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29 March 2007

Reference Number: 06/02346/DET  
Applicants Name: Bute Homes  
Application Type: Outline  
Application Description: Erection Of 40 Dwellinghouses  
Location: Land South West Of Rose Creek And Inishmhor, Eastlands Road, Rothesay, Isle Of Bute

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#### (A) THE APPLICATION

##### Development Requiring Express Planning Permission.

- erection of 40 dwellinghouses (22 detached, 12 semi, 6 terraced);
- formation of new vehicular access to Eastlands Road
- formation of open space/play area;
- laying of foul and surface water sewers including detention basin and attenuation system

##### Other Specified Operations

- connections to existing public water main and public sewers.

#### (B) RECOMMENDATION

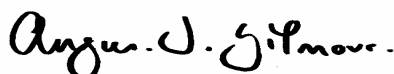
It is recommended that planning permission be **Granted** subject to the standard condition and reason and the conditions and reason(s) set out overleaf, subject to a '*discretionary hearing*'.

#### (C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The application site is allocated for housing in both existing and emerging Development Plan policy where there is a presumption in favour of residential development.

Whilst there is no extant Planning Permission for the whole site, many of the stipulations set down for previous permissions in terms of layout, scale, massing and finishes are followed in the current scheme. The density of the proposal is a finely-balanced issue but it is not considered that there would be such an overdevelopment of the site as to warrant a refusal of the application.

On the basis of the foregoing, the proposal is considered to be in accordance with the relevant Central Government guidance and existing and emerging Development Plan policies.



Angus J Gilmour, Head of Planning Services

Case Officer:	D. Eaglesham	01369-70-8608
Area Team Leader	D. Eaglesham	01369-70-8608

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/02346/DET

2. Prior to the commencement of development, the information listed below shall be submitted in plan form and approved by the Planning Authority. Such details as may be approved shall be constructed in accordance with the prescribed timescales unless the prior written consent of the Planning Authority is obtained for variation:
- a) The provision of a footway link from the site to the existing footway at UC28 *Eastlands Road* that shall be 90 metres in length and 1.8 metres in width before the construction of any dwellinghouse;
  - b) The provision of a 2m wide footway on either side of the carriageway to the southern most boundary and curtilage of each dwellinghouse prior to the first occupation of each dwelling;
  - c) The access to each plot shall be in accordance with Figure 10.16 of the Area Roads Manager's *Development Guidelines* and shall be formed as such prior to the occupation of each dwelling ;
  - d) The construction of a turning area or loop suitable for service vehicles within the development prior to the first occupation of any of dwelling;
  - e) The provision of parking space for two vehicles within the curtilage of each plot that shall be formed prior to the occupation of each dwelling and thereafter be retained in perpetuity for such a dedicated purpose.

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

3. The proposed access shall have visibility splays of 35 x 2.5 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height.

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

4. The gradient of the carriageway shall not exceed 4% within 2.5 metres of the edge of the existing carriageway and shall thereafter not be steeper than 8%.

**Reason:** *In the interest of road safety.*

5. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 with provision of a bus "pull-in" within the development and shall be constructed in consultation with the Council's Area Roads Manager to the satisfaction of the Council as Planning Authority.

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

6. The base course of the access road and pavement shown on the approved plans leading from *Eastlands Road* and serving any individual dwelling within the development granted consent shall be completely constructed prior to the occupation of any individual dwelling; the final wearing surface shall be applied concurrently with the construction of the last dwellinghouse, unless prior written consent for variation is obtained in writing from the Planning Authority.

**Reason:** *In the interests of road safety and to ensure that an adequate level of access is provided for the development.*

(CONTINUED)

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/02346/DET (CONTINUED)

7. No development shall commence until details have been submitted for the prior written approval of the Planning Authority in consultation with Scottish Water of a drainage scheme that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority.

**Reason:** *In order to provide for sustainable development, to protect existing and proposed development from the effects of flooding and to address pollution arising from the interaction of rainwater and the development.*

8. The type and colour of materials to be used in the development shall be as specified on the approved drawings and application form received 17 November 2006 unless the prior written approval of the planning authority is obtained for other materials.

