Argyll and Bute Council
Development and Infrastructure Services

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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DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 16 dwellinghouses (indicative details only, minimum 25% affordable housing requirement);
- Erection of 7 commercial units (potential business/industrial uses – indicative only Units A-D Use Class 4, Units E-G Use Class 5);
- Erection of childcare centre (indicative details only);
- Associated car parking, turning and servicing;
- Installation of two sewage treatment plants with outfall to River Fyne.

(ii) Other specified operations

- Tree planting and landscaping (within and outwith application site);
- Boundary treatments;
- Improvements to existing private access road;
- Proposed footpath to Loch Fyne Oyster Bar alongside A83(T).

(B) RECOMMENDATION:

It is recommended that

i) planning permission be **refused** for the reasons set out overleaf

ii) a discretionary local hearing being held prior to the determination of the application
in view of the number of representations received in the context of a small community.

(C) HISTORY:

No planning history for the application site.

There have been permissions for adjacent commercial uses including Bonnar Sand and Gravel Co Ltd at Clachan Quarry and 'Here We Are' Wood Shed.

(D) CONSULTATIONS:

Scottish Natural Heritage (response dated 2nd April, 22nd July 2009, 12th August 2009, and 9th September 2009): No objections in principle but recommend conditions in respect of natural heritage interests affected i.e. European Protected Species - otters and bats, Red Squirrels, breeding birds and planting and screening. Otters and bats are likely to be recorded within and adjacent to the development footprint. Recommend that a repeat survey for otters be carried out prior to any works commencing on site. Additionally, the plantation woodland to be felled should be surveyed for red squirrel dreys.

Scottish and Southern Energy (responses dated 23rd March, 29th June 2009 and 18th October 2010): Now withdraw previous holding objection based on safety issues associated with adjacent power station and tail race. Whilst SSE broadly welcomes the proposal, the applicant has intimated that he will erect a chain link fence along the western boundary of the tail race. An agreement requires to be reached with the developer or via planning conditions. SSE confirms that their concerns have now been resolved with the estate.

Most recent letter received suggests that the operation of the hydro scheme will have to be taken into account when decisions on effluent dilution are being considered. (Applicant confirms that reduced flows have been taken into account during the CAR authorisation from SEPA).

Scottish Environment Protection Agency (response dated 20th April 2009, 18th January 2011, 26th July 2011 and 8th September 2011): No objections in terms of foul drainage and surface water drainage as long as conditions and advisory notes which are recommended are attached to consent. They relate to SUDS and foul drainage.

SEPA confirm that the applicant has been issued with a CAR licence to discharge treated sewage effluent to the River Fyne however from their records it appears it is not in the same location as specified on the submitted planning application drawings. Whilst they consider a variation may be acceptable in principle they still require that a formal CAR application is made for the revised positioning.

SEPA's most recent letter dated 8th September objects to the Masterplan submitted for PDA 9/13. SEPA recommend the applicant submit the details of the waste water drainage and surface water drainage proposals for the overall masterplan area, to establish if they are acceptable for the whole development taking into account any cumulative impact and to resolve our objection to the waste water drainage proposals. They note this is imperative to avoid unnecessary delay and/or further objection from SEPA during future phases.

Argyll District Salmon Fishery Board (responses dated 28th July 2009, 4th June 2010, 9th December 2010) Object to the sewerage arrangements until reassurances can be given from then Council and SEPA that the treatments are foolproof and beyond risk.

Area Roads Manager (response dated 11th November 2009): No objections subject to conditions and advisory notes. Conditions recommended regarding visibility splays, access design, car parking, and designation of housing courts. Roads confirm that the developer will be responsible for the provision of street name plates and raising the Traffic Regulation Order. Roads also confirm that the proposed development will be subject to Roads Construction Consent, Road Bond and Road Opening Permit.

West of Scotland Archaeology Service (response dated 6th April 2009): No known archaeological issues raised.

Operational Services (Flood Team) (response dated 9th April 2009): Proposals for surface water discharge and associated SUDS are acceptable in principle. Other calculations, construction details and confirmation of wayleave still required.

Sustainable Travel Co-ordinator/ Core Paths Team (email dated 28th April 2009): Suggest that a direct link be created with an off-road footpath between the site and Loch Fyne Oysters.

Transport Scotland (response dated 30th April 2009)**:** No objections subject to a condition regarding visibility splays.

Scottish Water (response dated 29th May 2009): No objections in principle but unable to reserve capacity at water and wastewater treatment works in advance of a formal agreement being reached. There are no public sewers or public water mains in the vicinity of the development site.

(E) PUBLICITY:

The proposal was been advertised as a *Potential Departure* to policies POL RUR1, HO8 and HO10 of the 'Cowal Local Plan' 1993 (in force at the time of submission but now superseded), advertisement published 10th April 2009 (expiry date 1st May 2009); under Section 34 Bad Neighbour and Article 9 Vacant Land advertisement published 10th April 2009 (expiry date 24th April 2009).

(F) REPRESENTATIONS:

Letters/emails of representation have been received from the following:

Objectors

Elaine Pound, Shore Cottage, Cairndow (facsimile message dated 16th April 2009, letter dated 6th January 2010, e.mail dated 21st December 2010, e mail dated 4th April 2011, e mail dated 5th April, e mail dated 18th May 2011);
J M Turnbull, Glen Kinglas Hydro Ltd, Strone Estate, Cairndow (letter dated 8th April 2009);
Alexander Miles, Rubha Beag, Cairndow (e.mail dated 23rd April 2009);
Tuggy Delap, Fyneales, Cairndow (email dated 3rd August 2009, e mail dated 5th September 2011);
Marya Egerton-Warburton, Ard-na-Slaite, St. Catherines (letter dated 23rd December 2010);
Peter Egerton-Warburton, Mulberry House, Bentworth, Alton, Hants (letter dated 17th December 2010);
Anastasia Delap, Achadunan Farm, Cairndow (letter dated 7th December 2010, letter dated 22nd July 2011);
Mr. and Mrs. R. J. Hammond, (e.mail dated 8th December 2010).

