

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: 20/00094/PP

Planning Hierarchy: Local Application

Applicant: Mr Pelham Olive

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

Site Address: Land East Of Lochside, Portincaple

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of 12 dwelling houses;
Formation of new road including watercourse crossing;
Installation of private sewerage treatment plant;
Installation of loch based district heating system.
Formation of footpaths

(ii) Other specified operations

Connection to public water supply;
Enhanced landscaping and tree planting

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to:

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

(C) HISTORY: None

(D) CONSULTATIONS:

SEPA (dated 4/3/20, 22/5/20, 4/6/20 and 28/7/20): SEPA initially objection to this application however the letter of 28/7/20 advised that the objection has been removed following the submission of the additional information. In this letter it confirms that the objection has been removed on the understanding that the foul drainage arrangements being proposed are considered to be a betterment to the aforementioned discharge to the inland watercourse.

Scottish Water (dated 11/2/20): No objections. There is currently capacity in the Belmore Water Treatment Works. According to our records there is no public Scottish Water Waste Water infrastructure within the vicinity.

Built Heritage Conservation Officer (dated 25/2/20): There are a variety of house styles in Portincapple so I believe that this proposal, which respects the settlement pattern and wider landscape but offers a contemporary response, is appropriate for this site from a design point of view.

Area Roads Officer (dated 20/3/20): No objection subject to conditions.

Marine Scotland (dated 7/2/20): The Marine Scotland Licensing Operations Team do not have any comments to make on this application. Please be advised that some of these works appear to be below Mean High Water Springs (outfall pipe) and therefore a marine licence will be required.

Ministry of Defence Safeguarding Team (dated 30/3/20): No objections to this proposal, however, it is recommended that the window's innermost pane (i.e. house side) be at least 6.8mm thick and incorporate a PVB interlayer in accordance with blast hazard mitigation measures. Thicker panes of laminated glass are also acceptable provided they contain a PVB thickness of at least 0.76mm.

Flood Risk Assessor (dated 28/2/20): No objections subject to conditions.

Biodiversity Officer (dated 6/3/20, 10/6/20 and 17/7/20) Support the proposals and plans.

Further information was requested on Bluebell which was subsequently submitted.
Invasive Non Native Species (INNS) – further control and watching brief for Rhododendron ponticum, Japanese knotweed and Himalayan balsam.

Woodland – Recommend a condition on replacement planting; Birds: A pre start check for nesting bird should be carried out by a suitably qualified person prior to any construction works commencing; Otter – Note the contents of the report and advise that mitigation is implemented; Red squirrel – pre-start check for RS activity.

Access Officer: No response to date.

HSE (dated 10/2/20): HSE does not advise on safety grounds against the granting of planning permission in this case.

West of Scotland Archaeology Service (dated 27/2/20): This application lies in a reasonably rich landscape populated with recorded archaeological sites of prehistoric and later periods. Since there is potential for more discoveries in this landscape, any new major piece of new ground disturbance stands a reasonable chance of encountering buried remains and hence some form of archaeological mitigation is required for the proposal. In order to effect this a condition relating to the archaeological issue should be placed on any consent granted by your Council.

Garelochhead Community Council (dated 23/7/20) – Object to the proposal. The objection is on the basis that the proposal fails to comply with many of the policies of the adopted LDP and doubts over the feasibility of the proposed heating system.

Environmental Health (dated 30/7/20): No objections in principle. Conditions recommended during the construction phase.

(E) PUBLICITY:

ADVERT TYPE:
Regulation 20 Advert Local Application
EXPIRY DATE: 12.03.2020

(F) REPRESENTATIONS:

A list of the names of all representees received is contained within Appendix 2 of this report. At the time of writing this report the numbers of representations were broken down as follows:

Objection: 1115

Representation: 6

Support: 2

The points of objection / representation are summarised below:

(i) Summary of issues raised

Policy Issues

The proposal is contrary to Scottish Government policies.

Comment: It is not considered that the proposal is contrary to Scottish Government Policy.

The proposal is contrary to the National Planning Framework 3 (NPF3)

Comment: It is not considered that the proposal is contrary to NPF3.

The proposal contravenes many of the policies and objectives of the Local Development Plan.

Comment: See assessment.

The proposal is contrary to the Firth of Clyde Seascape Assessment;

Comment: See assessment

Design and Layout

The density, scale, settlement and design pattern of the proposal appears urbanised and out of keeping with Portincaple's organic growth to date.

Comment: See assessment section B on location and design.

The extended terrace on the hillside and flat glazed frontages are out of character with the existing settlement.

Comment: See assessment section B on location and design.

The applicant's design statement and their planning report refer to 5 bed terraced houses being leased to the MOD to address its housing shortage to be developed as communal lodging units with shared facilities. These would effectively be hostels for the base and would be likely not only to be disruptive to the community structure but increase car ownership and road use considerably with travel at unsocial hours due to shift work.

Comment: Whilst these are HMOs in terms of Environmental Health legislation, the Town and Country Planning (Use Classes) (Scotland) Order 1997 defines a house (Class 9) as being the sole or main residence of a single person, or any number of persons living together as a family, or not more than 5 residents living together as a single household. These units are therefore being assessed as houses, however additional car parking has been allocated to each of the three units. The Area Roads officer has no objections to the proposal. It should be noted that while still considered to be a house under planning legislation an HMO licence will be required from Environmental Health.

The inclusion of this amount of housing in the density proposed will be to the detriment of the neighbours' residential amenity.

Comment: See assessment

Landscaping, manicuring and making a section of land public realm space removes the existing residential amenity of access to wild and ancient woodland.

Comment: Prior to the removal of R. ponticum access to this site would have been challenging due to the density of Rhododendron growth. The proposals would allow greater access and the landscaping proposals aim to manage and regenerate areas of native woodland surrounding the development.

The development would inject sudden and disproportionately excessive growth (>20%) into a settlement that has never experienced such growth before. The nature of the proposed growth introduces a new and contradictory development to the settlement by introducing: a style of housing (terraced) that does not currently exist; a form of housing (houses for multiple occupancy or HMOs) that does not currently exist; formal landscaped public realm space that does not currently exist; a formalised, stylised and manicured development (much more akin to a suburban development) that does not currently exist;

Comment: See assessment.

Portincaple is a minor settlement of 58 detached houses which are all individually sited within a defined plot of land. There are no terraced dwellings in the village.

Comment: See assessment.

The proposal would result in an increase in residents in the order of 79 people and a further 44 cars.

Comment: It is considered that this level of development can be accommodated without causing unacceptable effects on amenity.

The artist's impressions shows a strange form of grassland that does not exist in the west of Scotland.

Comment: A detailed landscape plan has been submitted in respect of this application which gives planting specifications. These are considered to be acceptable and appropriate for the site.

The development would not sit well beside the Arts and Crafts Listed building.

Comment: See assessment.

Landscape / Seascape

The proposal would have an adverse impact of the Area of Panoramic Quality (APQ) within which Portincaple is located.

Comment: See assessment.

Concerns about the reflection increasing the visual impact of the built environment on this shoreline environment.

Comment: See assessment.

Section 2 of the Council's supplementary guidance offers advice specifically in relation to APQs and states that "within these areas the impact on landscape is a major consideration when new development is proposed" and suggest that any

APQ will have a Landscape Capacity Study (LCS) produced to address this issue. Where is this study?

Comment: The SNH Landscape Assessment of Argyll and Firth of Clyde and the Landscape / Seascape Assessment of the Firth of Clyde have both been considered prior to making a recommendation on this application.

The proposal would be contrary to the Firth of Clyde Marine Spatial Plan and in particular the section that deals with Loch Long.

Comment: See assessment.

Biodiversity

The applicant has not completed a biodiversity checklist;

Comment: A Biodiversity checklist was requested and was subsequently submitted.

The preliminary ecological appraisal and phase 1 habitat survey undertaken for the screening application is still the only survey undertaken. This was undertaken at the wrong time of year and there were no follow up visits.

Comment: Follow up surveys are required prior to the commencement of development.

Otter scat was positively identified but is dismissed as being old and therefore irrelevant.

Comment: Follow up surveys are required prior to the commencement of development.

No local knowledge was taken into account. Locals are aware of pine martins, otters, black grouse, red deer, water voles and red squirrels.

Comment: All letters of representation have been taken into account prior to reaching recommendation on this application. The Biodiversity Officer has been made aware of the representations which relate to biodiversity and protected species.

In order to provide definitive information relating to the presence or likely absence, several visits to the site and wider study area would typically be required. Following the clearance of the site this study was null and void and at this juncture, without follow-up, is now worthless and irrelevant.

Comment: Follow up surveys are required prior to the commencement of development. The Council's Biodiversity is content with information and proposed mitigation.

