

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: 12/00746/PPP

Planning Hierarchy: Local Development

Applicant: Mrs Ishbel Livingstone

Proposal: Site for Erection of 14 Dwellinghouses

Site Address: Land West of Glenview, Dalmally

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of 14 dwellinghouse (including 4 affordable);
- Utilisation of existing vehicular access;
- New internal access regime and off street parking provision.

(ii) Other specified operations

- Connection to public sewer;
 - Connection to public water main.
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

11/00577/PPP

Site for the erection of 16 dwellinghouses including 4 affordable units - Withdrawn

During the processing of the above application it came to light that the application boundary had been incorrectly drawn and incorporated an area of land outwith the applicant's ownership. The application was therefore withdrawn and replaced with the

proposal subject of this current application, and, due to the change in size of the application site, resulted in the reduction in number of dwellinghouses proposed.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 15/05/12 advising no objection to the proposed development subject to conditions.

Trunk Roads Authority

Report dated 18/04/12 advising no objection to the proposed development subject to a condition requiring the provision of a two metre footway along the south side of the A85 Trunk Road.

Scottish Water

Letter dated 12/04/12 advising no objection to the proposed development.

Environmental Health Unit

Report dated 26/06/12 advising that the applicant should submit an application for Prior Consent under the Control of Pollution Act 1974 and that they have notified the applicant directly on this matter.

Scottish Natural Heritage (SNH)

Letter dated 18/07/12 advising that they are content that Argyll and Bute Council can utilise their Local Biodiversity Officer to identify any local natural heritage impacts and address them without any further reference to SNH.

Scottish Environment Protection Agency

Letter dated 10/04/12 referring to standing advice available on their website.

Flood Alleviation Manager

No response at time of report and no request for an extension of time.

Access Officer

Undated letter advising no objection to the proposal in principle but that provision should be made in the final layout for pedestrian access in and out of the development allowing access to the community centre, village shop and wider environment.

Biodiversity Officer

Letter dated 01/10/12 advising that the site could be a refuge for wildlife and therefore may merit an ecological survey with mitigation measures. She advises that early discussions should be undertaken prior to the submission of a formal planning application.

Dalmally Community Council

E-mail dated 22/05/12 advising *"The Community Council support the increase of the amount of housing and the potential increase and size of the vigour of the local community. Access to this development will be via a recently constructed junction with the A85. Although this junction is within a 40mph speed limit traffic volume using it is increasingly rapidly. The Community Council would like to see increased safety measures at the junction including street lighting"*.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 26/03/12.

(F) REPRESENTATIONS:

Three representations have been received regarding the proposed development.

Mr James Lenehan, Mrs Shirley Lenehan & Mr Callum Lenehan, Norwood, Dalmally, Argyll, PA33 1AX (17/04/12)

Rev Freda & Mr Robert Marshall, Allt Mhaluidh, Glenview, Dalmally, PA33 1BE (12/04/12)

The Church of Scotland, 121 George Street, Edinburgh, EH2 4YN (16/04/12)

(i) Summary of issues raised

- Concerns over the house proposed immediately in front of Allt Mhaluidh, which will have a lack of amenity space and therefore will be out of keeping with the remainder of the development.

Comment: The purpose of this application is to establish the principle of development with the matters of layout, siting and design addressed by way of further application(s) for approval of matters specified in conditions. At such time the proposal will be fully assessed to ensure that a suitable level of private amenity space is provided for each dwellinghouse.

- Concerns that the proposal will have an adverse effect on the established privacy and amenity of neighbouring properties.

Comment: The purpose of this application is to establish the principal of development with the matters of layout, siting and design addressed by way of further application(s) for approval of matters specified in conditions. At such time the proposal will be assessed to ensure that the established privacy and amenity of existing properties is not adversely compromised.

- The land to the south of the site is steep and will require significant excavations to accommodate development and could undermine gardens of existing properties.

Comment: This is noted and a condition is proposed requiring sections through the site to be submitted to allow the details of the proposal to be fully assessed.

- The proposal will result in a dense development which, with the increase in traffic movements, will result in elevated noise levels which will detract from the established amenity of the area.

Comment: The site has been allocated as suitable for residential development by the adopted Development Plan. The site is situated to the east of a well established housing development and it is not considered that the additional traffic generated by the proposed development would have any significant impact on the amenity of the area.

- The proposal will have an adverse effect on wildlife, particularly bats.

Comment: The site is not designated in connection with any European Protected Species and has no obvious habitat of particular importance for wildlife.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

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| (i) | Is a Section 75 agreement required: | No |
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- | | | |
|-----|---|-----------|
| (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 DC 1 – Development within the Settlements

STRAT DC 8 – Landscape and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Appendix E – Allocations – Mixed Use Allocation MU-AL 5/1

(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.

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

(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
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(N)	Does the Council have an interest in the site:	Yes
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The Council own part of the application site, namely the verge in which the sewer is located and the adopted bellmouth at the vehicular access from the A85 Trunk Road.

