Consultants Ltd (received 22nd November 2019);
Correspondence concerning affordable housing provision;
Preliminary Ecological Appraisal and Preliminary Roost Assessment by Applied Ecology Ltd, dated January 2020.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

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

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

Argyll and Bute Local Development Plan (26th March 2015)

LDP STRAT1 Sustainable Development;
LDP DM1 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;
LDP 10 Maximising our Resources and Reducing Our Consumption;
LDP 11 Improving our Connectivity and Infrastructure.

Argyll and Bute Supplementary Guidance (approved March 2016)

SG LDP ENV 1 Development Impact on Habitats Species and our Biodiversity;
SG LDP ENV6 Development Impact on Trees / Woodland;
SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)
SG LDP HOU1 General Housing Development;
SG LDP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
SG LDP SERV2 Incorporation of Natural Features / Sustainable Drainage Systems (SuDS);
SG LDP SERV 3 Drainage Impact Assessment (DIA);
SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development;
SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes;
SG LDP TRAN6 Vehicle Parking Provision;
SG2 Sustainable Siting and Design Principles.

(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.

Argyll & Bute Sustainable Design Guidance (2006);
Scottish Planning Policy (2014);
Consultee responses;
Planning history;

Legitimate public concern expressed on 'material' planning issues;
Argyll and Bute Proposed Local Development Plan 2 November 2019.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: The proposal is a Schedule 2 Development. However, the application is not for planning permission but is an Application for Matters Specified in Conditions. The principle of development has been established by previous permissions. As such an Environmental Impact Assessment is not required.

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

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

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

(O) Requirement for a hearing: No.

Planning Permission in Principle was originally granted on 23rd September 2013 under ref. 13/00724/PPP then renewed on 24th November 2016 under ref. 16/02522/PPP. This is an application for Approval of Matters Specified in Conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP. .

On 13th November 2019 an application for approval of matters specified in conditions 1-6 relative to planning permission in principle reference 16/02522/PPP was submitted within the statutory timescale. The earlier Planning Permissions in Principle established the principle of development of the site for an approved layout of 18 dwellinghouses. A small number of representations were received on these earlier applications. The issue is whether examining the detail of the proposal by means of a Discretionary Hearing would give added value to the process of assessment. Given that the matters specified in conditions 1-6 of Planning Permission in Principle ref. 16/02522/PPP are considered to have been satisfactorily addressed by the details submitted for consideration in this application, there is no objection to approval of the matters to satisfy these conditions.

Given the above, it is recommended that a discretionary local hearing would not add value to the planning process in this instance due to compliance with matters specified in conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP.

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

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Key Rural Settlement of Strachur. Policy LDP DM1 of the LDP supports sustainable forms of development in the Key Rural Settlements up to and including medium scale development (i.e. between 6 and 30 dwelling units) on appropriate sites. Policy SG LDP HOU1 states a general presumption in favour of housing development within the development management zones provided it is of an appropriate scale for the size of the settlement.

This is an application for Approval of Matters Specified in Conditions (AMSC) for planning application ref. 16/02522/PPP, which was granted on 24th November 2016 (and expired

on 24th November 2019 following receipt of the current application on 13th November 2019). The applicants have submitted 'reserved matters' within the statutory timescale. The 2016 application was a renewal of Planning Permission in Principle ref. 13/00724/PPP, granted on 23rd September 2013 for the erection of residential housing development and formation of new access. Accordingly, the development has already been granted planning permission and therefore no fundamental issues relating to the principle of the development require to be examined, only the matters 'reserved' i.e. siting, design, external appearance, landscaping, access arrangements, proposed water supply and drainage arrangements.

The application seeks permission for the details required by Conditions 1-6 relative to Planning Permission in Principle ref. 16/02522/PPP. It should be noted that Conditions 2 and 3 are time conditions relative to the submission of the AMSC application while Condition 4 relates to the approved drawings on the previous permission. These have been satisfied by the submission of this AMSC application and are not directly relevant to the assessment of this application. As such, for the purposes of clarity, the sections below relate to the other conditions namely 1, 5 and 6.

Condition 1 requires plans and particulars of the site layout, design and external finishes of the development, landscaping, access arrangements and water supply and drainage arrangements.

Comment: The siting of the proposed 18 dwellinghouses follows the original approved layout where the siting was then regarded as 'indicative'. Whilst the plots remain almost identical, the building footprints have been adjusted to suit the particular designs. The dwellinghouses are still sited centrally within each plot with in-curtilage garages and driveway parking spaces. The design concept is to create a mixed "street" of low-rise dwellings with a modern idiom based on traditional hipped roof bungalows and detached gable-ended dwellinghouses. The choice of varying external materials and house types all add variety and interest. Submitted hard and soft landscaping details, materials, shrub and tree planting are all considered to be acceptable.

Condition 5 requires further detailed information on access and related roads matters to be submitted.

Comment: Access is via a new junction from the adjacent A886 public road with visibility splays to the requirements of the Roads Authority. The design incorporates an internal access road with driveways and parking and turning areas to serve each dwellinghouse together with turning heads to accommodate service vehicles.