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

9. Within 60 days from the first commencement of the development, a strategic landscaping scheme shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include the proposed landscaping within each plot including the age species and location of planting. The landscaping scheme, as may be approved, shall be fully implemented on each individual house plot within the first six months of the first occupation of the relevant dwelling, unless consent for variation is approved in writing by the planning authority

**Reason:** *In the interests of visual amenity and to help integrate the proposal into the surrounding townscape setting.*

10. For a period of five years following the completion of landscaping scheme as may be approved (*condition 9 above*), any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased, or affected in any other way, or areas of grass which become eroded or damaged shall be replaced and reinstated by the end of the following planting season. Any change in species proposed as part of the maintenance/replacement scheme over the initially approved details shall be the subject of the prior written agreement of the Planning Authority.

**Reason:** *To ensure that the proposed scheme of landscaping is established and maintained in the long term and to ensure that it is established in order to protect and enhance the amenity of the area.*

11. Notwithstanding the approved plans, unless consent for variation is approved in writing by the planning authority, within 60 days from the first commencement of the development details of a scheme of boundary treatment and surface treatment for each dwelling shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- location and design, including materials of any walls, fences and gates
- surface treatment of means of access and hardstanding areas.
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No dwellinghouse shall be first occupied until its approved boundary and surface treatment works has been undertaken in accordance with the approval details

**Reason:** *To ensure the implementation of a satisfactory and comprehensive scheme of boundary treatment precluding the use of a post and wire fence and to ensure a degree of uniformity and consistency in the interest of the character of the street scene.*

(CONTINUED)

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/02346/DET (CONTINUED)

12. Before development begins a scheme for the provision of a play area as detailed on drawing reference (insert) shall be submitted to and approved in writing by the Planning Authority. The details shall include a play area designed in accordance with the provisions of BS 5696 (Play Equipment Intended for Permanent Installation Outdoors), together with:

- i) full details and location of the proposed play equipment
- ii) details of the sub-base and surface treatment of the play area, in addition to any fences, walls or other boundary treatment
- iii) proposals for the implementation/phasing of the play areas(s) in relation to the construction of houses on the site; this programme shall ensure that the play area is provided no later than the occupation of the 20th residential unit.

**Reason:** *In the interests of public safety and to ensure compliance with the standards contained in BS 5696 (Play Equipment Intended for Permanent Installation Outdoors).*

13. All works required for the provision of the play area shall be completed in accordance with the scheme approved in writing by the Planning Authority.

**Reason:** *In the interests of public safety and to ensure compliance with the standards contained in BS 5696 (Play Equipment Intended for Permanent Installation Outdoors).*

14. Before development begins and the agreed play equipment is installed a scheme for the maintenance of the open space, including the play area, within the development shall be submitted to and approved in writing by the Planning Authority. Such details shall include a maintenance schedule in accordance with the provisions of BS 5696 and include full details relative to the equipment's ongoing inspection, recorded and certified inspections and the procedures for dealing with defects to the equipment, surfacing and boundary treatment.

**Reason:** *In the interests of public safety and to ensure compliance with the standards contained in BS 5696 (Play Equipment Intended for Permanent Installation Outdoors).*

## **NOTES TO APPLICANT RELATIVE TO APPLICATION 06/02346/DET**

### **1) *The Area Roads Manager has stated the following:***

- **The development road will be the subject of a New Road Construction Consent and a Road Bond (or equivalent security) for the complete scheme from the access with U28 Eastlands Road.**
- **Details of a proposed traffic management scheme and safety details should be included within Road construction Consent, including the incorporation of a “Twenty’s Plenty” scheme;**
- **Design and construction specification should be in accordance with Development Guidelines;**
- **A surface water drainage system will be required to prevent water passing onto the road;**
- **The developer will be responsible for the provision of street name plates to be similar to existing signage in the area.**

### **2) Your attention is drawn to the attached letter from Scottish Water dated 16 January 2007.**

## A. OTHER MATERIAL CONSIDERATIONS

(i) **Site History** Outline Planning Permission (ref: 00/00241/OUT) granted subject to conditions on 5<sup>th</sup> May 2000 for the erection of four dwellings on land to the east of *Clyde View*, Eastlands Road, Rothesay and contained within the subject site.

Outline Planning Permission (ref: 00/00403/OUT) granted subject to conditions on 5<sup>th</sup> May 2000 for the erection of one dwelling on land to the west of *Rosecreek*, Eastlands Road, Rothesay (land opposite the site referred to in the preceding paragraph and also contained within the subject site).

Approval of Reserved Matters (ref: 02/01725/REM) was granted on 2<sup>nd</sup> December 2002 for the construction of the access road pertaining to the five plots referred to above.

Detailed planning permission (ref: 03/00929/DET) was granted on 3 September 2003 for the erection of 10 dwellinghouses on land south west of *Rose Creek & Inishmhor*, Eastlands Road, Rothesay.