The proposal would result in the loss of semi-natural ancient woodland.

Comment: See assessment.

The developer has already felled a number of trees and more would need to be felled to make way for the development.

Comment: See assessment.

The soil is heavily peat based and is estimated to hold a valuable 41.5% carbon capture.

Comment: The applicant's commissioned Site Investigation report has indicated that the soil is not heavily peat based.

The floating pads in the loch may contain refrigerant as the technology is a reverse air conditioning system. If there was to be a rupture it could have devastating consequences on marine life.

Comment: This is a closed loop system. A condition is proposed requiring full details of the design is proposed. This element of the proposal will also be considered by Marine Scotland as a Marine Licence will be required.

The loch source heat pump may have an adverse impact on Priority Marine Features within Loch Long.

Comment: A condition is proposed to address this issue. In addition a Marine Licence will be required for this element of the proposal.

Despite the denials of the Textrix Survey, Portincapple is home to the Scottish Bluebell and rare lichens, otters, European long eared bats, red squirrels, barn and tawny owls, greater crested newts, pine martins, badgers, curlews, oystercatchers, red deer and is the only known location of an ancient sea squirt *Styela Gelatinosa* recorded at the junction of Loch Goil and Loch Long.

Comment: The Council's Biodiversity Officer is satisfied with the supporting information submitted by Tetrix Ecology.

Loch Long is an inappropriate location for the proposed heating system due to the sensitivity of the sea bed and the presence of a very rare sea squirt.

Comment: The applicant's ecologist has advised that the Loch Goil Sea Squirt is not afforded any specific protection under The Wildlife and Countryside Act 1981 (as amended) however as recommended by the ecologist a condition is recommended requiring a Construction Environmental Management Plan (CEMP) which will address pollution prevention controls during construction.

The area is designated as one of six Shellfish Water Protected Areas (SWPA) in Scotland (Clyde Marine Plan (2017) which suggests that a serious rethink is required for much of the proposal.

Comment: The water source heat pump will require a Marine Licence and Marine Scotland will therefore consider this issue.

Amenity

The site is an area enjoyed by the community in walks through the landscape and adjacent beach and foreshore.

The site is referred to locally as "The Fairy Glen" and has been loved and played in by generations of children.

Comment: This point is noted, however, the proposed development will make the site and loch more accessible

The site has been referenced by Queen Victoria on a number of occasions in her Highland Diaries.

Comment: This point is noted.

There is no street lighting in Portincaple. Portincaple enjoys this lack of light pollution.

Comment: Due to the location of this development no street lighting is proposed.

The area should be designated as an open space protection area.

Comment: This would be a matter for a future Local Development Plan. Currently the site is designated as settlement within the adopted LDP.

The proposed tree planting takes no account of the loss of light to existing properties once the trees reach maturity.

Comment: It is not considered that the proposed trees will be closed enough to existing dwellings to cause a significant loss of light issue.

The car park for the proposed houses back on to existing properties.

Comment: It is not considered that the visitor parking will adversely affect the amenity of these properties.

The development as proposed will see Portincaple lose its identity as a minor settlement if the applicant is allowed to turn it into a tourist destination.

Comment: It is not considered that 12 houses would constitute a tourist destination.

Trees

The developer has already cut down 61 trees despite the assertion that no trees were cut down.

Comment: This claim is unsubstantiated.

The proposal would result in the loss of semi-natural ancient woodland.

Comment: See assessment

Roads / Transport

SPP 17 Planning for Transport states that when an assessment of a development proposal is being considered, then permission should not be granted for significant travel generating proposals.

Comment: The Area Roads Officer has offered no objections to the proposal.

This proposal with 44 parking spaces will increase the traffic flow in Portincaple by a further c79 people and c44 cars against the current population of 120 residents and 58 cars. This figure could be significantly increased if the 3x 5 cabin houses consist of shift working MOD staff with 24/7 journeys to and from the base.

Comment: The Area Roads Officer has offered no objections to the proposal. Additional parking is proposed to serve the 5 cabin houses.

A Traffic Assessment should be submitted by the developer to clarify the significant effects the proposal will have on the environment.

Comment: The Area Roads Officer has not requested additional information and is satisfied with the proposal subject to the imposition of conditions.

If the development was to go ahead it would be accessed via a single track road only, over two small bridges which would be contrary to policy LDP 11.

Comment: The Area Roads Officer has offered no objections to the proposal and subject to the proposed conditions the proposal would not be contrary to Policy LDP 11.

Portincaple has no public transport and the development would rely on private transport journeys to operate.

Comment: This point is noted, however, should a bus service become feasible in the future the road layout of the new development would allow a bus to turn.

The proposal is 2.5 miles from the key settlement of Garelochhead and has no safe walking route between the two.

Comment: This is accepted. However this would not constitute a reason for the refusal of this application.

There are no pavements or safe walking routes. Feuins Road is used for walking and children cycling. The proposed development will make Feuins Road less safe for these purposes.

Comment: The Area Roads Officer has offered no objections to the proposal.

The entrance to Portincaple is almost a hair-pin where two vehicles cannot pass due to space and line of sight. The junction is unsafe for the amount of excess traffic the proposed development will bring.

Comment: The Area Roads Officer has offered no objections to the proposal.

Is the current road alignment at the junction of Feuins Road to the A814 considered safe and suitable to handle the increased construction and residential traffic.

Comment: The Area Roads Officer has offered no objections to the proposal.

The first bend on Feuins Road is sharp and blind. This is another point on the road where accidents occur. The most recent accident was on the 13th February when the Post Office van went off the road and into trees.

Comment: The Area Roads Officer has offered no objections to the proposal.

The two existing bridges may not be suitable to accommodate the increase in traffic. They have been displaying cracks inside the arches and on outer walls and these have appeared over the last 15 years.

Comment: A planning condition is proposed which requires the bridges and culverts to be inspected prior to the commencement of development. This will allow any damage caused during the construction phase to be identified.

Feuins Road is of a single track nature and there is no room to widen or add passing places.

Comment: The Area Roads Officer has offered no objections to the proposal.

The proposed new section of road would only suitably benefit the proposed development. The existing private access is adequate for the 10 houses it serves.

Comment: The proposed new section of public road would be available for all to use.

How are the Council going to ensure that the roads are made good during and after construction.

Comment: A condition is proposed requiring a pre-commencement survey of the road and post development restoration

No evidence has been submitted that walking routes and cycle paths will be made available and there is no indication that public transport will be provided.

Comment: Footpaths are shown on the Landscape Strategy Plan. The proposed development would facilitate bus turning should this become feasible in the future.

The proposed access is an unnecessary addition to that which currently exists any will negatively impact on the privacy of many residents.

Comment: The proposed realigned access is necessary in order to provide a road which can be constructed to adoptable standard. It is not considered that this would adversely affect privacy.

Concern that the access to Woodside will be adversely affected by the new road.

Comment: It is not considered that this property would be adversely affected by the new road.

The application should be refused on the grounds that there are no transport links apart from the service of a dial a bus which has difficulty manoeuvring through the village when cars are parked on the road due to inclement weather.

Comment: The new development would facilitate bus turning should a bus service become viable in the future.

Affordable Housing

It is unacceptable for the applicant to subvert the requirement for “affordable” housing by building for a pre-agreed leasehold for the armed forces. The requirement to build “affordable” houses in communities is designed to address the problem of high house prices for local families and the drift of less well-off families to the towns, not to serve the aspirations of HMNB.

Comment: As a result of further discussions through the processing of this planning application, the applicant has agreed to provide a commuted sum for affordable housing.

Multiple occupancy housing would be out of keeping with Portincaple.

Comment: The proposed houses would not constitute multiple occupancy housing in terms of planning legislation. The 3, 5 bed houses would however require an HMO licence. The Navy has identified that there is a need for these types of units due to the ongoing expansion of HMNB Clyde, The site is less than 4 miles from

Faslane and it considered a suitable location. The houses have been designed in a manner which is sympathetic to Portincaple and additional car parking spaces have been allocated to each of the three dwellings.

Other

The MEP supporting document refers to commercial activity. What commercial activity has been deliberately or otherwise omitted from the Masterplan.

Comment: There is no commercial activity proposed. The applicant had previously considered commercial elements to the proposal but these do not form part of this submission.

It is obvious that this is stage 1 of a multi stage development.

Comment: The planning authority is required to consider the application submitted. Any future applications would be considered on their merits.

The site is located within a SEPA flood zone.

Comments: SEPA and the Council's Flood Alleviation Advisor have offered no objections on flooding grounds. The flood area is close to the shore while the houses are being constructed at a much higher level (between 18 – 22 AOD)

The tree planting scheme is vague.