Condition 6 requires further detailed information on proposed watercourse diversions and details of culvert(s) to be submitted.

Following the submission of a Flood Risk Assessment (FRA), both SEPA and Flood Risk Management deferred decisions until a revised scheme was submitted and approved.

The revised FRA demonstrated that the burn to the south is being re-aligned and this includes the removal of two small, existing piped sections, which currently pose a risk of flooding to properties Kishorn and Archluian. The new route has been hydraulically modelled for major storms, including climate change, to show that future stormwater will remain within the burn channel. The burn to the north is also being re-aligned and its new route has been hydraulically modelled (based on 1:200 year major storms including climate change), to show that future stormwater will remain within the burn channel, including a new section of 900mm pipe. A new road crossing to the shore is proposed, which will divert existing and future stormwater away from Shore Cottage.

In view of the revised FRA, both SEPA and Flood Risk Management consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP10 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan.

It is considered that the matters specified in conditions 1-6 of Planning Permission in Principle 16/02522/PPP have been satisfactorily addressed by the details submitted for consideration in this application and, therefore, there is no objection to approval of the matters to satisfy these conditions.

Letters of objection from eighteen individuals have been received and the many concerns are detailed in section (F) above. It should be noted that when Planning Permission in Principle (ref. 13/00724/PPP) was approved on 23rd September 2013, two representations were received. When this approval was renewed on 24th November 2016 under ref. 16/02522/PPP, no objections or representations were received.

The proposed development is not unique in its layout and density. Within the Key Rural Settlement of Strachur, there are several examples of modern high density residential development. Letters Way (24 units in a 4-tier layout), Baycroft (23 units in a 4-tier layout) and Clachan Beag, Manse Gardens, Montgomery Place and Forest View are all examples of modern suburbanised medium to large scale housing development within the original and greatly expanded rural settlement. Indeed, the adopted Argyll and Bute Local Development Plan identifies potential future residential expansion of the Strachur settlement by the designation of housing allocation sites and potential development areas. The emerging Argyll and Bute Proposed Local Development Plan 2 identifies three housing allocation sites with future potential for a maximum of 49 dwellings.

The design, materials and planting associated with these submissions are all considered to be acceptable and therefore consider that the proposals comply with policies LDP3 and LDP9 and Sustainable Design Guidance. It is therefore confirmed that the details required to satisfy conditions 1 to 6 can be considered to be approved and all of these conditions can be considered to be satisfactorily discharged.

The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

It is considered that the matters specified in conditions 1 to 6 of Planning Permission in Principle 16/02522/PPP have been satisfactorily addressed by the details submitted for consideration in this application and, therefore, there is no objection to approval of the matters to satisfy these conditions.

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

(R) Reasons why Planning Permission in Principle should be granted

The details submitted for further approval to planning permission in principle ref. 16/02522/PPP are consistent with the relevant provisions of the adopted Local Development Plan.

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

N/A

(T) Need for notification to Scottish Ministers: No

Author of Report: Brian Close

Date: 29th September 2020

Reviewing Officer: Howard Young

Date: 7th October 2020

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/02375/AMSC

- The development shall be implemented and managed in accordance with the conditions within the grant of planning permission in principle ref. 16/02522/PPP and in accordance with the details specified on the application form dated 12th November 2019; all supporting information; and the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Drawing No. A4 1:2500		27/11/2019
Site Location Plan as Existing	Drawing No. L(--)-01	Rev C	27/11/2019
Site Location Plan as Proposed	Drawing No. L(--)-02	Rev G	03/07/2020
Ground Floor Site Plan as Proposed	Drawing No. L(--)-03	Rev H	03/07/2020
House Type A1 Plans & Elevations	Drawing No. L(--)-10		27/11/2019
House Type A2 Plans & Elevations	Drawing No. L(--)-11	Rev A	27/11/2019
House Type A3 Plans & Elevations	Drawing No. L(--)-12		27/11/2019
House Type A4 Plans & Elevations	Drawing No. L(--)-13		27/11/2019
House Type A5 Plans & Elevations	Drawing No. L(--)-14		27/11/2019
House Type A6 Plans & Elevations	Drawing No. L(--)-15		27/11/2019
House Type B1 Plans & Elevations	Drawing No. L(--)-20		27/11/2019
House Type B2 Plans & Elevations	Drawing No. L(--)-21		27/11/2019
House Type B3 Plans & Elevations	Drawing No. L(--)-22	Rev A	27/11/2019
House Type B4 Plans & Elevations	Drawing No. L(--)-23		27/11/2019
House Type B5 Plans & Elevations	Drawing No. L(--)-24	Rev A	27/11/2019
House Type B6 Plans & Elevations	Drawing No. L(--)-25	Rev A	27/11/2019
House Type C1 Plans & Elevations	Drawing No. L(--)-30	Rev B	14/02/2020
House Type C2 Plans & Elevations	Drawing No. L(--)-31		14/02/2020
Landscape Layout	Drawing No. L01	Rev D	27/11/2019
Proposed Drainage Layout	Drawing No. J2762-C-04	Rev F	16/07/2020

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

2. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager having regard to Roads Construction Consent requirements which shall inform the final construction details, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: *In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.*

3. Prior to the construction of the dwellinghouses, sightlines of 75 metres from a 2.4 metre setback shall be provided from the proposed main vehicular access onto the A886 Strachur to Colintrave Road and no obstruction to visibility including walls, fences, hedges, vegetation or physical structures shall be permitted thereafter within the sightlines above a height of 1.0 metre from the level of the adjacent highway.