Supporters

Frances, Alistair & Kirsty Bremner, 11 Kilmorich, Cairndow (letter dated 7th April 2009);
Sarah Sumsion, Bachie Bhan, Cairndow (e.mail dated 22nd April 2009);
Janet and Nigel Callander, Mid Lodge Rear, Cairndow (letter received 27th April 2009);
Christine MacCallum, Clachan Farm (letter dated 28th April 2009);
Alice and Walter Beattie, Garage Cottage, Cairndow (letter dated 19th May 2009);
Alexander Pettit, Ballure, Cairndow (e.mail dated 8th June 2009);
Cairndow Community Childcare, Cairndow Hall, Cairndow (e.mail dated 23rd April 2009);
Stewart MacCallum, Cairndow (e-mail dated 24th February 2010);

John Smart, Stalkers Cottage, Glen Fyne, Cairndow (e.mail dated 15th December 2010);
Jon Pope, (e.mail dated 16th January 2011)
Ms Kathryn Dunn, Cairndow Community Childcare, Cairndow Village Hall, Cairndow (e-mail dated 13th September 2011).

Cllr Ron Simon, (e mail dated 29th August 2011)

(i) Summary of issues raised

The concerns and issues raised in the letters of objection can be summarised as follows -:

- *Whilst Clachan is a better option for any future housing rather than Cairndow village, the current proposals are not sensitive to the prominent location at the head of the loch and require greater emphasis on design and layout;*
- *Misinformation in Supporting Document regarding Community Council meetings;*
- *Prominent location requires enhanced design;*
- *Loss of tranquillity through urbanisation;*
- *Application should be detailed instead of outline;*
- *Loss of plantation woodland likely to leave site exposed and more prominent.*
- *Proposals contravene Cowal Local Plan policies RUR1, HO8 and HO10.*
- *Otters and Bats present and detailed survey required before permission is granted.*
- *Sea Trout and Salmon enter the River Fyne to spawn. No waterway should be blocked and the appropriate fisheries authority consulted.*
- *Any demand for new housing in the Cairndow area should be within the existing village.*
- *There are a number of agricultural and commercial buildings adjoining the existing woodland and therefore the site lends itself more to commercial units rather than housing.*
- *Fast stretch of A83 Trunk Road very dangerous for pedestrians. Development should not go ahead unless a pedestrian access is provided from Cairndow village;*
- *Agree that there is a housing demand but this should be restricted to Cairndow;*
- *Site exceeds 2 hectares and as such requires Environmental Impact Assessment;*
- *Proposal not sufficiently backed by an acceptable Masterplan;*
- *Masterplan not had sufficient community consultation;*
- *Status of Potential Development Areas and hierarchy of policies;*
- *Application 'out of control' and existing proposal 'exploded out of all proportion';*
- *Loch Fyne Oyster complex cannot meet day to day shopping needs;*
- *Affordable provision for this area already satisfied in respect of development at the Pheasant Field;*
- *Status of industrial/commercial units as 'bad neighbour Class 5 developments;*
- *Status of Suds in terms of proposed land uses;*
- *Impact on the River Fyne*
- *CAR Licence does not conform to submitted plans;*

The concerns and issues raised in the letters of support can be summarised as follows -:

- *Plans to provide affordable homes and small business units appear viable compared to other local developments and would have less of an impact on the existing village of Cairndow;*
- *This type of housing is much needed to allow people to live in rural areas;*
- *Small workshops would give opportunities for new businesses to develop and enhance the mix of people wishing to live in the area;*
- *Great need for affordable housing in the Cairndow area and such a development will fill that need;*
- *Availability of affordable office space;*
- *Proposals have been ongoing for over two years;*
- *Indicative masterplan is fit for purpose;*
- *Majority of objectors do not work in area*

- *Cairndow Community Childcare is hoping to move to purpose built premises. The site fits many of the criteria required for a successful building.*

Comments: Observations on the above issues are contained in the Assessment section below

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(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: Yes

Protected Species Survey by Quadrat May 2009
Surveys carried out identified that there are protected species present i.e. otter, red squirrel and bats and that there may be impacts to these species as a result of current proposals. Mitigation measures include moving the proposed sewage outfall away from an existing otter holt and creating a cordon around another holt. Bats have also been sited in the plantation woodland and it is recommended that felling be kept to a minimum and any felling to be carried on outside the breeding season.

(iii) A design or design/access statement: Yes

Supporting Statement by Ardkinglas Estate 10 March 2009
Supporting statement includes background information, site details, residential and commercial needs, site appraisal, projections of occupancy and leases, PDA9/13 masterplan and other sites, programme, design solution, detailed design, services, operational statement and summary.

Revised Supporting Statement by Ardkinglas Estate 19 October 2010
Applicant confirms that the mechanism to provide affordable housing will be selected at the detailed stages where the present options are either private rented housing under an extension of the RHfR scheme, or self-build under RHOG. Also confirmed that the footpath linking the site with Clachan Farm complex will be built at the time of the new housing being developed.
Comments regarding potential house types, heights, materials and orientation of houses to maximise solar gain. No details regarding Childcare Centre and commercial units at this stage.

