

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: 10/01289/PPP

Planning Hierarchy: Local

Applicant: Highland House Developments

Proposal: Site for the erection of proposed housing development (22 houses)

Site Address: Land north of Cairnmore, Barran, Kilmore, Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Planning Permission

- Erection of 22 houses
- Formation of road and access tracks
- On site play area
- On site gas tanks
- Private surface water drainage arrangements

(ii) Other specified operations

- Off site road improvements
 - Connection to public water main
 - Connection to public foul sewer
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(B) RECOMMENDATION:

Recommend that planning permission be granted subject to:

- 1) A Discretionary Local Hearing being held in advance of the determination of the application in view of the number of representations received.
 - 2) Prior conclusion of a Section 75 Agreement to address affordable housing provision.
 - 3) The conditions and reasons contained within this report.
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(C) HISTORY:

No planning history relevant to the proposed development site.

(D) CONSULTATIONS:

Area Roads Manager

Response received 24th September 2010 – no objection subject to conditions. Conditions to include: upgrade of existing private access to adoptable standards with 2m footway and 2m service strip, drainage and turning head to Diagram 5.24 of the Council Guidelines; no walls etc within 2m of the channel line with the public road; visibility splays of 42 x 2.4m; 3.5m width for new road with passing places; and additional conditions controlling geometry of new works.

Scottish Water

No objections. Drainage Impact Assessment will be required by Scottish Water prior to granting connections to public infrastructure. Capacity for water supply at present. Limited capacity at Kilmore Waste Water Treatment Works at present. Separate surface water drainage system is required.

West of Scotland Archaeology Service

Highlight proximity to an enclosure and a burial cairn (150m), which are Scheduled Ancient Monuments requiring input from Historic Scotland.

No recorded sites of interest within the application site. The site is within a wider area of high archaeological sensitivity, so there is a good prospect of construction ground works uncovering further remains. Recommend an archaeological evaluation is undertaken pre-determination, but accept that a planning condition is an acceptable alternative approach.

Historic Scotland

The development extends existing housing development north-west, towards the Scheduled Ancient Monuments (cairn and enclosure SM No 3967). Landscape impact is limited and no important views will be directly affected. No objections, but suggest mitigation of impacts through design and planting.

Oban Airport

No response. Assume no objections due to lack of response, as per consultation letter.

(E) PUBLICITY:

Advertised under Regulation 20 – expired 7th October 2010.

(F) REPRESENTATIONS:

26 objections, 6 representations, and 80 letters of support, have been received from:

Representations:

Duncan Sinclair, Creaglinnhe, Barran, Kilmore, Oban Argyll And Bute
David Mudie, The Croft, Kilmore, Oban, Argyll PA34 4XX (received 26.11.10)
Mr & Mrs D. Valentine, Burnside, Barran, Kilmore, Oban, Argyll And Bute (received 21.09.10)
Duncan Sinclair Not Given (received 11.10.10)
Mr And Mrs Valentine Burnside, Barran, Kilmore (received 07.10.10)
David Whyte, Braikley, Kilmore, Oban Argyll And Bute (received 24.11.10)

Supporters:

Clare Ballantine, 13/12 Ravelston Terrace, Edinburgh, EH4 3TP (received 25.11.10)
B Cassels, 11 Lunga Road, Soroba, Oban (received 24.11.10)
Peter MacCuish, Torlundy Guest House, Oban (received 24.11.10)
Mark Ferguson, Top Left Flat 3 Drimvargie Terrace, Oban (received 24.11.10)
Brenden McMillan, 24 Rhuvaal Road, Oban, Argyll PA34 4BT (received 24.11.10)
Dennis Russell, 15 Camus Road, Dunbeg, Oban PA37 1DQ (received 24.11.10)
Neil MacDonald, 5E Lonsdale Crescent, Oban, Argyll PA34 5JP (received 24.11.10)
D Smith, 2 Islay Road, Soroba, Oban PA34 4YG (received 24.11.10)
J Johnstone, 4 Seaview Easdale, Oban (received 03.12.10)
S McCuish, 10 Miller Road, Oban PA34 4DX (received 03.12.10)
M Higgins, 4 Cuilfail Terrace, Kilmelford, Oban PA34 4XH (received 03.12.10)
A Robb, 3G Colonsay Terrace, Oban PA34 4YL (received 03.12.10)
The Owner, Keil Farm, Benderloch, By Oban (received 03.12.10)
Colin MacColl, 23 Longsdale Crescent, Oban, Argyll And Bute PA34 5JP (received 24.11.10)
A Buchanan, 14b Corran Brae, Dunollie, Oban PA34 5AL (received 03.12.10)
Mrs K MacInnes, The Knoll, Duncraggan Road, Oban PA34 5DU (received 24.11.10)
Stuart Logan, 5H Ulva Road, Oban, Argyll And Bute PA34 4YA (received 24.11.10)
Callum MacLeod, Tigh Bhaan, Appin, Argyll (received 24.11.10)
D Murray, 23 Achaleven Cottages, Connel, Oban Argyll And Bute PA37 1PE (received 24.11.10)
Mr And Mrs Carmichael, 7 Airds Place, Oban, Argyll And Bute (received 24.11.10)
Jon Torrie, 156 Gallowhill Road, Paisley, PA3 4UF (received 24.11.10)
R Campbell, Flat 3 16 Stevenson Street, Oban (received 24.11.10)
A Barr, 1 Albany Street, Oban PA34 4AR (received 24.10.10)
Andrew Anderson, Tynedale Breadalbane Lane, Oban Argyll And Bute PA34 5PA (received 24.10.10)
David Campbell, 3 Stevenson Street, Oban, Argyll And Bute (received 24.11.10)
Stuart Gillies, 37 The Glebe, Kilmelford, Oban, Argyll And Bute PA34 4XF (received 24.11.10)
David Ferguson Welders, Units 3, 4 And 5 Glengallan Road, Oban (received 24.11.10)
Eric McMurphy, Varragill, 7 Hayfield, Oban, Argyll (received 24.11.10)
F Gemmell, 30F McCaig Road, Soroba, Oban PA34 4YD (received 24.11.10)
Sean For, 23 Lunga Road, Soroba, Oban Argyll And Bute PA34 4NP (received 24.11.10)