Reason: *In the interests of road and public safety, and to ensure that appropriate sightlines onto the A886 Strachur to Colintrave Road can be maintained.*

4. The visibility splays required for the individual dwellinghouse accesses shall be a minimum of 20 metres in each direction from a 2 metre setback. All walls, hedges and fences within the visibility splays shall be maintained at a height not greater than 1.0 metre above the road. These accesses must be a sealed surface for the first 5 metres behind the kerbline to minimise any debris from being deposited onto the road, their gradient not to exceed 5% for the first 5 metres and 8% for the remainder. A system of surface water drainage may be required to prevent water running onto the new road and footway. Accesses to be a minimum of 15 metres away from junctions.

Reason: *In the interests of road safety.*

5. The vehicular access shall be constructed 5.5 metres wide with a 2.0 metre wide footways and verges. Dropped kerbing to be provided to assist the safe passage of passing pedestrian traffic. The gradient of the access not to exceed 5% for the first 5 metres and not to exceed an absolute maximum of 10% for the remainder. The footways to be 2 metres wide with dropped kerbing at the junctions to assist pedestrian movements.

Reason: *In the interests of road and pedestrian safety.*

6. No dwellinghouse hereby approved shall be first occupied until its allocated parking spaces and turning head as shown on drawing ref. L(--)-03 Rev H, has been constructed and made available for use and thereafter shall be retained for the parking of vehicles, unless agreed otherwise in writing with the planning authority. The allocated parking provision for the development will be based on 2no. spaces for each 2/3 bedroomed unit and 3no. spaces for 4 or more bedrooms.

Reason: *In the interests of providing off-street car parking and turning provision.*

7. Notwithstanding the provisions of Article 2(4) and Class 2B(1) of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no additional windows or other openings from habitable rooms shall be installed in the gable elevations of the dwellinghouses without prior written consent of the Planning Authority.

Reason: *In order to prevent the inclusion of any additional windows and other openings in side elevations, that could undermine the privacy and amenity of adjacent dwellinghouses.*

8. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

Reason: *In order to minimise any potential impacts on otters and other species.*

9. Where 12 months or more have elapsed between the timing of the Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) surveys hereby approved, and development commencing, further update survey(s) shall be undertaken on the site to determine any changes in the reported presence of, or potential for, any statutorily protected species, in particular for bats, otter, red squirrel, badger, reptiles and amphibians. The said survey(s) shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the survey(s), any avoidance, mitigation, enhancement or compensation measures required for any European Protected Species and or protected species, shall be detailed in a Species Protection Plan, which must be agreed in writing with the Planning Authority before works commence on the site. The Species Protection Plan(s) shall reflect the results of the updated survey(s) and the recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable and be implemented in full as part of the development's Construction Method Statement.

Reason: *To ensure compliance with The Conservation (Natural Habitats &c.) Regulations 1994 (as amended), the Wildlife and Countryside Act (1981) as amended, the Protection of Badgers Act (1992) as amended, and the Nature Conservation (Scotland) Act (2004).*

10. No development shall commence unless and until the Planning Authority has approved in writing an independent Ecological Clerk of Works (ECoW) for the development [in consultation with SEPA]. The terms of the ECoW appointment shall include:
 - (i) A duty to monitor compliance with the ecological commitments provided in the PEA and PRA surveys dated 17 January 2020 or the most up to date report whichever is applicable;
 - (ii) A duty to monitor compliance with the Species Protection Plans contained within the development's Construction Method Statement;
 - (iii) A duty to report to the construction project manager any incidences of non-compliance at the earliest practical opportunity;
 - (iv) A duty to maintain records of all ecological inspections and observations made on the site during construction, and make these records available to the Planning Authority when requested;
 - (v) A duty to report to the Planning Authority any incidences of non-compliance with ecological commitments at the earliest practical opportunity.The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the commencement of the development, throughout any period of construction activity.

Reason: *To ensure compliance with all recommendations and commitments made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable. The approved ECoW should be a Chartered Ecologist or be reporting directly to a Chartered Ecologist, and will be appointed on these approved terms throughout the period from 3 months prior to the commencement of the development, throughout any period of construction activity.*

11. Site clearance activities, and where possible construction, must take place out with the bird breeding season (March-July inclusive) unless pre-works checks have been undertaken and recorded by the ECoW and the ECoW has given explicit advice that no breeding birds are present.

Reason: *To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Nature Conservation (Scotland) Act (2004), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.*

12. No earlier than 3 months prior to the commencement of development, a detailed survey of Invasive Non-Native Species (INNS) will be undertaken for the site, and an Invasive Species Management Plan (ISMP) will be produced on the basis of the findings of this survey. The Invasive Non-Native Species Management Plan will be implemented in full as part of the development's Construction Method Statements.