Comment: The tree planting scheme is considered to be acceptable.

The site plan doesn't show any clear access to the shore from the development site, how will this development improve access.

Comment: A series of paths are shown on the Landscape Strategy Plan.

It is possible that all of the houses will be used as short term holiday lets.

Comment: The applicant has not indicated that this is what is intended. A Section 75 agreement is proposed to ensure that houses T1, T2 and T3 as shown on the approved site layout drawing shall be either let or sold to the Royal Navy / MOD to be used as accommodation for Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde or let directly to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde.

The Council should consider designating Portincaple as short term let control area.

Comment: This is not an issue which can be considered through the processing of this planning application.

The proposal would provide no community benefit for the local community.

Comment: The applicant believes that there a number of aspects of this development which would benefit the community such as public seating areas and access to the water. It is contended that access to the site was previously seriously hampered by invasive R. ponticum.

The proposal would result in changes to the nature of the settlement from residential with occasional visitors into a formal designated tourist destination.

Comment: It is not considered that the erection of 12 houses would constitute a formal designated tourist destination.

The submission provides a limited and inaccurate cultural awareness of local history.

Comment: This point of view is noted.

Scottish Water has stipulated that more than 10 dwellings require a pre-development enquiry. Has this been completed and considered?

Comment: This is a separate process between Scottish Water and the applicant.

There is an issue with a private developer retaining control of the proposed heating system. This would leave residents vulnerable to increasing tariffs and system failure.

Comment: This is not material to the determination of this planning application.

The district heating system does not provide the detail required by policy LDP 6 in relation to renewable energy generation.

Comment: The principle of a low carbon heating system is considered acceptable, however, a condition is proposed seeking further details prior to its implementation. The water source heating system will also require a Marine Licence.

The proposal will remove evidence of historic tracks which are located within the site.

Comment: There are no core paths located within the site. The land is more accessible since the Rhododendron clearance.

The proposal does not meet the need to reduce the impact of climate change as it relies on car journeys to function.

Comment: There is currently no public transport serving Portincaple. The proposed development would however facilitate the introduction of a bus service should this be considered appropriate in the future as it would allow turning.

Procedural

The development has been noted as Holiday Camps and Sites on Argyll and Bute Council documentation.

Comment: This was an error in a consultation template. This has since been updated and clarified with consultees.

With regard to the previous screening opinion sufficient attention was not paid to the overriding requirement that the planning authority should consider whether the proposed development is likely to have significant effects on the environment by factors such as its nature, size and location.

Comment: The screening opinion was subject to a third party screening direction request. The Scottish Government concluded that the screening opinion issued by the Council appears comprehensive and it has considered and identified

relevant issues, and potential effects. The conclusions reached in the screening opinion are not unreasonable.

The application has omitted to consult Garelochhead Community Council, Woodland Trust Scotland, SNH, INEOS (Finnart) , MOD and Building Standards.

Comment: Garelochhead Community Council and the MOD have been consulted. The others are not statutory consultees for this application.

SNH should be consulted in relation to the Priority Marine Feature in Loch Long.

Comment: SNH provides advice to planning authorities on when they should be consulted on planning applications. The presence of PMFs does not fall within the remit for consultation. This advice is available on the SNH website. SNH however provides standing advice on their website and this has been considered in the processing of this application.

The developer has indicated that he has had dialogue with and support from the Council for some time. If the developer's assertion is correct, it explains the catalogue of errors and obfuscation exhibited by the Council: starting with the Screening Opinion, through to inactivity with Tree Preservation Orders, FOI responses etc

Comment: The developer has engaged in pre application enquiries with the planning service. This is an option open to any developer subject to an online submission and a fee being paid. Pre-application advice is the informal view of officers and non-binding. It is based on information provided and issued with the caveat that the Council will also require to take into account views of consultees and third parties in the event of a formal application being submitted.

There is an assortment of documents on the planning portal which do not relate clearly to the lodged application. These appear to relate to a much larger development. This has led to confusion about what is the real proposal.

Comment: The applicant has previously considered a larger development for this site and some of the documents initially submitted contained reference to this. This issues was rectified by the agent.

There is confusion between the development description given in the screening request and the proposal in the current application.

Comment: Two screening opinions have been issued in respect of this site; one for a larger development which did not progress beyond pre-application discussion stage and has not been the subject of a subsequent planning application and a more recent screening opinion issued for 12 dwellings which relates to the proposal currently under consideration.

This is a medium scale development and no sustainability checklist has been submitted with the application.

Comment: During the processing of the application a sustainability checklist was requested and subsequently submitted.

There is concern that the Council withheld information in terms of a Freedom of Information (FOI) request.

Comment: This is not a material planning consideration. At the time of the FOI enquiry there was an opportunity for the requester to request a review.

Councillor Iain Shonny Paterson – Objects to the application on the following grounds:

Portincaple is a small rural settlement , this application is out of proportion and design , and is not on a list of sites identified for development in the LDP;

The village sits in a site of Ancient woodland which should be preserved along with the plant and wild life which inhabit this woodland;

The impact of this development will have a severe impact on the landscape, which will outweigh any social or environmental benefits.

Jackie Baillie MSP

I would be grateful if you would consider deferring the discretionary pre-determination hearing until such time that the hearing can go ahead publicly and in person safely.

Brendan O’Hara MP – objects to the application on the following grounds:

The development would be out of scale with Portincaple;

Adverse impacts on ancient woodland;

Adverse impacts on the Area of Panoramic Quality:

It can be seen from the drawing that further phases are planned which will eventually double the size of the village.

The proposed development offers no community benefit;

The development will result in the potential loss of 11 acres of woodland.

It is understood that over 200 trees have already been felled as part of the Rhododendron clearance;

The development will overshadow current buildings including Inverallt which is listed.

The development is likely to generate a significant increase in the number of trips required by car.

Comments: These issues are covered by the comments above and in the assessment of this application.

Support

The points in support are summarised as follows:

There is a great deal of social media comment relating to this application but much of it seems of dubious provenance.

It is considered that the supporting document is well researched and accurate.

The proposed heating system is positive for global warming.

The scale of the development is correct for this location.

Comment: These points are noted.

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

(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
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

Supporting Planning Statement MH Planning Associates

Design Statement, January 2020

Preliminary Ecological Appraisal, Tetrix Ecology dated 20th Feb 2019

Energy and Sustainability Feasibility Study, Rambol, dated Jan 2020

Tree Survey, The Tree Inspector dated 30th Jan 2019

Existing and proposed montages

Existing and proposed aerial 3D productions

Planning Gain 1 – Lost History of Portincaple Re-discovered

Planning Gain 2 – Invasive Rhododendron Eradicated from the Site

Planning Gain 3 – The Lost Connection to the Water will be Restored

Planning Gain 4 – Road Improvement and Safety

Planning Gain 5 – Woodland Creation & Biodiversity Re-established

Planning Gain 6 – New Open Space and Access to Water

Planning Gain 7 – Construction of a Ground Breaking District Heating System

Planning Gain 8 – New Highly Sustainable Exemplar Houses

Planning Gain 9 – Land for Bus Turning and Connection to Existing Core Paths.

Submitted Letter Addressing Objections

Sustainability Checklist

Drover's Landing MEP Feasibility Report, Ramboll

Tree Survey and Report, C. A. Calvey Arboriculturalist

Woodland Management Plan, C. A. Calvey Arboriculturalist

Arboricultural Response to objections of development and woodland restoration,

C. A. Calvey Arboriculturalist

Preliminary Ecological Appraisal, Tetrix Ecology

Otter Walkover Survey, Tetrix Ecology

Biodiversity Checklist, Tetrix Ecology

Biodiversity Checklist additional information, Tetrix Ecology

Woodland Statement, Tetrix Ecology

Information on Great Crested Newt, Tetrix Ecology

Loch Goil Sea Squirt Letter, Tetrix Ecology

Bat PRA & Invasive Native Species Survey, Wild Surveys

Portincaple Landscape Strategy, TGP Landscape Architects

Portincaple Landscape Strategy Masterplan, TGP Landscape Architects

Portincaple Landscape Strategy Planting Plan, TGP Landscape Architects

Statement: SG LDP HOU 2 - Special Needs Access Provision in Housing

Developments

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: Yes

A section 75 agreement is required in order to secure a commuted sum for affordable housing and to ensure that the three houses each with 5 single rooms are utilised by Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde.

Section 75 Heads of Terms

Affordable Housing

- The 12 unit proposal would require a payment towards 3 affordable units;
- The payment for each unit would be £24,000;
- The commuted sum will be used to fund affordable housing development in the Helensburgh and Lomond Housing Market area.
- The payment would be phased as follows:

Prior to starting to construct the 7th dwelling, 50% of the total amount would be payable;

Prior to the occupation of the 10th dwelling, the remaining 50% would be payable.