(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

Planning permission in principle is sought for 14 dwellinghouses on an area of land to the west of Glenview, Dalmally.

In terms of the adopted 'Argyll and Bute Local Plan', Dalmally is identified as a 'small town/village' in the context of the settlement strategy.

In terms of the approved 'Argyll and Bute Structure Plan', Policy STRAT DC 1, (Development within Settlements) and PROP SET 5 (Settlement Plans), and by virtue of the effect of Local Plan P/DCZ 1 and P/AL 1 (which give spatial expression to the settlement boundaries and allocations), the land is specifically identified as an extension to the main settlement for the purposes of community facilities and residential development.

Appendix E of the Local Plan identifies the site as MU-AL 5/1 for community facilities and housing. The eastern part of the allocation has already been developed with the Dalmally Community Centre and this application represents the housing element consistent with the requirement of the allocation.

The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against Local Plan Policies LP HOU 1 and LP HOU 2 along with other associated relevant Local Plan policies.

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

(R) Reasons why planning permission in principle should be granted

The application relates to an area of land identified in the adopted 'Argyll and Bute Local Plan', 2009 as a Mixed Use Allocation (MU-AL) for community facilities and housing.

The eastern part of the allocation has already been developed with the Dalmally Community Centre and this application represents the housing element consistent with the requirement of the allocation.

As an application for planning permission in principle (with details reserved for subsequent approval, but with an illustrative layout) the scale of development conforms with the provisions of the approved Development Plan.

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

N/A

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

Author of Report: Fiona Scott Date: 27.09.12

Reviewing Officer: Richard Kerr Date: 27.09.12

**Angus Gilmour
Head of Planning and Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 12/00746/PPP

1. This permission is granted in terms of Section 59 of the undernoted Act for planning permission in principle and further approval of the Planning Authority shall be required for matters specified in conditions, such application must be made before whichever is the later of the following:-
 - a) the expiration of a period of 3 years from the date of this permission.
 - b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
 - c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

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

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until the following information has been submitted by way of an application(s) for approval of matters subject to condition, and approval has been given in writing by the Planning Authority:
 - a) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - b) A detailed site layout plan at a scale of 1:500 showing the proposed dwellinghouses;
 - c) Access, parking, water supply and drainage arrangements;
 - d) Details of the proposed finished ground floor levels of the development relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these;
 - e) Plans and elevations of the proposed dwellinghouses which shall incorporate the following elements;
 - Single or one and a half storeys in height;
 - Finished in white wet dash roughcast, white smooth render, natural stone, timber or a mixture of these finishes;
 - Have a roof covering of natural slate or good quality slate substitute;
 - Incorporate windows with a strong vertical emphasis;
 - Have a roof pitch of not less than 37 and not greater than 42 degrees;
 - Be predominantly rectangular in shape with traditional gable ends no greater than 7 metres;

Reason: In the interests of visual amenity and in order to maintain the character of the area and integrate the proposed dwellinghouses with their surroundings.

3. As details pursuant to Condition 2 above, no development shall commence until a phasing scheme for the implementation of the development in stages has been

submitted to and approved by the Planning Authority. Such details shall include a plan differentiating each distinct phase of the development and a schedule detailing the sequence in which development is to be implemented.

The development shall be implemented in accordance with the approved phasing scheme unless an amendment to the agreed sequence/timing of development is subsequently agreed in writing by the Planning Authority.

Reason: To ensure development is implemented on a progressive basis having regard to infrastructure and servicing requirements.

4. No development shall commence on site until details of the proposed estate service road, the connections with the existing public highway, and intended on-site parking arrangements have been submitted to and approved by the Planning Authority. Such details shall comprise:

i) the junctions with the public road constructed in accordance with the Council's published Development Guidelines;

All access roads and pavements granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the road and pavements shall be applied concurrently with the construction of the final building.

The junctions with the existing public road shall be fully formed prior to the commencement of works on site and maintained clear of obstructions above the height of the adjacent carriageway.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

5. As details pursuant to Condition 2 above, full details, in plan form of a two metre wide footway directly adjacent to the A85 trunk road to the front of the health centre and car park to link the development into the existing footway system shall be submitted for consideration by the Planning Authority in consultation with the Trunk Roads Authority. Such details as are approved shall be fully implemented prior to occupation of the dwellinghouses hereby approved.

Reason: In the interests of pedestrian safety.

