

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00899/PP

Planning Hierarchy: Local application.

Applicant: Argyll Properties Ltd

Proposal: Erection of 4 terraced dwellinghouses and block of 8 flats (modification to permission ref. 07/02508/DET) and land engineering works.

Site Address: Cowal Golf Club, 44 Ardenslate Road, Kirn, Dunoon

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of two-storey terraced block comprising 4 dwellinghouses;
Erection of four storey block comprising 8 flats;
Associated vehicular accesses and car parking;
Land engineering works to golf course.

(ii) Other specified operations

Connection to public water main and public sewer.
Installation of SuDS drainage scheme.

(B) RECOMMENDATION:

It is recommended that planning permission be granted, subject to the completion of a variation to an existing Section 75 legal agreement and subject to the conditions, reasons and notes to the applicant set out below.

(C) HISTORY:

A detailed application (ref. 07/00664/DET) for the erection of 64 2-bed flats was withdrawn on 30th October 2007 following discussions regarding affordability issues.

Planning permission (ref. 07/02508/DET) for the erection of 72 flats and formation of vehicular access and car parking court; extension of golf club car parking, erection of green keepers workshop/ bothy and re-location of 18th green was approved on 19th June 2008, following conclusion of a Section 75 Agreement in respect of the provision of 16 affordable flats.

On 5 August 2008, the Bute & Cowal Area Committee agreed to the developer's request to vary the terms of the s.75 Agreement to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord. However, that variation has not been concluded.

A non-material amendment (ref. 09/01435/NMA) for changes to flood mitigation measures relevant to residential development approved under 07/2508/DET was approved on 19th October 2009.

(D) CONSULTATIONS:

Area Roads Manager (expiry date 6th August 2010): No objections.

Scottish Water (response dated 12th August 2010): No objections in principle. Due to scale of development a Development Impact Assessment form to be submitted. Advisory notes recommended.

Flood Alleviation Manager (email response dated 22nd July 2010): Confirm acceptability of Flood Risk and Surface Water Drainage Impact Assessment, subject to additional detail being supplied by way of condition.

(E) PUBLICITY:

Regulation 20(1) Advert (publication date 30th July 2010, expiry date 20th August 2010).

(F) REPRESENTATIONS:

One representation was received from Brian J. Croasdell, 83 Fairhaven, Kirn (email dated 29 July 2010) but this was a request for information. There have been similar requests for clarification of the scheme but no formal representations.

(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

The original Design Statement has been revised (November 2009) to take account of changes to the site layout in the south-eastern portion of the site. The Design Statement incorporates minor changes made to the originally approved scheme under non-material amendment ref. 09/01435/NMA in respect of enlarging the existing drainage ditch down the eastern side of the site to allow storm water attenuation and subsequent repositioning of flatted Block F.

The changes to the approved scheme involve a reduction in the size of flatted Block B (from 16 flats to 8 flats) and the erection of a 4-unit terraced block that will retain and reinforce the street frontage along Ardenslate Road. The revised car parking court for Block B and the terraced block, now reflects the Block A car park and offers a better

balanced plan with car parking to the rear of the street frontage. The original landscaping principles remain with the structured landscape belt retained and more fully complimented by the natural break created with the street blocks' rear parking courts.

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

Flood Risk and Surface Water Drainage Impact Assessment by Dougal Baillie Associates dated February 2010. The report concludes that the development can be implemented whilst ensuring that there would be no detriment to existing or proposed flood risk, water quality or water environment issues. Flood risk issues will be managed on site via the formation of a new watercourse channel, compensatory flood storage area and through a SuDS scheme which will incorporate hydraulic controls and a subsurface attenuation storage. Water quality in the receiving watercourse will be managed post-development by ensuring that surface water run-off is routed through the SuDS scheme which is designed to provide treatment of surface water. It is acknowledged that a CAR licence will be required from SEPA for works to realign the existing watercourse.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes.

The original Section 75 Agreement concluded for permission ref. 07/02508/DET requires to be altered to reflect the change in the number of flats and the inclusion of 4 dwellinghouses and to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord.

If agreement not completed in four months, grounds for refusal:

The lack of a mechanism to secure the provision of affordable housing within a combined development of the 12 residential units proposed as part of this application along with the 56 units remaining from the layout previously approved under permission 07/02508/DET would be contrary to the Council's stated policy on affordable housing as set out in policy LP HOU 2 of the 'Argyll and Bute Local Plan' 2009. Policy LP HOU 2 requires housing development of greater than eight units to have a minimum of 25% affordable units. Accordingly, the proposals fail to meet the Council's strategy for affordable housing provision.

