

**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 6**

### **1.0 SUMMARY**

At the PPSL Committee on 23<sup>rd</sup> November 2011, Members resolved to continue determination of this application. The purpose of this further supplementary report is to alert Members of the advertisement of a 'Masterplan' document, further supporting information from the applicant, further consultee responses and further representations including a petition of support with 155 names.

### **2.0 ADVERTISEMENT OF MASTERPLAN DOCUMENT**

At the PPSL Committee on 23<sup>rd</sup> November 2011, Members agreed:-

1. To continue consideration of this Application to allow a period of public consultation to be undertaken in respect of the new Masterplan submitted by the Applicant;
2. To note that local consultation had already been ongoing since submission of the Masterplan on 27 October 2011;
3. That consultation on the Masterplan be advertised in the local press from 1 December 2011 advising that representations on this should be submitted to the Head of Planning and Regulatory Services prior to the 20 December 2011; and
4. That this application and any further representations received will be considered by the Committee on 21 December 2011.

It is relevant to note that a paper titled 'Guidance On The Use Of Masterplans' was tabled at the same meeting on 23<sup>rd</sup> November but was not discussed until after the above decisions were taken.

As instructed by the PPSL to facilitate Community Consultation, an advertisement for the Masterplan and associated documents was placed in the Dunoon Observer on Friday 2<sup>nd</sup> and 9<sup>th</sup> December 2011 and Here We Are Service Point with a consultation deadline of the 19<sup>th</sup> December being noted.

### 3.0 FURTHER CONSULTEE RESPONSES

#### Response from Public Protection

A consultee response was recently received from Public Protection (memo dated 19th September 2011 but not received until December 2011) and was discussed at the Hearing with Environmental Officer Jo Rains. This response details issues concerning the provision of a private water supply and 'bad neighbour development' issues.

Whilst Public Protection express no objections to the application in principle, further information is required regarding the proposed private water supply and the impact of the existing ambient noise levels on the proposed development.

In terms of private water supply, Public Protection advises that consideration is given to a new communal supply to serve the mixed development. As insufficient information has been submitted by the applicant at this stage a suspensive condition is recommended requiring a full appraisal to be carried out to demonstrate the wholesomeness and sufficiency of the private water supply. Such a suspensive condition is considered a common and acceptable for 'in principle' applications.

Additionally Public Protection express concern over existing industrial and commercial uses and their potential noise impact on proposed dwellings and other uses. It is suggested that an assessment should be made of the existing ambient noise levels for daytime and night time noise to determine the effect on the proposed development, in particular on the nearest proposed dwellings. Such an assessment would allow the proposed dwellings to be designed accordingly but could be covered by a suspensive condition requiring a full assessment to take place as part of Approval of Matters Specified in Conditions or detailed applications.

Public Protection also notes that the application proposes to introduce commercial and industrial premises between the proposed dwellings and the existing usages. While it is impossible to determine at the outline planning stage what the potential noise impact on the proposed dwellings will be, safeguarding conditions can be applied at this stage to protect the dwellings and a suspensive condition is recommended.

#### Response from SEPA

A further letter from SEPA (dated 1<sup>st</sup> December 2011) requests that the planning condition in Section 1.1 (of their previous correspondence) be attached to any consent and for the avoidance of doubt, still request that the planning condition in section 2.3 of correspondence dated 8<sup>th</sup> September 2011 also be attached to any consent. If these will not be applied then this representation should be treated as an objection.

SEPA comment that where an overall masterplan is produced, drainage should be designed for the overall site area, as the same level of environmental protection is unlikely to be achieved by installing individual drainage schemes for each separate phase of the overall development. While authorisation has been granted under the Controlled Activities Regulations (CAR) for a private drainage system for phase 1 of the development (subject of the current application), the long term sustainable solution for the masterplan area is the adoption of a public sewer. To allow for this, SEPA request that the following condition is attached to any grant of planning consent for this application requiring the development to connect to the public waste water network public sewerage becomes available.

**"No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the site foul drainage system can be connected to the public sewerage system.**

***Reason: In order to protect the surrounding population and the environment from the impact of waste water and ensure the development of the public sewerage network."***

SEPA also comment that the level of sustainable drainage (SUDS) treatment proposed is not adequate for the proposed use of industrial units E-G and that a suspensive condition is

applied to any permission requiring a detailed sustainable drainage system to be submitted. If this condition is not applied then SEPA would object to the proposal.

SEPA also offer advice on the submitted masterplan approach in terms of waste water drainage proposals, surface water drainage, water abstraction, site waste management plan, environmental management and pollution prevention, watercourse crossings, space for waste management provision within the site layout and flood risk.

