



Argyll and Bute Council – Development Management

Pre Application Advice Report

19th March 2019

Reference:	19/00385/PREAPP
Proposed Development:	Pre Application Enquiry - formation of new access road, erection of 24 hillside terraced houses and 12 Lochside terrace houses, creation of new Drover's Landing area including commercial units, public parking and creation of new public realm with large proportion of open space
Site Address:	Lochside Land In The North End Of Portincaple Argyll And Bute



The information represents the informal view of the planning officer and is given without prejudice to the outcome of any planning application submitted in respect of the above development.



Permissions Required

- ☐ Planning permission

Type of Application

- ☐ Local Application

EIA Scoping/Screening Required

- ☐ Yes, EIA screening is required

Pre Application Consultation Required

- ☐ No

Site Visit Undertaken

- ☐ Yes.

Local Development Plan Policies

- LDP STRAT 1 – Sustainable Development

The Settlement and Spatial Strategy

- LDP DM1 – Development within the Development Management Zones

Protection, Conserving and Enhancing our Outstanding Environment Together

- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 4 – Supporting the Sustainable Development of our Coastal Zone

Creating a Sustainable and Growing Economy Together

- LDP 5 – Supporting the Sustainable Growth of Our Economy
- LDP 6 - Supporting the Sustainable Growth of Renewables

Strengthening Our Communities Together

- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting, Layout and Design

Maximising Our Resources and Reducing Consumption Together

- LDP 10 – Maximising our Resources and Reducing our Consumption

Improving Our Connectivity and Infrastructure Together

- LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan – Supplementary Guidance Policies

Natural Environment

- SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP ENV 7 – Water Quality and the Environment
- SG LDP ENV 8 –Green Networks



Landscape and Design

- SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)

Support for Business and Industry: General

- SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas

Support for Industry and Business

- SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
- SG LDP TOUR 2 – Safeguarding Valued Tourist Areas Vulnerable to Change of Use
- SG LDP TOUR 3 – Promoting Tourism Development Areas

Retail Developments (including changes of use to and from shops)

- SG LDP RET 3 – Retail Development in the Key Rural Settlements, Villages and Minor Settlements

General Housing Development

- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP HOU 2 – Special Needs Access Provision in Housing Developments

Housing Greenspace

- SG LDP HOU 3 – Housing Green Space

Sport, Leisure, Recreation and Open Space

- SG LDP REC/COM 1 – Sport, Recreation and Community Facilities

Key Rural Services

- SG LDP REC/COM 3 – Safeguarding Key Rural Services

Planning Gain

- SG LDP PG 1 – Planning Gain

Departures from the Local Development Plan

- SG LDP DEP 1 – Departures to the Local Development Plan

Sustainable Siting and Design

- SG LDP Sustainable - Sustainable Siting and Design Principles

Resources and Consumption

- SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
- SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
- SG LDP SERV 3 – Drainage Impact Assessment (DIA)
- SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
- SG LDP SERV 6 – Private Water Supplies and Water Conservation

Addressing Climate Change

- SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
- SG LDP CC 1 – Climate Change and Sustainable Buildings
- SG LDP Sust Check – Sustainability Checklist

Transport (including core paths)

- SG LDP TRAN 1 – Access to the Outdoors
- SG LDP TRAN 2 - Development and Public Transport Accessibility
- SG LDP TRAN 3 – Special Needs Access Provision
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 5 – Off-Site Highway Improvements
- SG LDP TRAN 6 –Vehicle Parking Provision

Other Relevant Material Considerations

National Planning Framework 3 Ambition | Opportunity | Place

<https://www.gov.scot/publications/national-planning-framework-3/>

Scottish Planning Policy

<https://www.gov.scot/publications/scottish-planning-policy/>

SNH Ancient Woodland Inventory

<https://gateway.snh.gov.uk/natural-spaces/dataset.jsp?dsid=AWI>

New Design in Historic Settings” produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=9b50b83c-1e60-4831-bc81-a60500ac5b29>

The Scottish Government’s Policy on Control of Woodland Removal

[https://www.forestry.gov.uk/PDF/fcfc125.pdf/\\$FILE/fcfc125.pdf](https://www.forestry.gov.uk/PDF/fcfc125.pdf/$FILE/fcfc125.pdf)

Planning History

None relevant

Known Constraints

Site is located with SNH Ancient Woodland.