Andrew MacIntyre, 6 Glenfoot Terrace, Miller Road, Oban, Argyll And Bute PA34 4DH (received 24.11.10)
Allan Thomson, Glencruitten Drive, Oban, Argyll (received 24.11.10)
The Owner/Occupier, 5B Knipoch Place, Oban, Argyll And Bute PA34 4ED (received 24.11.10)
The Owner/Occupier, 8a Miller Road, Oban, Argyll And Bute (received received 24.11.10)
The Owner/Occupier, Tigh Bhaan, Appin, Argyll And Bute PA38 4BL (received received 24.11.10)
The Owner/Occupier, 42 Longsdale Crescent, Oban, Argyll And Bute PA34 5JR (received 24.11.10)
R MacKay, 19F Shuna Terrace, Oban, Argyll And Bute PA34 4YE (received 24.11.10)
The Owner/Occupier, 24G Shuna Terrace, Oban, Argyll And Bute PA34 4YE (received 24.11.10)
The Owner/Occupier, Duncraggan, Duncraggan Road, Oban, Argyll And Bute PA34 5DU (received 24.11.10)
Sally Orr, 12A Alma Crescent Gallanach Road, Oban, Argyll And Bute PA34 4LT (received 24.11.10)
Tracy Di Ciacca, Tidereach Old Shore Road, Connel, Oban, Argyll And Bute (received 24.11.10)
Mr R Di Ciacca, Tidereach Old Shore Road, Connel, Oban, Argyll And Bute (received 24.11.10)
The Owner/Occupier, Ardmor, Ardconnel Terrace, Oban PA34 5DJ (received 24.11.10)
David Thomson, Allt-A-Bhile, Glen Lonan Road, Taynuilt, Argyll And Bute PA35 1HY (received 24.11.10)
The Owner/Occupier, 13 McCalls Terrace, Oban, Argyll And Bute PA34 4JE (received 24.11.10)
Jeff King, 21 Oakfield, Tarbert, Argyll And Bute PA29 6TD (received 24.11.10)
Calum Fox, 11D Colonsay Terrace, Oban, Argyll And Bute PA34 4YN (received 24.11.10)
Mr C Ireland, 4 Hayfield, Glenshellach Road, Oban, Argyll And Bute PA34 4PJ (received 24.11.10)
Gordon MacNiven, 30 Lochnell Road, Dunbeg, Oban PA37 1QJ (received 03.12.10)
David MacIntyre, 8 Graham Court, Dunollie, Oban PA34 5BD (received 03.12.10)
Craig Cameron, 47 Stevenson Street, Oban, PA34 5NA (received 03.12.10)
David Laurie, 11 Achlonan Taynuilt PA35 1JJ (received 03.12.10)
Darin Bryars, 8 Corran Brae, Dunollie, Oban PA34 4AL (received 03.12.10)
S MacIntyre, Burnbank Terrace, Oban, Argyll (received 03.12.10)
C Darbyshire, 30 Albany Street, Oban PA34 4AL (received 03.12.10)
Sandy Cameron, 4 Longsdale Terrace, Oban, Argyll PA34 5JS (received 03.12.10)
Derek Crooks, Benvoullin Lodge, Benvoullin Road, Oban PA34 5EF (received 03.12.10)
Mary Buchanan, Corran Brae, Oban, Argyll (received 03.12.10)
A MacPhee, 13 Castle Road, Dunbeg, Oban, Argyll And Bute PA37 1QH (received 03.12.10)
Leanne Philip, Soroba Road, Oban PA34 4HY (received 03.12.10)
Willie Neilson, 23 Nant Drive, Oban, Argyll And Bute PA34 4LA (received 24.11.10)
A M Birnie, Glenview, Connel, Oban Argyll And Bute PA37 1RN (received 24.11.10)
Graeme Fraser, 42A Combie Street, Oban PA34 4HS (received 24.11.10)
C MacGregor, Eorisdale, North Connel, Oban Argyll And Bute PA37 1RP (received 24.11.10)
E C May, Fairhaven, Glencruitten Road, Oban, Argyll And Bute PA34 4DN (received 24.11.10)
Neil O'Hara, 27 Rhuvaal Road, Oban, Argyll And Bute PA34 4BT (received 24.11.10)

