

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: 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

SUPPLEMENTARY REPORT 2

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 letter from **Transport Scotland** (dated 6th October 2011) clarifies the wording of conditions recommended in their revised consultation response dated 25th August 2011 (not 25th August 2009 as originally reported). Transport Scotland considers that an explanation of their suggested conditions would avoid the need a representative being present at the Hearing.

The first two conditions relate to visibility from the junction and forward visibility on the trunk road on the approach to the junction. To ensure that these visibility splays can be obtained then maintained in perpetuity, it will be necessary for the applicant to demonstrate that these can be achieved without any interference from obstructions and also gain assurance that nothing would be built or allowed to grow in the future which may impede the required visibility. Transport Scotland considers the only means of ensuring this is via a suspensive condition as detailed in the response dated 25th August 2011.

The third condition relates to the layout of the junction to ensure that it complies with the appropriate standards within the Design Manual for Roads and Bridges. Transport Scotland considers that the current layout does not comply with these standards as defined by Layout 3 of TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) and therefore this condition is required to bring the junction up to the necessary standard.

The additional traffic which would be generated if all the development in the masterplan was implemented would be in excess of the level of traffic required for a right turn lane.. As a result, a condition was recommended to highlight that a right turn lane would be required.

Comment: The visibility splays and the improvements to the junction of the access road onto the A83(T) required by Transport Scotland are on land either controlled by the applicant or by Transport Scotland. Therefore suspensive planning conditions could be used to achieve required sightlines.

In terms of the requirement for the right hand turning lane, this would only be applicable if the greater masterplan scheme was to be developed and not for the development proposed within the scope of the current planning application.

3.0 FURTHER REPRESENTATION

Six further letters of support have been received from:

Alexander Pettit, formerly of Ballure, Cairndow (letter received 23rd September 2011);
Mrs Frances Bremner, 11 Kilmorich, Cairndow (email dated 26th September 2011);
Mr Bruce Davidson, Loch Fyne Oysters Ltd, Clachan Cairndow (email dated 29th September 2011);
Mr Neil Colburn, The Tree Shop Clachan Cairndow (email dated 4th October 2011);
Mr Neil Colburn 4 Hydro Houses Cairndow (email dated 4th October 2011);
Mrs. Alison Hutchins, 12 Kilmorich, Cairndow (email dated 5th October 2011).

The points raised in the letters of support are summarised below:

- *Proposed development is desperately needed in our village. There has been no new housing for about 18years since Kilmorich was built and that was very successful. We have a thriving community with many businesses but not enough housing meaning many people have to travel many miles from far away as Glasgow to work in Cairndow. A purpose built child care facility would be fantastic. For the past few years they have had to do with the village hall which has been fine but a purpose built building would be much better for all. Also, some people are setting up their own new businesses and a few units here would be fantastic to keep employment local. There is a growing community of elderly and young people in the village whose accommodation may not be suitable for them after a time, the choice of different housing would be greatly sought after.*
- *The Tree Shop supports this development and believes the proposed development will not have an adverse impact on the landscape at the head of Loch Fyne due to existing trees and shrubs providing adequate screening from the A83. The Tree Shop would welcome additional small businesses in the area. The Planning Department's emphasis on a formal masterplan for the whole of PDA 9/13 as a policy stipulation prior to the development of this small part of the PDA is unnecessary and impracticable. The density and scale of development proposed in the Outline Application is appropriate for the context and consistent with the aim of providing affordable residential and commercial accommodation.*
- *Loch Fyne Oysters support the application. Staff accommodation near their site is an ongoing problem for our staff and feels that the proposal is appropriate to the existing environment and infrastructure. Keen to support more affordable residential accommodation and recognise the need for small commercial units in the area. We do not feel that there will be any adverse visual impact from the development for visitors to our site. Continued support for the childcare facility and if it moves to the new site may strengthen ties between us and be of added benefit to our staff. The planned footpath would also be an added benefit.*
- *Support for the proposed development where the extra housing is needed due to the continuing expansion of the local businesses.*
- *Letter from Alexander Pettit explains why the lack of suitable residential accommodation and office space resulted in his family leaving the Cairndow area. Finds it frustrating that so many homes in the area are holiday or second homes and that the daily lives of Cairndow residents and workers can be impacted upon by non or partial residents. Cairndow and villages like it must move with the times in an attempt to retain, improve and encourage economic growth.*
- *Without housing, childcare and the ability to create business opportunities could turn Cairndow into a retirement village.*

A further objection has been received from Ken Pound (email dated 12th October 2011) making the following points:

- *Within the proposed site plan, the red line boundary embraces the access road but the road is owned by Scottish and Southern Electricity - not the developer - CDA 02A dated 30 March 2009 & CDA 02B revised 26 April 2010 refers - and therefore this application is invalid. I further note that the footpath between the proposed development and Loch Fyne Oysters should be within the red line boundary. Whether this is an oversight by planners or the developer matters not, the red line must incorporate the footpath and I trust this will be corrected as this would automatically render this application invalid.*
- *I note from recent correspondence that letters of support appear totally obsessed by "housing need" in Cairndow yet the supporters choose appropriately to ignore the fact that the developer has already secured approval under application 09/00463/DET (Pheasant Field) for 15 houses delivering the "housing need". The houses are currently being built. This development was approved sighting special circumstances, the first being the Government grant secured under RHfR which contributed GBP 650,000 of tax payers money to the development and secondly that it delivered 100% affordability. In accordance with the Argyll and Bute's Housing Need and Demand Assessment (HNDA) report this development well exceeds the 12 houses deemed needed in Cairndow. There are no such special circumstances or material considerations in relation to the above development at Clachan and the Council's statistics are quite clear.*
- *It is of significant note that the developer, Councillors Marshall, Simon, Messrs Murray, Lodge, Convery and Close from the Planning Department and importantly Alan Brandie, who was responsible for publishing the findings of HNDA report, all attended the Local Plan Workshop for Bute and Cowal held on the 24th May 2010 at Dunoon as Consultees and following these consultations determined where and to what extent housing was needed throughout A&B. The conclusion of those consultations was that Cairndow need 12.*
- *The above application has from the outset failed to deliver even the minimum 25% affordability requirement and it is only now, following the planners supplementary statement to the PPSL, that this failure has been acknowledged but clearly there is no agreement in place with the developer on how the 25% affordable housing can be delivered. ... Notwithstanding the many quoted reasons for refusal by the Head of Planning and without a clear agreement with A&B in place, this is a fundamental flaw in the planning process and the committee must recommend refusal.*
- *The developer has clearly stated this application is the first stage of what is intended to be the new village of Clachan - letter to Fergus Murray dated 30 March 2010 refers (attached), with further staged development covering an area of 30 hectares in total. This application for 16 houses, 7 industrial units and childcare centre cannot possibly be considered by the PPSL in isolation - which has been confirmed by the Scottish Government - as the A&B Local Plan must be looked at and considered as a whole which means that the Masterplan is a fundamental requirement of PDA 9/13 and that the mini-brief relating to this PDA has to be complied with. As confirmed by the developer, this application is Phase 1 of a proposed new village - it should therefore have proper consultation with the community, consultees and neighbours, and comply with the Local Plan, Structure Plan and Policies which have been put in place to protect the public and to which Councillors have been elected to uphold.*
- *Regarding the childcare centre, the developer has maintained throughout that this is for "indicative purposes only", with no certainty or commitment whatsoever of it ever being retained or completed. Interest has been shown by Cairndow Community Childcare which is run by a family member of the developer, but this is only one of a number of alternative locations being considered for re-location. Any proposal to build the childcare would have to be funded by private investors or funded by A&B.*
- *I am in support of planners decision to refuse this application. There is not a "housing need" in Cairndow as this is more than satisfied by the Pheasant Field development currently under construction. I therefore object to this application and if the PPSL have read the Local Plan, Structure Plan and policies of Argyll and Bute and do not uphold the refusal by Head of Planning, I would expect and request that this application be called in by Ministers to avoid making a mockery of A&B planning policy, Planning Department and Council.*
- *Lastly, I would reiterate Ross McLaughlin's letter of 18 February 2011 to the developer requesting that "a revised application is submitted with a new larger red line boundary to ensure strategic planting is included along with a reduction in density. Finally, greater detail is afforded to the Masterplan to allow a meaningful consultation with stakeholders, consultees and community. Due to the elongated timescales in processing this application there shall be no fee payable on this revised application but it is likely to be treated as a 'major application' under 26A of the Town & Country Planning (Scotland) Act 1997 if the application site exceeds 2 hectares" which it clearly does.*

Whilst the content of these letters does not alter the department's recommendation, the views made by the supporters and objector are material considerations in a determination of the proposal.

4.0 RECOMMENDATION

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

Author: Brian Close/ David Eaglesham
Contact Point: David Eaglesham 01369 708608

Angus J Gilmour
Head of Planning & Regulatory Services

13 October 2011