

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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6 January 2009

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY, ISLE OF BUTE** on **TUESDAY, 13 JANUARY 2009** at **11:15 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. APOLOGIES

2. DECLARATIONS OF INTEREST

3. MINUTES

- (a) Minute of Area Committee of 16th December 2008 (Pages 1 - 4)

4. DEVELOPMENT SERVICES

- (a) Planning Application 08/00607/DET, J McNaughton, Site 1 Land 250 metres South of Salthouse, Colintrave (Pages 5 - 14)
- (b) Planning Application 08/00611/DET, J McNaughton, Site 2 land 250 metres South of Salthouse, Colintrave (Pages 15 - 26)
- (c) Planning Application 08/01244/DET, George Hanson (Building Contractors) Ltd, Land South of Montford House, Craigmore Road, Rothesay (Pages 27 - 38)
- (d) Listed Building Application 08/01537/LIB, George Hanson (Building Contractors) Ltd, Land South of Montford House, Craigmore Road, Rothesay (Pages 39 - 46)

- (e) Change of Use Application 08/01587/COU, Denice Purdie, Crawford Cottage, Strathlachlan, Strachur (Pages 47 - 58)
- (f) Approval of Reserved Matters 08/01849/REM, Mr D Haig, Ground to rear of St Blanes Hotel, Kilchattan Bay, Isle of Bute (Pages 59 - 70)
- (g) Planning Application 08/01815/DET, MacIntosh Homes, Ruberslaw House, Shore Road, Innellan. (Pages 71 - 82)
- (h) Delegated Development Control and Building Control Decisions (Pages 83 - 92)

5. EXEMPT ITEMS

E1 (a) Enforcement Reports (Pages 93 - 100)

E2 (b) Tree Preservation Order (Pages 101 - 104)

The Committee will be asked to pass a resolution in terms of Section 50(a)94) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 & E2 - Paragraph 13

Information which, if disclosed to the public, would reveal that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
 Councillor Alister McAlister
 Councillor James McQueen
 Councillor Ron Simon
 Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
 Councillor Alex McNaughton
 Councillor Len Scoullar (Vice-Chair)
 Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEENS HALL,
DUNOON
on TUESDAY, 16 DECEMBER 2008**

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor A McNaughton	Councillor R Simon
Councillor J McQueen	Councillor I Strong
	Councillor J R Walsh

Attending: Shirley MacLeod, Area Corporate Services Manager
David Eaglesham, Area Team Leader Development Control
Jolyon Gritten, Access Manager, Planning Services
Donnie McLeod, Streetscene Manager
Allan MacDonald, Streetscene Area Manager

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Macintyre and Chief Inspector Mosley.

2. DECLARATIONS OF INTEREST

Councillor A McNaughton declared a non financial interest in items 5a and b by reason of personal knowledge of the applicant.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 2ND DECEMBER 2008

The Minute of the Area Committee of 2nd December 2008 was approved as a correct record.

4. CORPORATE SERVICES

(a) COWAL WAY

Members heard from the Access Manager on the request from Colintrave & Glendaruel Community Council for the Council to recognise the importance of the Cowal Way which links Portavadie with Inveruglas on Loch Lomond to the economy of the Cowal Peninsula.

Decision

The Committee agreed with the recommendations in the report by the Access Manager with the addition of "subject to match funding" added to point 2.4 of the report.

(Reference: Report by the Access Manager – submitted)

(b) **CAPITAL RECEIPTS**

The Committee heard from the Area Corporate Services Manager on the request by Fyne Homes Ltd for £3000 capital receipt funding to acquire and retain the Rothesay town bell.

Decision

The Committee agreed the allocation of the £3000 from the Rothesay allocation of monies, and agreed this would leave a balance of £11,740 for future allocations.

