
29 March 2007

Reference Number: 06/01710/DET
Applicants Name: Mr & Mrs P Hardy
Application Type: Detailed
Application Description: Erection of eight flats (in blocks of four) and two detached dwellinghouses, formation of vehicular access and parking; and installation of private foul drainage system.
Location: Field to South of Southpark, Ascog, Isle of Bute, Argyll.

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of eight flats (in blocks of four).
- Erection of two detached dwellings with detached garages.
- Installation of private foul drainage system.

(B) RECOMMENDATION

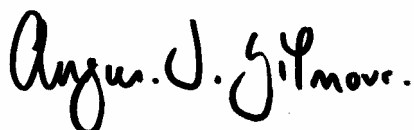
It is recommended that planning permission be **Granted**, subject to a formal "PAN 41 Hearing" being held, to the standard condition and reason, to the following conditions and reasons and the 'note to the applicant' all as set out overleaf.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The application site is contrary to the residential policies contained within the Bute Local Plan 1990, as a sizeable part of it is located within the 'Countryside Safeguarding Zone'. However, the principle of development on the application site is established in the Modified Finalised Draft Argyll and Bute Local Plan 2006 as the entire site is located within the settlement boundary of Rothesay/Ascog within which, under Policy LP HOU 1, there is encouragement for small, medium and large-scale residential development unless there is an unacceptable environmental, servicing or access impact.

There have been no representations to the emerging Local Plan in connection with this site and therefore the emerging Local Plan can be used as a material consideration in the determination of this application.

The design, scale, massing and layout of the proposed development complements the surrounding settlement character and is considered to be appropriate, large scale infill development that is consistent with the surrounding, established built form.



Angus J Gilmour
Head of Planning Services

Case Officer: J. Irving 01369-70-8621
Area Team Leader: D. Eaglesham 01369-70-8608

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

APPENDIX RELATIVE TO 06/01710/DET

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

N/A

(ii) Consultations

Area Roads Manager (memo dated 15th September 2006): No objection subject to conditions.

Scottish Water (letter dated 4th September 2006): No objection subject to advisory information.

Public Protection Service (memo dated 12th September 2006): No objection subject to condition.

SEPA (letter dated 27th September 2006): Objection to this application on flooding grounds only given the lack of information submitted with the application.

Development Plan Team (memo dated 29th August 2006) *'the proposed site lies within the settlement boundary defined in the Finalised Draft Local Plan. There have been no representations to the Local Plan in connection with this site and therefore the new Local Plan can be used as a material consideration when determining this application.'*

Roads & Amenity Services (Engineers) (memo dated 9th October 2006): *'There are no recorded flooding incidents at this location. If filtration systems are proposed porosity testing should be carried out to prove that they will function. Surface water from the new development and existing system could however be discharged to the River Clyde via appropriate treatment systems.'*

Scottish Civic Trust (letter dated 28th November 2006): *'The Trust believes that this application would represent an overdevelopment of the site and has strong reservations about the architecture.'*

(iii) Publicity and Representations

Under Article 9 neighbour notification procedures, Section 34, Section 65, Section 60 (published 1st September 2006, expired 22nd September 2006) and *Potential Departure* advertisements (published 1st August 2006, expired 22nd August 2006, 25 letters of representation have been received. Letters of representation have been received from the following:

Tony Harrison (letter dated 14th August 2006), Balmory Hall, Isle of Bute, PA20 9LL. Esther J. Henry (letter dated 3rd September 2006), Hawkestone Lodge, Ascog, Isle of Bute, PA20 9EU. Marjorie A. Falconer (letter dated 4th September 2006) Hawkestone Lodge, Ascog, Isle of Bute, PA20 9EU. Ronald H. Falconer (letters dated 4th September 2006 & 27th September 2006), Hawkestone Lodge, Ascog, Isle of Bute, PA20 9EU. Julia M. Lowe (letter dated 4th September 2006), 2A Macquarie Street, Bolton Point, NSW 2283, Australia. A J Steven (letter dated 5th September 2006) Dunagoil Farm, Kingarth, Rothesay, Isle of Bute, PA10 9LX. Jacqueline Hendry (letter dated 6th September 2006), Invergyle Cottage, Ascog, Isle of Bute, PA20 9EU. Sam Tweedlie (letter dated 6th September 2006), 96 High Street, Flat 3, Rothesay, Isle of Bute, PA24 8AQ. Julia M. Lowe (e-mail dated 10th September 2006), 2A Macquarie Street, Bolton Point, NSW 2283, Australia. Andrew Henry (e-mail dated 10th September 2006), Flat 12, Roosevelt Court, 84a Augustus Road, London, SW19 6EL. David Henry (e-mail dated 11th September 2006), 2A Macquarie Street, Bolton Point, New South Wales, Australia. Lindsay Hendry (e-mail dated 12th September 2006) 139 Buckler Court, Eden Grove, N7 8EF. Michael Henry (letter dated 17th September 2006), 21 Crichton Road, Rothesay, Isle of Bute, PA20 9JR. Wallace Fyfe (letter dated 18th September 2006), Ascog Hall, Isle of Bute, PA20 9EU. Gianna Zavaroni (letter dated 18th September 2006) *Torwood*, 21 Crichton Road, Rothesay, Isle of Bute, PA20 9JR. Katherine Fyfe (letter dated 18th September 2006), Ascog Hall, Isle of Bute, PA20 9EU. Philip Kirkham (letter dated 19th September 2006) Crofton Cottage, Ascog, Isle of Bute, PA20 9LN. Henry & Irene Thomson (letter dated 20th September 2006), PA20 9EU. Norman Foster (letter dated 20th September 2006) Seal Lodge, Ascog, Isle of Bute, PA20 9EU. Gail Foster (letter dated 20th September 2006) Seal Lodge, Ascog, Isle of Bute, PA20 9EU. Joyce Zavaroni (letter dated 20th September 2006) High Craigmore, Rothesay, Isle of Bute, PA20 9LA. Sue Dennis (letter dated 20th September 2006) The Pumphouse Caravan, Ascog Park, Ascog, Isle of Bute, PA20 9EU. John Dennis (letter dated 21st September 2006) The Pumphouse, Ascog Park, Ascog, Isle of Bute,

PA20 9EU. David T Brown (e-mail dated 21st September 2006) 3 Cumbrae View, The Wee Bay, Kingarth, Isle of Bute, PA20 9NP. Dr D. H. Reid & Mrs J. W. Reid (letter dated 26th September 2006) Millburn Cottage, Ascog, Rothesay, Isle of Bute, PA20 9ET.

The points raised can be summarised as follows:

- i. *The proposed development is contrary to the current valid 1990 Bute Local Plan both in terms of number of dwellings and the size and character of these dwellings. In particular to the following policies - POL HO 3, POL BE 1, POL BE 6, POL BE15, POL RUR 1.*

Comment: See assessment below.

- ii. *The Modified Finalised Draft Local Plan is not at this time a material consideration for this development and cannot be until such time as the matters have been satisfactorily resolved and the inquiry has reported.*

Comment: The application site lies wholly within the 'settlement boundary' defined in the Modified Finalised Draft Local Plan within which residential infill and rounding-off developments are encouraged. No representations were received to this designation during the consultation period on the Finalised Plan in mid 2005.

- iii. *If the Modified Finalised Draft Local Plan were to be adopted the proposed development would be contrary to the following sections. Policy LP ENV 1, LP ENV 10, LP ENV 13(a), LP ENV 1(iii), LP ENV 2, LP CST (D), LP HOU 2 (B), LP SERV 8.*

Comment: See assessment below.

- iv. *The proposal for two blocks of four flats is completely out of character with the types of dwellings currently existing in this part of Ascog. There is no sensitivity in the scale or design of the proposed development it will have a huge environmental impact both physically and visually.*

Comment: See assessment below.