Sean MacMillan, Smerclait ,24 Pulpit Drive, Oban Argyll And Bute PA34 4LE (received 24.11.10)
Paul Wiseman, Raslie, Glenshellach Road, Oban, Argyll And Bute PA34 4PP (received 24.11.10)
Iain Alexander, 26 Morvern Hill, Oban, Argyll And Bute PA34 4NS (received 24.11.10)
A Cameron, 22 McKelvie Road, Oban, Argyll And Bute PA34 4GB (received 24.11.10)
John MacMillan, 25 Lismore Crescent, Oban, Argyll And Bute PA34 5AX (received 24.11.10)
Stan Burgar, 34F McCaig Road, Soroba, Oban (received 24.11.10)
B MacGregor, 8 Knipoch Place, Oban, Argyll And Bute (received 24.11.10)
M McAuley, 9G Colonsay Terrace, Oban, Argyll And Bute PA34 4YN (received 24.11.10)
Iona Bethune, 23 Park Road, Oban, Argyll And Bute PA34 4GZ (received 24.11.10)
J MacDougall, Craigoran, Glenmore Road, Oban, Argyll And Bute PA34 4NB (received 24.11.10)
Yvonne Johnston, Bruach, Glen Lonan Road, Taynuilt, Argyll And Bute PA35 1HY (received 24.11.10)
J Buchanan Slater, 12b Dalintart Drive ,Oban PA34 4EE (received received 24.11.10)
Stephen Davidson, 16 Cowan Place, Oban, Argyll And Bute PA34 4GA (received 24.11.10)
Gavin Stobbart, 3a Lismore Crescent, Dunollie, Oban, Argyll And Bute PA34 5AX (received 24.11.10)

Objectors:

Janet Duncan, Tiroran, Barran, Kilmore, Oban, Argyll And Bute (received 27.09.10)
Mrs Sona Campbell, Cleigh, Kilmore, By Oban, Argyll PA34 4XT (received 07.10.10)
Mr Sham Yadav M.S F.R.C.S, Kinarra, Barran, Kilmore, Oban PA34 4XR (received 08.10.10)
James Still, Fasgadh, Kilmore, Argyll PA34 4XR (received 29.09.10)
MJ Diamond, 17 Barran , Kilmore, By Oban PA34 4XR (received 12.10.10)
J A Parker, Ashburn, Barran, Kilmore, Oban, Argyll (received 12.10.10)
Mairi Morrison, Ardchoille, Barran, Kilmore PA34 4XR (received 12.10.10)
Lynda Still, Fasgadh, Kilmore, Oban, Argyll (received 12.10.10)
Christine Groat, Cairnmore, Barran, Kilmore, Oban, Argyll And Bute (received 16.09.10)
A And J Robertson, Tigh Phadruig, Barran, Kilmore, Oban ,Argyll And Bute (received 26.09.10)
David Whyte, Braikley, Barran, Kilmore ,Oban PA34 4XR (received 12.10.10)
Kathleen Whyte, Braikle, Barran, Kilmore, Oban PA34 4XR (received 12.10.10)
Oonagh Fielden, Gylen , Soroba Mews, Oban (received 12.10.10)
Craig Morrison, Ardchoille, Barran, Kilmore ,Oban Argyll And Bute (received 12.10.10)
Kirsteen Morrison, Ardchoille, Barran, Kilmore, Oban (received 12.10.10)
Ann Ferguson, Dalantobair, Musdale Road, Kilmore, Oban , PA34 4XX (received 12.10.10)
Donald McBurnie, Ard Gor, Barran, Kilmore PA34 4XR (received 05.11.10)
David Mudie, The Croft, Kilmore , Oban Argyll And Bute, PA34 4XX (received 11.10.10)
Andrew Spence, Nellbank , Kilmore, Oban, Argyll And Bute, PA34 4XT (received 12.10.10)
James Parker, Ashburn, Barran, Kilmore, Oban PA34 4XR (received 07.10.10)
Janet Duncan, Tiorann, Barran, Kilmelford (received 07.10.10)
A And J Robertson, Tigh Phadraig, Barran, Kilmore (received 07.10.10)
Allan Morrison, Ardchoille, Barran, Kilmore, Oban PA34 4XR (received 07.10.10)
Christine Groat, Cairnmore, Barran, Kilmore, Oban, Argyll And Bute (received 07.10.10)
I M Diamond ,Dunadd, Barran, Kilmore, By Oban PA34 4XR (received 07.10.10)

