

18th April 2002

Reference Number: 01/01336/OUT
Applicants Name: Drimsynie Construction Ltd
Application Type: Outline
Application Description: Erection of 15 Houses and Formation of Access Road & Installation of Septic Tank.
Location: Corstoun Park, Toward Farm, Toward.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission:

- Erection of 15 houses, (no details submitted other than an indicative plot layout,) in a single tier layout on agricultural land.
- Alterations and improvements to existing access onto A815.
- Formation of access road off the access track to Toward Farm which will run to the rear of the proposed houses and parallel with the A815
- Deposition of material within site to build up ground profile.
- Installation of 15,000 litre septic tank with outfall pipe to below low water mark to adoptable standard.

Other Specified Operations

- Connection to public water main.

(B) RECOMMENDATION

It is recommended that outline planning permission be **granted** subject to the 15 conditions and reasons set out in this report.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Material Considerations

The site is allocated within the Cowal Local Plan 1993 (*adopted 30th October 1995*) as being suitable for private residential development under Policy POL HO 6 of the Cowal Local Plan. Accordingly given this allocation the department must advance support for development of this site.

In order to ensure that the development assimilates successfully within the site and to ensure that the type of houses reflect the sensitivity and prominence of this site, it is considered appropriate that a condition be imposed to secure the submission of a '*design brief*' for this particular site.

Part of the site is below road level and it is intended to import material and build up the ground levels. The applicants' agent has now agreed to lower the proposed finished ground floor level of the site to comparable with a height of the road level of the A815. A condition will be imposed to address this.

Some concern has been raised with regard to flooding within part of the site. There is a burn on the western periphery of the site that it is proposed to culvert. Ponding occurs within the site as a consequence of a broken field drain and a new field drain would be installed. SEPA have however requested that a *Flood Risk Assessment* be undertaken to assess the potential risk specifying where

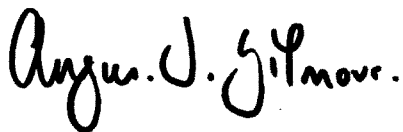
appropriate safeguarding measures. It is considered that the risk of flooding is slight, however in order to safeguard against this a condition requiring a *Flood Risk Assessment* is deemed necessary in accordance with the provisions of NPPG 7 "*Planning and Flooding*". SEPA have concurred (Email dated 19th April 2002) that this information can be conditioned rather than required prior to the determination of the application.

In terms of archaeological interest, West of Scotland Archaeological Service (WOSAS) had requested a detailed report prior to the application being determined. This has resulted in delay in determining this application. This report commissioned by the applicant has been received and commented upon and (WOSAS) advise that there is no archaeological interest.

(D) CONCLUSION

The development of fifteen houses and the installation of a communal septic tank within a designated housing allocation area of the Cowal Local Plan 1993 accords with the provisions of Policy POL HO 6. Subject to appropriate conditions including a '*design brief*' the application is in accordance with the development plan and specifically "*the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*"

(Section 25 Town and Country Planning (Scotland) Act 1997).



Angus J Gilmour

Head of Development & Building Control

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

Author: Dafydd Jones : Area Planning Officer

CONDITIONS AND REASONS RELATIVE TO APPLICATION 01/01336/OUT

4. Prior to the development of any of the house plots, a *design brief* for the entire development site edged red shall be submitted to and approved in writing by the planning authority. The *design brief* should address the following aspects :
- i) The type of dwelling(s) within the 15 plots that shall contain a variety of single storey and one and a half storey with not less 5 dwellings being one and a half storey and the maximum height shall not exceed 7.50 metres.
 - ii) The siting of each dwelling shall be staggered but within 1.0 metre of the face of each adjacent dwelling and shall not be set within a regimental building line.
 - iii) The roof material shall be that of slate or a slate substitute tile.
 - iv) The roof pitch shall not be less than 37 degrees.
 - v) The windows shall all have a strong vertical emphasis and a central or top third glazing bar shall be promoted.
 - vi) Traditional gable fronted porches shall be incorporated on not less than 5 of the dwellings.
 - vii) Traditional gable fronted dormer windows shall be incorporated within not less than 3 of the one and a half storey dwellings.
 - viii) Details of all external materials shall be submitted including texture and colour and the use of timber panelling shall be precluded.
 - ix) Details shall be submitted of the phasing of the development.
 - x) Details shall be submitted of the finished floor level of the dwellings that shall be no greater than 0.5 metres above the finished ground level as detailed in condition 5.

Reason 4. *In the interests of successful and integrated design and to allow the comprehensive development of the site to assimilate within this within this coastal plain in accordance with "Designing Places" a Policy Statement for Scotland.*

5. Any details submitted pursuant to condition (1) above shall include a minimum of 2 cross sections through each plot running from north to south and shall show the existing land contours and the proposed finished levels of the ground, the levels of the houses, their underbuilding and the associated garden area and car parking/turning area. The finished ground level of each plot shall be no higher than the road level of the A815 unless otherwise agreed in writing with the Planning Authority.

Reasons 5. In the interest of visual amenity and to help integrate the proposal into the surrounding landscape setting.