- v. *The proposals form a development that is at odds with the Ascogs conservations status. In parallel the development will be detrimental to the setting of the neighbouring listed building.*

Comment: The site lies outwith the boundary of the defined Rothesay Conservation Area.

- vii. *The proposed development will lead to further congestion on the main road and lead to further road safety concerns.*

Comment: The Area Roads Manager has raised no objection towards this application.

- vii. *The proposed development would constitute 'Ribbon Development' (not infill development as summarised in the planning application) in that it extends development southwards along the coastline.*

Comment: See assessment below.

- viii. *The level of amenity presently enjoyed by Hawkestone Lodge will be adversely impacted by this proposal particularly in terms of outlook to the north and north-east.*

Comment: Hawkestone Lodge is in excess of 30 metres to nearest proposed building. The department does share the concerns of this objection point.

- ix. *Concern regarding light pollution. Night-time darkness which surrounds Hawkestone Lodge will be destroyed by the street light associated with the development*

Comment: The Council's Public Protection Service has raised no such concerns in this regard.

- x. *Increase in noise and dust levels during construction works and increased noise levels due to increased persons and traffic residing at the development.*

Comment: The Council's Public Protection Service has raised no such concerns in this regard.

- xi. *The proposed development due to its close proximity to Hawkestone Lodge could have an adverse effect on day lighting.*

Comment: Hawkestone Lodge is in excess of 30 metres to nearest building proposed. It is not considered that existing levels of daylight to Hawkestone Lodge will be compromised.

- xii. *The foreshore will become a private amenity space for the use of those residing in the development. It appears that this public amenity is to be denied.*

Comment: The submitted drawings include the foreshore within the application site, however no development or change of use is sought for the foreshore.

- xiii. *Concerns regarding local flora, fauna and wildlife that has been seen within the application site. No environmental survey has been undertaken.*

Comment: There are no known natural heritage interests within the site and there is no requirement for an environmental or ecological survey to be undertaken.

- xiv. *SUDS drainage may not be feasible due to existing ground conditions.*

Comment: SEPA have raised no such concerns in this regard.

- xv. *If the soakaway drainage includes discharge from the packaged sewage treatment plant then this could contaminate groundwater leading to unpleasant and possibly malodorous conditions and possibly a potential health hazard both on site and at Southpark and Hawkestone Lodge.*

Comment: SEPA have raised no such concerns in this regard.

- xvi. *If discharges were to the existing outfall or perhaps a new outfall they would then have to satisfy requirements of the Water Environment and Water Services (Scotland) Act 2003 and Controlled Activities Regulations. Neither requirement has been mentioned in the application so far as I am aware. Contaminated discharges to the shore and sea could be detrimental to the local environment. Could be a potential health hazard and might even adversely affect the local seal population. This would be contrary to WEWS Act and Also policy POL BE 6 of the Bute Local Plan and policies LP ENV 13 (a) and LP SERV1 (iii) of the emerging local plan.*

Comment: SEPA have raised no such concerns in this regard.

- xvi. *A new cut-off drain is likely to intercept more run-off and could well result in the capacity of the existing drainage system being exceeded. If this were the case, or if soakaways were installed, ground water levels would be likely to rise possibly causing a flood risk to the proposed development itself and possibly adversely impacting groundwater levels and possible flood risk. No reference has been made in this application to possible tidal flood risk and as such I would contend that a full flood risk assessment has not been undertaken*

Comment: The applicant has submitted a Flood Risk Assessment which concludes with the recommendation of increasing final floor levels and creating a minimum ground level across the site. Should these measures be incorporated in the development the risk to the proposed properties within the site from surface water accumulation is low to moderate.

- xvii. *The proposed development will require a significant increase in the local supply of potable water. This could adversely affect the supply to adjacent properties including Hawkestone Lodge.*

Comment: Scottish Water have raised no objections to this application.