(Reference: Report by the Area Corporate Services Manager dated 5th December 2008 – submitted)

5. DEVELOPMENT SERVICES

(a) **PLANNING APPLICATION 08/00607/DET, J MCNAUGHTON, SITE 1 LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE**

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

The Committee heard from the Area Corporate Services Manager on clarification of the decision made at the Area Committee on 2nd December 2008

Decision

The Committee agreed with the decision made at the Area Committee on 2nd December that the application be continued to the January Area Committee to allow Members an informal site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 28th November 2008 – submitted)

(b) **PLANNING APPLICATION 08/00611/DET, J MCNAUGHTON, SITE 2 LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE**

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

The Committee heard from the Area Corporate Services Manager on clarification of the decision made at the Area Committee on 2nd December 2008

Decision

The Committee agreed with the decision made at the Area Committee on 2nd December that the application be continued to the January Area Committee to allow Members an informal site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 28th November

2008 – submitted)

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal
Date of Validity - 12th March 2008
Committee Date - 2nd December 2008

Reference Number: 08/00607/DET
Applicants Name: John McNaughton
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.
Location: Site 1, Land 200 metres South of Salthouse, Colintrave, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

(ii) Other specified operations

- Connection to public water main

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

With regards to the adopted Cowal Local Plan, the principal policy assessment relates to Policy RUR 1 and HO 10, as this application site lies within the Kyles of Bute National Scenic Area. It is considered that the proposal will have an adverse environmental impact (both landscape and visual) on the National Scenic Area, by virtue of it being contrary to the existing settlement pattern, introducing a new use in the open countryside that is important to separating the nodes of development which make up the defined settlement pattern along the B866 and which prevent unacceptable ribbon development. The proposed development is contrary to the provisions of Policies RUR 1 and HO 10 of the adopted Cowal Local Plan.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and visual impact of the area. The proposal is, therefore, contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

(ii) Representations:

No letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
28 November 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 25th November 2008
Date: 25th November 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Given the topography of the site and its location with the Kyles of Bute National Scenic Area, combined with the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track, results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies POL RUR 1 '*Landscape Quality*' and POL HO 10 '*Housing Development in the Countryside*' of the Cowal Local Plan 1993, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
3. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
4. Approval of this application is considered premature until the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll and Bute Local Plan 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00607/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' restricts small scale development to infill and rounding off sites, redevelopment and change of use of existing buildings.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development within NSA's which has an adverse wider landscape or coastscape impact.

Cowal Local Plan 1993

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development in the Countryside*' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

National Guidance

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

(ii) SITE HISTORY

Planning application 05/01663/OUT for the erection of two dwellinghouses was withdrawn on 7 July 2006. Southern end of application site lies within this current application site

There is an associated planning application 08/00611/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate south of this site.

(iii) CONSULTATIONS

SEPA (letters dated 16th April and 17th June 2008): No objection subject to condition.

Scottish Natural Heritage (letter dated 22nd May 2008): Objection

Area Roads Manager (memo dated 17th April 2008): No objection subject to conditions.

Scottish Water (letter dated 7th April 2008): No objection.

(iv) PUBLICITY AND REPRESENTATIONS

No letters of representation have been received. The applicant has submitted a design statement received 12th March 2008. The points raised are detailed below:

The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.

The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.

The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.

It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform. Given the elevated site topography and position of the proposed dwellinghouse and associated access track, it is considered that there is an unacceptable landscape (environmental) impact, while the proposal does not relate to the surrounding built form. As such the proposal is contrary to the adopted local plan policy.

The proposal is contrary to Policy POL HO 10 of the adopted Cowal Local Plan 1993.

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside'.

In terms of Structure Plan Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the approved Structure Plan and emerging Local Plan.

The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Local Plan.

B. Location, Nature and Design of Proposed Development

This application is for the erection of a large single one and a half storey dwelling house. The building will boast two dormer window features and incorporate the use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature. This results in a dwellinghouse which boasts elements of meaningful design. However, owing to excessive size, massing and scale of the proposed dwellinghouse it is considered that the overall design of the proposal is not acceptable.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated

position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Furthermore, while there is not considered to be any privacy or overlooking concerns associated with this proposal it is considered that the topography of the site dictates that the proposed dwellinghouse will lack meaningful garden ground and external amenity space.