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- (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 Structure Plan 2002

STRAT SI 1 - Sustainable Development;
STRAT DC1 Development Within The Settlements;

STRAT DC10 – Flooding and Land Erosion;
STRAT HO1 – Housing – Development Control Policy;
PROP TRANS1 - Development Control, Transport and Access;

Argyll and Bute Local Plan (June 2009)

LP ENV1 Development Impact on the General Environment;
LP ENV12 Water Quality and Environment;
LP ENV19 Development Setting, Layout and Design
LP HOU1 General Housing Development;
LP HOU2 Provision of Housing to meet Local Needs including Affordable Housing Provision;
LP HOU4 Housing Green-Space;
LP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
LP SERV2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);
LP SERV3 Drainage Impact Assessment (DIA);
LP SERV7 Contaminated Land,
LP SERV8 Flooding and Land Erosion;
LP TRAN2 Development and Public Transport Accessibility;
LP TRAN3 Special Needs Access Provision;
LP TRAN4 New and Existing, Public Roads and Private Access Regimes;
LP TRAN5 Off site Highway Improvements;
LP TRAN6 Vehicle Parking Provision;
LP REC2 Safeguarding of Recreational Land and Important Open Spaces

Appendix A Sustainable Siting and Design Principles;

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (February 2010);
Circular 2/2010 – ‘Affordable Housing and Housing Land Audits’;
Planning Advice Note 67 – ‘Housing Quality’;
Planning Advice Note 68 – ‘Design Statements’;
‘A Policy Statement for Scotland - Designing Places’;

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

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

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

(N) Does the Council have an interest in the site: Yes. Restriction in title in favour of the Council

(O) Requirement for a hearing (PAN41 or other): No

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

Detailed planning permission (ref. 07/02508/DET) for the erection of a residential development comprising 72 flats in six four-storey blocks was granted on 19th June 2008. One of these blocks (Block A) is potentially to be developed by ACHA as the affordable housing contribution. Since planning permission was granted, the applicants wish to vary Block B from a 16-unit flatted block to an 8-unit block with separate two-storey terraced block of 4 dwellinghouses adjacent. The changes to the original permission are considered to be acceptable and many of the conditions are replicated for consistency. The Section 75 Agreement will require to be re-worded to reflect the change in the number of flats and to allow the affordable housing objective to be met by the sale of the site of one block of 24 flats to a registered social landlord.

No letters of representation have been received and Roads, Scottish Water and the Council's Flood Alleviation Manager find the revised scheme acceptable.

The proposed development would accord with policies contained in the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan (August 2009) and there are no material considerations which would justify refusal of permission.

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

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

The development conforms with the requirements of 'Argyll and Bute Local Plan' policies LP ENV19, HOU1, HOU2, HOU4, SERV1, SERV2, SERV3, SERV7, SERV8, TRAN4, TRAN6 and REC2 and there are no material considerations which would warrant anything other than the application being determined in accordance with the provisions of the approved development plan.

(S) Reasoned justification for a departure from the provisions of the Development Plan
n/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Brian Close

Date: 24th September 2010

Reviewing Officer: David Eaglesham

Date: 24th September 2010

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/00899/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 16th April 2010 and the approved drawing reference numbers: 2634/P/102 RevA, 2634/P/101, 2634/P/200 RevC, 2634/P/201 RevC, 2634/P/300, 2634/P/301, 2634/P/302, 2634/P/303 RevA, 2634/P/304, 2634/P/305, 2634/P/500 RevA, 2634/P/501, 2634/P/503, 2634/P/901, 2634/P/902, Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Baillie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended), 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.

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

3. Within one year of any work commencing on site, the applicant/developer shall provide an equipped children's play area (as shown on Proposed Site Plan 1:500 drawing no. 2634/P/200 Rev C and 1:200 Proposed Site Plan drawing no. 2634/P/201 RevC) that shall be completed and ready for use. Prior to any works commencing on site full details shall be submitted in writing for the approval of the Planning Authority in respect of play equipment, seating, landscaping, boundary treatment and maintenance/ factoring of this area.

Reason: In order to provide on-site play provision for the proposed development.

4. No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the site foul drainage system can be connected to the public sewerage system, unless otherwise agreed in writing by the planning authority.