Housing which caters for an identified need:

That houses T1, T2 and T3 as shown on the approved site layout drawing shall be either let or sold to the Royal Navy / MOD to be used as accommodation for Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde or let directly to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde. This shall apply for a period of 5 years from the date of this planning permission.

Reason for refusal in the event that the section 75 agreement is not concluded within four months:

The proposal is for medium scale development within a village / minor settlement. An exceptional case has been accepted that the proposal would help to deliver affordable housing and meet a particular housing need. Without these aspects the proposal would be unacceptable and contrary to section (D) of policy SG LDP HOU 1. In addition the proposal would be contrary to section (C) of Policy SG LDP HOU 1 which states that "Housing Developments of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. Supplementary Guidance Delivery of Affordable Housing provides more detail on where the affordable housing is

required and how it should be delivered follows on from this policy” In this instance following the sequential consideration of options it was considered that a commuted sum was acceptable and required for this site.

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

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

Policy LDP 6 – Supporting the Sustainable Growth of Renewables

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

Supplementary Guidance

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

SG LDP ENV 6 – Development Impact on Trees / Woodland

SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 11 – Protection of Soil and Peat Resources

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP CST 1 - Coastal Development

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP HOU 2 – Special Needs Access Provision in Housing Developments

SG LDP PG 1 – Planning Gain

SG LDP BAD 1 – Bad Neighbour Development

SG LDP Sustainable Sustainable Siting and Design Principles

Delivery of Affordable Housing
SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development

SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP SERV 8 – Development in the Vicinity of Notifiable Installations

SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
Access and Parking Standards

SG LDP DEP 1 – Departures to the Local Development Plan

(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 3/2013.

Scottish Planning Policy 2014
SNH Landscape Assessment of Argyll and Firth of Clyde 1996
Landscape / Seascape Assessment of the Firth of Clyde 2013
Argyll and Bute Proposed Local Development Plan 2 November 2019
Argyll and Bute Sustainable Design Guidance (2006)
Argyll and Bute Biodiversity Action Plan (2017)
Technical Note 3: Houses in Multiple Occupation, April 2019
Historic Environment Policy for Scotland 2019
Managing Change in the Historic Environment: Setting 2016

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

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

(M) Has a sustainability check list been submitted: Yes

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

(O) Requirement for a hearing (PAN41 or other): Yes

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and is shortly due to be replaced by LDP2.

At the time of writing the report for this application it has attracted over 1100 objections and 2 expressions of support. Garelochhead Community Council has also objected to the application. Given the level of interest in the application and the nature and number of issues raised, it is considered that there would be merit in holding a pre-determination Local Hearing to allow Members to visit the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

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

This application is for the erection of 12 dwellings within the settlement boundary of Portincaple. Associated works include the formation of a new public road, the installation of a low carbon district heating scheme by means of a closed loop water source heat pump along with hard and soft landscaping.

This is a standalone planning application which does not form part of greater proposal or masterplan. Any future planning applications submitted in the vicinity would be considered on their merits against the policies of the development plan and other material considerations.

The main determining issues relating to this application relate to the principle of medium scale development in a minor settlement, the acceptability of the siting and design of the proposed development, access, flooding/drainage and impacts on biodiversity and

protected species, trees and the landscape which is designated as an Area of Panoramic Quality.

The proposal has been assessed as being a minor but justifiable departure from Policy DM1 due to the scale of development proposed. It accords with all other LDP policies and there are no other adverse material considerations which would indicate that planning permission should be refused.

(Q) Is the proposal consistent with the Development Plan: No, the proposal is a minor departure from Policy DM1.

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

The proposal is considered to be a justifiable minor departure for Policy DM1 of the Argyll and Bute Local Development Plan adopted March 2015 (see Section (S) below). It accords with all other LDP policies and there are no other adverse material considerations which would indicate that planning permission should be refused.

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

The proposal is considered to be a minor departure from Policy DM1 – Development within the Development Management Zones of the Argyll and Bute Local Development Plan adopted March 2015. This is because it involves a medium scale residential development within a settlement classified as village / minor settlement within the LDP. Within village / minor settlements only small scale development is supported which in terms of dwellings equates to a maximum of five units. It is considered that this site is capable of accommodating the scale of development proposed without detriment to the amenity of the surrounding area. There would be nothing to prevent the applicant from applying for this proposal in separate planning applications in groups of 5 houses or less. Experience gathered over the term of the existing plan has shown that this has happened in other locations. This piecemeal approach to development has the potential to result in poorly

coordinated schemes with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing.

Whilst supplementary guidance policy SG LDP HOU 1 would normally presume against medium scale housing development in villages / minor settlement an exceptional case has been demonstrated that the proposal would not only provide money for affordable housing by means of a commuted sum but would also result in the provision of housing to serve an identified housing need. In this respect within the explanation of the policy objectives of policy SG LDP HOU1 para 1.1.3 states “Where the proposal involves large-scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.” The identified housing need relates to the Ministry of Defence’s Maritime Change programme which has resulted in all UK submarine operations being delivered from the Clyde. This has created a need for housing for military personnel and houses will be made available within this development specifically for this purpose.

In these circumstances it is considered that there are compelling and justifiable reasons to approve this application as a minor departure from Policy DM1.

Policy SG LDP DEP 1 seeks to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material considerations so justify. Taking account of the above reasoning it is considered that a minor departure is justified and in accordance with this policy.

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required.

Author of Report: Sandra Davies

Date: 03/08/2020

Reviewing Officer: Fergus Murray

Date: 10/08/2020

Fergus Murray

Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.20/00094/PP

- The development shall be implemented in accordance with the details specified on the application form dated 17/01/2020, 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	D 100		7/2/20
Site Layout	D 001	A	7/2/20
Ground Floor Plan GA	D 003		7/2/20
First Floor Plan GA	D 004		7/2/20
Second Floor and Roof Plan GA	D005		7/2/20
Site Sections	D 006		7/2/20
House Type 1 Terraced – Ground Floor Plans and Elevations	D 007		7/2/20
House Type 1 Terraced – First and Second Floor Plans and Elevations	D008		7/2/20
House Type 2 Semi Detached – Ground Floor and Elevations	D009		7/2/20
House Type 2 Semi Detached – First and Second Floor Plans and Elevations	D 010		7/2/20
House Type 3 – Detached – Ground Floor Plan and Elevations	D 011		7/2/20
House Type 3 – Detached – First Floor and Roof Plans	D 012		7/2/20
Road Layout	12864-01	D	7/2/20
Road Sections	12864-02	B	28/2/20
Drainage Layout	12864-03	D	17/7/20
Portincaple Landscape Strategy Masterplan	1998 L01	C (003)	28/5/20
Portincaple Landscape Strategy Planting Plan	1998 L02	A (003)	28/5/20

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

2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

3. Prior to the commencement of development, full details of the proposed realignment to the private access shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager. Thereafter the proposed realignment shall be carried out in accordance with these details and shall be completed prior to the construction of the first dwelling house.

Reason: In the interests of road safety and to ensure the development is served by a public road.

4. Prior to the commencement of development, a full inspection and engineering report of the road surface, the existing bridges and culvert structures along the full length of Feuins Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager. Following completion of development a further inspection of these areas shall be undertaken in consultation with the Council's Road Network Manager. Any deterioration identified as being caused by construction traffic shall be made good by the developer within 12 months of the completion of the last house.

Reason: In order to ensure that there is baseline information available prior to the commencement of development to assist identification of deterioration as a result of the construction traffic associated with the development and thereafter to ensure that any damage is rectified.

5. Prior to the construction of any houses, a visibility sightline of 2.4 x 25 x 1.05 metre shall be provided at the junction of the improved private access (new section of public road) and the new road serving the development and maintained in perpetuity.

Reason: In the interests of road safety.

6. Parking for each dwelling house shall be constructed prior to occupation of the dwelling house for which the parking is intended. The gradient of the driveways shall be no greater than 5% for first 5 metres and an absolute maximum 12.5% thereafter.

Reason: In the interests of road safety.

7. The new culvert to be designed in accordance with CIRIA C689 and convey the 1 in 200 year flow with climate change allowance plus a 0.6 m freeboard. Full details of which shall be submitted to and approved in writing by the planning authority.

Reason: In the interests of flood prevention.

8. Prior to the commencement of development full details of the finish to the inlet and outlet of the culvert face shall be submitted to and agreed in writing by the planning authority in consultation with the Area Roads Manager.

Reason: In order to ensure that the external appearance of the culvert is in keeping with the rural settlement and Area of Panoramic Quality.