The proposal is therefore considered to be contrary to policy LP ENV 19 and Appendix A of the Post Inquiry Modified Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Natural Environment

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

As raised in the previous section of this report the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that has an unacceptable landscapes impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabraich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage have raised an objection to this application on adverse landscape impact grounds on its own merits as well as in combination with the proposed dwellinghouse located to the south of this site (08/00611/DET), see associated report elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and, given the aforementioned, it is considered that this proposal will have a significant adverse wider landscape impact.

The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan, Policy POL RUR 1 of the Cowal Local Plan and Policy LP ENV 9 of the Post Inquiry Modified Local Plan.

D. Landscape Character

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep Ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Local Plan.

F. Infrastructure

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

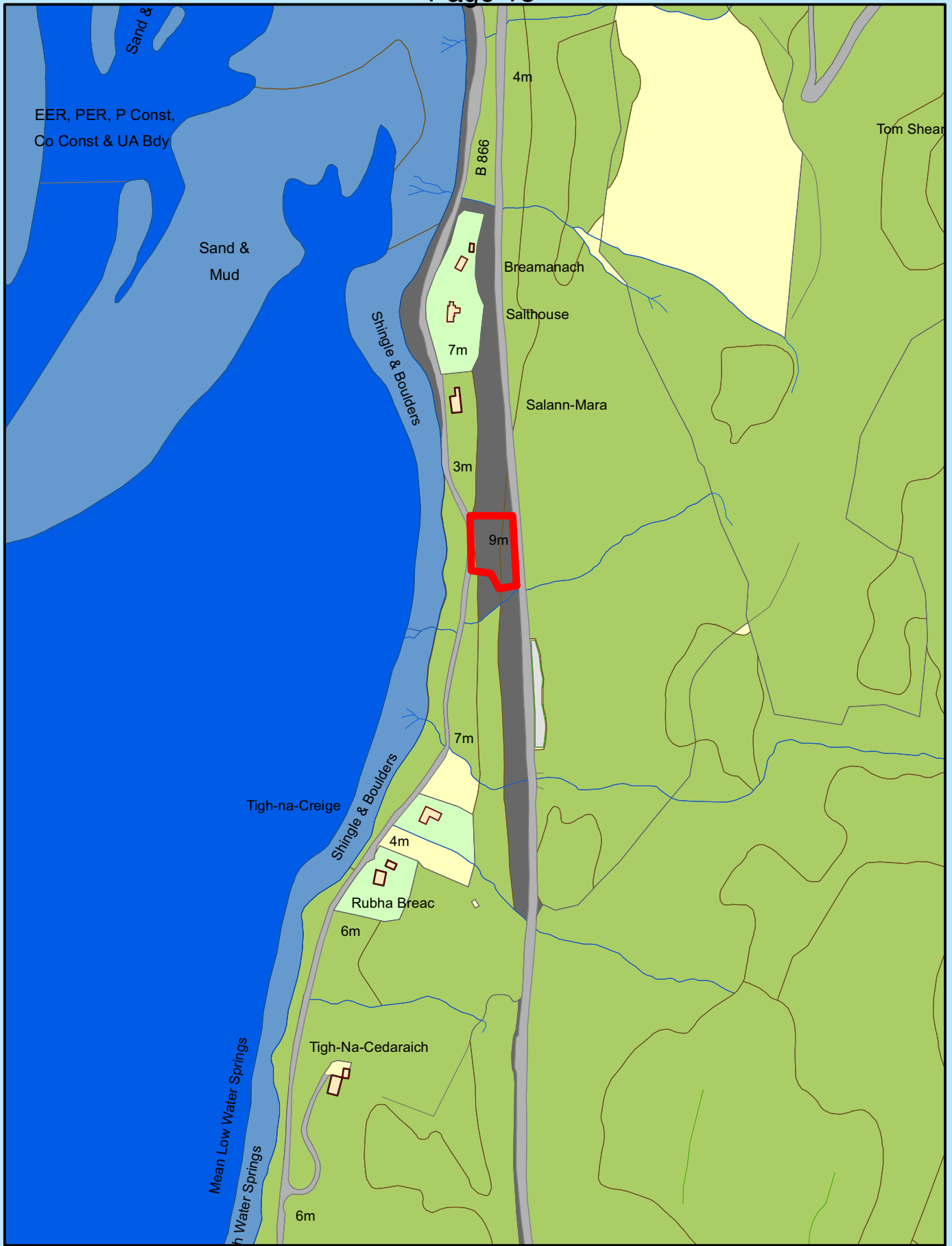
The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Local Plan & Policy POL PU 3 of the Cowal Local Plan.