### (ii) Consultations

**Area Roads Manager** (response dated 12 & 29 March 2007): No objections subject to conditions regarding sightlines, access, gradient, car parking and turning and advisory notes regarding surface water drainage and road opening permit.

**Scottish Water** (response dated 16 January 2007): No objection subject to advisory comments.

**Statutory Plans** (response dated 5 December 2006): Site covers Housing Allocation H-AL 1-3 in the Finalised Draft Local Plan where there is an indicative capacity of 40 units and no affordability requirement. No representation has been received in respect of this allocation.

**Scottish Environment Protection Agency** (response dated 7 December 2006, 26 January 2007 and 12 March 2007): No objections in respect of foul drainage. Regarding surface water, Rothesay public sewer currently suffers from surface water intrusion but applicant's proposal to direct surface water to a detention basin is acceptable in terms of water quality. Water quantity/flooding issues should be checked with other agencies.

### (iii) Publicity and Representations

Under Article 9 neighbour and '*Potential departure*' advertisement (expiry date 29 December 2006), notification procedures, 11 letters of representation have been received from: Heather Hislop (e-mail dated 1 December 2006); J Y Riddick (letter dated 20 December 2006); Mr T O'Reilly (letter dated 3<sup>rd</sup> December 2006); Mr W McFie (letter dated 20<sup>th</sup> December 2006); Alastair MacKenzie (letter dated 24 December 2006); Neill Robertson (letter dated 27 December 2006); Peter Goodwin (letter dated 29 December 2006); Robert C Lambert, (letter dated 23<sup>rd</sup> December 2006); Mr W McFie (letter dated 28 December 2006 with petition containing 53 signatures - one since withdrawn); G Pellegrotti (letter dated 28 December 2006); and Jack and Jennie Torrens (letters dated 20 January 2007 and 9 March 2007)

**Representations** relate to issues of:

- Lack of detail on application drawings. Sewerage system unclear

**Comment:** The submitted drawings are considered adequate

- Entrance close to series of blind bends
- Poor water supply to Ardenraig estate

**Comment:** Scottish Water confirm the treatment works has sufficient capacity

- No pavement on upper reaches of Eastlands Road

**Comment:** As with the previous permission, this can be required by suspensive condition

- Trees have been cleared

**Comment:** This occurred prior to submission of the application. Landscaping can be required by condition.

- Neighbour notification incomplete

**Comment:** This has been rectified

- Lack of parking

**Comment:** The submitted layout complies with standards in respect of both in-curtilage and visitor parking.

- Overdevelopment

**Comment:** The scale of development accords with the emerging Local Plan

- Overprovision of private sector housing in Rothesay

**Comment:** The scale of development accords with the emerging Local Plan

- Conflict with Ardrbrannan Riding centre

**Comment:** The principle of development is supported in the adopted and emerging Local Plan

- Loss of wildlife

**Comment:** The principle of development is supported in the adopted and emerging Local Plan and any development of the site would affect any wildlife interest.

## **B. POLICY OVERVIEW**

**(i) SCOTTISH PLANNING POLICY:** The following Scottish Planning Policy documents are applicable:

**Planning Advice Note 44** “*Fitting New Housing Development into the Landscape*” (1994) provides advice on how improvements can be secured in the environmental quality of new housing developments in terms of their relationship to the landscape. It advocates the use of a design process that involves an analysis of all of the constraints and opportunities inherent in the site under consideration, the ranking of these in importance and the development of the most appropriate solution to satisfy them.

### **SPP 3: Planning for Housing**

However, this advice is substantially incorporated in the Council’s adopted and emerging Development Plan policies.

**(ii) Argyll and Bute Structure Plan 2002:** The following policies are applicable:

STRAT SI 1 Sustainable development

- h) conserve the built environment and avoid significant adverse impacts on built heritage resources;
- i) respect the landscape character of an area and the setting and character of settlements.

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

**(iii) Bute Local Plan 1990 (adopted 1991)**

This application relates to the entire area which is allocated for private residential development under Policy POL HO 2 of the Bute Local Plan 1990. From this perspective, the proposal fully accords with this policy.

**(iv) Argyll and Bute Modified Finalised Draft Local Plan (June 2006)**

In the Argyll and Bute Modified Finalised Draft Local Plan, the application site is the majority of Housing Allocation H-AL 1-3 in the Finalised Draft Local Plan where there is an indicative capacity of 40 units and no affordability requirement. No representation has been received in respect of this allocation.