Settlement Strategy

POLICY LDP STRAT 1 – Sustainable Development - In preparing new development proposals, developers should seek to demonstrate the following sustainable development principles, which the planning authority will also use in deciding whether or not to grant planning permission:

- a) Maximise the opportunity for local community benefit;
- b) Make efficient use of vacant and/or derelict land including appropriate buildings;
- c) Support existing communities and maximise the use of existing infrastructure and services;
- d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- e) Avoid the use of locally important good quality agricultural land;
- f) Utilise public transport corridors and active travel networks;
- g) Avoid the loss of important recreational and amenity open space;
- h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) Respect the landscape character of an area and the setting and character of settlements;
- j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground



instability; and

k) Avoid having significant adverse impacts on land, air and water environment.

In addition to this the communities of Cardross, Helensburgh and Garelochhead are subject to different development pressures from the rest of Argyll and Bute, with their relative accessibility to the adjacent Glasgow conurbation and the presence of the Greenbelt. The Council needs to assess developments to help unlock the full potential for this area to enjoy sustainable economic growth and regeneration of its settlements, while at the same time taking into account its proximity to the National Park and the needs of the Rosneath Peninsula. By 2024, Helensburgh and Lomond will be:

- A better connected and accessible place with improved ferry services, road, rail and active travel links together with improved telecommunications networks and broadband coverage;
- A place that offers a revitalised Helensburgh Town Centre and Waterfront that takes full advantage of its position as a high quality, short term visitor destination close to the Glasgow conurbation;
- A place of outstanding natural and built heritage with enhanced natural assets, better townscape and public realm with new community facilities.
- A place that can offer a wide range of housing choice in places with modernised essential services and infrastructure, with a focus of larger scale growth in Helensburgh and Cardross.
- A competitive place better connected to the global economy with thriving local communities that provide an incentive for businesses to locate to, particularly within the context of the Maritime Change Project and its role in tourism both relating to adjoining the Loch Lomond and the Trossachs National Park and as a day tripper destination;
- A greener place with numerous community led renewable energy projects, established community forests, woodlands and green networks.

In terms of these strategic objectives the proposal broadly complies, subject to it meeting the other Policies within the Local Development Plan (LDP).

Policy LDP DM 1 establishes the acceptable scales of development in each of the zones with the boundaries of all the settlements and countryside zones mapped in the LDP's Proposal Maps. The development site is located within a Village/Minor Settlement in which encouragement shall be given to sustainable forms of development up to small scale on appropriate sites. For residential development this small-scale shall not exceed 5 dwelling units. The proposal for 36 dwellings therefore does not accord with the limit for an acceptable scale of development in this settlement and is a departure from Policy. Larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.

Location, Nature and Design of Proposed Development

The strategic vision for this development is to create Portincaple as a visitor destination and allow better public access to Loch Long by way of new roads, public realm works, new public jetty and some retail opportunities, In addition new dwellings are proposed to augment existing housing.

The proposed housing development will form 4 blocks of terraced houses sited on steeply sloping land to the west of Feuns Road. It will be accessed by way of an extension of this road which will



also be shared by other existing residents living to the north of the site. The topography of the site measures 30m AOD and lowers to 19m AOD from north to south and from 30m AOD to 7.5m AOD west to east. This enables the proposal to be built at two naturally defined contour lines. The upper section (Phase 1) are 24 Hillside Terraces comprising of 2 storey 4 bedroom dwellings at 120m² in floor area. The lower section (Phase 2) are 12 Lochside Terraces and comprise 3 storey, 6 bedroom dwellings at 180m² in floor area. A buffer zone of managed woodland is located between the existing houses on Feuns Road and the fronts of the Hillside terraces to further soften the development.