Reason: In order to provide for sustainable development of the site, and to avoid any unacceptable adverse impact on the water environment.

5. Prior to the commencement of any construction works, the following information to supplement the submitted 'Flood Risk and Surface Water Drainage Impact Assessment Report' by Dougal Baillie Associates dated February 2010 shall be submitted for the prior written approval of the Planning Authority in consultation with the Council's Flood Alleviation Manager. Such details shall include :

- Details of access to intakes MH1, MH2 and MH4 which should have a platform at the end of the access with a handrail;
- Detail of intakes showing horizontal section of intake grill 900mm long;
- Details of flow path should intake MH1 overtop;
- Confirmation of maintenance procedures for surface water drainage systems, SuDS, watercourses, surface water outfalls and intakes and that the property owners will be responsible for the maintenance of these systems.

Reason: To avoid potential for flooding at the site in the interests of health and amenity.

6. The drainage proposals as detailed in the submitted Flood Risk and Surface Water Drainage Impact Assessment Report by Dougal Baillie Associates dated February 2010 including drawings and details contained in Appendices A to H (or as amended) shall be fully implemented prior to the occupation of the first flat or dwellinghouse, or such other timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for a sustainable drainage scheme for the development.

7. Prior to the commencement of any site works, a preliminary contaminated land assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority. The assessment should be sufficient, given the past use(s) of the site, to demonstrate the likely presence or absence of contaminants and their nature and make recommendations for further investigation if needed to quantify any hazards posed.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

8. Where the preliminary investigation has concluded that contamination is present and may pose a hazard to the development, a secondary assessment, carried out by a competent person, shall be undertaken and submitted to the Planning Authority prior to the commencement of any site works. The assessment should seek to define any risks to the development posed by contamination, and make recommendations as to the requirement for any actions necessary to render the site suitable for the proposed use. The recommendations shall be agreed in writing by the Planning Authority, prior to the commencement of any site works.

Reason: In the interest of public health and amenity as previous site uses may have resulted in contamination which may pose a hazard to the proposed residential development.

9. Where the secondary investigation has indicated that action is necessary to render the site suitable for the proposed use, a remediation plan shall be devised by a competent person and submitted to the Planning Authority, prior to the commencement of any site works. The plan shall include details of the methodology that will be employed to demonstrate that the site will be rendered suitable for the proposed use.

Reason: In the interest of public health and amenity.

10. The remediation works shall be carried out as detailed within a remediation plan, unless otherwise agreed, in writing, with the Planning Authority. Upon completion of remediation works a completion certificate shall be issued, by a competent person, certifying that the works identified within the remediation plan have been carried out in accordance with the plan.

Reason: In the interest of public health and amenity.

11. Prior to the commencement of any construction works, samples of all external finishes (including car park surfaces) and roof coverings shall be submitted for the written approval of the Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

12. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Area Roads Manager, unless the prior consent for variation is obtained in writing from the Planning Authority.

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

13. Prior to the construction of any of the flats or dwellinghouses hereby approved or such other timescale as may be agreed in writing with the Planning Authority, the proposed vehicular access shall be constructed to adoptable standards as per the Council's Development Guidelines and shall be 'fit for purpose' for existing users at Kirn Hunters Quay Bowling Club and Cowal Indoor

Bowling Club. The access shall have a minimum radius of 6 metres, width 5.5 metres and 2 metre wide footway/service strip on both sides with a turning area at or near the end of the road.

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.

14. Prior to the first occupation of any of the flats or dwellinghouses hereby approved, the car parking area for 24 vehicles serving Block B and the terraced block as shown on approved site plan drawings 2634/P/200 RevC and 2634/P/201 RevC, shall be provided together (unless otherwise agreed in writing with the Planning Authority) and the northernmost 12 no spaces identified on this plan suitably surfaced in 'grasscrete' (or other similar material that may be agreed with the Planning Authority) and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: In the interest of traffic and pedestrian safety and to ensure suitable car parking provision for the development that will be surfaced to integrate with the surroundings in terms of visual amenity.

15. Prior to the occupancy of any of the flats or dwellinghouses hereby approved, the vehicular accesses onto Ardenslate Road and internal access shall be formed with sightlines of 90 metres in each direction formed from a 2.5 metres setback. No obstruction to visibility shall be permitted thereafter within these visibility splays above a height of 1.0 metres from the level of the highway.

Reason: In the interests of road safety and to ensure that appropriate sightlines can be achieved and maintained.