#### Policy LP ENV1 - Development Impact on the General Environment

Development is of a form, location and scale consistent with Structure Plan Policies STRAT DC1 to 6 and should protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Considerations include location and nature of the proposed development, land use, layout, design, external appearance and landscaping in addition to current Government guidance, other policies in the Argyll and Bute Structure and Local Plan.

Policy LP ENV 7 seeks to resist development likely to have an adverse impact on trees and will ensure, through the development control process, that adequate provision is made for the preservation of woodland/trees. It also states that new development may offer the opportunity for new planting in accordance with the local pattern of woodlands.

#### Policy LP ENV 19 - Development Setting, Layout and Design

A high standard of appropriate design is expected in accordance with the Council's design principles. Development shall be sited and positioned to pay regard to the context within which it is located. Development layout and density shall effectively integrate with its countryside setting of the development.

#### Policy LP HOU 1 – General Housing Development

There is a general presumption in favour of housing development with listed exceptions. Such development will be supported unless there is an unacceptable environmental, servicing or access impact.

#### Policy LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

(B) New public roads shall be constructed to a standard specified in the Council's Roads Design Guide.

### C. ASSESSMENT

#### Site and surrounding area

The 6.2 acre site lies to the south of Eastlands Road, Rothesay, south-west of the properties known as 'Rose Creek' and 'Inishmhor'. The site is bounded to the west by agricultural land and to the east by the grounds of *Arden Craig*. The land falls steeply from west to east and more gently from the centre to both north and south. A belt of trees divided the site in two but was felled prior to submission of the application, while other trees fringe the boundaries.

#### The Proposal

It is proposed to erect 40 one and one-and-a-half storey dwellings, some of split-level design. Finishes would be off-white render with slate grey concrete tile roof covering; and upvc windows. The internal access road will be from Eastlands Road and connection will be made to existing public services.

#### Principle of Residential Development

In terms of both existing and emerging Development Plan policies, the site is allocated for housing development where there is a presumption in favour of residential development unless there is an unacceptable environmental, servicing or access impact. In addition, Planning Permissions have been obtained for residential development on parts of the site over the last seven years.

In view of the foregoing, there is clear support in principle for some form of residential development on this piece of ground.

#### Design, Layout and Density of Current Proposal

The density of the proposal accords with the indicative site capacity in the Argyll and Bute Local Plan. The layout is somewhat suburban and is constrained to a rather linear pattern by the shape of the site. The dwelling types reflect many of the design elements (external wall finish; roof covering; and fenestration) that were stipulated in previous permissions. On this basis, their design is considered to be acceptable.

#### Road Safety

The Area Roads Manager has no objections to the proposal but has recommended conditions in respect of the status of the roads to serve the site together with off-site road improvements requiring the connection of the site to the public footway in Eastlands Road some 90m downhill. Although these issues can be addressed via suitably-worded conditions, there may be some difficulty in designing and implementing the off-site works.



### **Infrastructure**

It is proposed to connect into the public water supply and the public sewerage system. Scottish Water has advised that the Loch Dhu Water Treatment Works and Rothesay's Waste Water Treatment Works currently have sufficient capacity to service this proposed development. They have clarified that there are no known issues within either the water or waste water networks that would serve the development.

### **Surface Water Drainage and Flooding**

A condition can be attached that requires the submission and approval of a sustainable urban drainage system prior to the commencement of the development. The Area Roads Manager has also requested the submission of a Flood Risk Assessment and this will be attached as a condition.

### **Play Space Provision**

The proposal includes the provision of an open space within the confines of the application site where an equipped play area could be provided and this is considered acceptable, given that both existing and emerging Development Plan policies require such a facility where the number of residential units exceeds 20 (Modified Finalised Draft 2006) or 25 (Bute Local Plan 1990).

### **CONCLUSION**

The application site is allocated for housing in both existing and emerging Development Plan policy where there is a presumption in favour of residential development. Whilst there is no extant Planning Permission for the whole site, many of the stipulations set down for previous permissions in terms of layout, scale, massing and finishes are followed in the current scheme. The density of the proposal is a finely-balanced issue but it is not considered that there would be such an overdevelopment of the site as to warrant a refusal of the application. On the basis of the foregoing, the proposal is considered to accord with relevant Central Government guidance and existing and emerging Development Plan policies.

In recognition of the significant interest from local residents, it is recommended that a '*discretionary*' hearing take place in respect of this application.