Reason: *To ensure compliance with the Wildlife and Countryside Act (1981) as amended, the Wildlife and Natural Environment (Scotland) Act (2011), and recommendations made in the PEA and PRA Report dated 17 January 2020 or the most up to date report whichever is applicable.*

ADVISORY NOTES TO APPLICANT

1. This permission and the conditions attached thereto must be read in conjunction with the terms and conditions of the Planning Permission in Principle to which it relates (ref: 16/02522/PPP).
2. This permission will last for two years from the date of this decision unless the development has been started within that period. In the event that the requisite approval of different matters relating to the Planning Permission in Principle are sought and approved at a later date, then the time period for expiry of this permission would then run concurrently with that of any subsequent decision. [See section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).]
3. In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
4. 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.
5. The Council's Area Roads Manager has advised of the following:
 - A Road Construction Consent and a Road Bond will be required;
 - A Road Opening Permit will be required for the construction of the vehicular access and all works on or adjacent to the road;
 - The access onto A886 must be constructed before any works commence on site;
 - The developer must provide a street name plate to be erected near the junction with the A886 and grit bins within the site at locations agreed with Roads;
 - Traffic calming to be provided on site and a Twenty's Plenty scheme with all necessary signage implemented;
 - A maintenance and inspection regime will require to be established to ensure that no blockages occur at the inlets. Proof of these to be provided before adoption of the new road layout;
 - The developer to provide locations for and to provide grit bins within the scheme.

The applicant is advised to contact the Area Roads Engineer (Mr. Paul Farrell, tel. 01369 708613) directly upon all of these matters.

6. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 10th December 2019 and comments regarding connection to public water supply, foul drainage arrangements, surface water drainage and general advice. According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.
The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at DevelopmentOperations@scottishwater.co.uk quoting ref. 785978.

7. The applicant / developer is advised that SEPA have previously commented on this proposal for approval of matters specified in conditions (19/02375/AMSC, PCS/172066, 30 July 2020; 19/02375/AMSC PCS/170984, 29 April 2020; PCS/170174, 27 March 2020 and PCS/168940, 9 December 2019) and renewal of planning permission in principle (13/00724/PPP PCS/126891, 11 June 2013 and 16/02522/PPP PCS/149140, 30 September 2016). Please refer to comments and advice made in all previous correspondence.

SEPA comment that the design of the proposed channel diversions will need to be provided to SEPA Water Permitting (see contact details below) as part of the separate licensing process in order to ensure compliance with the Controlled Activities Regulations (CAR). SEPA may require changes to the design (pending environmental standards tests and hydromorphological assessment), prior to issuing licence/s for these works.

SEPA also advise that Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

For advice on the above or any matters relating to SEPA's technical advice, please contact Peter Minting, Planning Officer, Planning Service planning.sw@sepa.org.uk , quoting ref. PCS/172456

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02375/AMSC

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Key Rural Settlement of Strachur. The application site also lies within an Area of Panoramic Quality (APQ) which covers East Loch Fyne.

Policy LDP DM1 of the LDP supports sustainable forms of development in the Key Rural Settlements up to and including medium scale development (i.e. between 6 and 30 dwelling units) on appropriate sites. Policy SG LDP HOU1 states a general presumption in favour of housing development within the development management zones provided it is of an appropriate scale for the size of the settlement. Supplementary Guidance provides sustainable siting and design principles of new housing in settlements.

In the LDP, the application site lies within an Area of Panoramic Quality where Policy LP ENV13 states that the highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be expected.

In view of the foregoing, the proposal has already been justified by the granting of Planning Permission in Principle in terms of the approved Local Development Plan policies.

B. Location, Nature and Design of Proposed Development

The application site extends to 1.44 hectares and is located in the Strachur Bay area approximately 200m south of the junction of the A886 and the A815. The site is surrounded by housing on almost all sides where the A886 road bounds the site to the west. A residential service road bounds the site to the east. The site is overgrown with grass, bushes and trees and contains derelict farm buildings at the southern end. A public footpath crosses the application site at the northern end.

In terms of its relationship with the existing settlement, it already has been considered that the proposal represents a large infill development between surrounding existing dwellinghouses in the vicinity. This was the intention of the 'settlement zone' in the Argyll and Bute Local Plan 2009. The scale and density of the proposal also fall within the definition of 'medium scale' referred to in the adopted 2015 Local Development Plan document. The proposed layout previously approved was considered to be consistent with the settlement pattern of this part of Strachur.

Planning Background

Excerpt from Planning Permission in Principle ref. 16/02522/PPP:

"The site has, in its present condition as overgrown former croftland, come to resemble a 'hole' at the centre of Strachur's building fabric, which has occurred almost accidentally as the town has developed southwards down the loch side. As previous Planning handling reports record, development of this land can be viewed as in line with the 'settlement zone' outlined in the 2009 Local Plan, within which 'medium scale' density housing of acceptable design quality will be looked on favourably by Argyll & Bute Council".