16. No development (including any land engineering works or any associated operations) shall take place within the site 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 in consultation and agreement with the West of Scotland Archaeology Service.

Reason: In order to allow the recovery and recording of any finds of archaeological significance.

17. No downpipes, burglar alarms, balanced flue extracts, meter boxes or service pipes shall be installed on the front elevations (south) on all of the flatted blocks, unless otherwise agreed in writing with the Planning Authority.

Reason: In order that such external fittings do not detract from the appearance of the building.

18. Prior to the commencement of any construction works, a detailed landscaping and tree planting scheme shall be submitted to the Planning Authority for approval. The scheme shall provide for a high quality scheme that shall include all landscaping including tree planting, shrub planting, hedges and soft/hard landscaping proposals for the site including all communal areas including details of the management and maintenance regime. The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained for a period of ten years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.

19. Notwithstanding any details submitted, and prior to the commencement of any construction works a detailed scheme indicating a common boundary treatment to the flatted development shall be submitted for the written approval of the Planning Authority. The scheme shall be provided around all communal open space areas (including car parking areas and bin shelters) and shall provide for a natural hedge and/or stone boundary wall that shall be consistent throughout in terms of height, material and appearance and implemented commensurate with the development of the individual dwellinghouse(s). Thereafter and notwithstanding the provision of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no fence or wall shall be erected fronting the new road without the prior written approval of the Planning Authority.

Reason: In the interests of visual amenity and to help integrate the proposal into the surrounding townscape setting and in terms of health and safety.

20. Prior to any construction works on site, full details (in respect of design and materials) of all proposed bin stores, cycle shelters, screening of electricity sub-station and any seating areas shall be submitted to and approved in writing by the Planning Authority.

Reason: No such details having been submitted.

21. Prior to any construction works on site, full details of a public art scheme(s) at the entrance to and within the development, shall be submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented prior to the first occupation of the last of the units to be occupied.

Reason: In the interest of visual amenity and to create a sense of place.

22. No works shall commence until further details including a timetable for ground engineering works has been submitted to and approved by the Planning Authority. Such details shall include confirmation and extent of soil redistribution and regarding of fairways and other land within Cowal Golf Course included within the application boundary. Given potential contamination on parts of the existing site close to the green keeper's buildings, no soil or material shall be moved around the site until the contamination conditions above have been formally discharged and subsequent details of earthworks submitted for consideration.

Reason: As no details have been submitted and to avoid redistribution of potential contaminated material.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00899/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the 'Argyll and Bute Local Plan' (August 2009) the site is located within the small town and village settlement of Kirn.

Planning permission (ref. 07/02508/DET) has already been granted for 72 flats in six blocks and the current application is for alterations to flatted Block B to create a smaller block of flats and a terraced unit of 4 dwellinghouses.

As the proposal is to vary an approved permission, the proposed development is acceptable in terms of settlement strategy and land use.

Accordingly, the proposal would be consistent with policy STRAT DC1 of the Argyll and Bute Structure Plan and policies LP ENV 1 and LP HOU1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site is located at the edge of the existing Kirn settlement boundary and bounded by Cowal Golf Course to the north and north-west, by Cowal Golf Clubhouse and car-park and detached dwellinghouses and terraced housing development to the west. It is bounded by Cowal Indoor and Outdoor Bowling Clubs to the east and by Fairhaven (a dense flatted development that comprises a combination of two to four storey flats beneath large monopitch roof structures) and former Council housing stock comprising semi-detached and terraced residential properties to the south. In terms of siting, the proposed development would be located on low ground overlooked by Cowal Golf Clubhouse and other dwellings at a higher level to the north of the site. The site is adjacent to Ardenslate Road (a classified road and bus route) which is an urban corridor typified by a wide range of building types including the new Dunoon Grammar School building situated some 150 metres west of the application site.

(ii) Proposal

The previous permission (ref. 07/02508/DET) was for the demolition of existing golf club buildings and the erection of a flatted development of six four-storey blocks with a total of 72 flats (16 x 1-bed and 56 x 2-bed), with car parking for 128 spaces and a new vehicular access from Ardenslate Road. The proposal also involves the repositioning of the existing 18th green, alterations to the existing golf club car park, erection of a new green-keeper's store, landscaping and tree planting. A Section 75 Agreement (agreed but not yet concluded) for this permission confirmed that ACHA would purchase the land that would contain flatted Block A and thereafter build the approved flatted block comprising 24 flats as socially rented units.