J R Inglis Not Given (received 12.10.10)

Material concerns raised are summarised as follows:

- Condition of existing public road from A816 to Barran - including junction alignment with A816, forward visibility, unrestricted speed limit, inadequate passing places, lack of footpaths requires pedestrians including school children to walk on the road, and restricted access at narrow weight restricted humpback bridge over River Nell. Road considered inadequate to serve the increased traffic associated with the development. Alternative access via new bridge suggested.

Comment: When allocating the site as a PDA, the Local Plan considered issues including road safety and general location in terms of existing infrastructure. PDA Schedule 5/133 confirms road safety needs to be addressed. The Area Roads Engineer has been consulted and does not object to the application subject to conditions.

- Barran Estate road is inadequate to serve the development. Unadopted, without streetlights, pavements or drainage facilities.

Comment: The applicant acknowledges the existing road requires to be upgraded to facilitate the development. Area Roads give detailed comment on the layout required in their consultation response. A suspensive planning condition is recommended to ensure that sufficient upgrade works are completed before any works commence on the site.

- Foul drainage – alleged that sewage treatment plant operates at capacity and odour nuisance exists at present. A new plant should be provided at greater distance from existing housing.

Comments: Scottish Water confirm limited capacity exists at present for foul drainage connection. Direct consent from Scottish Water would be required irrespective of the planning decision, but as Scottish Water has not objected or has expressed that no capacity exists, this is sufficient to allow the planning permission in principle to progress.

- Water supply, telecoms and electricity are at capacity.

Comment: Scottish Water confirm capacity exists for water supply at present. Direct consent from Scottish Water is required to enable connection to their infrastructure. Electrical and telecom capacity are not relevant planning considerations.

- Outline permission exists for 5 houses in the area already.

Comment: Kilmore and Barran are identified in the Local Plan for a reasonable amount of development. A five plot development has been approved approximately 250m to the south-west but has yet to be developed. The existence of that consent need not preclude determination of the application.

- Increased noise levels arising from construction activity and traffic generated will be a nuisance.

Comment: Environmental Health legislation controls normal construction activity and noise. The development of the site for 22 houses is not considered to involve an unacceptable degree of noise or activity that merits special planning controls on construction hours.

- The development is out of keeping with the rural character of existing development in terms of density, layout and scale of proposed buildings (1½ storeys compared to existing bungalows).

Comment: The PDA allocation is for a low density housing development, alongside existing housing at Barran. In terms of indicative layout and density, the project compares closely to existing development at Barran. Although some bungalow housing exists closest to the site, there is also 1½ storey housing in the wider Barran settlement and provision of 1½ storey houses on the site is considered compatible with the existing settlement.

- The demand for housing does not match the number of units proposed as part of the development.

Comment: The housing demand is a matter for the market to determine. Albeit that house sales have slowed during the recession, indications are that housing demand and affordable housing demand both remain high.

- Red squirrels and geese regularly use the field.

Comment: This claim is unsubstantiated. Inputs from SNH and the Council's Biodiversity Officer do not raise concerns over use of the site by squirrels or geese. The open field is not ideal habitat for squirrels, and the remaining open fields to the west and north will be suitable alternative landing sites for geese.

Non material concerns raised include:

- Surface water flooding/drainage provision around existing housing at Barran
- No benefit to local community
- There is no shop, school or recreation area in the village
- The village hall needs upgrading
- Potential division between community due to extent of proposed road upgrading and disparity between maintenance costs for those remaining properties taking access from private spurs
- Potential length of construction phases leading to disturbance over several years
- Price range of anticipated housing

Supporters of the development highlight:

- The land is designated for housing
- £5 million investment in the community over 4 years
- Employment for up to 50 people and their families (tradesmen, suppliers, infrastructure and professional)
- This is a marginal project that should not be burdened with onerous conditions

Comment: support for the project is noted. The policy position is detailed below, including the Local Plan allocation of the site as a Potential Development Area. The

investment and construction jobs associated with the project are important aspects, but these do not override wider policy or planning objectives.