G. Other Scottish Executive Advice

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

CONCLUSION

The impact of this proposal, of inappropriate design and siting, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.



**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00607/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal
Date of Validity - 12th March 2008
Committee Date - 2nd December 2008

Reference Number: 08/00611/DET
Applicants Name: John McNaughton
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.
Location: Site 2, Land 250 metres South of Salthouse, Colintraive, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

(ii) Other specified operations

- Connection to public water main.

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reason set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Outline Planning Permission was granted in 2004 on this site for the erection of a dwellinghouse. This development proposal was considered to be consistent with Policy STRAT DC 4 of the Structure Plan and policies POL RUR 1 & POL HO 10 of the adopted Cowal Local Plan 1993. The principle of residential development on this site is therefore consistent with the adopted Cowal Local Plan 1993.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of each ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and

visual impact of the area. The proposal is therefore contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

While this development is consistent with the adopted Local Plan, this Plan is now out of date and the proposal is contrary to the Structure Plan and the emerging Local Plan which is at an advanced stage and represents the most recent policy interpretation of the Council. This is a significant material consideration.

(ii) Representations:

No letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
26th November 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 25th November 2008
Date: 25th November 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00611/DET

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Approval of this application is considered premature until such time as the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll & Bute Modified Local Plan (November 2008).

INFORMATIVE RELEVANT TO APPLICATION 08/00611/DET

- i. The applicant is advised to contact the department upon completion of the landscape capacity study of this Rural Opportunity Area, once its findings have been considered and agreed by the Council. Only once this has been undertaken will the department be able to advise whether, in principle, residential development on this site is consistent with Development Plan policy.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' encourages small scale development to infill and rounding off sites, redevelopment and change of use of existing building.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development with NSA's which has an adverse wider landscape or coastscape impact.

Cowal Local Plan 1993

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development*' in the Countryside' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

Policy LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

National Guidance

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

(ii) SITE HISTORY

Outline planning permission 04/01845/OUT granted on 4th November 2004 for the erection of a dwellinghouse. Now lapsed.

There is an associated planning application 08/00607/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate north of this site.

(iii) CONSULTATIONS

SEPA (letters dated 16th April and 17th June 2008): No objection subject to condition.

Scottish Natural Heritage (letter dated 22nd May 2008): No objection subject to conditions.

Area Roads Manager (memo dated 17th April 2008): No objection subject to conditions.

Scottish Water (letter dated 8th April 2008): No objection.

(iv) PUBLICITY AND REPRESENTATIONS

No letters of representation have been received.

The applicant has submitted a design statement received 12th March 2008. The points raised are detailed below:

The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.

The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.

The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.

It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.

The applicant has submitted a further letter dated 25th November 2008 which is summarised below:

The outline planning permission was granted on 4th November 2004, which expired 3rd November 2007. We entered into pre-application discussions with the department on 24th August 2007 including a meeting on 9th October 2007. Further amended plans were submitted 14th November 2007 to address the concerns of the department. Further issues raised by the department.

Design of dwellings modified to take account of the departments comments and planning application submitted on 27th February 2008.

