

**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**

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**Reference No:** 09/00385/OUT

**Planning Hierarchy:** Local application

**Applicant:** Ardkinglas Estate

**Proposal:** Erection of mixed development comprising 16 dwellinghouses, 7 commercial units, childcare centre and installation of sewage systems and access improvements.

**Site Address:** Land adjacent to Ardkinglas Sawmill, Clachan, Cairndow, Argyll

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## **SUPPLEMENTARY REPORT**

### **1.0 SUMMARY**

The purpose of this supplementary report is to confirm the receipt of updated consultation responses and further representations

### **2.0 CONSULTATIONS**

A revised response from **Transport Scotland** (dated 25 August 2009, received 14 September 2011) taking account of the submitted Masterplan now requires forward visibility splays to be provided and a new (upgraded) junction to be constructed to the Trunk Road. A greater improvement would be required if the development was extended to include the masterplan proposals.

My original report omitted a response from **Public Protection** (dated 14 May 2009). However, a revised response (dated 19 September 2011) raises no objections in principle to the application. However, further information is required regarding the proposed Private Water Supply and the impact of existing ambient noise levels on the proposed development.

### **3.0 FURTHER REPRESENTATION**

A further representation from Elaine Pound, Shore Cottage, Cairndow (e.mail dated 20 September 2011 raises the following points:

- This application is currently unlawful due to the incorrect status reported on the PDA re: housing - which suggests the PDA is flawed - and the red line boundary
- The Report to the Committee omits Transport Scotland's report dated 25 August 2011 which requires access improvement on the A83 and visibility splays, neither of which are included within the red line boundary
- PDA 9/13 'mixed use' never included housing - it was an extension of the original hub, ie the Oyster Bar & Tree Shop, has no modification number and was not amended in the Reporter's Written Report for the Local Plan 2009 to include housing - hence housing density was shown as 'not applicable' ; there was no consultation to include housing for PDA 9/13 - this has to be unlawful.
- A Green Transport Plan has not been provided
- Landscape & Visual Assessment and Sustainability Checklist have not been provided
- An Area Capacity Evaluation (ACE) has not been provided in an area of Sensitive Countryside/Panoramic Quality and an Environmental Statement has not been provided

- The developer's consultant/mediator's letter of 16 June 2011 requested the Council to supply to the PPSL the location of the 'objectors'. If this is to be provided, please also provide to the PPSL the location of the 'supporters' - all of which are either related or connected by either tenancy or employ. The 'objectors' are all independent from the developer - some of which are aware that this PDA was not designated for housing - and the 'objectors' either have adjoining Estates/land and/or businesses - stakeholders within the community - who employ local staff.
- the Report states that the 'affordable housing' mechanism will be under RHOG - RHOG was withdrawn by the Government in the budget of April 2011 - and therefore no longer exists - and RHfR was a pilot scheme by the Government (which provided + £650k for development at Pheasant Field) and does not apply to this application. There are also no special circumstances for this application.

A further supportive representation from John Smart, Stalkers Cottage, Glen Fyne, Cairndow (e.mail dated 20 September 2011) reports that two families have left the area because of the lack of suitable accommodation and advises that the proposed development will make a small but significant contribution to keeping Cairndow as an alive and vibrant community.

One further objecting representation was received (dated 20<sup>th</sup> September 2011) from Jamie Delap as Director of Fyne Ales limited which operate on the other side of the Fyne Valley to the proposed development. He is supportive of small number of commercial units but opposes strongly to new residential dwellings and a whole new village (masterplan) which is proposed. He considers this will seriously undermine the character of the area and also his business' provenance.

### **3.0 RESPONSE**

- 3.1 The application was accepted as valid when submitted. The application boundary (red line) prepared by the applicant encompassed an appropriate area within which development was proposed. This area was less than 2 hectares and, in any event, there was no statutory definition of "major development" at the date of submission. Consequently, there is no lawful impediment to the Council determining the application.
- 3.2 The revised response from Transport Scotland taking account of the submitted Masterplan was only received after my original report had been prepared. The revised visibility splays now required may affect land outwith the applicant's control so a s.75 agreement may be required if Members were minded to approve the application.
- 3.3 Regardless of its derivation, PDA 9/13 in the adopted Local Plan is for "Mixed Use – Business/Housing/Recreation" as set out in the original report. In the Plan it is common for mixed use PDAs with a housing component not to specify densities.
- 3.4 The request for a Green Transport Plan was only included in an agenda for a meeting with the applicant prior to validation of the applicant.
- 3.5 The absence of a Landscape & Visual Assessment and Sustainability Checklist underline concerns in my report that a masterplan for the PDA needs to be better developed.
- 3.6 Although the site is within an Area of Panoramic Quality and the Sensitive Countryside development control zone, its inclusion within a PDA and AFA render the Area Capacity Evaluation (ACE) technique inappropriate. The application has not been screened as an EIA application so does not require an Environmental Assessment.
- 3.7 The addresses of all contributors, where available, are included in the original report.
- 3.8 Section D of the original report identified that the method for delivering affordable housing had not yet been secured. Despite the demise of schemes suggested in the report, an appropriate level of affordable housing could be secured by either a suspensive condition or section 75 agreement if the application was to be approved. It must be noted that whilst we are accepting of this flexible approach at this stage it is a significant weakness of the proposal especially in this climate where RSLs have significant funding reductions. A minimum of 4 affordable units must be constructed but as yet no clear mechanism for delivery has been afforded.

### **4.0 RECOMMENDATION**

It is recommended that Members note the content of this supplementary report and planning permission be refused.

Based on the above representations from Transport Scotland and Public Protection we would also seek to insert the words:- '**Trunk Road Access, Private Water**' into Reason for Refusal 3 (contained on page 54 of PPSL Pack). The full reason for refusal shall now read:-

3. A Masterplan approach for is advocated for the development of PDA's within the Argyll and Bute Local Plan (August 2009) and progression with large scale and sensitive area development in general in National Guidance. The lack of a sufficiently detailed Masterplan in this instance has resulted in an objection from SEPA and inability for the planning department to fully assess this 2ha gateway / phase 1 application in the context of the wider > 30ha development site and relationship with future phases. It is therefore considered to be contrary to paragraphs 11.14 and 11.15 of the written statement of the Argyll and Bute Local Plan (August 2009) and Planning Advice Note 83 – 'Masterplanning'. There is an inability to plan for the future in a coordinated and comprehensive manner with the potential for adverse landscape biodiversity infrastructure **Trunk Road Access, Private Water** and servicing implications in this area of sensitive countryside and panoramic quality.

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**20 September 2011**