Full text of all representations is available on request from the Planning Service or by searching the application reference on:

<http://www.argyll-bute.gov.uk/content/planning/publicaccess>

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** Not required
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Not required
 - (iii) **A design or design/access statement:** Not required
 - (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Not required
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(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:**

Yes, to secure affordable housing provision associated with the development.

Reason for refusal if Section 75 Agreement not concluded within 4 months:

- 1) The application fails to make adequate provision for affordable housing associated with the market housing development as applied for. Argyll & Bute Council Local Plan identifies the site as Potential Development Area 5/133, which requires a minimum 25% affordable housing. The applicant's offer for offsetting against the flatted development approved under ref. 09/01613/PP at Stevenson Street is not acceptable to the Planning Authority. Whilst the Council does accept offsetting (as a second choice) through the affordable housing policy, this provision has only been applied concurrently and not in retrospect, and offsetting must be compatible in terms of development type and location within the same housing market in order to represent a suitable alternative. It is considered that the separation distance of approximately 5 miles between Barran and Stevenson Street is too far to represent a suitable alternative within the same community and that the nature of the dense flatted development at Stevenson Street is considerably different from the low density detached housing applied for at the application site.

Argyll & Bute Council's Affordable Housing Guidance implicitly requires that offsetting affordable housing provisions should be undertaken on concurrent

proposals rather than in retrospect. If applied retrospectively, this would create a precedent across the Council area for accepting such offsetting calculations which would reduce the number of affordable houses provided, contrary to Argyll & Bute Council Local Plan Policy LP HOU 2 and allocation PDA 5/133.

- (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 DC 1 – Development within the Settlements
STRAT DC 7 – Nature Conservation and Development Control
STRAT DC 9 – Historic Environment and Development Control
STRAT DC 10 – Flooding and Land Erosion
STRAT HO 1 – Housing – Development Control Policy

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
LP ENV 16 – Impact on Scheduled Ancient Monuments
LP ENV 17 – Impact on Sites of Archaeological Importance
LP ENV 19 – Development Setting, Layout and Design
(Potential Development Area PDA 5/133)
LP HOU 1 – General Housing Development
LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision
LP HOU 4 – Housing Green-Space
LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems
LP SERV 3 – Drainage Impact Assessment (DIA)
LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 5 – Off-site Highway Improvements
LP TRAN 6 – Vehicle Parking Provision

LP PG 1 – Planning Gain

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards
Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

(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

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (Feb 2010)

Planning Advice Note (PAN) 42 – Archaeology

PAN 44 Fitting New Housing Development into the Landscape

PAN 2/2010 Affordable Housing and Housing Land Audits

Affordable Housing Guidance Note (2007)

Argyll and Bute Council; Sustainable Design Guidance

(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: No

(O) Requirement for a hearing: Yes

A Discretionary Local Hearing is recommended in view of the level of public interest in the application. The Community Council requests that if such a meeting is to be arranged, it is held locally at the Kilmore Village Hall.

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

The proposal lies within a Potential Development Area (PDA) site within the settlement zone of Kilmore/Barran (PDA 5/133), allocated as suitable for low density housing including 25% affordable housing provision. The site lies to the immediate north of established housing at Barran on an open, generally level field bounded to the east by

rising hillside and to the west by the River Nell and riparian woodland. Access is taken through the Barran settlement and spurring from an existing turning head between houses known as Tiroran and Cairnmore.

Although Kilmore/Barran is recognised as a 'minor settlement', where STRAT DC 1 normally supports small scale developments, the Local Plan PDA allocation for low density housing development on this size of site (just under 2 hectares) supports the principle of 'medium scale' development subject to overcoming issues outlined in the PDA Schedule. Medium scale housing development is defined in the Local Plan as between 6 and 30 units. Low density development is defined as up to 11 houses per hectare. The issues to address in respect of this PDA are: water supply, waste water drainage, access constraints/road safety, and the need for a master-planned approach.

The application is for planning permission in principle only, supported by an indicative site plan covering the entire PDA, which is sufficient as a master-planned approach. The application site boundaries show very minor fluctuations from the allocated PDA by giving up some land on the western boundary and taking an equivalent area to the north. As the PDA boundary does not correlate with any landscape feature or defined area on the site, it is considered these variations are very minor in nature and the PDA allocation is what is proposed for development to all intents and purposes.

The indicative layout shows space for 22 house plots, new access road and private spur tracks, an area of on-site open space, and communal underground gas tanks. The indicative plots are similar in size and layout to existing development at Barran and as such, this is considered acceptable.