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

Drainage Impact Assessment JIG Ltd. February 2009
Drainage Impact Assessment outlines best methods for treatment of surface water. Source control methods (i.e. porous paviors) could result in 'urban' solutions for a semi-rural environment. This has resulted in a surface water collection system for Area 1 (residential and daycare facility) leading to a filter trench designed for adoption by the roads authority.
No impermeable surfaces are proposed for Area 2 (light industrial/commercial) at this stage and all roads and other surfaces would be free draining. Any future proposals to provide impermeable hard standings will be expected to provide further levels of treatment and also subject to SEPA licence in respect of the Water Environment (Controlled Activities)(Scotland) Regulations 2005.
During discussions, it was agreed that attenuation was not required of the system owing to its tidal discharge point.
Two waste-water treatment plants are proposed with calculations based on maximum occupancy. For effluent standards to be applicable, the discharge location needs to be

to the River Fyne as opposed to tidal waters. The outfall requires to be secured at a location ensuring discharge into the flow of the watercourse even during low-flow conditions.
Separate CAR authorisation will be required from SEPA for the housing and light industrial components, and potentially engineering works associated with the outfall.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

(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 DC5 - Development in Sensitive Countryside;
STRAT DC7 – Nature Conservation and Development Control;
STRAT DC8 – Landscape and Development Control;
STRAT DC10 – Flooding and Land Erosion;
STRAT FW2 – Development Impact on Woodland;
STRAT HO1 – Housing – Development Control Policy;
PROP TRANS1 - Development Control, Transport and Access;

'Argyll and Bute Local Plan' (August 2009)

The application site is located within PDA9/13 and AFA 9/4 within Sensitive Countryside where the following policies are applicable:

LP ENV1 Development Impact on the General Environment;
LP ENV6 Development Impact on Habitats and Species;
LP ENV7 Development Impact on Trees/Woodland;
LP ENV8 Development Impact on Local Nature Conservation Sites;
LP ENV10 Development Impact on Areas of Panoramic Quality;
LP ENV12 Water Quality and Environment;
LP ENV19 Development Setting, Layout and Design (including Design Guidance);
LP BUS 2 Business and Industry Proposals in the Countryside Development Control Zones;
LP BAD1 Bad Neighbour Development;
LP HOU1 General Housing Development;
LP HOU2 Provision of Housing to meet Local Needs including Affordable Housing Provision;
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 SERV4 Water Supply;
LP SERV8 Flooding and Land Erosion;
LP TRAN1 Public Access and Rights of Way;
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;
Technical Note PDA 9/13 – Cairndow / Inverfyne Mini Brief

Note :The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(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 following advice and guidance from Central Government includes:

a) Scottish Planning Policy (February 2010)';
b) Planning Advice Note 44 – 'Fitting New Housing Development into the Landscape;
c) Planning Advice Note 67 – 'Housing Quality';
d) Planning Advice Note 68 – 'Design Statements';
e) Planning Advice Note 72 – 'Housing in the Countryside';
f) Planning Advice Note 74 – 'Affordable Housing';
g) Planning Advice Note 83 – 'Master Plans'

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

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

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(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 (PAN41 or other): Yes

15 letters/emails of objection have been received from 9 individuals and 12 letters/emails of support from 16 parties. Whilst the overall numbers of representations are relatively low the split between those 'in favour' and those who 'oppose' are evenly balanced. Furthermore, given the number of representations received in the context of the relatively small size of Clachan / Carindow it is considered there would be merit in convening a pre-determination hearing (PAN 41) at a local community venue.

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

In the 'Argyll and Bute Local Plan', the application site is located within sensitive countryside, but forms part of Potential Development Area PDA 9/13 'Cairndow-Inverfyne' where a mixed use - business/housing/recreation use is supported, and Area For Action AFA 9/4 'Inverfyne' where strategic, business and environmental improvements are encouraged.

Whilst concern is noted with the specific density, structural planting and layout of the proposed mixed development, the general principle of clearfelling the conifer plantation and creating a mix of housing, childcare centre and commercial units on the site is broadly acceptable.

The submitted masterplan drawings have been considered 'for indicative purposes only' as the applicant does not wish them to be subject to consultation or to form part of this application for review. Whilst the masterplan illustrates long term aspirations for PDA 9/13 and AFA 9/4, these currently have no planning status and do not form sufficient basis for the planning authority or statutory consultees to comment upon them, nor do they meet the aspirations of the Council's Local Plan, which seeks a masterplan approach to be adopted when bringing forward PDA sites. This 'future proofing' and strategic approach is even more important in scenarios such as this, where a long term phased development is sought (current application relates to a 2ha gateway point / phase 1 development of > 30ha PDA in sensitive area). Whilst some aspects of these long term proposals and masterplan may be encouraged or supportable by the department, the current level of detail afforded is insufficient to allow full consideration and to be able to express a view whether this application (i.e. phase 1) would sit comfortably as a foundation for future comprehensive development of the PDA.

Acceptability of the current proposal will be fully dependent on the successful integration of the development in its landscape context through structured tree planting and retention of key landscape features. This is shown on the updated Masterplan drawing by the retention of three grazing fields (Clachan Field nos. 1, 2 and 3) to act as an appropriate landscape buffer between the application site and the Loch Fyne Oysters complex. It is proposed to retain deciduous trees along the southern boundary of the application site and along the field boundary running westwards from the site. This will be augmented by proposed tree planting within the application site itself and outwith the site along a thick belt on the northern side of Clachan Field no.3. Further off-site, tree retention and planting around the walker's car park and approach to the site is proposed with a large area of replanting proposed on the eastern side of the Sawmill Field. Off-site tree and shrub planting is also proposed adjacent to the A83(T) running from the application site to Loch Fyne Oysters complex. The indicative tree/shrub planting and retention of landscape features is considered to be insufficient to screen the site and integrate it within its surroundings in its current form. Tree belts / shelter belts are considered too narrow to provide adequate context, screening or backdropping for their exposed location. Notwithstanding this, it is considered that an appropriate scheme of tree planting and landscaping could be provided in terms of species, density and location as part of a wider detailed masterplan if one were to be progressed (see para above). A detailed planting schedule along with a Section 75 legal agreement to secure the offsite planting proposed would be required in the event the application were to be approved.

The additional development aspirations shown on the Masterplan layout require to be taken through the ongoing Local Plan process in terms of proposed land uses and intensification of earlier concepts. Approval or refusal of this application would not not therefore imply that any of the areas shown on revised masterplan layout CDA 06 have any formal status.

Original design ideas for dwellinghouses raised concern but the applicant has confirmed that these are only for indicative purposes at this stage. Other design options have been explored with examples of modern sustainable house types submitted for indicative purposes. Should permission be granted, the applicant will require to address those design concerns raised thus far.