- xviii. *The Ascog road is used by many tourists and local people for recreation, including tourist buses visiting Mount Stuart. The overall ambience is important in attracting return visitors to the island. I believe this would be diminished by the proposed development.*

Comment: See assessment below.

xix. *The development has no affordable housing for young islanders and their families.*

Comment: There is no requirement for affordable housing allocation at this site.

xx. *Such a high density of development is quite out of keeping with general character of the area.*

Comment: See assessment below.

xxi. *The development is contrary to Scottish Planning Policy 3 – ‘Planning for Housing’ as the development fails to maintain and enhance the quality of the natural and built heritage.*

Comment: See assessment below.

(iv) Applicants supporting Information

Summary of applicant’s agent letter dated 19th September 2006:

Adverse Impact on Local Environment – The ‘SUDS’ element will be commented on by SEPA. Our client is aware of the requirement to carry out ground condition tests prior to establishing the exact nature of surface water disposal. The improvements of the land drainage within the application site can only result on an improvement to adjacent sites.

Flood Risk Assessment – The applicant is happy to undertake a Flood Risk Assessment if required.

Water Supply – The developer is generally required to commit to contributing to a Water Impact Study if this is required by Scottish Water. Our experience suggests that such application are made after planning permission is approved since water is supplied on a first come, first served basis.

Flora & Fauna – The applicants, who are keen amateur gardener, are unaware of any unusual flora, fauna or animals frequenting their ground. The development is not large enough or located in an area which requires either an ecological or environmental survey to be undertaken.

The financial benefits rationale behind this development is not a material planning consideration.

We agree the development could be considered as contrary to the 1990 Bute Local Plan, however we believe due regard should be had to the emerging Local Plan as a material consideration.

Ribbon Development – The development is clearly ‘infill’ in terms of the Local Plan definitions.

Building Line – The building line’ is arbitrary in this instance. The buildings have been sited carefully to respect the setting of both Southpark and Hawkestone Lodge.

Foreshore Access – There is no suggestion that the foreshore will become a private amenity. The area is (rightly) included within the application to ensure access to the storm water outfall is available. “Right to roam” legislation effectively ensures that ‘tourism potential’ would not be an issue.

Village Boundary – The development is within the settlement zone of the emerging local plan. It is therefore not a “continuation and uncontained spread of ribbon coastal development”.

Impact & Scale – We are surprised that the “amount” and “scale” of the development is a concern. Our view is that the proposal is sympathetic to the village and wider conservation area.

B. POLICY OVERVIEW

Central Government Guidance

Historic Scotland’s ‘Memorandum of Listed Buildings and Conservation Areas’ (1998) states that, within Conservation Areas, new development that is well designed, respects the character of the area and contributes to its enhancement should be welcomed.

National Planning Policy Guideline 18 (*'Planning and the Historic Environment'*) advises that Planning Authorities should examine the impact of proposals upon the character and appearance of the whole Conservation Area. If any proposed development would conflict with the objective of preserving or enhancing the designated area, there should be a presumption against granting planning permission.

Scottish Planning Policy 3 (*'Planning for Housing'*) seeks to promote well-located, high quality new housing to create quality residential environments, guide new housing development to the right place and to deliver housing land. With regard to housing in rural areas, SPP3 seeks to meet housing requirements within or adjacent to existing settlements. This is to prevent the sprawl and coalescence of settlements, make efficient use of existing infrastructure and public services and to help conserve natural heritage and rural amenity.

Planning Advice Note 44 (*'Fitting New Housing Development into the Landscape'*) 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.

Argyll & Bute Structure Plan

STRAT DC 1 encourages, within the main towns and the smaller towns and villages, the development of up to medium scale development (between 6 and 30 dwellings) on appropriate infill, rounding-off and redevelopment sites.

STRAT DC 9 states that development that damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted; particularly if it would affect a Conservation Area.

Bute Local Plan 1990

The site falls within Countryside Safeguarding Zone as defined by the adopted Bute Local Plan.

