
11th May 2007

Reference Number: 07/00104/OUT
Applicants Name: Drimsynie Construction Ltd
Application Type: Outline
Application Description: Erection of two dwellinghouses.
Location: Land North of *Oakbank*, Strachur, Argyll.

(A) THE APPLICATION

Development Requiring Outline Planning Permission.

- Erection of two dwellinghouses.
- Provision of communal septic tank and soakaway

(B) RECOMMENDATION

It is recommended that planning permission be **Granted** subject to the standard conditions and reasons and the following conditions and reasons together with a '*note to the applicant*' set out overleaf.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

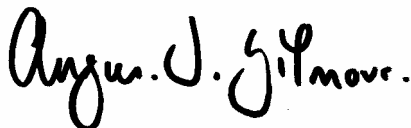
The site is located outwith the areas identified under Policy POL HO 9 of the Cowal Local Plan 1993 as being suitable for housing within Strachur. However, it is considered that the proposal can be justified as a '*minor departure*' to Development Plan Policy given the age of the current local plan and the identification of the land as within the '*settlement outline*' of Strachur in the Argyll and Bute Modified Finalised Draft Argyll Local Plan 2006.

The proposed development gives rise to no land use, amenity or servicing implications.

Justification for '*Minor Departure*'

It is considered that a case can be made for granting planning permission as a '*minor departure*' to the Development Plan as follows:

The application site is fully contained within the settlement boundary defined in the Argyll & Bute Modified Finalised Draft Local Plan 2006, and there were no specific representations submitted in respect of either the application site or the proposed settlement boundary at this location arising from the public consultation on the finalised draft plan."



Angus J Gilmour
Head of Planning Services

Case Officer: J. Irving 01369-70-8621
Area Team Leader: D. Eaglesham 01369-70-8608

"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".

CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/00104/OUT

4. Any details submitted pursuant to Condition 1(c) above shall display the following requirements:

- i) A parking and turning area for two vehicles, per dwellinghouse, shall be fully constructed and thereafter maintained in perpetuity for such a dedicated purpose.
- ii) The shared vehicular accesses shall be constructed as per the Council's Development Guidelines and must be a minimum of 5.5 metres wide;
- iii) The first 2.5 metres of the access shall be constructed with a sealed surfaced to prevent debris from being deposited on to the road.
- iv) The gradient of the access must not exceed 5% for the first 2.5 metres or 8% the remainder.
- v) A 2 metre wide verge and an unlined ditch to be provided along the boundary with the public road.

Reason: *In the interests of road safety.*

5. Any details pursuant to Condition 1(a) above shall show dwellings of local traditional design (that shall be one and a half storey's in size) and finish and shall incorporate the following elements:

- (i) The window openings shall have a strong vertical emphasis.
- (ii) The walls shall be finished in a wet dash render/smooth coursed cement render/natural stone.
- (iii) The roof shall be symmetrically pitched to at least 37 degrees and shall be finished in natural slate or a good quality slate substitute;
- (iv) The building shall be of a general rectangular shape and gable ended.

Reason: *In the interests of visual amenity.*

6. Any details submitted pursuant to Condition 1(c) above shall ensure visibility splays measuring 125 metres from a 2.5 metre set back free of all obstructions (including walls, fences, hedges, etc.) over one metre in height above the level of the road and thereafter maintained in perpetuity. This will require the removal of all vegetation within a distance of 2.5 metres from the road edge and within the application site and land to the north within the control of the applicant.

Reason: *In the interests of road safety*

NOTE TO APPLICANT

1. The applicant is advised to liaise with the Planning Authority prior to making an application for Reserved Matters approval. Please contact Mr. John Irving, Planning Officer tel. 01369 708621 regarding the proposed design, siting, layout and access to the proposed dwellinghouse. The Reserved Matters application should give due consideration to the following requirement:

'Any details submitted pursuant to Condition 1 above shall include a minimum of 2 cross sections through the site, these cross-sections being taken from the north to south boundaries of the site and shall show existing land contours and proposed

finished floor and ridge levels of the house, its underbuilding, and associated garden area and car parking/turning area relative to a fixed datum point.'

2. The Area Roads Manager has advised that:

A system of surface water drainage is required to prevent water running of the road and to do would be contrary to Section 99 of the Roads (Scotland) Act 1984 that states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell(tel. 01369 703959) directly in this regard.

The Area Roads Manager has also advised that the proposed works will require a Road Opening Permit (S56). The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 703959) directly upon this matter.

3. Water/Sewerage

For Scottish Waters comment please see attached copy of the consultation response dated 12th February 2007.

For SEPA's comments please see attached copy of the consultation response dated 16th February 2007.

If planning permission has been issued to you including a specific location and type for a septic tank and/or outfall and if, for any reason, it is necessary to change the location of the tank or outfall an additional permission will be necessary and further advice should be sought from your local planning office.

In addition, before a **Building Warrant** will be granted and as part of the ground assessment you will require to have trial holes dug to specified dimensions to determine the position of the water table and soil type and conditions and submit the results of a professionally carried out percolation test using the method described in BS 6297:1983 or other acceptable method to determine the area of ground required for the "infiltration system".

APPENDIX RELATIVE TO 07/00104/OUT

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

Outline planning application 99/00377/OUT for the erection of two dwellinghouses refused on 9th July 1999. The proposal was contrary to Policy HO9 'Sensitive Settlements' of the adopted Cowal Local Plan 1993, the provisions of Policy RRA2 'Remoter Rural Areas' of the adopted Strathclyde Structure Plan 1995 and contrary to the provisions of National Planning Policy Guideline NPPG3 'Land For Housing'.