9. Prior to the commencement of development drainage calculations to demonstrate the capacity of the surface water drainage including exceedance information shall be submitted to and approved in writing by the planning authority. e.g. Sewers for Scotland requires design to a 1 in 30 year event plus 30% climate change allowance, with testing on a 1 in 200 year event plus 30% climate change allowance. Thereafter development shall be carried out in accordance with these details unless otherwise agreed by the planning authority.

Reason: In the interests of flood prevention.

10. Prior to the commencement of development surface water drainage calculations in line with Sewers for Scotland 4th Edition shall be submitted to and approved in writing by the planning authority. Thereafter development shall be carried out in accordance with these details unless otherwise agreed by the planning authority.

Reason: In the interests of flood prevention

11. Prior to the commencement of development full details of the maintenance arrangements for the proposed surface water drainage system shall be submitted to and approved in writing by the planning authority. Thereafter the surface water drainage system shall be maintained in accordance with these details.

Reason: In the interests of flood prevention

12. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

13. No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

14. Prior to the commencement of development full details of any proposed re-contouring of the site by means of existing and proposed ground levels shall be submitted to and approved in writing by the planning authority.

Reason: To enable the planning authority to consider this issue in detail.

15. The landscaping of the site shall be carried out in accordance with the submitted Landscape Strategy Masterplan and Landscape Strategy Planting Plan Rev. A produced by TGP Landscape Architects unless otherwise agreed in writing with the planning authority. The landscaping scheme shall be completed during the first planting season following the first occupation of development.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

16. No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWP) have been submitted to and approved in writing by the Planning Authority. The CEMP shall be overseen by an Ecological Clerk of Works (ECOW) and shall cover the following details:
- (a) No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".
- Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.
- (b) Prior to the commencement of development an updated habitat survey shall be carried out, the findings of which shall be submitted to and approved in writing with the planning authority.
- (c) If tree works are proposed during the bird nesting season (March – August inclusive) a pre-commencement inspection for active bird nests should be carried out by a suitably qualified person. Only if there are no active nests present should works proceed.
- (d) Otter mitigation shall be undertaken in accordance with the recommendations contained within the Walkover Survey for Eurasian Otters (WSEO) dated 8/2/19 produced by Tetrix Ecology, namely:
- An ecological toolbox talk will be presented to all site contractors as part of their pre-works site induction in accordance with the methodology detailed in the WSEO;

- The generic mitigation measures as detailed in the WSEO.
 - The specific mitigation measures
 - An additional otter survey shall be undertaken in late spring / early summer to account for the temporal use of the site and wider area by otters.
 - Where the species data is older than 18 months, the reported baseline should be updated by further survey work.
- (e) If any of the trees which have been identified as being suitable for bats are to be removed between May-September, a further inspection of these trees shall be carried out by a licensed Bat worker prior to their removal. A European Protected Species Licence will need to be acquired from Scottish Natural Heritage in order for the bats to be translocated by a licenced Bat Worker.
- (f) An ecological toolbox talk on bats and what to do if bats or field signs of bats are encountered shall be presented to all site contractors as part of their pre-works site induction.
- (h) As no evidence of Red Squirrel were recorded in this woodland, it is important to avoid risk of an offence. The applicant is required to carry out a pre-construction check of the site to determine the presence of this protected species. The pre-construction check should follow Scottish Natural Heritage advice as they are the licencing authority:
<https://www.nature.scot/sites/default/files/2018-09/Species%20Planning%20Advice%20-%20red%20squirrel.pdf>

Further information can be found in the Biodiversity Technical Note in terms of surveys and mitigation calendars Page 20 and 21: https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf

- (i) The woodland is dominated by Pedunculate Oak and some Birch which was subject to a clearance programme where the focus was on Rhododendron ponticum (Rp) an Invasive Non Native Species (INNS), a watching brief should be maintained in relation to Rp re-emergence and factor in control measures for Japanese knotweed and Himalayan balsam.
 An INNS Eradication Plan should be included in the CEMP ready for implementation.
- (j) Details of pollution controls during construction.

Reason: In order avoid, minimise or mitigate effects on the environment and surrounding area.

17. The areas of woodland associated with the development shall be managed in accordance with the submitted Woodland Management Plan dated 22nd May 2020 prepared by The Tree Inspector (Scotland).

Reason: In order to ensure the future management of the trees.

18. No development shall commence until samples of materials to be used in the construction of the dwelling houses hereby approved have been submitted to and approved in writing

by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

19. No development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to an approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

20. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

21. No development shall commence until full details of the final design of the closed loop water source district heating system are submitted to and approved in writing. This shall include an assessment of any impacts on Priority Marine Features and shall include details of a pre-commencement survey and details of any mitigation required. Thereafter the development shall be carried out in accordance with these details unless otherwise agreed in writing with the planning authority.

Reason: To ensure that any works will be carried out in a manner to mitigate any potential impacts.

23. That prior to the occupation of the 12th dwelling house full details of bird and bat boxes to be installed on established trees shall be submitted to and approved in writing by the planning authority. This shall include details of the design of the boxes and their proposed location within the woodland and a timescale for their installation.

Reason: In the interests of biodiversity.

24. No construction activity shall be undertaken outwith the following times unless otherwise agreed with the planning authority in consultation with Environmental Health:

8:00am and 6:00pm, Monday to Friday inclusive,
and 8:00am and 1:30pm on a Saturday
and at no time on a Sunday or Public/Bank Holiday.

Pile breaking-out, pile reduction work and rock or concrete break-out and removal carried out using powered percussive equipment, shall only be carried out between the hours of:

10:00am and 2:00pm Monday to Friday inclusive,
and 10:00am and 1:00pm on a Saturday,
and at no time on a Sunday or Public/Bank Holiday.

The best practicable means to reduce noise to a minimum, as defined in Section 72 of the Control of Pollution Act 1974, shall be employed at all times.

All plant and machinery in use, including mechanical plant for excavation, shall be properly silenced and maintained in accordance with the manufacturers' instructions and comply with the generic plant noise emissions in Code of Practice BS 5228: Part 1: 2009+A1 2014, Noise Control on Construction and Open Sites.

Diesel/petrol-powered electrical generators shall not be used on site unless it can be demonstrated that their use cannot reasonably be avoided and that a mains or temporary builder's electrical power supply is not available.

Reason: In the interests of protecting the amenity of the surrounding residential area during the construction phase.

25. No permission is given or implied for the pontoon indicated on the application site layout drawing D001A.

Reason: This does not form part of this planning application and a further application for planning permission would be required if the applicant wishes to proceed with this element of the proposal.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. It is recommended that the windows, although triple glazed, innermost pane (i.e. house side) be at least 6.8mm thick and incorporate a PVB interlayer in accordance with blast hazard mitigation measures. Thicker panes of laminated glass are also acceptable provided they contain a PVB thickness of at least 0.76mm.
5. The applicant should contact the Marine Scotland Licensing Operations Team directly to discuss the project in more detail. Scottish Government, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel: 0300 244 5045 Email MS.marinelicensing@gov.scot
6. Scottish Water has advised that the development proposals impact on Scottish Water Assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their 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.

7. The proposed road realignment to the existing private access road shall require the submission of an application for a roads construction consent. After subsequent approval a finance security road bond will be required to be lodged before any works commence on site. The shared surface road shall be constructed to an adoptable standard, this shall, require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00094/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the settlement boundary of Portincaple as defined by the adopted LDP. Policy LDP STRAT 1 requires developers to have regard to sustainable development principles when preparing planning application submissions. Some of the elements of this policy would not apply as there are no existing buildings on the site, however, other elements of the policy including the utilisation of public transport and active travel networks, biodiversity, landscape character and flooding have all been considered during the processing of this planning application. These issues are assessed more fully in this appendix against the more detailed supplementary guidance policies. In addition, a sustainability checklist has been completed for the proposed development.

Portincaple is defined as a village / minor settlement within the adopted LDP. The proposal is for 12 dwelling houses which is defined as medium scale within the adopted LDP. Medium scale is defined as between 6 and 30 dwelling units inclusive. Policy DM1 establishes the acceptable scales of development within each of the zones identified in the LDP. Within villages and minor settlements Policy DM1 is supportive of small scale development on appropriate sites. As 12 dwelling houses constitutes medium scale development the proposal is a departure from Policy DM1.

Policy SG LDP HOU1 under section D states that “housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development management zone in the justification for this supplementary guidance.” Within the justification paragraph 1.1.3 states “Where the proposal involves large-scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.