Of greater concern is the density and layout of the proposals. The presence of the PDA and AFA do not supersede or take precedence over other policies in the plan and it is therefore essential to achieve a balance of scale and density that respects this highly prominent area identified as 'Sensitive Countryside' and also as having Panoramic Quality. Both Local Plan Policies on sensitive countryside and areas of panoramic quality require the highest standards of design, siting, landscaping, boundary treatment and materials in new developments. Consequently, it is considered at present that the proposed development of housing, workshops and childcare facility is too dense and inappropriate for this rural location and context. Furthermore, the wider potential residential, tourism and commercial areas shaded on the masterplan exceed expectation for the rural context and would not be supported. There is also likely to be 'bad neighbour' land use tensions arising from the close proximity of industrial uses and residential properties with only small / narrow tree belts for mitigation.

There is also a potential for 'bad neighbour in reverse' situation from the new dwellings being developed adjacent to the quarry access road, agricultural shed and weighbridge

In terms of consultation responses, no major objections subject to conditions have been raised for the application site itself, however SEPA have raised objection to the masterplan based on its current lack of detail.

In summary, whilst the components of the mixed-use scheme are considered to be compatible with PDA 9/13, the submitted Masterplan drawings and themes are not sufficiently well-developed in terms of the brief for PDA 9/13 and AFA 9/4 to ensure this application can proceed on the basis of a first phase of a much larger scheme. Given the comments above, it is considered that the proposals in their current form may prejudice the greater wider aspirations of PDA 9/13 and AFA 9/4. This in combination with the concerns noted about density, render the proposal inconsistent with the relevant policies contained in the Argyll and Bute Structure Plan and Argyll and Bute Local Plan, by virtue of inappropriate siting and design, and failure to respect landscape character and the settlement pattern to the detriment of the designated area of sensitive countryside and the area of panoramic quality.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission in Principle should be Refused

1. Having regard to the siting and design of the proposed mixed use development, the concentration and proximity of the proposed buildings to each other and existing commercial / agricultural uses is considered too dense and inconsistent with the character of the surrounding rural settlement pattern. This would detract from the designated area of sensitive countryside and the area of panoramic quality within which the development would be located. Additionally, the lack significant structural planting on-site will result in a development that would be out of context, incongruous and exposed in its rural surroundings. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); to Policies STRAT SI 1, STRAT DC 1, STRAT HO 1 of the 'Argyll and Bute Structure Plan' 2002; and to Policies LP ENV 1, LP ENV 10 and LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4); and, LP HOU 1 of the 'Argyll and Bute Local Plan' (August 2009), all of which presume against the nature of the development proposed.

2. Having regard to the density of the proposed development in terms of the inclusion of 16 homes and 7 commercial units within a 2ha site and also the positioning of existing commercial activities and quarry access road adjacent to the site, it is considered that the development would give rise to 'bad neighbour' and 'bad neighbour in reverse' tensions between incompatible uses. Additionally, the lack significant structural planting on-site would result in a development that may expose the proposed new residential units to noise, dust and vibration from both on-site and external commercial activities. Such a development would therefore be contrary to Policies LP BAD 1 and BAD 2 of the 'Argyll and Bute Local Plan' (August 2009), both of which presume against the nature of the development proposed.

3. A Masterplan approach is advocated in devising proposals for the development of all PDA's identified by the 'Argyll and Bute Local Plan' (August 2009), in order to ensure that development is planned for on a comprehensive basis and that phased development, where required, is able to proceed in the knowledge that it will not conflict with, or compromise, the future development of the remainder of a PDA. The lack of a sufficiently detailed Masterplan in this instance has resulted in an objection from SEPA and has prevented the planning department from being able to assess fully this 2ha gateway / phase 1 application in the overall context of the wider > 30ha development site designated as a PDA, and has not enabled a proper assessment of its acceptability in terms of its relationship with future phases. The proposals are 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 to government advice given in Planning Advice Note 83 – 'Masterplanning'. The inability to plan for the future in a co-ordinated and comprehensive manner gives rise to potentially adverse landscape, biodiversity, infrastructure and servicing implications in this the designated area of sensitive countryside and area of panoramic quality.

(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

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Author of Report: Ross McLaughlin **Date: 13th September 2011**

Reviewing Officer: Richard Kerr **Date: 14th September 2011**

Angus Gilmour
Head of Planning and Regulatory Services

1.

REASONS FOR REFUSAL RELATIVE TO APPLICATION 09/00385/OUT

1. Having regard to the siting and design of the proposed mixed use development, the concentration and proximity of the proposed buildings to each other and existing commercial/agricultural uses is considered too dense and inconsistent with the character of the surrounding rural settlement pattern. This would detract from the designated area of sensitive countryside and the area of panoramic quality within which the development would be located. Additionally, the lack significant structural planting on-site will result in a development that would be out of context, incongruous and exposed in its rural surroundings. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); to Policies STRAT SI 1, STRAT DC 1, STRAT HO 1 of the 'Argyll and Bute Structure Plan' 2002; and to Policies LP ENV 1, LP ENV 10 and LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4); and, LP HOU 1 of the 'Argyll and Bute Local Plan' (August 2009), all of which presume against the nature of the development proposed.

2. Having regard to the density of the proposed development in terms of the inclusion of 16 homes and 7 commercial units within a 2ha site and also the positioning of existing commercial activities and quarry access road adjacent to the site, it is considered that the development would give rise to 'bad neighbour' and 'bad neighbour in reverse' tensions between incompatible uses. Additionally, the lack significant structural planting on-site would result in a development that may expose the proposed new residential units to noise, dust and vibration from both on-site and external commercial activities. Such a development would therefore be contrary to Policies LP BAD 1 and BAD 2 of the 'Argyll and Bute Local Plan' (August 2009), both of which presume against the nature of the development proposed.