**Comment:** In respect of foul drainage, SEPA have confirmed that the requirement for a public sewerage system would only be applicable if the area outwith the current red line boundary was ever to be developed. At present, SEPA are satisfied with the foul drainage arrangements in place for the mixed use development within the red line boundary but do not wish a number of separate private foul drainage systems being proposed as part of the 'masterplan' development. Depending on phasing, the provision of a public foul drainage system would still be preferable but if development is confirmed at this stage to the application site boundary then SEPA have already discussed and approved the principle of such arrangements.

#### 4.0 FURTHER REPRESENTATION

A letter of petition including 155 names was received under a cover letter from Ardkinglas Estate dated 16<sup>th</sup> December 2011. This letter also includes copies of emails already sent to the department that are listed below.

23 further emails and letters of support have been received from:

1. Mr. Jon Pope, 2/2 129 Novar Drive, Hyndland, Glasgow (emails dated 1<sup>st</sup> / 6<sup>th</sup> December 2011);
2. Mike Mitchell (email dated 4<sup>th</sup> December 2011);
3. Bill Carlow, Balliemore, Loch Striven (email dated 5<sup>th</sup> December 2011);
4. Jim Heward, 5 Benvoullin Gardens, Oban (email dated 5<sup>th</sup> December 2011);
5. Don McNeil and Jean Bell (McNeil), Fyne Studios, Newton (email dated 5<sup>th</sup> December 2011);
6. Judith Macrae (email dated 5<sup>th</sup> December 2011);
7. Virginia Sumsion, Glen Fyne Lodge, Glen Fyne (email dated 5<sup>th</sup> December 2011);
8. Leonard and Catherine McNeill, Minard (email dated 5<sup>th</sup> December 2011);
9. Elizabeth Fairbairn, Glendaruel (email dated 5<sup>th</sup> December 2011);
10. Catherine Montgomery, Strachur (email dated 5<sup>th</sup> December 2011);
11. Liz Strachan (email dated 5<sup>th</sup> December 2011);
12. Ann Galliard, Glenshiel, Pier Road, Sandbank (email dated 5<sup>th</sup> December 2011);
13. Ian WJ Sinclair, Sinclair Horticultural Associates (email dated 6<sup>th</sup> December 2011);
14. Mr Noel Dowse, NDD Hygiene, Inverglenn Farmhouse, Strachur (letter received 6<sup>th</sup> December 2011);
15. John Patrick, Inveraray Marketing Group, Argyll Adventure (email dated 6<sup>th</sup> December 2011)
16. Noel Dowes Inverglenn, Strachur (email dated 5<sup>th</sup> December 2011);
17. Sarah Sumsion, Bachie Bhan, Cairndow (email dated 7<sup>th</sup> December 2011);
18. Peter Robinson, Braigh Varr, Minard (email dated 8<sup>th</sup> December 2011);
19. Michael Russell, MSP Scottish Parliament (email dated 8<sup>th</sup> December 2011)
20. Calum Innes, Adylinn, Newton Street, Blairgowrie (email dated 14<sup>th</sup> December 2011);
21. Annie McKee, Social Researcher in Land Management, The James Hutton Institute, Aberdeen (email dated 15<sup>th</sup> December 2011);
22. Mr. John Smart, Stalker's Cottage, Glen Fyne, Cairndow (email dated 15 December 2011).

The points raised in the emails/letters of support is summarised below:

- *One supporter wishes to draw the attention of elected Members is that there is a clear conflict of commercial interest between the statements of two of the most persistent and vociferous objectors to this application and their own development ref. 09/01854/PP (sic) and feels that there has not been a true declaration of interest as minutes of the meeting at Strachur Village Hall will testify. The supporter finds it odd that these objectors have the time and energy to interrogate the planning process in such obsessive detail and feels that these are no more than 'spoiling tactics' to hold up approval of this application.*

**Comment:** The application referred to is actually 09/01854/PPP for the erection of 3 dwellinghouses east of Sonachan Farm, Portsonachan, approved on 11<sup>th</sup> May 2010 but it is not clear what point the supporter is trying to make in respect of the current application.