In view of the detailed consultation and submissions that started three months prior to the expiry of the outline planning permission and that have been on-going until the present time, we are of the opinion that this effectively was all part of the purification of the conditions attached to the outline consent and it is therefore totally unacceptable, if not incompetent, to be informed on 18th November 2008, that the outline consent has lapsed and will therefore have no bearing on the determination of the application.

Our client would have expected that in following recommended procedures in carrying out pre application consultation that he would have been alerted to the date of lapse of the outline consent.

Comment:

- Pre application discussions with this department did not result in the submitted planning application(s) taking due consideration of the department's concerns.
- The submission of pre-application information and plans cannot purify conditions attached to the now expired outline planning permission. This can only be done through the submission of a 'reserved matters' planning application, prior to the expiry of the associated outline consent. In any event, the applicant submitted two 'detailed' planning applications.
- It is the applicant's responsibility to ensure that the outline planning permission does not expire and is renewed on time.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

The proposal is consistent with Policy POL HO 10 of the adopted Cowal Local Plan 1993.

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations located within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside' designation.

In terms of Structure Plan, Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless, a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the adopted Structure Plan and emerging Local Plan.

The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

This application is for the erection of a single one and a half storey dwelling house. The building has an extensive front elevation at approximately 20 metres wide. However, this elevation is well balanced and proportioned as a result of the three dormer window features. The use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature results in a dwellinghouse which boasts many elements of meaningful design. In design terms and with respect of the design of surrounding nearby properties, it is considered that this proposal is acceptable.

The topography of this site will require a significant amount of earth removal and cutting in but this will result in a dwellinghouse which respects the surrounding landform and, crucially, limits its wider landscape impact. The proposal presents no amenity, overlooking or privacy issues and subject to conditions relating to materials samples, landscaping, tree planting and surface treatments, it is considered that this proposal is acceptable.

The proposal is therefore considered to be consistent with Policy LP ENV 19 and Appendix A of the Post Inquiry Modified Argyll and Bute Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Natural Environment

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

The scale and position of this dwellinghouse limits the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabruaich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage has raised no objection to this application on its own merits but considers the cumulative effect of this dwellinghouse, in addition to the proposed dwellinghouse to the north of this site to present an adverse wider landscape impact. See associated report (08/00607/DET), elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and given the aforementioned it is considered that this proposal will have a significant adverse wider landscape impact.

The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan and Policy LP ENV 9 of the Post Inquiry Modified Argyll and Bute Local Plan.

D. Landscape Character

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the B866 Colintrave back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Argyll and Bute Local Plan.

F. Infrastructure

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Argyll and Bute Local Plan & Policy POL PU 3 of the Cowal Local Plan.