3. A Masterplan approach is advocated in devising proposals for the development of all PDA's identified by the 'Argyll and Bute Local Plan' (August 2009), in order to ensure that development is planned for on a comprehensive basis and that phased development, where required, is able to proceed in the knowledge that it will not conflict with, or compromise, the future development of the remainder of a PDA. The lack of a sufficiently detailed Masterplan in this instance has resulted in an objection from SEPA and has prevented the planning department from being able to assess fully this 2ha gateway / phase 1 application in the overall context of the wider > 30ha development site designated as a PDA, and has not enabled a proper assessment of its acceptability in terms of its relationship with future phases. The proposals are 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 to government advice given in Planning Advice Note 83 – 'Masterplanning'. The inability to plan for the future in a co-ordinated and comprehensive manner gives rise to potentially adverse landscape, biodiversity, infrastructure and servicing implications in this the designated area of sensitive countryside and area of panoramic quality.

Note to Applicant

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

1:2500 Location Plan as existing CDA 02 RevB received 28th April 2010;
1:1000 Site Layout Plan as proposed CDA 04 RevB received 20th October 2010;
1:2500 PDA 9/13 masterplan (provisional draft) CDA 06 received 20th October 2010
+Supporting Design Statement Section 9.0 dated 19th October 2010 and 'Notes accompanying drawing no. CDA 06' received 20th October 2010.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00385/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application is for a mixed-use development comprising 16 dwellinghouses, 7 commercial units and a childcare community building within a conifer plantation site between Bonnar's weighbridge office and existing farm shed at the head of Loch Fyne, west of the private road leading to Clachan Power Station.

In the 'Argyll and Bute Local Plan', Cairndow is identified as a minor settlement, with dispersed residential development located around the head of Loch Fyne. Clachan is primarily a commercial/tourist area that has developed over the past few years with the success of Loch Fyne Oysters and more recently The Tree Shop and ''Here We Are'. Further dispersed residential, commercial and agricultural uses are located inland at Inverfyne and Achadunan at the entrance to Glen Fyne.

In the 'Argyll and Bute Local Plan', the application site is located within the southern part of Potential Development Area PDA 9/13 'Cairndow-Inverfyne' where a mixed use - business/housing/recreation use is supported, and Area For Action AFA 9/4 'Inverfyne' where strategic, business and environmental improvements are encouraged.

The mini development brief for PDA 9/13 outlines a variety of potential development options that include estate development to consolidate existing business activity at the Oyster Bar/Tree Shop, recreational facilities within the re-instated gravel workings, provision of small workshop units and environmental improvements for the farm/sawmill buildings where structural landscaping and planting will be required. At the time of the 'Argyll and Bute Modified Finalised Draft Local Plan' (June 2006), an adjacent PDA 9/14 was deleted due to flooding issues on part of that site, but the residential component absorbed by PDA 9/13.

In terms of STRAT DC5 of the 'Argyll and Bute Structure Plan', 'medium scale' development (defined as between 6 and 30 units) in open countryside zones would generally be discouraged, unless particular opportunities reveal themselves through the development process, where a special case is appropriate and consistent with other policies of the Structure Plan and in the Local Plan. In this case, whilst special circumstances have been established in principle through the presence of PDA 9/13 in the Local Plan, the density of development as proposed is considered to be out of character within the local settlement pattern. It is considered that a high density form of development comprising 16 dwellinghouses, 7 commercial units and a childcare community building within a 2ha site (of a < 30ha PDA) would be incongruous in terms of the local development pattern, and starkly out of place at the exposed head of Loch Fyne. Whilst mitigation to a degree can be obtained through structural planting, the current proposals are nevertheless considered too concentrated and dense for this rural location within sensitive countryside and would be at odds with the existing rural settlement pattern.

Moreover, the site is also located within an 'Area of Panoramic Quality' where an even greater design, locational and scale criteria must be adhered to. Policy LP ENV 10 states that '*in all cases the highest standards of location, siting, landscaping, boundary treatment and materials..... will be required'.* This further emphasises our concerns about the density and cohesion of differing uses in this sensitive landscape.

The development is identified as Potential Development Area 9/13 which offers support for mixed use development however the density and intensification of use is contrary to STRAT DC1, DC5 and HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 and LP ENV 10 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

The proposal involves the clear-felling of plantation woodland and erecting a mixed development that includes 16 dwellinghouses, 7 commercial units and a childcare centre. The application site measures 1.90 hectares and is therefore not a 'major' application in the planning hierarchy, nor does it warrant Environmental Impact Assessment.

Indicative layouts display that the residential development would be situated in the southern portion of the site and could take the form of two courtyard clusters both accessed from a new vehicular access off the existing private road. The dwellinghouses include a mix of detached (2 units), semi-detached (8 units) and terraces (6 units). The dwellings tend to be orientated with their main elevations facing south to maximise daylight and aspect. Plots 1-6 are arranged around a car parking courtyard with plots 7-16 arranged around a larger car parking courtyard.

The focal point of the development would be the proposed Cairndow Community Childcare building that would be located immediately south of the existing quarry office and weighbridge. No details have been submitted at this stage, but the indicative layout shows a turning area off the private road with car parking and dropping-off area.

Seven commercial/industrial units are proposed in the northern portion of the site and contained within five industrial buildings. Two larger units (Unit A and Unit B/C/D) are located close to the housing development and accessed via a new separate vehicular access south of the existing workshop and sawmill building. These units are proposed for light industrial uses (Use Class 4) due to proximity to proposed housing. A further three industrial units (units E, F and G) are proposed in the northern portion of the site that would also share this access. These units are proposed for small/medium general industrial uses (Use Class 5).

In terms of LP BUS 2 'Business and Industry Proposals in the Countryside Development Control Zones', commercial and industrial development is supported by PDA 9/13 where Appendix A 'Sustainable Siting and Design Principles' outlines design criteria for Isolated Industrial and Commercial Development that includes, scale, visual impact from key viewpoints, setting, integration within the landscape, screening, design, colour and materials.

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Local Plan where a high standard of appropriate design is expected in accordance with the Council's design principles. Moreover, the site is also located within an Area of Panoramic Quality and must therefore be assessed against Policy LP ENV 10 – Development Impact on Areas of Panoramic Quality also. This policy resists development where there is a significant adverse effect on the character of a landscape and stipulates in all cases that the highest standards in terms of location, siting, landscaping, boundary treatment and materials must be adhered to.