In terms of water supply and foul drainage, Scottish Water raises no objections. Although there is limited capacity for waste water drainage at the existing Scottish Water works, their direct consent is required prior to any connection to public drainage infrastructure. Scottish Water confirm capacity exists for water supply at present.

In terms of road safety, the Roads Authority confirms no objections to the development subject to appropriate planning conditions, notably the upgrading of the existing sub-standard road through Barran to facilitate the development.

There is a disagreement over how affordable housing provision can be achieved from this development. The applicant proposes that the Council accept offsetting against the 15 flat development granted under ref 09/01613/PP at Stevenson Street, Oban. The developer confirms that 6 units have yet to sell and that these can be used to offset the required six units which would constitute 25% of the 22 house development proposed at this site. For the reasons detailed in the appendix to this report, that approach is not considered acceptable to the Planning Service, and a Section 75 Agreement is recommended, prior to the granting of planning permission in principle, to secure an affordable housing solution, which may include a commuted sum payment. In the event that the applicant remains opposed to entering the agreement, they would be free to appeal against the subsequent refusal.

It is considered that the issues identified as requiring to be addressed in the PDA Schedule have been satisfactorily addressed by the applicant, or can be further controlled by appropriate planning conditions. Accordingly, it is recommended that planning permission in principle be granted, following the conclusion of a Section 75 Agreement as noted above.

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

(R) Reasons why planning permission should be granted

The applicant has sufficiently addressed the issues outlined in the PDA schedule, within the Argyll & Bute Local Plan 2009, which identifies the site as suitable for a low density housing development including 25% affordable housing provision. Subject to planning conditions, and the prior conclusion of a Section 75 Agreement, the proposal conforms to the relevant development plan policies and there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A – the proposal is in accordance with the Development Plan.

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

Author of Report: Stephen Fair

Date: 28th January 2011

Reviewing Officer: Richard Kerr

Date: 28th January 2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01289/PPP

1. This permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application (or applications) for planning permission in principle that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application must be made before whichever is the later of the following:
 - a) the expiration of a period of 3 years from the date of this permission.
 - b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
 - c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

and in the case of b) and c) above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

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

2. Prior to the commencement of works at the site, full details shall be submitted for the approval of matters specified in conditions by the Planning Authority in respect of the following matters:
 - a. The siting, design and external appearance of the proposed development;
 - b. The boundary treatment of the site of the proposed development, including proposed tree planting utilising native species, including structural planting around the northern and western boundaries to give the development a natural context;
 - c. Details of the access arrangements within the site including the proposed extent of adoptive standard road and private access spurs;
 - d. Details of the proposed surface water drainage arrangements;
 - e. Details of the proposed means of burn crossing at the site entrance
 - e. Details of the equipped (min. 6m²/house) and unequipped (min. 12m²/house) on-site open space provision including arrangements for ongoing maintenance and aftercare.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 and ensure the proposed dwellings are consistent with the character of the surrounding natural and built environment.

3. In addressing the terms of condition 2 above, the houses hereby approved in principle shall be designed within the following parameters:
 - Scale shall not exceed 1½ storeys
 - Mainly rectangular form with gabled end walls and symmetrically pitched roofs
 - Roof pitch between 35 and 42 degrees
 - Wall finishes shall be predominantly masonry render
 - Windows shall have a vertical emphasis
 - If chimneys are incorporated they will be set squarely on the main building ridge.

Reason: To ensure suitable integration with the landscape setting of the site.

4. The development shall be designed and implemented in accordance with the details specified on the application form dated 28th October 2009 and the approved drawing reference numbers:

- Plan 1 of 1 (1037 02 Rev A) (Location and Site Plans at a scale of 1:2500 and 1:500 respectively)

unless the prior written approval of the Local Planning Authority is obtained for an alternative layout or an amendment to the approved details is granted under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

5. No development shall commence on site or is hereby authorised until existing private track between the edge of the existing public road, through the existing Barran housing development and up to the site entrance, is upgraded to the Council's adoptive standards in strict accordance with details that shall first be the subject of a Road Construction Consent granted by the Roads Authority. The upgraded road shall include a 2m wide footway and a 2m wide service strip, with 3.5m width bituminous macadam surfacing, passing places, and visibility splays onto the existing public road all to the satisfaction of the Roads Authority; adequate drainage arrangements and a turning head to Diagram 5.24 of the Council Guidelines for Development. Surface water management shall include measures to deal with surface water running off the existing spur road adjoining the track to be upgraded and ducting shall be installed to avoid the need for excavating the road for road lighting if the Council wishes to provide this at a later date.

Visibility splays measuring 42 metres x 2.4 metres in each direction shall be formed from the centre line of all proposed private vehicular accesses onto the upgraded public road. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1 metre in height above the level of the upgraded carriageway and thereafter maintained to the satisfaction of the Local Planning Authority. No walls, hedges, fences or other obstructions will be permitted within 2m from the channel line of the upgraded public road.