The settlement strategy for Bute stresses the need for consolidation of the existing settlements, including Rothesay. Policy POL HO 1 encourages residential development of infill, rounding-off and redevelopment sites within existing settlements.

To complement the above policy, the Bute Local Plan sought to restrict development on the periphery of settlements, thereby protecting agricultural land and the appearance of the landscape (particularly around the southern fringe of the Rothesay Outstanding Conservation Area). The mechanism for achieving this objective was to formulate Policy POL HO 3, which introduced the *'Countryside Safeguarding Zone'* around Rothesay, Port Bannatyne, Kilchattan and Kingarth. Within this zone, small-scale residential development will not generally be permitted nor will it be considered as infill or rounding off development.

The proposal is therefore contrary to the Bute Local Plan policy POL HO 3 *'Countryside Safeguarding Zone'*.

The site is just outwith the southern end of Rothesay Conservation Area; however the sites close proximity to conservation area requires this application to be assessed against policy POL BE 6 which seeks to prevent any deterioration in the character or setting of the Rothesay Outstanding Conservation Area through unsympathetic new development and changes of use.

Argyll and Bute Modified Finalised Draft Local Plan 2006

The application site lies wholly within the *'settlement boundary'* defined in the Modified Finalised Draft Local Plan within which residential infill and rounding-off developments are encouraged. No representations were received to this designation during the consultation period on the Finalised Plan in mid 2005. The following policies also apply or have been highlighted by the letters of representation received.

Policy LP ENV 1 – Development Impact on the General Environment

'In all development zones the Council will assess applications for planning permission for their impact on both the natural, human and built environment. When considering development proposals, the following general considerations will be taken into account, namely: Structure Plan, Impact upon amenity, landscape impact, location and nature of proposed developments, roads and public transport, infrastructure, water resources, government guidance, special areas of designation, historic environment.'

Policy LP ENV 2 – Development Impact on Biodiversity

'When considering development proposals the Council will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan. Proposals that incorporate existing site interests within the design wherever possible will be encouraged. Where there is evidence to suggest that a habitat or species of local importance exists on a proposed development site, the Council will require the applicant, at his or her expense, to submit specialist survey of the site's natural interest.'

Policy LP ENV 10 – Development Impact on Areas of Panoramic Quality

'Development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that: (A) Any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefit of national or regional importance. (B) Where acceptable, development must also conform to Appendix A of the Local Plan.'

In all cases the highest standards, in terms of location, siting, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality.'

Policy LP ENV 13 (a) Development Impact on Listed Buildings.

'All developments that affect listed buildings or their settings must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas (1998).'

Policy LP ENV 14 - Development in Conservation Areas & Special Built Environment Areas

'There is a presumption against development that does not preserve or enhance the character or appearance of an existing conservation area. New development within these areas and on the sites forming part of their setting must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their actual designation'

Policy LP SERV 1 – Private Sewerage Treatment Plant & Wastewater Systems.

'Elsewhere, connection to the public sewer will be required unless the applicant can demonstrate that (i) connection is not feasible, for technical or economic reasons, or (ii) the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity; and (iii) the proposal is not likely to result in or add to existing environmental, amenity or health problems.'

Planning consent for development with private waste water systems will only be allowed where proposals satisfy (i) or (ii) above and satisfy (iii)...

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

'Acceptance of development utilising new and existing public roads and private access regimes.'

- (A) *Development shall be served by a public road (over which the public have right of access) except when: 1. The new private access forms an individual private driveway serving single user developments; 2. The new private access serves a housing development not exceeding 5 dwelling houses; 3. The new private access serves no more than 20 units in a housing court development; 4. The new private access serving commercial or institutional developments will not in the view of the Planning Authority, generate unacceptable levels of pedestrian or vehicular traffic;*
- (B) *In the case of new public roads the new road shall be constructed to a standard as specified in the Council's Roads Development Guide. Such a standard will be reflective of the development's location i.e in a settlement, in a rural or remote rural situation, or in a Conservation Area.*
- (C) *In the case of a new private access it shall be constructed to incorporate the following minimum standards to function effectively and safely. 1. Adequate visibility splays, to the satisfaction of the Area Roads Engineer, shall be provided at the access's junction with the public road network.'*