This is further explored in Appendix A 'Sustainable Siting and Design Principles' where in terms of 'Design of New Housing in Countryside Development Zones', the design and construction of new dwellings within this landscape must respect local identity and the environment and should be designed taking the following advice into account:

- *Location – houses must be carefully located within the landscape to complement their surroundings and should make the minimum possible physical impact;*

The proposed development requires the clear felling of the conifer plantation woodland. This will result in the retention of a limited number of mature deciduous trees along the southern and western perimeter of the site, in a thin and exposed linear belt. The removal of the plantation woodland will remove a solid unnatural mass from the general landscape and open up views into Glen Fyne. It will also, however, expose the site to the south and in particular from the A83 (T), and to a lesser degree from the private road up Glen Fyne. By default, it would also leave the deciduous tree belt to the south west somewhat unprotected.

The current indicative scheme (this is a planning application in principle) lacks design flair and displays suburban qualities in terms of the courtyard parking areas, orientation of buildings, design of buildings and relationship to other proposed and existing uses. There is also a major concern that the interrelationship between commercial and residential uses could result in a 'bad neighbour' situation, with amenity conflicts between uses which could prove incompatible at close quarters. .

The submitted details are, however, considered *'for indicative purposes only'* at this stage and would need major modifications in respect of the overall concept and rationale for future development if the application for permission in principle were to be approved in its current form. Natural features and sympathetic structured tree planting need to be used to better effect to integrate the proposed development within its rural surroundings which are identified as 'sensitive countryside' in the current Local Plan.

The location of the industrial/light industrial buildings in the northern portion of the site adjacent to existing similar uses is generally acceptable in principle, but would also require refinement in terms of siting, design, materials and screening.

- *Siting – must respect existing landforms and development patterns and the amenity of other dwellings;*

The proposal would (with the clearing of the conifer plantation), introduce new forms of development into an open countryside location. Careful positioning, design and screening would help to integrate such a proposal into the landscape. The submitted drawings do not however demonstrate sufficiently that such a mixed development could be achieved at the suggested density and with the proposed level of on-site planting. Furthermore, the relationship with this phase 1 development and latter phases remains unknown, due to lack of details in the form of a detailed masterplan. To this extent, the current mix of development at the density proposed cannot be supported, as siting would be incompatible with adjacent uses and settlement pattern.

Notwithstanding this, the principle of establishing a residential neighbourhood with commercial activities in the northern portion beyond a buffer zone is generally acceptable in terms of the aspirations for PDA 9/13. However, to re-emphasise, trying to achieve this in the current 2ha site could only be achieved by way of an incongruous form of development which would unacceptably compromise its rural surroundings.

- *Principles of Design – High standards of design are expected where scale form, proportions, materials, detailing, colour must all work together to enhance the existing built form and landscape;*
- *Materials and Detailing – materials and detailing should be compatible with the traditions of the area and be sympathetic to the landscape;*
- *Outbuildings – should relate to the main building in form and design and be carefully positioned on the site, relating to the house;*

The submitted drawings indicate simple forms of residential development that wouldl require to be improved in terms of vernacular or contemporary designs forming a cohesive theme for the development. The drawings indicate a simplistic scheme that merely establishes servicing and infrastructure requirements. The submitted drawings indicate buildings with unbalanced fenestration, awkward roof detailing and monotonous elevations that would look out of context in their rural surroundings. However, as the submissions merely provide indicative options of how the site could generally be developed, this would need to be further explored in terms of establishing key viewpoints around the site, in order to establish landmark features to devise a suitable form of development that could successfully integrated into this rural landscape.

- *Landscaping and Boundaries – where privacy and amenity is important, built form should be screened from viewpoints using appropriate native planting. Hard-landscaping should be kept to a minimum. Boundaries will either integrate a site or alienate it;*

It is proposed to retain deciduous trees along the southern boundary of the site and along the field boundary running westwards from the site. This will be strengthened by tree planting within the site itself and outwith the site along a thick belt on the northern side of Clachan Field no. 3. Further tree retention and planting around the walker's car park and approach to the site is proposed, with a large area of replanting proposed on the eastern side of the Sawmill Field to provide effective screening for properties in Achadunan. Tree planting is also shown along a new proposed footpath connecting the site to the Loch Fyne Oysters complex. Whilst no precise details have been submitted in respect of proposed boundary treatments and planting, it is considered that conditions and a Section 75 legal agreement could control landscaping and screening of these sites within their rural context in the event of permission being granted. However, in its current form, the onsite tree belts are insufficient to adequately screen or backdrop the proposed new buildings and are insufficient to integrate the development proposed within this rural location.

- *Parking – car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings.*

Indicative car parking and turning arrangements are shown for the residential and industrial components of the scheme. These are likely to change as the scheme develops at the detailed stage. Roads have no objection in principle but recommend standards in respect of car parking and design of housing courts/parking areas.

In terms of design, the overall solution is considered to be at odds with the development plan in terms of locational aspirations, siting and scale. Whilst it is accepted that micro-siting, building design, materials, access and landscaping can be addressed to a degree at an Approval of Matters Specified in Conditions (AMSC) application or by way of a Section 75 agreement, there are fundamental density issues on what is a relatively small 2ha site, especially when viewed in context of the overall >30ha PDA. Other infrastructure shortcomings have not been identified by consultees, however the impacts from the wider masterplan remain unknown due to lack of submitted detail. At this stage, it is therefore considered that, overall, the proposed development is inconsistent with the provisions of Policies LP ENV 10, ENV19 and Appendix A of the Argyll and Bute Local Plan together with the Council's Design Guide.

Having due regard to the above the proposal is considered to be consistent with Policies STRAT SI 1 and STRAT DC5 of the Argyll and Bute Structure Plan and Policies LP ENV 10, LP ENV 19 and LP HOU1 (including Appendix A and LP BUS2 of the Argyll and Bute Local Plan.