6. Notwithstanding the provisions of Article 3 and Class 1 of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, no window or other openings shall be installed in the eastern and western facing elevation of the proposed houses unless frosted glass is used without the prior written consent of the Planning Authority.

Reasons 6. In order to prevent the inclusion of window and other openings in the eastern and western facing elevations of the propose houses, which could significantly undermine the privacy and amenity of adjoining residential properties.

7. Prior to the commencement of any works full details of the proposed boundary treatment shall be submitted to and approved in writing by the planning authority. The approved scheme shall be implemented within six months of the first occupation of the first dwellinghouse.

Reason 7. In the interest of visual amenity and to help integrate the proposal into the surrounding landscape setting.

8. A landscaping scheme shall be submitted to the Planning Authority for approval prior to the commencement of any works. This scheme shall specifically but not exclusively include a continuous hedgerow to be provided along the length of the southern and northern boundaries of the site. The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained for a period of ten years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason 8. In the interest of visual amenity and to help integrate the proposal into the surrounding landscape setting.

(CONTINUED)

9. The access serving this site shall be a road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be fully constructed in consultation with the Area Roads Manager prior to the occupation of the first dwellinghouse.

Reason 9. In the interests of road safety.

10. The access onto the A815 as detailed in drawing number "374/003" shall have visibility splays of 215 metres in each direction formed from a point 2.50 metres back from the edge of the metalled portion of the road. Thereafter no obstruction to visibility shall be permitted within these splays above a height of 1.05 metres from the level of the highway upon the occupation of the first dwellinghouse.

Reason 10: In the interests of road safety.

11. Prior to the commencement of any works, an amended site plan shall be submitted to the Planning Authority to indicate details of the provision of a pedestrian footpath link between the eastern end of the proposed access road as detailed in drawing number "374/003" and the A815. The scheme, as may be approved, shall be fully implemented prior to the occupation of the first dwellinghouse.

Reason 11 : In the interests of road safety.

12. Prior to the commencement of any works a *Flood Risk Assessment* shall be submitted for the prior written approval of the Planning Authority in consultation with SEPA. Such an assessment shall identify any flood risk within the site, and mitigation measures to address any such concerns. The remedial work required as may be detailed in the approved *Flood Risk Assessment* shall be fully implemented prior to the occupation of the first dwellinghouse.

Reason 12 : To ensure that there is no potential for flooding at the site in the interests of health and amenity.

13. Any details pursuant to condition 1 (a) shall show details of the surface water drainage measures for the site. Such details shall show within house Plot 1 the retention of the existing water course and gradient levels of the banks and land immediately adjacent to the water course, together with details of boundary treatment immediately adjacent to the water course. Such details shall be submitted for the prior written approval of the Planning Authority in consultation with SEPA prior to the commencement of any works. The scheme, as may be approved, shall be fully implemented prior to the occupation of the dwellinghouse within Plot 1.

Reason 13 : To ensure that there is no potential for flooding at the site in the interests of health and amenity.

14. Prior to the occupation of the first dwelling, the drainage arrangements for the communal septic tank with a minimum capacity 15,000 litre, outfall and sewerage drain pipe shall be fully installed as detailed in drawing "373/003". Such arrangements and works shall be undertaken in consultation with SEPA and Building Control.

Reason 14 : In the interest of public health and amenity.

15. Prior to the deposition of any material within the site, full details shall be submitted of the source and content of the deposited material for the prior written approval of the Planning Authority in consultation with SEPA, Public Protection Unit and Building Control.

Reason 15 : In the interest of public health and amenity.

APPENDIX RELATIVE TO APPLICATION 01/01336/OUT

A. POLICY OVERVIEW

Under POL HO 6 of the Cowal Local Plan the Council has identified a number of sites, which they consider suitable for private residential development, including this site. The site area extends to 1.5 hectares and it is estimated that the site is capable of accommodating 16 dwellinghouses.

The application relates to an allocated housing site of the Local Plan and therefore fully accords with Policy.

B. OTHER MATERIAL CONSIDERATIONS

(i) Site History

- 01-93-696 Outline permission was granted on the 27th January 1994 for the erection of one house within the easternmost corner of the allocated POL HO 6 site subject to conditions.
- 01-94-813 Detailed permission was granted on the 18th April 1995 for the erection of a house within the easternmost corner of the site. The site was to have a new access onto the A815 and individual septic tank installed. Members however endorsed the view that no further development should be permitted on a piecemeal basis and that any future applications within the allocated area would require a comprehensive approach to the drainage and access arrangements.
- 01-95-147 An outline application for a house on a plot of ground to the immediate west of that previously approved (ref 01-93-0696) was recommended for refusal as it entailed a new individual access and septic tank and would establish a precedent for proliferation. However the application was withdrawn on the 11th May 1995 before the application was formally determined.
- 01-95-0411 An outline application for a house on a plot of ground to the west of that previously approved (ref 01-93-0696) was withdrawn on the 1st June 1995 due to concerns that it would lead to individual access and septic tank and would establish a precedent for a proliferation of both prior to its formal determination.
- 01-95-882 An outline application for a house on a plot of ground to the west of that previously approved (ref 01-93-0696) was withdrawn on the 12th August 1997 following concerns that it would establish a precedent and lead to a proliferation of accesses and septic tanks.