The Proposal

This is an application for approval of matters specified in conditions (AMSC) for planning application ref. 16/02522/PPP, which was granted on 24th November 2016 (and expired on 24th November 2019 following receipt of the current application on 13th November 2019). The 2016 application was a renewal of Planning Permission in Principle ref.

13/00724/PPP, granted on 23rd September 2013 for the erection of residential housing development and formation of new access. Accordingly, the development has already been granted planning permission and therefore no fundamental issues relating to the principle of the development require to be examined, only the matters 'reserved' i.e. siting, design, external appearance, landscaping, access arrangements, proposed water supply and drainage arrangements.

Each of the conditions attached to the Planning Permission in Principle ref. 16/02522/PPP requires to be discharged and are listed in turn below, with commentary on the submissions made and comment as to whether the submitted details are approved.

Condition 1 requires plans and particulars of the site layout, design and external finishes of the development, landscaping, access arrangements and water supply and drainage arrangements. The condition is general and not specific.

1. *This permission is granted in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application for planning permission in principle and the further approval of Argyll and Bute Council or of the Scottish Ministers on appeal shall be required with respect to the under-mentioned additional matters (to be applied for within an application/s of matters specified in conditions) before any development is commenced.*

- a. The siting, design and external appearance of the proposed development.*
- b. The landscaping of the site of the proposed development.*
- c. Details of the access arrangements.*
- d. Details of the proposed water supply and drainage arrangements.*

Reason: To comply with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997.

Comment: The original planning permission in principle ref. 13/00724/PPP specifically approved two drawings. These were drawing no. 1649.01 (granted 23rd September 2013), which was a 1:2500 site location plan indicating a red line boundary site consistent with the current application.

The second drawing no. 1649.02 (granted 23rd September 2013), contained a 1:10,000 location plan consistent with the current application and a 1:500 site layout plan, with red line boundary, also consistent with the current application. The approved content of the site layout plan is very important in terms of consistency with the current application for AMSC. The approved site layout plan depicted a total of 18 dwellinghouses (14 detached and 4 semi-detached) with a main vehicular access from the A886 in a central position on the north-western frontage. The approved access fed into a central spine with a cul-de-sac on the north-eastern side of the site and turning head at the south-western side. The plots were clearly defined with indicative individual accesses.

In the current scheme, the number of dwellinghouses, plot sizes, access position, internal access route and turning arrangements are all identical to those details approved in 2013, then renewed in 2016 with no further changes. When the original 2013 scheme was approved, the building footprints were regarded as 'indicative' with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly listing siting, design, external appearance, landscaping, access arrangements, water supply and drainage arrangements as 'reserved matters' to be submitted within three years of the expiry of that permission.

a. The siting, design and external appearance of the proposed development.

When the original 2013 scheme was approved, the building footprints were regarded as 'indicative' with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly listing

siting, design and external appearance as 'reserved matters' to be finalised within three years of the expiry of that permission. No details were approved at the planning permission in principle stage and no restrictive conditions or advisory notes were attached with suggested design parameters.

The siting of the proposed 18 dwellinghouses remains in the spirit of the original approved layout where the siting was then regarded as 'indicative'. Whilst the plots remain almost identical, the building footprints have been adjusted to suit the particular designs. The dwellinghouses are still sited centrally within each plot with in-curtilage garages and driveway parking spaces.

The proposed development comprises:

- 1 x detached House Type A1 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A2 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A3 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A4 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber wall finish;
- 2 x detached House Type A5 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 1 x detached House Type A6 3-bedroom; upper floor accommodation within roofspace; attached double garage; timber and render wall finish;
- 2 x detached House Type B1 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B2 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber wall finish;
- 1 x detached House Type B3 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B4 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B5 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 1 x detached House Type B6 3-bedroom; upper floor accommodation within roofspace; attached single garage; timber and render wall finish;
- 4 x semi-detached House Type C1 / C2 2-bedroom "affordable" units; upper floor accommodation within roofspace; timber and render wall finish;

Whilst there would appear to be a large variety of Type A and B dwellinghouses, the proposed development follows a common theme of square plan building footprints with a combination of shallow hipped and gabled roof types. Upper floor accommodation for Types A and B would be contained within the roofspaces where typical ridge heights would be approximately 6.5 to 7m high. Concern raised that these are full two-storey buildings may therefore be unwarranted.

The design concept is to create a mixed "street" of low-rise dwellings with a modern idiom based on traditional hipped roof bungalows and detached gable-ended dwellinghouses. The choice of varying external materials and house types all add variety and interest.

The 14 detached dwellinghouses would be orientated with main elevations facing westwards towards Loch Fyne.

House Types C1 and C2 at the north-eastern end of the site comprise 4 semi-detached dwellings in two blocks. These blocks were originally orientated with long elevations running east-west but following discussions with the applicant, they have now been re-orientated with principal elevations facing Loch Fyne to the west and long side elevations facing north and south. These semi-detached units contain accommodation with their roofspace where the maximum ridge heights would be 8m.