- *MSP Michael Russell endorses the comments made by Peter Robinson and also indicates his support for the proposal which is much needed and should be encouraged. Hopefully it will be given approval at the next consideration by the Council;*
- *Offer support for rural investment and strengthening rural communities;*
- *If acceptable, the mixed use scheme could be used as a model for rural development projects;*
- *Do not allow local jealousies to stand in the way of this development which is much needed for the viability of the Estate, which is already contributing much more than its weight in local social amenity;*
- *Outrageous that non-permanent residents should object to this modest application that will create jobs in the area;*
- *Opposed to objections by 'absentee' holiday home owners who contribute nothing to the rural infrastructure as well as depriving people of buying these nearly all year round empty homes;*
- *We need more people to live and work in Cowal thus helping the already fragile rural economy;*
- *Proposals have a large amount of support locally and can only be an improvement to what is currently an underused and unattractive piece of land;*
- *Young families have had to move out of the area because of a lack of housing and business premises and other workers have to travel long distances due to a lack of local accommodation;*
- *The childcare centre needs better premises in order to build its business and become sustainable;*
- *The future of rural communities as holiday/retirement/commuting villages is not sustainable and to redress that we need to be able to offer affordable homes, work and facilities such as those proposed at Clachan;*
- *Unlike previous clearances in Scotland, rural community buy-outs should be supported as the way forward;*
- *There is currently a shortage of contemporary small business units;*
- *Cairndow cannot be viewed just as a tourist destination;*
- *Great weight is placed on the support of the applicant's wider family and relations when this is actually how many rural communities tend to operate;*
- *Any allegations that there is some kind of conspiracy and that the applicant would want to desecrate Cairndow is ludicrous;*
- *The proposed location is ideal for Mid-Argyll Communities to provide affordable housing, child care and employment opportunities which the Council should be supporting;*

- *Over provision of holiday homes are seriously affecting rural communities in terms of sustainability and expectations of visual amenity;*
- *Hope that the planning committee will treat the objections and selfish legal threats with the contempt they deserve and support the greater need of the Mid-Argyll Communities by granting permission;*
- *An in-depth case study as part of a PhD clearly illustrated the need for affordable housing, combined with potential employment opportunities. Also a strong desire to diversify local employment opportunities, provide support to start-up and small businesses. The community demonstrate strong community spirit and entrepreneurship in particular through the establishment of Cairndow Community Childcare, a thriving social enterprise. The proposed development will provide this enterprise with room for expansion and free up space within the village hall to provide a boost to local social capital;*
- *Current proposal shows flair and dedication by Ardkinglas Estate similar to Loch Fyne Oysters and the Tree Shop enterprises in nurturing and supporting the locality. Rural homes and business premises are in short supply and the principle of living and working locally is one which is supported by Scottish Government as fulfilling its targets for sustainability of both resources and communities. The principle of mixed use development has been the subject of discussion and liaison within both the community and the planning authority where the site has been identified in the local plan as being suited to such use;*
- *Proposal will not 'ruin' Cairndow and can only see real benefit being delivered to the area for those people who live and work and contribute something to the community.*

**Comment:** Members are requested to note the points made in support of the proposal.

## 5.0 FURTHER INFORMATION FROM APPLICANT

The applicant has submitted correspondence dated 20<sup>th</sup> December based on the feedback from the additional consultation period.

They have confirmed that they have reviewed all of the feedback received from interested parties received over the past three weeks and are:-

*delighted to note the overwhelming support illustrated by the volume of individual letters and emails received and the petition signed by 155 people.*

*The success of the consultation period and the feedback received demonstrates the clear will of the local people to support this proposal.*

*In the light of that the PPSL committee tomorrow should note that no further changes are required to be undertaken to the masterplan by us as a result of the consultation feedback and our intention is that the masterplan presented to them on 23 Nov remains the document they consider tomorrow accompanying the outline application.*

## 6.0 CONCLUSION

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

Notwithstanding the level of support for the proposal, or general acceptance of the 'masterplan' by Members at previous meetings, the department still feels that the masterplan submission falls short of expectations particularly when viewed in context with the approved protocol and procedures for masterplans in the Argyll and Bute Local Plan and paper discussed on 23<sup>rd</sup> November. It is considered that the submitted 'masterplan' document does not provide an

appropriate and detailed working of this PDA and is light in terms of population estimates, phasing, massing, heights, integration, landscape capacity and key viewpoint assessment. The acceptance of such poor quality masterplan submissions could establish an unfortunate precedent for these types of Masterplan that not only provides little confidence in what is being approved but could also potentially slow down or stifle development at later stages given the poor quality of spatial context / integration that has been afforded.

## **6.0 RECOMMENDATION**

It is recommended that Members note the content of this supplementary report and planning permission be refused as per the original planning report dated 14<sup>th</sup> September 2011 and amendments to reason for refusal no. 3 contained in Supplementary Report dated 20<sup>th</sup> September 2011.

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**19<sup>th</sup> December 2011**