(ii) Consultations

- I. **West of Scotland Water** (letter dated 24th August 2001) : No objections although they advise that they can supply the development with a water connection to a new service main laid as an extension to the existing main in the street adjoining the site. However the existing main terminates some distance from the proposal and the applicant would require to meet the cost of mainlaying, in excess of the "reasonable cost", currently £1,000 per house. It is strongly recommended that a cold water storage cistern is provided for each house having an actual (not nominal) capacity of at least 200 litres. In respect of the water supply, West of Scotland Water has no objection to the proposal providing that the plumbing complies with current Water Byelaws.
- II. **Area Roads Manager** (memo dated 11th September 2001) : No objections subject to conditions and advise that part of the site is susceptible to flooding.
- III. **West of Scotland Water Sewerage** (letter dated 23rd August 2001) : No objections and advise that there is no public sewer available.
- IV. **SEPA** (letter dated 17th April 2002) : It would appear that the site requires uplift, in part to reduce the risk of flooding from surface water impounding behind the A815. In addition, the uplift will eliminate any flood risk from extreme tides in the Firth of Clyde, which may flood the lowest parts of the site, which I infer to be about 3.85m AOD.

However, I note that small burns runs through both the western and eastern edge of the development site and whilst uplifting the site is likely to remove any flood risk to the site itself, the loss of existing on-site flood storage may exacerbate flood risk elsewhere.

SEPA would recommend that a Flood Risk Assessment is undertaken to identify the flood risk from the burns to the site and the impacts of uplifting the site in relation to the flood risk to neighbouring properties. Proposals to manage this risk should also be outlined, as required.

Furthermore, SEPA notes that the proposals appear to involve the culverting a watercourse. It is SEPA's policy to oppose the culverting of watercourses, and as such we would recommend that the burn remains in an open channel. Given the amount of infilling of the site that is proposed, SEPA would also wish to ensure that the banks of the watercourse are not made excessively steep (for safety and aesthetic reasons), and that any engineering works in, or on the banks of the burn are carried out using 'soft' engineering techniques.

- V. **West of Scotland Archaeological Service** (letter dated 7th March 2002) : I am in receipt of a copy of the archaeological evaluation report for the above site by Addyman & Kay on behalf of the applicant. Although the site was badly flooded at the time of the evaluation, trial trenching was nonetheless carried out and nothing of archaeological interest, other than field drains of no great age, was noted. I am content that the potential archaeological issue at the site has been properly investigated, confirming that there is in fact no such issue. There is no requirement for further archaeological work at the site should the application be approved by your Council.
- V. **Building Control Unit** (memo dated 20th August 2001) : The area is prone to flooding and drainage therefore requires to comply with the Building Regulations. This aspect will be dealt with under the Building Warrant.
- VI. **Statutory Plans Unit** (memo dated 17th September 2001) : The site is was included as an allocation in the Cowal Local Plan 1993. There are no objections in terms of local plan policy.

(iii) Publicity

The proposals have been advertised under the provision of Article 9 and Section 34 (Vacant land & bad neighbour – closing date 14th September 2001). Four letters of representation were received from John More, Buachailean, Toward, (letter dated 13th August 2001), E.M.Elliott, Tossa, Toward, (7th September 2001), K.Ashfield, "Rhana", Toward Point, (letters dated 4th & 12th September 2001) in which the following concerns were raised :

- i) It was believed that only 10 houses were allocated within this designated housing site. The number of houses proposed is excessive.

Comment : The Local Plan indicates that the entire allocated site is capable of accommodating some 16 dwellings.

- ii) The development could result in a loss of view from the adjoining property towards Rothesay, although this would be lessened if the houses proposed were single storey.

Comment : Loss of view is not a material consideration. If permission were granted such dwellings would be restricted in height to single or one and a half storey dwellings.

- iii) There is concern over the design and finish of the proposed houses to ensure that they integrate within this setting and to avoid a replication of the recently built houses at 'The Meadow' which were built by the same applicant.

Comment : This aspect will be addressed in Section F in respect of a 'design brief' and planning condition number 4.

- iv) There is concern over the separation distance between the objector's property and the proposed houses and clarification is sought on the proposed boundary treatment.

Comment : The application is in outline form only and if permission were to be granted such details would be addressed by a condition.

v) It is unclear what the position of the building line of the proposed houses will be.

Comment : The application is in outline form and the submitted site plan only details the 15 plot layout. It does indicate the position of the houses within each plot. This aspect will be addressed by a '*design brief*', condition 4.

vi) There is concern over the proposed drainage arrangements to ensure that it will not exacerbate the smell occasionally experienced from the existing outfalls.

Comment : None of the consultees have raised any objections or concerns regarding the proposed drainage arrangements as proposed. This aspect however will be addressed through the imposition of an appropriate condition. In relation to smells occasionally being experienced from existing outfalls, this has been referred to the Public Protection Unit.