The current proposal involves alterations to Block B to create a smaller four-storey block of 8 flats (instead of the 16 flats approved) adjacent to the main entrance and the erection of a two-storey terraced block comprising four dwellinghouses on the space between Block B and the eastern boundary of the site. The changes to Block B also result in modifications to the previously approved car park layout and it is proposed to create a large car parking court to the rear of Block B and the terraced block.

The site boundary has been amended to incorporate ground engineering works to Cowal Golf Course comprising top soil distribution and regrading of fairways.

The proposal involves the realignment of the existing watercourse and the introduction of a SuDS scheme incorporating site attenuation measures. A connection is to be made to the public mains and public wastewater systems.

(iii) Assessment

The reduction of Block B and the erection of a terraced block adjacent are considered to strengthen the Ardenslate Road street frontage while adding variety to mix and layout of dwellings approved under the previous scheme. The changes allow the large car parking court (24 spaces) to be located to the rear of Block B and the terraced block and similar to the situation on the western half of the site to the rear of Block A. The design of the smaller and squatter flatted Block B and the two-storey terraced block is considered to be acceptable in terms of scale, design and materials.

The proposed ground engineering works on the golf course has not been qualified at this stage but the agent has confirmed that this has been included within the red line boundary as a contingency measure for the purpose of top soil redistribution which may involve the regrading of two fairways. It is confirmed that it is unlikely that there would be any perceptible contour changes or ecology disruption. This aspect is addressed via a suspensive planning condition.

It is considered that the proposed development is acceptable in layout, design and materials and would not have a significant visual impact, consistent with Policies LP ENV 19 (including Sustainable Design Guidance) and LP HOU1 of the 'Argyll and Bute Local Plan'.

C. Road Network, Parking and Associated Transport Matters

Roads have no objection to the proposal but comment that the proposed development will require Roads Construction Consent which will include traffic calming, footways, service strips, drainage measures, parking and turning. Roads note that the parking areas are regarded as housing courts and will not be adopted by the Council but will require Roads Construction Consent. Roads find the level of car parking acceptable and required sightlines can be achieved.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN4 and LP TRAN 6 of the 'Argyll and Bute Local Plan'.

D. Flooding

There are no significant changes to the scheme in respect of the submitted Flood Risk Assessment which has been generally accepted by the Council's Flood Alleviation Manager. Some additional details are required in respect of access to intakes, provision of handrail, intake grill, flow path and confirmation of maintenance procedures for Suds systems but it is considered that these can be addressed via a suspensive planning condition.

On the basis of the above, the proposal is considered consistent with Policies LP SERV2, LP SERV3 and LPSERV8 of the 'Argyll and Bute Local Plan'.

E. Contaminated Land

The established and lawful use of this site is a golf course with associated green-keeper's storage buildings. The Drainage Impact Assessment includes information and suggestions that there may be contaminated areas around the green-keepers buildings. Public Protection previously recommended safeguarding conditions requiring further data and analysis to determine the type and level of remediation needed. This information has not yet been submitted.

On the basis of this safeguarding condition, the proposal is considered consistent with the provisions of Policy SERV7 of the 'Argyll and Bute Local Plan'.

E. Conclusion

It is considered that the minor changes to the previously approved scheme help to break up the massing and monotony of an all flatted four-storey development and help to open up the site in addition to screening the car parking court to the rear of the street frontage buildings. There are no other changes to the previously approved scheme under ref. 07/02508/DET and 09/01435/NMA and previous conditions, reasons and advisory notes have been replicated and amended to reflect any changes for the current proposal. The concluded Section 75 Agreement for permission ref. 07/02508/DET will require to be reworded to reflect changes made to the overall scheme under the current application. The proposal is considered to be in accordance with policies contained in the Argyll and Bute Structure Plan and Argyll and Bute Local Plan (August 2009) and there are no reasonable grounds to recommend refusal.

Having due regard to the Development Plan and all other material considerations and on the basis of the above, the proposal is considered to be acceptable.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 10/00899/PP

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

(B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No.

(C) The reason why planning permission has been approved.

The development conforms with the requirements of ‘Argyll and Bute Local Plan’ policies LP ENV19, HOU1, HOU2, HOU4, SERV1, SERV2, SERV3, SERV7, SERV8, TRAN4, TRAN6 and REC2 and there are no material considerations which would warrant anything other than the application being determined in accordance with the provisions of the approved development plan.