Policy LP CST 1 – Coastal Development on the Developed Coast

'Applications for development will generally be supported where the development: (A) Requires a coastal location; (B) Is of a form, location and scale consistent with STRAT DC 1-3; (C) Provides economic & social benefits to the local community; (D) respects the landscape/townscape character and amenity of the surrounding area; AND, (E) Is in accordance with Policy LP ENV 1.'

C. ASSESSMENT

Principle of Residential Development

As stated above, the application site is contrary to the residential policies contained within the Bute Local Plan 1990, as it is located within the '*Countryside Safeguarding Zone*'. However, the principle of development on the application site is established in the Modified Finalised Draft Argyll and Bute Local Plan 2006 as the entire site is located within the settlement boundary of Rothesay/Ascog within which, under Policy LP HOU 1, there is encouragement for small, medium and large-scale residential development unless there is an unacceptable environmental, servicing or access impact.

There have been no representations to the emerging Local Plan in connection with this site and therefore the emerging Local Plan can be used as a material consideration in the determination of this application.

Proposed Development

It is proposed to erect two flatted blocks with the application site, both of which comprising of four units. The blocks mirror each other in terms of their setting and overall design. Both blocks are two-storey in size and consist of a large amount of glazing, a variety of pitched roofs and flat roofs, using both natural slate lead and zinc. Both blocks are located within the centre of the site: the new access road that is to service the site runs between the two blocks towards a turning circle at the rear of the proposed flats.

To the rear of the turning circle, at the western end of the site, it is proposed to erect two large detached dwellinghouses and associated garages. The design of dwellings share similar design features of the proposed flatted blocks with modern glazing and a variety of roof pitches and finishing materials. It is proposed to incorporate a large amount of screening between the dwellinghouses and the flatted blocks.

Site Characteristics

The site largely consists of a vacant paddock/field and this is the area upon which the proposed buildings will be sited. To the east of the site is bounded by the foreshore and A844 and to the west the topography of the site becomes sloping wooded ground. The Category B listed building *Southpark*, is located to the north of site which has a dominating presence within the wider landscape setting. To the south lies the dwellinghouse known as Hawkestone Lodge. Both neighbouring properties to the site benefit from existing natural screening which runs along the dividing boundaries.

Character of Conservation Area

The application site lies just outwith the southern end of Rothesay Conservation Area. *Ascog* is at the very southern tip of Rothesay; generally, the buildings are located on the landward side of the A844 road except for two small nodes of shoreside development, firstly as one enters *Ascog* from a northerly direction and secondly surrounding *Ascog Point*.

When travelling along the A844 road in a southerly direction, *Ascog* appears as a linear settlement. Its character prior to *Ascog Mansion* is different from that which is evident as one exits the settlement; the density of housing is higher and there is less of a '*countryside*' ambience.

Impact upon neighbouring Listed Building *South Park*

The impact of the development upon the Category B listed building *South Park* located to the north of the development site and situated within a large generous curtilage is considered to be minimal. *Southpark* is some 70 metres from the nearest proposed dwellinghouse and there is a natural boundary between site and *South Park* which consists of vegetation and trees. Furthermore, layout of the development, particularly the positioning of the two flatted blocks has been designed to be consistent with and complement the established

surrounding settlement character which consists of South Park being a prominent building within the wider landscape setting.

Design of the New Development

The applicant's agent has submitted a Design Statement for this proposed development which details the design context and the concept of the design solution that has been submitted. This statement includes an assessment on the impact/relationship of the proposed development upon both neighbouring properties and that of the wider landscape setting.