It is, however, considered that a development of this scale could be accommodated on this site without detriment to the amenity of the surrounding area. It is considered that there is capacity in the landscape for this scale of development and that the design of the proposal would respect the existing rural settlement character of Portincaple. More details on this aspect are contained within the Location, Nature and Design of Proposed Development and Landscape sections of this report. Other than breaching the 5 dwelling limit stipulated in the policy, there would be no other reason to resist the proposed development. There would be nothing to prevent the applicant from applying for this proposal in groups of 5 houses. Experience gathered over the term of the existing plan has shown that this has happened in other locations. This piecemeal approach to development has the potential to result in poorly coordinated schemes with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing. In addition, it is proposed that three of the houses each with five

single rooms will be made available to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde. While this does not meet with the criteria for affordable housing as defined by the LDP, it would satisfy a housing need in the area.

These circumstances have led the Council to propose changes to this policy in LDP2. All restrictions on scales and numbers have been removed and the issue of scale will be a matter of judgement based upon the characteristics of the site and other relevant LDP policies and material considerations. However, it should be noted that the LDP2 policy cannot currently be used in the assessment of this application as it has been subject to objection.

It is considered that an exceptional case has been demonstrated and that the policy would comply with policy SG LDP HOU 1. Subject to compliance with all other relevant policies in the adopted plan, it is considered that the proposal could be viewed as a minor and justifiable departure from Policy DM1.

B. Location, Nature and Design of Proposed Development

Policy LDP 9 – Development Setting, Layout and Design requires *inter alia* that development is sited and positioned so as to pay regard to the context within which it is located, that the layout and density shall effectively integrate with the urban, suburban or countryside setting, and that the design of the development is compatible with its surroundings.

The site which measures approximately 1.5 hectares is located within the settlement boundary of the minor settlement of Portincaple. The application site is bounded by settlement boundary to the north, east and south and by Loch Long to the west. The boundary of the Loch Lomond and the Trossachs National Park is located approximately 1km to the west across Loch Long. It is not considered that the proposed development of 12 dwellings within an established minor settlement would have any adverse impact on the setting of the National Park. There are three listed buildings within Portincaple. One at Inverallt immediately to the north west of the site and two at Dalriada approximately 0.5km from the site. There are a large number of intervening dwellings between the application site and Dalriada and it is not considered that the proposal would have any impact on the setting of these listed buildings. With regard to Inverallt which is category B listed, the proposed development will be located at a higher level whilst Inverallt is located on the coastline. The principal elevations of the listed building are orientated towards Loch Long with the closest house in the proposed development sitting behind this at a higher level approximately 16.7m from Inverallt. In these circumstances, it is not considered that the proposed development would have an adverse impact on the setting of the listed building. The proposal does not therefore contravene policy SG LDP ENV 16(a), Historic Environment Policy for Scotland (2019) and Managing Change in the Historic Environment (2016) which relate to developments which affect the settings of Listed Buildings.

This is a sloping site which has some frontage onto Loch Long. The site varies in level from approximately 30m AOD to sea level at the shoreline. The proposed houses would

be located around the 18m to 22m AOD range. Due to the sloping nature of the site, the houses would be split level. The proposed development would comprise:

6 no. terraced dwelling which would either be 5 bed cabins or 4 bed terraced houses;
4 no. semi- detached 4 bed houses;
2 detached 4/5 bed houses.

All of the houses would be located to the west side of the access road.

As a result of the sloping nature of the settlement of Portincaple, the pattern of development is currently a mix of detached properties at shore level, mid level and top level. The proposed development would be located in the mid level area at the northern end of the settlement and would look over the top of the lower level house and sit below the top level houses. It is not considered that the proposal would cause any overshadowing issues on the lower due to the distances involved and the intervening vegetation. The development would respect the natural contours of the site and would be split level and built into the landscape to avoid the need for unsightly underbuilding.

The proposal would introduce terraced and semi-detached properties of a contemporary design into Portincaple. The use of varying roof heights, intermittent pitched roofs and the use of render and timber would break up the elevations so they do not appear as a solid terrace. The development of this proposal would also facilitate public access with footpaths and seating areas proposed.

The agent has produced photomontages looking back towards Portincaple from Loch Long. This confirms that the pattern of development would be sympathetic to the landscape and existing pattern of development in Portincaple. The proposal would comply with the principles contained within Policy SG LDP Sustainable: Sustainable Siting and Design Principles.

Policy LDP 8 – Supporting the Strength of Our Communities is supportive of sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit. Further detail is provided within the supplementary guidance policies which relate to this LDP policy. Policy SG LDP HOU 2 provides further detail on special needs access in housing development.

Policy SG LDP HOU 2 requires development to make special needs access provision in housing developments. The applicant has provided a statement on this and has confirmed that the houses, parking and open space areas have been designed to be accessible and inclusive. It is considered that adequate provision has been made and that the proposal complies with policy SG LDP HOU 2.

C. Natural Environment

Policy LDP 3 requires that the Council assesses applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment. Supplementary guidance policy SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity add more detail to the LDP policy.

There are no statutory or non-statutory designated areas for nature conservation within the boundaries of the application site. A number of supporting documents have been submitted in relation to the natural environment.

A bat survey was undertaken on 22nd May 2020 and the 9th and 10th June 2020. There are no buildings or structures on the site which could accommodate bats and the purpose of the survey was to examine trees on the site which may be suitable for bats. The survey focussed on areas where trees would need to be removed to accommodate the development. Initially the survey identified a total of 13 trees which had features suitable for supporting roosting bats, however, during this inspection no bats or field signs were identified. Further inspection revealed that not all of the features were suitable and this reduced the number of suitable trees to nine. The report therefore concluded that nine of the trees were suitable for supporting individual roosting bats. It was therefore recommended that if these trees are to be removed between May and September a further inspection should be carried out by a licensed ecologist prior to their removal. It is also recommended that contractors are given a Tool Box Talk and made aware of bats and what to do if bats or field signs of bats are encountered.

An otter survey has also been undertaken. As this report contains confidential historical records and sensitive information regarding otter activity within the vicinity of Portincaple Tetrix Ecology has stated that this should not be made publicly available due to the fact that otters are sensitive to disturbance and are strictly protected by law. The report concludes that with the implementation of mitigation and recommendations detailed in the report there will be no predicted significant long term residual negative effects resulting from disturbance, fragmentation and potential pollution effects.

The Council's Biodiversity Officer has been consulted on this application and is satisfied with the supporting information subject to conditions. These conditions are proposed and it is considered that the proposal would accord with Policy LP ENV 1.

Policy SG LDP ENV 11 seeks to protect soil and peat resources. Some of the representations received have suggested that the proposal would have adverse impacts on peat. The applicant has provided details from the Site Investigation report which confirms that the ground conditions are almost entirely silty clay, sands and gravel with rock located at an average of 500mm below the surface. It is considered that there would only be small deposits of peat on this site, if at all. While some cut and fill is proposed the development would generally work with the contours of the site. It is therefore considered that the proposal would not have a significant adverse effect on soil resources and functions or peat structure or function and would not contravene policy SG LDP ENV 11.

D. Impact on Woodland/Access to Countryside.

Within the application site there are areas designated as being listed on the Ancient Woodland Inventory as Ancient Woodland of Semi-Natural Origin. The SNH website advises that in Scotland this comprises woodlands recorded as being of semi natural origin on either the 1750 Roy maps or the 1st Edition Ordnance Survey maps of 1860. Ancient semi-natural woodlands are important because they include all remnants of Scotland's original woodland and their flora and fauna may preserve elements of natural composition of the original Atlantic forests. In addition they usually have much richer wildlife than more recent woods. The application site is not uniformly covered in woodland and while there are trees on the site, there are also large clearings.

A supporting tree survey has identified that the trees on the site as predominantly oak although birch, rowan, holly, willow and ash are also present. The survey identified a

total of 188 trees with 89 being of moderate quality and 99 being of low or very low quality. In terms of the age of trees 26% were considered to be mature and 72% semi-mature to early mature. The tree survey notes that the natural tree regeneration on the site has been suppressed by the presence of invasive *Rhododendron ponticum*.

Policies LDP 3 and associated supplementary guidance policy SG LDP ENV 6 seek to protect trees / woodland. The policy states inter alia that "Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland / trees, including compensatory planting and management agreements." The supporting planning statement advises that the proposal will require the removal of 50 to 60 trees whilst the more recent Woodland Management Plan (WMP) suggests that 30 to 50 trees may need to be removed. Of these trees approximately 12 of "B" moderate quality would require removal at the north end of the development area and 8 "B" moderate quality trees would require to be removed at the south end. It is noted that the final number will be confirmed following a pre start construction survey. A condition is proposed requiring the submission of these details prior to the commencement of development.