All dwellings will be orientated to the west, each house will share a driveway with one neighbour, and within a private gravelled area off the road, have two dedicated private parking spaces as well as bicycle and bin storage. Materials are described as sensitive and to a high Level of sustainability.

LDP 3 outlines that in all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment. Policy LDP 9 require developers and their agents to produce and execute a high standard of appropriate design in accordance with the following criteria:

Development Setting
Development Layout and Density
Development Design

Particular attention is also given to massing, form and material within sensitive locations such Areas of Panoramic Quality (APQ). Within this site the quality of design will require to be higher than in other less sensitive locations and be in accordance with the guidance set out in "New Design in Historic Settings" produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

In terms of the setting of the development the proposal is considered to pay regard to the context within which it is located as it is set on contoured ground on two levels allowing views to be minimised from Feuns Road and maximised from within the site and at lower terrace level toward the Loch. The density of the site, 36 units, does not seem excessive in a site this size.

I am happy to see that special needs access provision is incorporated into the housing layouts and the flexible accommodation can be adapted for various needs. Housing green space requires 12 sq m per unit of casual open space and a minimum of 6 sq m per unit of equipped children's play space including provision for under 5 year olds and a maintenance plan of such open and play space. The number of units requires 432 m² of casual open space which is easily accommodated within the woodland and public realm areas. The children's play space can also be accommodated in these areas.

In terms of the site layout and visual appearance the solid form of the highly glazed terraces on two levels are prominent within this rural area, do not sit comfortably in this context and conflict with the landscape character. The proposal does not replicate the settlement pattern characteristic within this rural area and not suitably screened by woodland. The proposal is therefore not in accordance with Policy LP ENV 10 of the adopted Local Plan and significant work is required to address this matter. This could possibly be achieved by breaking up the solid form of the terraces, the inclusion of green roofs and introduction of non-glare glazing materials.

Natural Environment

The proposal may require further examination under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it may fall under the following Schedule 2 Development;

Section 1 Agriculture and aquaculture. part (e) Reclamation of land from the sea



Section 10. Infrastructure projects.

part (f) Construction of roads if the area of the works exceeds 1 hectare

part (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.

This will be clarified during the validation process.

Built Environment

The site is located within two Ministry of Defence (MOD) safeguarding zones of Coulport and Glen Douglas. The MOD will need to complete a more detailed assessment once plans and further information is available regarding building materials and method of construction.

Biodiversity

The Councils Biodiversity officer advises the development is located on a Semi Natural Ancient Woodland and the impacts this may have on habitats. You are also asked to consider the impacts the development may have upon peat depth on open hill ground.

Species that may be impacted by this development are Red/Black Grouse, Hen Harrier, Golden Eagle, Red Squirrel, Badger, Bat and Otter. It is advised that a detailed survey be submitted to examine the extent of these habitats. It is also suggested that a tree survey be submitted for position and health of same and a management and construction protection plan. Rhododendron Ponticum is an issue in this location and an eradication plan is also required to be submitted.

It is suggested that a watching brief for other invasive non-native species is recommended regarding a species survey at the optimum time of year. It is recommended you refer to the Biodiversity Technical Note and that a more robust landscape plan is submitted with a full application.

https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf

Woodland

The integration of the green buffer zone with woodland walks and new landscaping/planting is welcomed. I would expect a tree replanting scheme and existing woodland management plan to be submitted alongside a planning application.

Woodland development plan policy explains that the prize features of an important woodland may include the remaining part of an ancient, long established or semi-natural woodland and the recreational/visual value this affords to local people. The woodland setting is the key landscape feature in this part of Portincaple that creates local landscape character and distinctiveness. Significant weight is placed on the latter which creates the key characteristic of the APQ. I will therefore expect the woodland feature to be significantly enhanced by a replanting scheme that will include heavy set mature standards that complement the existing tree stock.