As a result of revised Flood Risk Assessment (July 2020), the finished floor level of the proposed dwellinghouse on Plot 7 in the south-eastern corner of the site has been raised by 520mm and adjusted 3.0m northwards as a result of the new route for the watercourse.

Proposed materials for the dwellinghouses are a combination of white render and natural sandstone interspersed with untreated vertical larch cladding for external walls. Standing seam (VMZinc-Pigmento or Rheinzink-artCOLOR at 600mm centres) metal sheet roofing in light grey, mid grey, black and terracotta will be used for hipped and gabled roofs. The Design Statement comments that two proposed terracotta roof designs are intended to reference the red corrugated tin roofs traditional to the broader rural Highland context, while the light grey, dark grey and black roofs provide a welcome variation of texture and colour palette in contrast to the predominate grey of west-coast slate. The Design Statement comments that the untreated larch cladding used vertically will soften in colour over time from the blonde of fresh timber to warm grey. This is a renewable resource whose use will benefit the local economy while providing each house with an organic skin that ages in harmony with the weather and landscape. The white render and natural sandstone will be interspersed sparingly with the larch cladding in order to help bind the designs to their geographical and historical context. This is proposed to be slightly different in almost every house type, as demonstrated in submitted drawings and visualisations.

Siting, design and materials of the proposed dwellinghouses are all considered to be acceptable and consistent with policies LDP9, SG LDP HOU1 and SG2 Sustainable Siting and Design Principles.

b. The landscaping of the site of the proposed development.

When the original 2013 scheme was approved, only “indicative” landscaping proposals were shown with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly including such matters as landscaping as ‘reserved matters’ to be finalised within three years of the expiry of that permission.

“The hard and soft landscape material choices as contained in the Design Statement have been design to reference and embed the proposals within the landscape and immediate setting, and can be summarised as follows:

- Carriageways with a red chip to reference the copper cladding and wider landscape setting;*
- Driveways formed in cellular porous paving infilled with aggregate or crushed shell, a by-product from the local fish farming industry;*
- Dry stone walls and ha-ha’s formed from locally quarried stone, with laying patterns and cope details which references the local vernacular;*
- The lawns to private plots are to be seeded with a Flowering Lawn meadow grass mix which includes 20% native wildflowers. A Flowering lawn is cut in May and June, but allowed to grow long to flower in July and August, before being brought back into a cutting regime in September;*
- Native tree species *Betula pubescens*, the Downy birch tree, and *Pinus sylvestris*, the Scots pine tree”.*

The proposed hard and soft landscaping details and materials shown on drawing no. L01 RevD are considered to be acceptable and consistent with policies LDP9, SG LDP HOU1 and SG2 Sustainable Siting and Design Principles.

c. Details of the access arrangements.

When the original 2013 scheme was approved, the general layout and access details were regarded as ‘indicative’ with condition 1 of permissions 13/00724/PPP and 16/02522/PPP clearly including such matters as access arrangements as ‘reserved matters’ to be finalised within three years of the expiry of that permission.

There is slight duplication as condition 5 below requires specific access arrangements following earlier consultations with the Council's Roads and Amenity Services. Refer to condition 5 below for full details.

d. Details of the proposed water supply and drainage arrangements.

It is proposed to connect into the public water supply and the public sewerage system. Scottish Water has raised no objection to this element of the proposal. Scottish Water confirm that there is sufficient capacity in the Loch Eck Water Treatment Works for water supply subject to a formal application for connection. Scottish Water also confirm that the development will be serviced by Strachur Waste Water Treatment Works but are unable to confirm capacity at this time prior to a Pre-Development Enquiry Form being submitted for connection. Scottish Water also confirm that they will not accept any surface water connections into their combined sewer system.

On this basis, the proposal is consistent with the provisions of Policy SG LDP SERV1 Private Sewage Treatment Plants and Wastewater Systems of the Argyll and Bute Local Development Plan.

In view of the foregoing, it is therefore considered that the proposal would accord with Policies LDP STRAT1, LDP DM1, LDP PROP 3, LDP3, LDP9, SG LDP HOU1, SG2 and SG LDP SERV1 the Argyll and Bute Local Development Plan.

C. Road Network, Parking and Associated Transport Matters

Condition 5 requires further detailed information on access and related roads matters to be submitted.

5. *Prior to the commencement of the development, the following details shall be submitted to the Council:*

i) *The access shall be constructed to a width of 5.5 metres with a 2 metre wide footway. Dropped kerbing will be provided to assist the safe passage of passing pedestrian traffic;*

ii) *The main access road and each individual plot access shall be formed with a gradient not exceeding 5% for the first 2.5 metres whilst the remainder of the accesses within the site shall not exceed 10%;*

iii) *Sightlines of 75 metres in each direction, measured a distance of 2.4 metres back from the edge of the road at the centre point of the access with the A886 public road, shall be cleared of all obstructions above a height of 1.05 metres from the level of road;*

iv) *Sightlines of 20 metres in each direction, measured a distance of 2.4 metres back from the edge of the road at the centre point of each individual access into a plot, shall be cleared of all obstructions above a height of 1.05 metres from the level of the road;*

v) *Each individual plot access shall have a sealed surface for the first 5 metres back from the kerb line;*

vi) *The provision of turning areas at or near the ends of the new access road;*

vii) *The provision of accesses that would be a minimum of 15 metres from the nearest junction;*

viii) *The provision of parking and turning within each plot based upon the numbers of bedrooms within each dwellinghouse i.e. two spaces for a 2/3 bedroomed dwelling and three spaces for a 4 or more bedroomed dwelling.*

Reason: In the interests of road safety.