6. As details pursuant to Condition 2 above, full details shall be submitted to the Planning Authority, in plan form, of the number of car parking spaces within the site at a level commensurate with the size of dwellings in accordance with Policy LP TRAN 6 of the adopted Argyll and Bute Local Plan. Such details as are approved shall be fully implemented prior to occupation of the house to which they are intended to relate and shall be retained thereafter.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

7. As details pursuant to Condition 2 above, full details of a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

i) Location, design and materials of proposed walls, fences and gates;

- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

8. As details pursuant to Condition 2 above, details of the intended means of surface water drainage to serve the development shall be submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. As details pursuant to Condition 2 above, full details of a scheme for the provision of affordable housing (as defined below) shall be submitted to and approved in writing by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those properties to be used as affordable homes;
- c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those

households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

10. The development shall be implemented in accordance with the details specified on the application form dated 26/03/12 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number L-01B)
Plan 2 of 2 (Drawing Number L-02B)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- The Roads Authority has advised that a Roads Opening Permit (S56), Construction Consent (S21) and Road Bond (S17) are required for the proposed development and that these should be in place prior to the commencement of works on site. You are advised to contact them direct to discuss the matter further (Telephone 01631 569170).
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.
- Please note the advice contained within the attached letter from the Council's Access Officer. Please contact him direct to discuss any of the issues raised.
- Please note the advice contained within the attached letter from the Council's Biodiversity Officer. Please contact her direct to discuss the issues raised.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 12/00746/PPP

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B) Has the application been the subject of any non-material amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C) The reason why planning permission in principle has been approved.

The application relates to an area of land identified in the adopted 'Argyll and Bute Local Plan', 2009 as a Mixed Use Allocation (MU-AL) for community facilities and housing.

The eastern part of the allocation has already been developed with the Dalmally Community Centre and this application represents the housing element consistent with the requirement of the allocation.

As an application for planning permission in principle (with details reserved for subsequent approval, but with an illustrative layout) the scale of development conforms with the provisions of the approved Development Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00746/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission in principle is sought for 14 dwellinghouses on an area of land to the west of Glenview, Dalmally.

In terms of the adopted 'Argyll and Bute Local Plan', Dalmally is identified as a 'small town/village' in the context of the settlement strategy.

In terms of the approved 'Argyll and Bute Structure Plan', Policy STRAT DC 1, (Development within Settlements) and PROP SET 5 (Settlement Plans), and by virtue of the effect of Local Plan P/DCZ 1 and P/AL 1 (which give spatial expression to the settlement boundaries and allocations), the land is specifically identified as an extension to the main settlement for the purposes of community facilities and residential development.

Appendix E of the Local Plan identifies the site as MU-AL 5/1 for community facilities and housing. The eastern part of the allocation has already been developed with the Dalmally Community Centre and this application represents the housing element consistent with the requirement of the allocation.

The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against Local Plan Policies LP HOU 1 and LP HOU 2 along with other associated relevant Local Plan policies.

B. Location, Nature and Design of Proposed Development

The application site lies in the main town centre of Dalmally and is accessed via the A85 Trunk Road.

The site is situated adjacent to the trunk road to the rear (north) of the Dalmally Health Centre and Community Car Park and immediately adjacent to the Sports Field to the east. To the south and west the site is bounded by established residential development.

The application is for Planning Permission in Principle for a residential development of 14 dwellinghouses. The application is accompanied by an indicative layout, however the approval subject of this application is to establish the principal of development and the roads structure with matters of layout and design to be addressed by way of application(s) for approval of matters specified in conditions.

It is considered that the proposal applied for conforms to the requirements of the MU-AL 5/1 allocation, and as the application is for approval in principle without approval of any layout details, it is appropriate to grant permission with these matters being addressed by way of conditions.

The proposal complies with Policy LP ENV 19 which seeks to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

C. Natural Environment

The proposed development is not located within or adjacent to any Nature Conservation designation. The Council's Biodiversity Officer was consulted and advised that the site may be a refuge for wildlife and therefore may merit an ecological survey with mitigation

measures and therefore early discussions should be undertaken prior to the submission of a formal planning application for detailed permission. An informative to this effect will be imposed on the grant of planning permission in principle.

The proposal is considered to satisfy the requirements of Policy LP ENV 2 which seeks to ensure important habitats and species are not compromised by development.

D. Affordable Housing

There is a requirement that 25% of the development (4 dwellings) should be affordable in terms of Local Plan Policy LP HOU 2. At this stage, it is not known how the prospective developer will intend to deliver this aspect of the proposal, but this can be addressed by way of condition.

With condition, the proposal complies with Policy LP HOU 2 which seeks to ensure the provision of an adequate level of affordable housing.

E. Road Network, Parking and Associated Transport Matters.

The application proposes to utilise the existing access from the A85 Trunk Road which currently serves the Health Centre, Community Centre and Pharmacy.

The Trunk Roads Authority has been consulted on the proposed development and raises no objections subject to a condition requiring the provision of a 2 metre wide footway alongside the south side of the A85 trunk road (adjacent to the health centre and car park) to connect to the existing footway.

The Area Roads Engineer has also been consulted on the proposal and raises no objections but has advised that the roads design will require to be approved by them and that a Road Construction Consent and Road Bond should be in place prior to the commencement of works. They further state that the developer will require to promote speed restriction within the development. These are all items which will be dealt with by the Roads Authority through the Construction Consent.

With conditions, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area.

F. Infrastructure

Water supply and drainage are via connection to the existing public systems. Scottish Water was consulted on the proposed development and in their response raised no objection.

The proposal complies with the terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.