(ii) Consultations

Area Roads Manager (memo dated 28th February 2007): No objection subject to conditions.

SEPA (letter dated 16th February 2007): No objection subject to advisory information.

Scottish Water (letter dated 12th February 2007): Advisory Information.

Development Plan Team: No response.

(iii) Publicity and Representations

Under Article 9 neighbour notification procedure, potential departure advertisement and Section 34 Advertisement; one letter of representation has been received from Mr R. Maggari (letter dated 2nd March 2007) *Oakbank*, Strachur, PA27 8DH.

The points raised can be summarised as follows:

'Houses are already planned next to and in front of my land. I feel that a quiet farm road is being over developed and that our privacy is being compromised.'

Comment: See assessment below.

B. POLICY OVERVIEW

Argyll & Bute Structure Plan

STRAT DC 1 of the Argyll and Bute Structure Plan 2002 encourages, within the small towns and villages (such as Strachur), the development of medium scale development (between 6 and 30 dwellings) on appropriate infill, rounding-off and redevelopment sites.

Cowal Local Plan 1993

Policy RUR 1 seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the Regional Scenic Coast and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy HO 9 identifies Strachur as a Sensitive Settlement where large scale or unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. Accordingly, the Council has restricted new housing to areas identified in the Inset Maps and will not grant approval for houses on greenfield sites outwith the identified areas unless an overriding locational or operational need can be demonstrated.

Where such a need has been demonstrated, special attention will be given to ensure that the actual location of the house(s) creates the minimum adverse environmental impact.

The current application site is located outwith the areas identified under Policy POL HO 9 and there is no overriding locational or operational need associated with the proposal. On this basis, the application is contrary to the adopted Development Plan.

Argyll and Bute Modified Finalised Draft Local Plan 2006

The site falls within the defined Strachur Settlement Zone where appropriate in-fill development when respects the surrounding built form and existing settlement character may be considered acceptable. The following policies contained within the emerging local plan apply:

Policy LP ENV 1 – Development Impact on the General Environment

'In all development zones the Council will assess applications for planning permission for their impact on both the natural, human and built environment. When considering development proposals, the following general considerations will be taken into account, namely: Structure Plan, Impact upon amenity, landscape impact, location and nature of proposed developments, roads and public transport, infrastructure, water resources, government guidance, special areas of designation, historic environment.'

Policy LP HOU 1 – General Housing Development

'(A) There is a general presumption in favour of housing development other than those categorises, scales and locations of development listed in (B) below. Housing development, for which there will be supported unless there is an unacceptable environmental, servicing or access impact:

In the settlement: 1. large-scale housing development in small towns and villages and minor settlements; 2. medium scale housing development in the minor settlements.

(B) In the countryside development control zones: 3. large and medium scale housing development in all the countryside development control zones; 4. small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/undeveloped areas within Countryside Around Settlement and Sensitive Countryside.

On croft lands: 5. more than one dwelling house on a bare-land croft; or more than one additional dwelling house on an individual croft containing an existing dwellinghouse.

(C) Housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exemptions listed for each development control zone in the justification for this policy.

(D) Housing Developments are also subject to consistency with other policies of both the structure and local plan.'

C. ASSESSMENT

Site Characteristic/Location

The application site is located to the north of the property known as "Oakbank" and to the south-west of Strachur Primary adjacent to the old Strachur Road. The site extends to approximately 0.1 hectares and is generally level in its topography

From a visual impact perspective, the provision of dwellings north of the existing dwelling would 'round off' this part of Strachur by forming a small cluster of the type that characterises the part of the village south of the Primary School. In this regard, once developed, this small development node of five dwellings (including planning application 07/00063/DET) would reflect the existing small development node on the opposite side of the *C57 Glenbranter Road* such that there was an overall consistency to the loose knit settlement pattern.

The site lies outwith the defined Strachur settlement boundary as set out in the adopted Cowal Local Plan 1993. However, under the provisions of the emerging finalised draft local plan the site is contained within the defined settlement boundary and for this reason the proposal may be considered as appropriate rounding-off development.

Proposed Development

No details of the type of houses proposed for the site have been submitted other than indicative building footprint positions and the location of the septic tank.

Servicing and Infrastructure

The Area Roads Manager has no objections to the application.

It is proposed to connect to the existing public water supply; Scottish Water has raised no objection to this as there is currently sufficient capacity to connect to the supply. Scottish Water have also confirmed that there are no known public sewers in the vicinity of this development and for this reason SEPA have no objection to the proposed private foul drainage arrangements.

Conclusion

The application is contrary to the terms of the aged adopted Cowal Local Plan 1993 but complies with the terms of the emerging Argyll and Bute Finalised Draft Local Plan.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications for planning permission be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.

It is considered that the adopted Local Plan is somewhat outdated. As the application complies with the terms of the emerging Local Plan, it is considered that this is a material consideration which outweighs the development plan and would allow the Authority to grant planning permission as a '*minor departure*' to the development plan.

Requirement for PAN 41 Hearing

Given that the proposal is only a '*minor departure*' from the Development Plan and there has been just one letter of representation it is not considered that it would be necessary to convene a formal hearing under Planning Advice Note 41 '*Development Plan Departures*'.