C. Natural Environment

Quadrat Scotland has carried out a joint survey of the applicant's development sites at Clachan and The Pheasant Field (ref. 09/00463/DET currently under consideration) and JDC ecology has submitted findings in terms of protected species including otter, bat and red squirrel.

In terms of otter, an existing holt was located close to the proposed sewage outfall. It was recommended that the outfall be relocated away from this holt and this has been done in the revised layout drawing ref. CDA 04 RevB. It is also suggested that further mitigation measures should include suitable screening around this and another holt to avoid disturbance. Whilst no signs of roosts were found, bats were present close to the woodland or within the old sawmill. It is suggested that the abundance of similar habitat should not have a significant impact on foraging activity through the loss of the woodland. There is no mention of red squirrels in the survey that applies to The Pheasant Field only.

Whilst SNH has no objection in principle to the development, it is recommended that repeat surveys be undertaken for otter, bat and red squirrel. On the basis that disturbance impacts to otters are considered significant during and after construction, a licence to disturb otters should be sought for works in addition to conditions recommended in respect of suitable mitigation

measures. Comprehensive advisory advice is provided in respect of SNH guidance with regards European Protected Species.

In landscape and visual terms, SNH recommends that extensive native broadleaf planting within the application site should be designed to integrate the development more sensitively in the landscape and that any boundary features such as drystane dykes, native woodland and isolated trees should be retained where possible.

The applicant has also confirmed that CAR authorisation has been issued for the discharge of treated sewage effluent into the River Fyne and this authorisation took full account of migratory fish and other aquatic flora and fauna. Whilst SEPA currently feel that the CAR Licence is shown in an erroneous position on the submitted plans they have provided that they are likely to approve a variation as long as discharge shall not increase.

On the basis of general acceptance and the imposition of necessary safeguarding planning conditions, the proposal is considered to be consistent with Policy STRAT SI 1, STRAT DC7, STRAT DC8, STRAT FW2 of the Argyll and Bute Structure Plan, and policies LP ENV 6, ENV7, ENV8 of the Argyll and Bute Local Plan.

D. Affordable Housing

Whilst figures are not available for individual communities within each housing market area, research from the Draft Housing Needs and Demand Assessment indicates that for the Cowal Housing Market area (of which Cairndow forms part) there is a total housing requirement over the next ten years for 984 units. The previous housing market study in 2002 estimated a need for up to 12 affordable rented houses in Cairndow, and recommended more detailed research in to meeting shortfalls for owner occupied housing in Cairndow by way of small scale mixed tenure developments.

In the original Supporting Statement, it was stated that Ardkinglas Estate has applied for grant funding under the Rural Homes for Rent (RHfR) pilot scheme launched by the Scottish Government that aims to provide affordable private rented housing in rural areas. Within the current proposal, ten dwellinghouses (plots 1, 2, 3 and 10-16) are the subject of the RHfR application. The applicant envisages that plots no. 4-9 would be offered for sale as serviced plots with detailed planning permission. If the RHfR application is unsuccessful, an alternative proposal will be sought. For the purposes of this application, it is proposed that 25% affordability is accepted and, if the RHfR project proceeds, then affordability would be 62%.

The updated Supporting Statement indicates that the mechanism to provide affordable housing will be selected at the detailed stages where the present options are either private rented housing under an extension of the RHfR scheme, or self-build under Rural Homes Ownership Grants (RHOG). At the time of writing, it is not possible to confirm the status of RHfR scheme from the Scottish Government, and therefore a recommended planning condition allows a degree of flexibility in respect of securing a mechanism to deliver a minimum of 25% affordable housing on this site, as prescribed by the Argyll and Bute Local Plan.

Whilst the final mechanism has not yet been secured, in the event of an approval, a suspensive condition or Section 75 legal agreement could require an acceptable level and variety of affordable housing to be provided on site and implemented in harmony with the mainstream housing proposed. Consequently, the proposal is considered to be consistent with the provisions of Policy LP HOU 2 of the Argyll and Bute Local Plan.

E. Archaeological Matters

No known archaeological issues are raised by West of Scotland Archaeology Service (WoSAS).

Given the above, it is considered that the proposal is consistent with the provisions of Policy LP ENV17 of the Argyll and Bute Local Plan.

F. Flooding

The Drainage Impact Assessment states that the River Fyne is influenced by the operations of a major hydro-electric scheme whilst the large ponded area to the north is a remnant of sand and gravel quarrying activities still in operation further north. SEPA's Indicative Flood Map reveals the likelihood of flooding on significantly lower lying ground near the site, but not on the site at any point.

Para. 2.3 of SEPA's latest letter (8th September 2011) suggests the addition of a condition relating to units E-G to incorporate SuDS.

Given the above, it is considered that the proposal is consistent with the provisions of Policy STRAT DC 10 of the Argyll & Bute Structure Plan and Policy LP SERV 8 of the Argyll and Bute Local Plan.

G. Road Network, Parking and Associated Transport Matters

Roads have no objections in principle to the proposed scheme subject to conditions regarding visibility splays, access design and gradient, responsibility for housing courts, parking standards and street name plates. It is noted that all roads and footways will be the subject of Roads Construction Consent (S21), Road Bond (S17) and Road Opening Permit (S56). Roads comment that the existing road serving the site and sections of the old A83 will require significant improvements in respect of widening, passing places, visibility splays and drainage.
Transport Scotland recommends a condition regarding visibility splays for the access onto the A83 Trunk Road.

Pedestrian links are proposed that would link the site to Clachan. This would be consistent with the Core Paths Group aspirations for a path network in the area.

Having due regard to the above the proposal is considered to be consistent with Policies LP TRAN 1, LP TRAN 2, LP TRAN 3, LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan.

H. Infrastructure

SEPA have no objections in principle but offer advisory comments regarding foul drainage, surface water drainage, waste management and regulatory advice.
SEPA find the surface water drainage proposals contained in the Drainage Assessment acceptable but recommend that a condition be included in respect of a phased provision for SuDS schemes.