Public Realm

Outdoor Access in Argyll and Bute is extremely important part of communities' lives. As a land manager you have rights and responsibilities under the Land Reform (Scotland) Act 2003. The Access manager Jolyon.Gritten@argyll-bute.gov.uk can provide you with the advice you need to manage some of the problems that you may encounter.

I am happy with the public realm spaces and the community woodland areas and would expect the development to link in with the agencies/strategies listed below.



Scottish Outdoor Access Code <https://www.outdooraccess-scotland.scot/> provides guidance on responsible behaviour to help ensure that public access does not unreasonably affect land management, other people or the environment. A variety of guidance is available, if needed, to help land managers, and others to integrate access with other activities. The Outdoor Access Scotland Website has a lot of information to help you as a land manager.

The Scottish Outdoor Access Code (SOAC) <https://www.outdooraccess-scotland.scot/> is the place to find out more about access rights and responsibilities in Scotland's outdoors. Access rights in Scotland apply to most land and inland water as well as the foreshore. There are places where the public do not have a right of access such as land close to a house, airfields, railway lines and farm yards where they might be injured. It is also possible to temporarily restrict access whilst land management operations are being carried out, although you should always impose these to the minimum area for the minimum period of time.

The Argyll and Bute Renewable Energy Alliance (ABRA) brings together key public and private sector partners - including Argyll and Bute Council, the Scottish Government, Highlands and Islands Enterprise, Marine Scotland, Scottish Power Renewables, Scottish and Southern Energy, The Crown Estate Scotland, Scottish Natural Heritage and Skills Development Scotland - to ensure a greater awareness of all the issues relating to renewable development across Argyll and Bute, and to act as a key mechanism to assist with delivering the Renewable Energy Action Plan. For further information about ABRA email renewable.energy@argyll-bute.gov.uk.

Affordable Housing

The proposal meets the terms of affordable housing provision as 25% of the housing (9 houses) will be affordable.

Road Network, Parking and Associated Transport Matters

Unfortunately I have not managed to obtain any observations from an Area Roads Manager in regards to the new roadway, junction improvements, public and private parking provision. I will be happy to provide you with this information under separate cover in which there will be no further fee.

I am happy there are enhanced tourism opportunities and linkages proposed to/from Loch Long and Loch Goil. Likewise I feel the introduction of retail opportunities for shops to serve the community alongside visitors to the area is to be welcomed.

Infrastructure

From the supplied plans, the elevations across the site range from 6 m to 28 m AOD. A small burn runs through the north of the site which discharges at the coast in the west. No information pertaining to historical flooding at the site has been included with the application and no flooding incidents appear to have been recorded within the Argyll and Bute biennial flood reports. The overall site boundary lies within the indicative limits of the 1 in 200 year coastal flood extent on the SEPA Flood Map (2014). The main limits of flooding are to the western edge of the site where it adjoins the coast. The small burn which runs to the north of the site has a catchment area of < 3km² and thus is too small to be included on the SEPA Map. The risk to the site from the small burn is therefore unknown although it may be small as the channel is appears to be deep.

The planning details provided show the finished floor levels, FFLs, of the Lochside terraces are to be set at 8 mAOD. The proposed FFL of Susie's Castle is 6 mAOD. Although the 1 in 200 year flood level has not been quantified, it is anticipated that these levels are appropriate to help mitigate from possible coastal flooding. Details of the small burn which flows through the north of the site are



unknown and it is therefore recommended that the culvert upgrade is sufficient to ideally convey the 1 in 200 year plus climate change flow plus a 0.6 m freeboard and designed in accordance with CIRIA C689.