Reason: In the interests of road safety and to ensure the proposed development is served by a safe means of vehicular access and to accord with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

6. As details pursuant to condition 2 above, full details of the proposed means of surface water drainage shall be submitted to the Planning Authority. The development shall be completed in strict accordance with such details as are approved.

Reason: To ensure that surface water drainage arising from the development is adequately managed.

7. No development shall commence or is hereby authorised until evidence is submitted to demonstrate that Scottish Water has given consent to connect to its infrastructure for both water supply and foul drainage disposal from the development.

Reason: To ensure the development can be adequately serviced in terms of water supply and foul drainage disposal before works commence in the interests of public health.

8. No development shall commence or is hereby authorised 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 Archaeological Service, and approved in writing by the Planning Authority. Thereafter, the developer must ensure that the programme of archaeological works is fully implemented in accordance with the agreed details and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To evaluate and protect any items of archaeological interest which may be found on this site, and to allow any action required for the protection, preservation or recording of such remains to occur, to preserve the historic interest of the site.

NOTE TO APPLICANT

- Please see the attached consultation responses in full, received from Area Roads (Operational Services), Scottish Water, Historic Scotland (Ancient Monuments), and West of Scotland Archaeology Service.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 10/01289/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal lies within a Potential Development Area (PDA) site within the settlement zone of Kilmore/Barran (PDA 5/133), allocated as suitable for low density housing including 25% affordable housing provision. The site lies to the immediate north of established housing at Barran on an open, generally level field bounded to the east by rising hillside and to the west by the River Nell and riparian woodland. Access is taken through the Barran settlement and spurring from an existing turning head between houses known as Tiroran and Cairnmore.

Although Kilmore/Barran is recognised as a minor settlement, where STRAT DC 1 normally supports small scale developments, the Local Plan PDA allocation for low density housing development on this size of site (just under 2 hectares) supports the principle of medium scale development subject to overcoming issues outlined in the PDA Schedule. Medium scale housing development is defined in the Local Plan as between 6 and 30 units. Low density development is defined as up to 11 houses per hectare. The issues to address in respect of this PDA are: water supply, waste water drainage, access constraints/road safety, and the need for a master-planned approach.

This PPP proposal for 22 houses on the PDA is considered an appropriate form of low density housing development in accordance with STRAT DC 1.

B. Location, Nature and Design of Proposed Development

The PDA site allows for the expansion of existing housing development at Barran in a northerly direction across an open, generally level field, accessed via an upgraded road running through Barran.

This is an application for 22 houses in principle only. As such, detailed designs have yet to be submitted. An indicative layout has been supplied, showing a new central access road with cul-de-sac spurs to both sides, serving detached houses in a general grid pattern, with allowances for suitable on-site open space provision in accordance with LP HOU 4, and communal underground gas tanks. The layout and plot sizes are comparable to existing housing at Barran.

The submitted plans also detail a proposal for mixed single and 1½ storey housing, and structural planting is also expected.

C. Natural Environment

There are few natural heritage constraints on the site. Given the open nature of the site and land further north and west, it is considered that structural planting at or near the proposed northern and western boundaries is necessary to give the development a better context.

D. Built Environment

Existing housing at Barran includes a mixture of single and 1½ storey houses in a style fairly typical of the 1970's and 1980's. The simple form, layout and designed settlement is currently fairly well contained by areas of mature vegetation.

The simple layout and built form is reflected in the indicative layout submitted. Given the form and finish of existing development at Barran, it is difficult to argue for an higher standard of design and finish at the site, but planning conditions and the future Approval of Matters Specified in Conditions (AMSC) application will present an opportunity to fully evaluate the design proposals that are developed by the applicant. Neighbours of the site would also have an opportunity for further comment at that stage.

E. Landscape Character

The site is a generally flat, open field with little context for a housing development on anything other than the southern boundary, where the existing Barran housing development is located. Strategic planting is necessary for the northern and western boundaries to give the new housing development a better natural context, failing which the housing will appear open to remaining open fields and pressurise those areas for further development. As they lie on Countryside Around Settlement, such further expansion would be contrary to current Development Plan Policy. The site is bounded to the east by rising hillside, which acts as an important backdrop from the public road to the north-west of the site.

F. Road Network, Parking and Associated Transport Matters

Many of the objectors, Area Roads, and the applicant all recognise that the existing private track spur is inadequate and sub-standard. Suspensive planning conditions will require the upgrading of the track to a public road standard prior to development commencing on the site. The applicant highlights that this is approximately 400m of road and that the works will benefit existing householders.