The Woodland Management Plan (WMP) provides a framework to restore the amenity and biological values of the woodland to secure its long term viability as a whole. The WMP notes that the survival of the woodland in the long term will be dependent on managing the trees and keeping it clear of invasive species. The WMP proposes to restore the understorey of the woodland which is absent due to the presence of *R. ponticum*. This would involve planting small trees and shrubs as there are a good number of larger canopy trees already on the site. This would allow the recovery of the woodland flora which would give rise to invertebrate populations and subsequently encourage occupation by birds and small mammals. The WMP notes that it is the intention to fell as few trees as possible in line with the WMP. Where trees need to be felled they will be replaced on a 3:1 basis.

Taking account of the depleted condition of the existing trees due to the historical colonisation by *R. ponticum*, the proposals within the WMP for active management of the woodland and the proposed level compensatory planting, it is considered that on balance the proposed level of tree removal is acceptable. The end result for the trees and biodiversity is more positive with the above measures in place, therefore subject to the implementation of the woodland management plan, it is considered that the proposal would accord with policies LDP 3 and SG LDP ENV 6.

There are no core paths or Public Rights of Way crossing the site, however development is proposed in the vicinity of the foreshore. In this regard Policy SG LDP TRAN 1 requires that a loch side strip of land 4 metres wide should be provided between the shore and any area from which the developer intends to exclude the public such as gardens. The proposal complies with this requirement and has also included footpaths leading to the foreshore within the development.

E. Landscape Character

The site is located within an Area of Panoramic Quality. This is a local landscape designation and policies LDP 3 and SG LDP ENV 13 apply. This policy resists development where its scale, location or design would have a significant adverse impact on the character of the landscape. The policy also states that the highest standards in terms of location, siting, design, landscaping, boundary treatment will be required.

In terms of the Scottish Natural Heritage, Review No.78, Landscape Assessment of Argyll and the Firth of Clyde, Portincaple is located within a landscape type no. 5, Open Ridgeland. The key characteristics of this landscape type are listed as being:

- Broad, even slopes form rounded ridges and occasional steep summits;
- Upper slopes are predominantly open moorland with blocks of commercial forestry, patches of birch woodland and scrub.
- Marginal farmland confined to broader glens and loch fringes, with fields enclosed by stone walls and occasional shelter belts;
- Narrow strips of broadleaf woodland along burns and within steep, rocky gullies;
- Substantial, dark grey retaining walls and beech hedgerows emphasise contours and help to integrate settlements on lower slopes;
- Built development concentrates along very narrow shoreline strips.

A more recent landscape / seascape assessment was published in March 2013. The Loch Long section of this study sub-divides the loch in eight coastal character areas with Portincaple falling within the one entitled Finnart Oil Terminal to Coullport. The study notes that this stretch of coast is dominated by the large structures associated with the MOD site at Coullport and Finnart Oil Terminal. These sites are separated by a stretch of hill slope and extensive regenerating broadleaved woodland as well as the small village of Portincaple. The study further notes that Portincaple sits on an alluvial fan and that Clyde Steamers used to call at Portincaple.

Opportunities and guidance which relate to Portincaple are noted in the study as follows:

- There may be opportunities for additional housing associated with the alluvial fan at Portincaple;
- Modest, domestic scaled jetty or slipway structures could be located at Portincaple;
- The expansion of semi-natural woodland along this coast should be encouraged as it creates a unifying element which provides a context for development.

It is considered that the landscape has the capacity to absorb the scale of development proposed. The applicant has submitted a series of photomontages which demonstrate the landscape impact when looking towards Portincaple from Loch Long. This demonstrates that while some terraced houses have been introduced into Portincaple, these have been designed in such a way so as to break up their appearance through the use of materials and intermittent pitched roofs. The Council's Sustainable Design Guide advocates that new developments should include a range of housing types and sizes so that the scale and density varies through the development. It is considered that mixed developments help ensure a more sustainable community in the long term.

Until recently the existing trees within the site were choked with *R. ponticum*. Over the years this has compromised the regenerative capacity of the trees and the biodiversity value of the land. At present the site contains some woodland and some trees with open spaces between. The development of the site includes proposals to landscape the site.

Part of this would involve the restoration of the devalued woodland. The Woodland Management Plan anticipates that 320 new trees will be planted made up of a mix canopy species, understorey species and shrub species. Through time this will result in a regenerated broadleaved woodland with a greater biodiversity value.

Taking account of the above, it is considered that the erection of 12 houses and works to regenerate the native woodland would respect the character of the landscape and would accord with policies LDP 3 and SG LDP ENV 13.

F. Affordable Housing

Policy LDP 8 – Supporting the Strength of Our Communities is supportive of sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit. Further detail is provided within the supplementary guidance policies which relate to this LDP policy. Policy SG LDP HOU 1 provides further detail on the application of affordable housing along with the supplementary guidance on the delivery of affordable housing.

Policy SG LDP HOU 1 (General Housing Development Including Affordable Housing Provision) states that it is expected that housing development of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. The LDP provides supplementary guidance on the delivery of affordable housing and provides a sequential approach on how affordable housing should be delivered with the preferred method being the delivery of affordable housing on site.

The planning statement submitted in support of this application noted that three houses would be made available to the Navy to provide shared accommodation housing as part of the affordable housing provision. However, it is not considered that this would satisfy the usual definition of affordable housing, that it be a person's primary residence. During the processing of this application alternative ways of providing the affordable housing in accordance with the Council's policy which requires a sequential approach were investigated. The SG on the delivery of affordable housing states that it is normally expected that it will be fully integrated on site, only in exceptional circumstances, once the developer has demonstrated to the satisfaction of the planning authority that on site provision is not practicable will other options be considered.

The applicant has engaged with a Registered Social Landlord (Argyll Community Housing Association, ACHA), however, this approach was finally discounted because although ACHA were interested in principle, the timescales for potential funding were too distant in terms of the applicant's plans to develop the site. Portincapple is not identified within the current Strategic Housing Investment Plan (SHIP) therefore any funding to support provision by ACHA could be about two to three years away. However, the developer is keen to proceed with the housing required by HMNB Clyde for which there is an immediate need.

Taking account of the above, it was finally accepted by officers that the affordable housing requirement from the proposed development could be achieved by means of a commuted sum payable in lieu of the three units which are required from the proposed development. The commuted sum payable will be £24,000 per unit, and will result in £72,000 being made available to support the provision of affordable housing on other

sites within the Helensburgh and Lomond area. This accords with the LDP affordable housing guidance and policy SG LDP HOU 1. This also accords with policy SG LDP PG 1 in that the proposed planning gain is proportionate to the scale of the development and serves a planning purpose in accordance with the policy tests set out in Circular 3/2012 Planning obligations and Good Neighbour Agreements.

G. Archaeological Matters

Policy LDP 3 seeks to protect, conserve and where possible enhance the built, human and natural environment. Supplementary Guidance Policy SG LDP ENV 20 addresses development impact on sites of archaeological importance. The West of Scotland Archaeology Service (WoSAS) has submitted a consultation response on this application. The consultation letter notes that the area within which the application site is located is a reasonably rich landscape populated with recorded archaeological sites of prehistoric and later periods. WoSAS has advised that while there are no recorded archaeological sites within the application area, there is no reason to suppose that what has so far been recorded in the surrounding landscape represents the full sum of archaeological remains formed over many thousands of years.

Due to the potential for more discoveries on this land, WoSAS has recommend that should the Council be minded to approve this development an archaeological condition should be attached. Subject to the terms of this condition being complied with, it is considered that the proposal would accord with policies LDP 3 and SG LDP ENV 20.

H. Road Network, Parking and Associated Transport Matters.

Policy LDP 11 is supportive of development which seeks to maintain and improve internal and external connectivity. More detailed guidance on the application of this policy is contained within the Council's Supplementary Guidance.

Supplementary guidance policy SG LDP TRAN 4 requires that developments in excess of 5 dwellinghouses which do not form part of a housing court development are served by a public road. The entrance to the site is currently taken off an existing private access which runs from the termination of the adopted road and serves a number of dwellings within the northmost section of the Portincaple settlement. In accordance with this policy, it is proposed to extend the limit of the public road from where it currently ends in the vicinity of a property named Woodstock all the way in to the proposed site to serve the development. It is noted that the existing private access has in recent year been improved, however, these upgrades are not sufficient for the Council to add the road onto the list of public roads. Therefore, a section of the private access from outside the property known as Woodstock requires to be realigned to the junction with the new road serving the site in order to achieve gradients and widths which would be suitable for adoption. The Area Roads Officer has offers no objection to this proposal subject to conditions relating to road condition and culvert surveys, visibility splays, gradients and phasing.