Surface water drainage details are unknown and its recommended that these should be designed in accordance with Sewers for Scotland 4th Edition and CIRIA C753. It is also possible that the site could be on an overland flow path (as it is on a slope with other development and areas above) and this may need to be accounted for in site design. The following is recommended at full application stage: 1. The new culvert is designed to capacitate the 1 in 200 year flow plus a 0.6m freeboard. Further to this that it is designed in accordance with CIRIA C689. 2. Surface water drainage to be designed in accordance with Sewers for Scotland 4th Edition and CIRIA C753.

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage you to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Law House
Todd Campus
West of Scotland Science Park
Maryhill Road
GLASGOW
G20 0XA
Tel: 0141 945 6350

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to the combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.

It is noted that previous percolation testing of the soil in this part of Portincaple revealed it was not suitable for a traditional soakaway system.



Renewables

Argyll and Bute's abundance of wind, water and wave energy, and the energy potentially generated by biomass, present key sustainable economic opportunities, which if harnessed and managed correctly can offset many of the problems faced by our peripheral and fragile locations.

Argyll and Bute has a distinguished track record of pioneering and delivering renewable energy developments and I would want to see a full range of renewable energy resources deployed to deliver this project. This could include photo voltaic roof panels, a district heating system and the possibly a small scale community renewable project tied into the public realm/new public jetty.

Conclusion

Significant weight may be placed upon LDP STRAT 1 to outweigh Policy LDP DM1 as the proposal could demonstrate the opportunity for local community benefit. This could be in the form of the following;

- Infrastructure improvements to the A814 and the junction at Feuns Road which will benefit the wider community.
- The departure from Policy, in regards to the number of dwellings, requires further support to demonstrate that it does not overwhelm the village character. This may be done by reducing the overall scale and massing of the terraces. Significant work is required to address this matter by breaking up the solid form of the terraces, the inclusion of green roofs and introduction of non-glare window glazing material.
- The landscape character (predominantly woodland with hillside dwellings) and the settlement pattern (village/rural) is the DNA of this Area of Panoramic Quality. I will expect a planning application to include significant woodland replanting and a woodland management scheme that will include heavy set mature standards that complement the existing tree stock. The Council may decide to impose a Tree Preservation Order on existing and/or new trees.
- Evidence that a local/national bus transportation company is willing to extend its existing bus service down to the proposed jetty.
- Community business proposal for a renewables project that the Council may wish to promote.
- Enhanced tourism opportunities and linkages to/from Loch Long and Loch Goil. Access to/from Loch Lomond and the Trossachs National Park and as a day tripper destination is to be supported.
- Retail opportunities for shops which will serve the local community alongside visitors to the area.
- Cultural awareness of local history and a destination landmark tourist development.
- Agreement to sign up to a processing agreement: <https://www.argyll-bute.gov.uk/processing-agreements>



Consultees for any future application

The following consultees are likely to be consulted in the event of a formal application being consulted. You may wish to contact consultees for additional pre application advice prior to the submission of your application. Please note that on occasion it may be necessary to involve consultees who are listed below as a formal application progresses.

- Scottish Natural Heritage
- Scottish Water
- Helensburgh Community Council
- Biodiversity Officer
- Argyll and Bute Council Environmental Health
- Flood Risk Assessor
- Scottish Environmental Protection Agency
- Argyll and Bute Council Education
- Argyll and Bute Council Roads

Supporting information required for any future application

- PAC Report;
- Design and Access Statement;
- Transport Assessment;
- Landscape Plan;
- Topographical Survey;
- Cross Section Detail;
- Phase 1 Habitat Survey;
- Tree Survey
- Drainage Impact Assessment;
- Site Waste Management Plan (see policy SG LDP SERV 5(b))
- Supporting Planning Statement should include:
 - Statement on compliance with policy SG LDP HOU2
 - Statement on compliance with policy SG LDP CC1
 - Details of the provision and maintenance of open space in accordance with SG LDP HOU3

Case Officer Name and Contact Details

Name of Officer: Frazer MacLeod
Designation: Planning Officer
Tel: 01546 605518