Beyond the conditions sought by the Area Roads Engineer, it is not considered that there are any insurmountable road safety issues associated with the development.

G. Infrastructure

Private surface water drainage infrastructure is proposed. Full details of this will be required as part of the AMSC, but on site soakaways is the simplest form of Sustainable Urban Drainage System (SUDS) scheme and this is likely to be acceptable on the site given the anticipated free draining ground conditions.

Public water supply and foul drainage connections are proposed. Scottish Water confirm that capacity exists for water supply and limited capacity exists for foul drainage at present. Direct consents are required from Scottish Water prior to connecting to their infrastructure and these proposals are considered sufficient for the purposes of the PPP application.

H. Affordable Housing

Applicant's position – The applicant proposes that the Council accepts offsetting of the affordable housing contribution on this site (6 out of 22 units), against the 15 flat development granted planning permission under ref 09/01613/PP at Stevenson Street, Oban. Work on that development has commenced and it is understood that 6 units remain unsold.

The applicant asserts that the Council's policy on affordable housing encourages suitable off site provision and does not exclude offsetting in retrospect. It is highlighted that the Council's Technical Note on Affordable Housing advises that the Council will apply a range of mechanisms flexibly depending on the relative circumstances of individual cases on a site by site basis to achieve affordable housing.

Due to the significant costs of upgrading the existing sub-standard road through Barran, the developer considers the infrastructure costs of the site high. In the context of a slow housing market, the developer seeks that the Council apply flexibility in this instance.

Planning Service assessment – The fundamental objective of affordable housing policies at national, strategic and local level is to deliver affordable housing such that the demonstrated affordable housing needs in an area are met.

PAN 2/2010 confirms that developments of 20 or more houses should include affordable housing at a rate of 25% as a benchmark figure, but that the threshold will reduce in rural areas.

Argyll & Bute Council requires 25% provision for developments of 8 or more houses, and in the case of PDA allocations, identifies the on-site affordable housing provision on a site by site basis. PDA 5/133 requires 25% affordable housing for the site, irrespective of the identity of the developer. The affordable housing guidance stresses that a range of development types are necessary to meet affordable housing demand, and policy aims to achieve contributions from individual developments, not individual developers.

The proposal by the applicant for offsetting at Stevenson Street has been fully considered and judged unacceptable. That development included 15 small flats considered to be affordable by design (i.e. they were so small that the costs would always remain affordable). Four out of the fifteen were required as affordable units. It is understood the units were advertised for sale at £87,500. Two of the units were accepted as offsetting the affordable housing requirements for the 10 flat development at Ganavan Sands approved under ref 09/01553/PP, which was considered by PPSL at the same time as 09/01613/PP. Offsetting affordable provision at one flatted development for another flatted development two miles from the Ganavan site was accepted by the Planning Authority. In the case of Stevenson Street, a high density flatted project was supported in a town centre site, and this justified the lack of parking, lack of outdoor space, higher density, and lack of other controls on the "affordable" nature of the project such as a planning condition or Section 75 Agreement.

It is considered that to include the Stevenson Street development for a further offsetting calculation, after the development has already been approved, achieves little except relieving the developer of the costs of providing affordable housing at the Barran site, and undermining the Council's affordable housing policies by establishing a precedent for retrospective offsetting throughout the Council area. Whilst the Council does accept offsetting (as a second choice) through the affordable housing policy, this provision has only been applied concurrently and not in retrospect, and offsetting should always be

compatible in terms of development type and location within the same housing market in order to represent a suitable alternative. If the Council was to apply this provision retrospectively, this could significantly reduce the number of affordable units that are actually delivered through the affordable housing policy. Albeit the developer considers the policy does not explicitly preclude this method of offsetting, the Planning Service considers this to be an implicit part of the policy, and that this assessment is further supported by the identification of the on-site affordable housing requirements in the Schedule for PDA5/133.

National and local policy both seek to provide mixed communities through supporting a range of house types and sizes for private and affordable purposes. Barran generally, and PDA5/133 specifically, are considered suitable for on-site affordable housing provision in association with this development. It is also considered that the separation distance of approximately 5 miles between Barran and Stevenson Street weakens any argument that the site is a suitable alternative within the same community. The nature of development is also considerably different being a proposal for low density detached housing as opposed to a dense flatted development.

Recommendation – On the basis that national and strategic policy supports on-site affordable housing for this scale of development, and the other matters discussed above, it is considered appropriate to seek a Section 75 Agreement to secure a minimum 25% on-site affordable housing provision, or such other alternatives as may be agreed within the terms of the Council's Affordable Housing Guidance. This may include a commuted sum payment.

The applicant could appeal and have the matter independently examined by a Scottish Government Reporter if they are aggrieved by this decision.