Comment: Roads offer no objections and comment that the development is accessed from A886, The Bay Strachur within a 40mph speed restriction within an area of recent other residential schemes. Given the geography of the site and the two existing water courses, both of which will be culverted for a section, an acceptable design should be provided for dealing with surface water and its removal from the site.

The access to be constructed 5.5 metres wide with a 2 metre wide footway. Dropped kerbing to be provided to assist the safe passage of passing pedestrian traffic. The gradient of the access not to exceed 5% for the first 5 metres and not to exceed an absolute maximum of 10% for the remainder.

The sightlines required are 75 x 2.4 metres based on an 85%ile speed of 40mph at this location. All walls hedges and fences must be maintained at a height not greater than 1 metre above the road.

Individual accesses within the scheme must have visibility splays a minimum of 20 x 2 metres. These accesses must be a sealed surface for the first 5 metres behind the kerblines to minimise any debris from being deposited onto the road, their gradient not to exceed 5% for the first 5 metres and 8% for the remainder.

A system of surface water drainage may be required to prevent water running onto the new road and footway. Accesses to be a minimum of 15 metres away from junctions. The footways to be 2 metres wide with dropped kerbing at the junctions to assist pedestrian movements. Due to the scale of the development the access road will require to be designed and constructed to adoptable standards. Turning areas must be provided at or near the end of the new road. Minimum forward sight distance to be 35 metres.

The allocated parking provision for the development will be based on 2no. spaces for each 2/3 bedroomed unit and 3no. spaces for 4 or more bedrooms. Attached garage can be counted as a parking space.

Preference would be for side by side parking on driveways instead of tandem parking. A Road Construction Consent and a Road Bond will be required given the scale of the proposed development. A Road Opening Permit will be required for the construction of the vehicular access and all works on or adjacent to the existing road network.

The access must be constructed before any works commence on site. Traffic calming to be provided on site and a Twenty's Plenty scheme with all necessary signage erected. The developer will be responsible for the provision of a street name plate to be erected near the junction with the A886. The development affords adequate access for pedestrians, cyclists and motorists to surrounding areas. This is a renewal of previous application 16/02522/PPP.

Appropriate conditions and advisory notes are attached.

In view of the foregoing, the Council's Roads Department consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP11, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan.

D. Flood Risk and Drainage Matters

Condition 6 requires further detailed information on proposed watercourse diversions and details of culvert(s) to be submitted.

6. *Prior to the commencement of the development, details of the design of any proposed watercourse diversion (demonstrating that there will be no decrease in channel capacity) and culvert (demonstrating that it has been appropriately sized and designed so as not to have a detrimental impact on flood risk) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. Once agreed, all of the works shall be carried out in accordance with the approved scheme.*

Reason: To ensure there is no increased flood risk to people or property

Flood Risk and Watercourse Diversion

Flood Risk Assessment (revised 3rd July 2020)

EnviroCentre Ltd was commissioned by Cowal Design Consultants Ltd to undertake a flood risk assessment (FRA) for a proposed residential housing development on a land north-west of Achnasheen at Kishorn, Strachur Bay, Argyll and Bute. The purpose of the FRA is to provide information demonstrating that the proposed diversion of the two unnamed watercourses that run through the site, and the subsequent crossing, will not result in adverse flood risk impact. This is a discharge condition as required by the Scottish Environment Protection Agency (SEPA) as stated in their letter (ref: PCS/168940, 9 December 2019), and the following responses (PCS/170174, March 2020 and PCS170984, April 2020).

There are two unnamed watercourses which route through the site. The northerly watercourse (Watercourse A) is small and fairly uniform, and routes in a straight line through the site opposite Ardran until it passes beneath the A886 Road via a 600mm diameter culvert south of Shore Cottage to discharge into Strachur Bay. The watercourse in the southern part of the site (Watercourse B) is slightly larger and passes through several culverts north of the existing farm buildings and Kishorn before passing beneath the A886 and discharging into Strachur Bay. A flood risk analysis of the site was undertaken using hydraulic modelling.

Flood Risk Management comment that Watercourse A is now proposed to be re-routed, but with only two short sections of the watercourse culverted under the roads within the site, as opposed to being culverted for most of its length (as previously proposed). The two culverts are proposed a diameter of 900 mm and the long sections of the watercourse demonstrate that the 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both contained within the two-stage channel of the watercourse.