“Designing Places”

In drawing together the various strands of the development from a built environment perspective, it is useful to refer to the Scottish Executive's *“Designing Places: A Policy Statement for Scotland”* (2002). In broad terms, this document places importance upon the common qualities that successful places have: they have a distinct identity; they have safe and pleasant spaces; they are easy to move around in, particularly on foot; visitors experience a sense of welcome; they adapt easily to changing circumstances; and, finally, they make good use of scarce resources i.e. they are sustainable.

The character of Ascog is of a *'village-type'* community and a key question in respect of this application is how this distinct character would be affected by the proposal.

Concerns have been raised that Ascog's character would be radically altered to its detriment by the development and such concerns should not be underestimated. However, if examined more positively, it is considered that the provision of housing within an attractive environment that has safe and pleasant private and open spaces within it, together with distinct identities (the three front villas and the dwellings within the walled garden to the rear) can contribute and enhance an area rather than detract from it.

In this regard, it is considered that the proposal would be a positive asset to Ascog rather than a development that would become a dominant and deleterious feature.

Road Safety

The Area Roads Manager has raised no objection towards this application. However, should planning permission be granted a number of conditions would need to be imposed to address road safety concerns and to ensure sightlines and parking provisions are attainable; the access road is constructed to an adoptable standard and fully constructed prior to development works commencing and minimum gradients and surface water drainage systems are incorporated.

A Flood Risk Assessment has also been requested, see *Flooding* section below.

Landscaping

The submitted drawings detail landscaping and screen planting within the site to address possible overlooking and privacy concerns between the proposed flatted blocks and the detached properties to the rear of the site. The location of this screen planting also ensures that the overall mass of development is broken up and successfully absorbed within the site.

Play Space Provision

Policy POL PU 6 of the Bute Local Plan 1990 relates to the provision of play space in new housing developments.

In developments of under 25 units (as in this case of the proposed development i.e. 10 dwellings) Policy POL PU 6 states that *“the level of provision required (if any) will be dependent upon the type of house to be built, plot sizes and an assessment of existing provision within the area”*.

In this particular case, the numbers of proposed units is below the threshold (i.e. 25 dwelling units) where play space provision is automatically required and there are mitigating circumstances (age of Local Plan and size of plots) to conclude that the provision of equipped play space is not required in this particular instance.

Infrastructure

Scottish Water has confirmed that there is no available public sewer in the area and SEPA has stated that if a sewerage system does not exist then, in a planning context, the proposals for bio disc treatment plant as a foul system is acceptable.

Flooding

Following the consultation responses, detailed in Section A above a full Flood Risk Assessment has been submitted by the applicant which has now been forwarded to the relevant consultees for further consultation. The assessment's conclusions and recommendations will required minimum floor levels to be attainable and this will require the imposition of an appropriate condition should planning permission ultimately be granted.

Justification for 'Minor Departure'

In taking into account all of the material considerations referred to above, it is considered that a case can be made for granting planning permission as a 'departure' to the Development Plan as follows:

"The proposal does not represent unsympathetic development, it would not have an adverse environmental impact and would not detract from the character of the Rothesay Conservation Area or that of the Category B listed South Park. It should be seen in the context of an aged Bute Local Plan that no longer accurately reflects the understood aspirations of the Council.

In addition, the application site is fully contained within the settlement boundary defined in the Modified Finalised Draft Argyll & Bute Local Plan 2065 and no specific representations were submitted in respect of either the application site or the proposed settlement boundary at this location arising from the public consultation on the finalised draft plan."

Requirement for Hearing

On the basis that the proposal represents a 'departure' from the Development Plan and there have been a 'substantial' number of representations, it is recommended that a formal "PAN 41 hearing" is convened prior to a decision being made on the application.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications for planning permission be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.

The application is contrary to the terms of the adopted Bute Local Plan 1990 but complies with the terms of the emerging Argyll and Bute Modified Finalised Local Plan.

It is considered that the adopted Local Plan is outdated. As the application complies with the terms of the emerging Local Plan, it is considered that this is a material consideration, which outweighs the development plan and would allow the Authority to grant planning permission as a departure to the development plan.