A watercourse crosses the northern end of the site close to the access point. The installation of a culvert will be required as part of the adopted road. Culverts are

generally constructed of concrete and are often left unfinished giving the water course crossing a heavily engineered appearance. As this a rural settlement within an Area of Panoramic Quality a condition is proposed in order to ensure that the culvert is faced in a more appropriate material in keeping with the area.

Policy SG LDP TRAN 6 requires that developments adhere to parking standards specified in the Access and Parking supplementary guidance. The development complies fully with this and has gone beyond the requirements of the current LDP by also providing additional visitor parking and electric charging points.

Policy LP TRAN 2 requires development likely to generate significant levels of journeys to select and orientate development sites such that advantage can be taken of existing or potential public transport services to and from the locality. Within the explanation of the objectives of this policy it is stated that the focus is on large scale categories of development and in terms of dwellings this is 30 units or more. Notwithstanding that this is a medium scale development, the proposal would allow access and turning for a bus should such a service be introduced at some point in the future. The proposal would therefore accord with Policy LP TRAN 2.

Policy SG LDP TRAN 3 expects developments to make appropriate provision for special needs access. This includes provision for pedestrians and cyclists as well as access and turning for service vehicles. It also requires access requirements to accord with the Disability Act and equalities legislation. The Area Roads Officer is satisfied with the proposed layout and a turning area has been provided for service vehicles. In addition, the proposed houses would have an accessible parking space along with storage for bicycles. It is therefore considered that the proposal would accord with Policy SG LDP TRAN 3.

I. Infrastructure

Policy LDP 10 is supportive of development which seeks to maximise resources and reduce consumption while Policy LDP 11 seeks to maintain and improve our internal and external connectivity and make best use of existing infrastructure. In terms of infrastructure further information and details are provided within the SERV supplementary guidance policies which are considered below.

Policy SG LDP SERV 1 requires connection to a public sewer unless it is demonstrated that connection is not feasible for technical or economic reasons or that a Scottish Water waste water treatment plant is at capacity. Scottish Water has confirmed that there is no wastewater treatment plant in the vicinity, therefore a private system is considered to be acceptable subject to it not adding to existing environmental, amenity or health problems.

The proposal would be served by a private sewage treatment plant. SEPA initially objected to this application on the grounds that discharge to groundwater via a soakaway would be the preferred option rather than discharge to an inland watercourse. The applicant's engineers subsequently submitted details of percolation tests which concluded that the site is unsuitable for an insitu soakaway. Therefore, the design was amended to incorporate peat modules for filtration after treatment prior to discharge to coastal waters. In a letter dated 28th July 2020 SEPA advised that the objection had

been removed following the submission of the additional information. In this letter it confirms that the objection has been removed on the understanding that the foul drainage arrangements being proposed are considered to be a betterment to the aforementioned discharge to the inland watercourse. Taking account of the above, it is considered that the proposal would comply with Policy SG LDP SERV 1.

Developments for the treatment of sewage are classified as “Bad Neighbour Development” where they serve more than one dwelling. This element of the proposal therefore requires to be considered against policy SG LDP BAD 1. A Klargester Bio Disk sewage treatment plant is proposed which would be located at the north west end of the site. This will also be subject to a building warrant. Subject to the proper installation and operation of this equipment, it is not anticipated that there will be any adverse impacts on amenity in terms of noise, odour or pollution. It is therefore considered that the proposal would comply with Policy LP BAD 1.

Policy SG LDP SERV 2 relates to the incorporation of natural features and sustainable drainage systems. It encourages developers to incorporate existing water features in development schemes and requires that culverting be avoided where practical and designed sensitively where unavoidable. A water crossing is required in order to gain access to the site and therefore a culvert will be required for a short stretch to accommodate the new road. Conditions are proposed in order to ensure that culvert is designed so that it will not cause flooding and that its appearance is appropriate for the rural area.

Policy SG LDP SERV 3 requires developers to demonstrate that all development proposals incorporate proposals for SUDs measures and requires a drainage impact assessment to be submitted for developments containing six or more dwellinghouses. The applicant has submitted drainage information commensurate with a drainage impact assessment which considered the impact of the development on its catchment areas with regard to flood risk and pollution. The observations from the Council’s Flood Advisor notes that the overall site boundary lies within the indicative limits of the 1 in 200 coastal flood extend on the SEPA Flood Map (2014). The main limits of flooding are to the western edge of the site where it adjoins the coast. The proposed houses are located much further up the slope outwith the 1 in 200 year flood area starting at a height of about 18m AOD. SEPA has been consulted and has not objected on flooding grounds. The proposal would therefore accord with Policy SG LDP SERV 7 which is supportive of residential development within this area outwith the 1 in 200 flood zone. The small burn which runs to the north of the site has a catchment area of less than 3km² and this is too small to be included on the SEPA map. A culvert is required along a short stretch of the watercourse in order to facilitate road access into the site. As details of this small burn are unknown, the Council’s Flood Advisor has recommended that the culvert upgrade is sufficient to convey the 1 in 200 year plus climate change flow plus a 0.6m freeboard and be designed in accordance with CIRIA C689. A condition is proposed to this effect.

In terms of surface water drainage, the drainage plan demonstrated that a filter drain along the side of the access road is proposed with outfall to the burn to the north of the site and that all roof run off from the properties will be discharged to private soakaways in each of the gardens. In addition, the area between properties SD1 and T6 is proposed to host tree pit soakaways and bio-retention features to aid in the drainage of surface

water. The plans also include other SuDS features such as permeable paving to be used in the private driveways and a flush kerb arrangement on the side of the access road to allow for surface water run-off. The Council's Flood Advisor has confirmed that this approach is acceptable subject to a condition requiring drainage calculations and details of the maintenance of the drainage system. These conditions are proposed should Members be minded to grant this application.

Policy LDP SERV 5(b) requires detailed application for medium or large scale developments to provide details of the arrangements for storage, separation and collection of waste to be submitted. The policy also requires the submission of a Site Waste Management Plan which shall ensure the minimisation of waste during the construction phase. Conditions are proposed to ensure compliance with this policy.

A water source heat pump system is proposed which would provide a low carbon technology heating and hot water supply to the proposed dwellings. The application has been supported by an Energy and Sustainability Feasibility Study which has been undertaken by the consultant engineers Ramboll. This study has concluded that the optimal low carbon supply of heating and hot water should be through a district heat pump system. After considering various options it was concluded that a closed loop water based heat pump would be the favoured solution which would have the shortest payback time.

These pumps are designed to transport heat from a water source into buildings. As water is warmer than air in winter, the efficiencies of water source heat pumps are much higher than equivalent air source heat pumps. This would be a closed loop system with sealed pipes filled with fluid (antifreeze) which are submerged beneath the water never coming in to contact with the water directly. As the fluid flows through the pipes it is heated by the water body and returns to the heat pumps. Loch temperatures from local measurement data shows that even in winter the average temperature of the water is around 7 degrees Celsius meaning that high efficiencies could be released from the technology. Pond mats containing the pipes would be submerged in the water and would be supported by four columns. Pontoon access is shown on the submitted site plan, however, this does not form part of this planning application and will require to be the subject of a future application as well as a Marine Licence. It is understood that it would still be possible to install and operate the heating system without a pontoon.

As this element of the proposal spans both the land and sea a Marine Licence will also be required. With regard to the LDP a number of policies would be relevant to the heating system. Policy LDP 6 – Supporting the Sustainable Growth of Renewables is supportive of renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

Policy LDP CST 1 – Coastal Development notes that the preferred location for developments requiring a coastal location is the developed coast within the settlement excluding the natural foreshore. There is a presumption against development on the natural foreshore unless there is a specific operation purposed and no alternative location. The proposal clearly satisfies these requirements as the loch water is required to heat the pipes. A condition is proposed requiring further details of the heating system

in order to ensure that any works will be carried out in a manner to mitigate any potential impacts.

Policy SG LDP ENV 7 requires the consideration of a development's impact on water quality. The proposed surface water and foul drainage of the site are considered to be acceptable with respect to this issue. The proposed district heating system is a closed loop system which would have no impact on water quality. In addition, a condition is proposed requiring the submission of a CEMP which will address pollution controls during construction. The proposal would therefore accord with policy SG LDP ENV 7 subject to compliance to the conditions proposed.

J. Safeguarding Issues

Policy SG LDP SERV 8 requires planning authority to consult with the HSE where developments lie within the safeguarding zones of Notifiable Installations. This application is located within two safeguarding zones one associated with Finnart Oil Terminal and another relating to Defence Munitions Glen Douglas and Coulpport.

Both the HSE and MOD have offered no objections, however, MOD has recommended that thicker glass be used in some of the windows which has been added as an informative to this application.

Taking account of the above, it is considered that the proposal would comply with SG LDP SERV 8.