Watercourse B is now proposed to be re-routed for the first half of the watercourse within the site's boundary, but not culverted (as previously proposed). The planned route for the watercourse has a more 'natural' shape, with the previously planned angular bends omitted from the design. The re-routed watercourse joins the existing watercourse at the western boundary of the site. Again, a hydraulic model for the pre-development and post-development scenarios has been built of the watercourse. The 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both within the two-stage channel with regard to the post development scenario.

SEPA's response

SEPA originally recommend against the discharge of conditions (in responses dated 9th December 2019, 27th March 2020, 29th April 2020, 30th July 2020) until they receive more detailed information on the diversion of the watercourse/s, including information which demonstrates that no adverse flood risk impact will result from this work.

Updated comments from SEPA dated 25th August 2020

Following discussion with the applicants and their consultants, SEPA have reviewed the additional information submitted and are satisfied that the matters relating to their interests have now been addressed. SEPA therefore recommend that the relevant conditions may be discharged. SEPA note that the applicant should liaise with SEPA's local regulatory

team on regulatory licence conditions

SEPA note that Section 1.2 of the technical note provides further information on Watercourse B, where EnviroCentre state that there are two existing structures along its reach within the site boundary which currently pose a flood risk to the site and nearby residential properties, "The hydraulic modelling results indicate that a 50% blockage of either structure (represented as a 675mm culvert in the model) will cause water to spill towards the properties at Kishorn and Archluian to the west". Whilst we are generally unsupportive of engineering works to a small watercourse, we acknowledge this channel has already been significantly modified and currently poses a risk to existing and proposed highly vulnerable receptors. Based on the technical note, we are therefore in agreement that the re-design and de-culverting will mean "the realigned 2-stage channel design for Watercourse B will provide an overall betterment to flood risk".

Based on the information provided in the technical note, SEPA are now in a position to remove their objection on flood risk grounds and acknowledge that the proposed engineering works will have a neutral or better effect on flood risk.

Flood Risk Management response

Flood Risk Management originally recommended (2nd January 2020) that a decision be deferred until plans regarding watercourse diversions and any proposed culverts / pipes (including design calculations) and drainage layout and calculations are submitted.

Following the submission of following submission of an updated Flood Risk Assessment (FRA) that was undertaken by EnviroCentre, 'Kishorn Strachur Development, Flood Risk Assessment,' dated July 2020, as well as the proposed drainage layout and drainage calculations supplied by Cowal Design (drawing number J2762-C-04-F "Proposed Drainage Layout" and Micro Drainage output), Flood Risk Management conclude that the planning conditions 1 and 6 of permission ref. 16/02522/PPP have been met.

Flood Risk Management comment that Watercourse A is now proposed to be re-routed, but with only two short sections of the watercourse culverted under the roads within the site, as opposed to being culverted for most of its length (as previously proposed). The two culverts are proposed a diameter of 900 mm and the long sections of the watercourse demonstrate that the 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both contained within the two-stage channel of the watercourse.

Watercourse B is now proposed to be re-routed for the first half of the watercourse within the site's boundary, but not culverted (as previously proposed). The planned route for the watercourse has a more 'natural' shape, with the previously planned angular bends omitted from the design. The re-routed watercourse joins the existing watercourse at the western boundary of the site. Again, a hydraulic model for the pre-development and post-development scenarios has been built of the watercourse. The 200 year event with climate change allowance and 200 year event with 50% culvert blockage are both within the two-stage channel with regard to the post development scenario.

The FRA also informs that the detailed design of the proposed channel diversions and subsequent CAR licensing applications will be addressed during the design phase of the project. Flood Risk Management conclude that the planning conditions 1 and 6 of permission ref. 16/02522/PPP have been met.

In view of the foregoing, both SEPA and Flood Risk Management consider that their concerns have been addressed and the relevant condition can now be discharged, consistent with policies LDP10 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan.

E. Habitats and Species

The Council's Local Biodiversity Officer (original response dated 18th December 2019) noted that no information had been provided by the applicant relating to habitat and

species interest. The applicant was advised to submit a Biodiversity Checklist which will inform an Ecological Survey with information on tree and shrub species.

Following discussions with the applicant's ecologist, the Local Biodiversity Officer offers no objections in principle subject to recommended conditions and advisory comments (updated response 24th March 2020). Such safeguarding conditions would ensure that neither Bats nor Otter - European Protected Species (EPS) and other protected species (PS) are compromised as a result of this proposed development. The conditions provide for additional ecological surveys if out with a 12 month period of the last survey and to be undertaken at the optimum time of year. The conditions also reference pre-start checks, a draft Species Management Plan, Construction Management Plan, the employment of an Ecological Clerk of Works (ECoW) along with further investigation and eradication of Invasive Non-Native Species (INNS) by drafting and implementing an Invasive Non-Native Species Management Plan. The conditions are particularly prescriptive and will provide assurances that no EPS/PS will be compromised during the construction of this development. In terms of the diversion of the burn, SEPA will still need to provide input.

In view of the foregoing, the Council's Local Biodiversity Officer considers that any habitat and species concerns have been addressed and subject to safeguarding conditions, the proposed development is considered to be consistent with policies LDP3 and SG LDP ENV 1 of the adopted Argyll and Bute Local Development Plan.