SEPA confirm that the applicant has been issued with a CAR licence to discharge treated sewage effluent to the River Fyne however from their records it appears it is not in the same location as specified on the submitted planning application drawings. Whilst they consider a variation may be acceptable in principle they still require that a formal CAR application is made for the revised positioning.

In an email dated 12th September the applicant has rebutted SEPA's conclusions stating that a CAR licence for what is proposed has been approved. He goes on to state that two CAR licences,- one for the housing and childcare buildings (CAR/L/1036411 dated 17 July 2009) and one for the Commercial Area (CAR/R/1035832 dated 3 April 2009) were applied for and granted by SEPA. He confirms that it was always proposed that the two systems would share a common outfall.

His latest e-mail correspondence has also been forwarded to SEPA for their comment.

SEPA's most recent letter dated 8th September objects to the Masterplan submitted for PDA 9/13. SEPA recommend the applicant submit the details of the waste water drainage and surface water drainage proposals for the overall masterplan area, to establish if they are acceptable for the whole development taking into account any cumulative impact and to resolve our objection to the waste water drainage proposals. They note this is imperative to avoid unnecessary delay and/or further objection from SEPA during future phases.

Having due regard to the above the proposal is considered to be consistent with Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. drainage systems); LP SERV 2 Sustainable Drainage Systems; LP SERV 3 Drainage Impact Assessment and LP SERV 4: Water Supply, of the Argyll and Bute Local Plan.

I. Master planning

The Scottish Government most commonly refers to Masterplans being, *'a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. It is based upon an understanding of place and it is intended to provide a structured approach to creating a clear and consistent framework for development'*. (PAN 83)

The Scottish Government endorses the use of masterplanning in general, but considers that it is especially useful for large sites and in areas/sites which are going to undergo substantial change, have multiple uses, or are sensitive in terms of environmental or landscape terms. We certainly consider this PDA location at Inverfyne which is over 30ha in size aligns with all of these scenarios and would benefit from a co-ordinated and comprehensive approach to current and future development.

Masterplanning the site wouldl allow the landowner to articulate future development aspirations / aims of the PDA and receive feedback from the statutory consultees, local authority and the local community in order that this Phase 1 building block (current application) can be set on the most stable of foundations possible. It would also allow infrastructure (such as roads, sewage, water) considerations to be given proper assessment so it can be planned and phased ensuring that this application does not sterilise or inhibit future development potential of the remainder of the PDA. Given the sensitive countryside and landscape qualities of the site, a masterplan approach would also afford a clearer indication of long-term planting which will be essential to integrate all physical development in the PDA with its wider landscape context. Moreover, given the mixed use nature of this PDA, it will be essential to this phase and others that there are no land use tensions arising from incompatible adjacent forms of development.

Overall, we endorse the Scottish Government's promotion of masterplans as a discipline to ensure that well conceived and long term development frameworks are created for sites which are environmentally sensitive, are subject to significant change, and which are intended to host a variety of differing land uses; all of which are the case with this large PDA. This is embedded in our Local Plan and it is specified in the Supplementary Development Briefs that this site should be masterplanned.

This aspect and requirement for a masterplan has always been made clear to the applicant and was acknowledged by their own consultants as long ago as 2005. During submission to the local plan process made by CKD Galbraith (the applicants agent at the time), dated 13th July 2005 in respect of PDA 9/13 it was provided that:-

Ardkinglas Estate welcomes the proposed PDA at Cairndow – Inverfyne as a broad indication from Argyll & Bute Council that subject to a detailed ACE and the compliance of any proposals with all relevant Structure and Local Plan policies, that the potential for medium scale development, in particular that linked to the existing Loch Fyne Oyster operation could be realised on this site. The Estate are keen to work with Argyll and Bute Council in overcoming the

noted access and road safety constraints as well as with the preparation of the proposed comprehensive Master Plan approach."

Whilst a sketch masterplan has been submitted for 'indicative purposes only' it falls far short of the level of detail the Council, statutory consultees and the community can comment upon or take comfort from that the design, landscaping, quality, mix of uses and overall sense of place for the whole PDA has been comprehensively considered.

It would be the Council's intention to either endorse any suitable masterplan that is submitted alongside Phase 1 application or adopted it as supplementary planning guidance, both of which are recommended in PAN 83. This would also give the applicant a degree of certainty and security in planning for future phases of development. However, at present, the masterplan has only been submitted for indicative purposes only and is not of sufficient detail or quality to satisfy PAN 83 or the provisions of the Argyll and Bute Local Plan.

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 and servicing implications in this area of sensitive countryside and panoramic quality

J. Conclusions

Whilst the components of the mixed-use scheme are considered to be compatible with PDA 9/13, the submitted Masterplan drawings and themes are not sufficiently well-developed to give comfort in terms of the brief for PDA 9/13 and AFA 9/4. The proposal may prejudice the greater development of PDA 9/13 and AFA 9/4 and detailed concern is noted on the intensification and density of the proposal in this sensitive countryside location and giving cognisance of the relatively dispersed settlement pattern in the surrounding area. Furthermore, we note concerns about the proximity of both existing and proposed commercial activities and quarry vehicle traffic movements to the proposed dwellings which may give rise to 'Bad Neighbour' conflicts. At this 'in-principle' stage, the proposal is therefore considered to contrary to the policies of the Argyll and Bute Structure Plan and Argyll and Bute Local Plan.

It is worth noting that the Scottish Government recently extended an invitation to the applicant and Council to discuss this application in a mediation capacity and in order to seek a mutually agreeable outcome. This invitation was declined by the applicant however the Council still consider the idea of using the Scottish Government Planning Division to be of benefit to both the Council and the applicant in order to unlock this PDA. From the applicant's perspective they will have the benefit of being able to access Scottish Government specialist staff / resources and we as a Planning Authority can use this as a test case to develop "best practice guidance" which can be rolled out in other PDA applications to ensure that this information request i.e. Masterplan is proportionate and delivers "added value" benefits to the applicant, the local community and the Planning Authority.