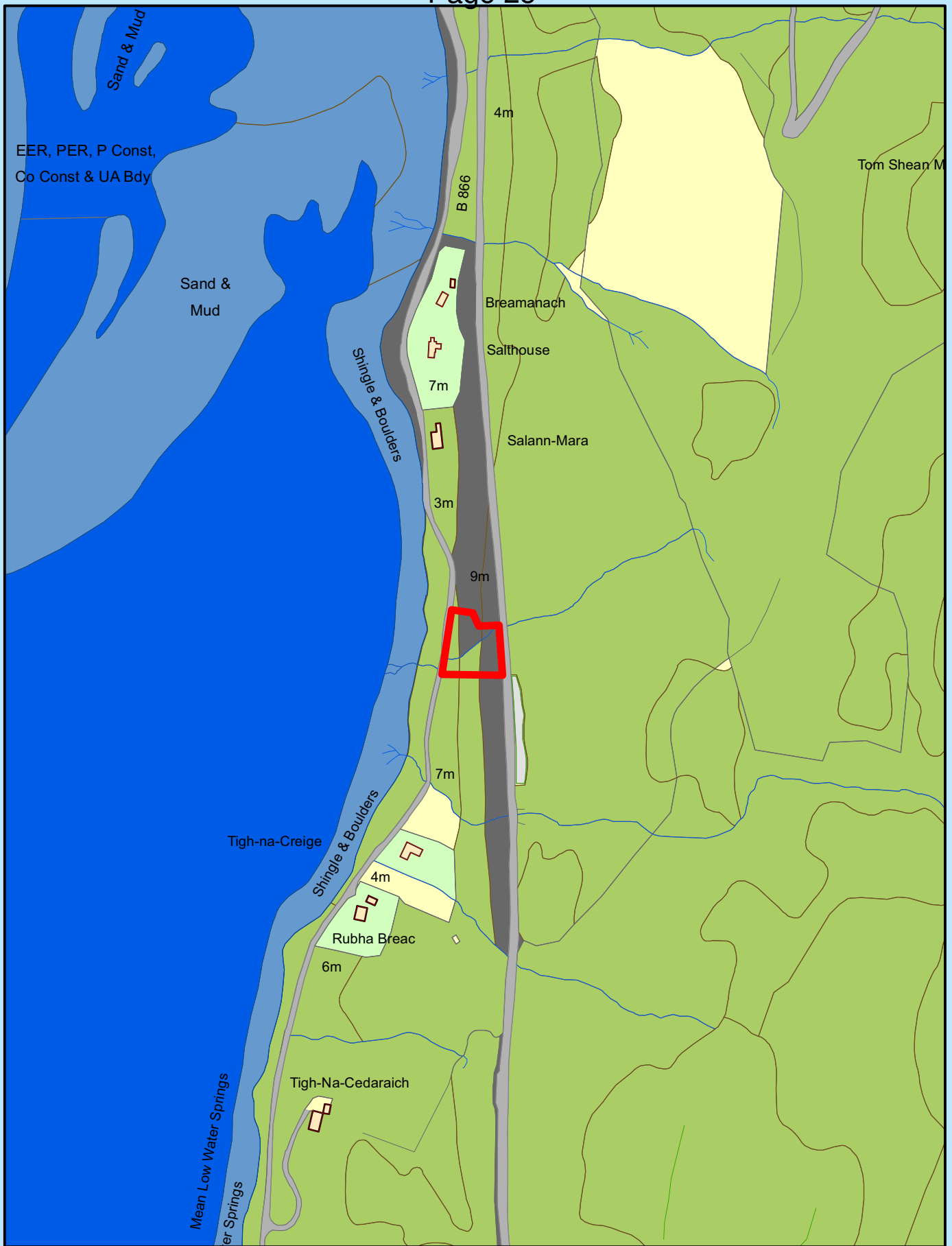
G. Other Scottish Executive Advice

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

CONCLUSION

The impact of this proposal, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00611/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 8 Isle of Bute
Date of Validity - 9th July 2008
Committee Date - 13th January 2009**

Reference Number: 08/01244/DET
 Applicants Name: George Hanson (Building Contractors) Ltd
 Application Type: Detailed
 Application Description: Erection of residential development comprising 4 flatted properties and formation of vehicular access.
 Location: Land south of Montford House, Craigmore Road, Rothesay

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of residential development comprising 4 flats (two-storey, shallow hipped roof);
- Formation of vehicular access from Craigmore Road;
- Provision of shared turning area, resident and visitor car parking areas.

(ii) Other specified operations.

- Connection to public water supply and waste water network.

(B) RECOMMENDATION

It is recommended that planning permission be **granted**, subject to the conditions, reasons and notes to the applicant set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application is located within the settlement of Rothesay (Montford), defined as a 'Main Town' in the Development Plan.

The site is located to the rear of existing two-storey semi-detached properties fronting Craigmore Road but in line with the adjacent Montford House that is set back and angled some 30 metres from the road. Montford House is a large traditional two-storey sandstone villa that has been subdivided into two flats. To the north of the application site lie a variety of house types that are also set back from Craigmore Road. The application site lies within Rothesay Conservation Area that extends from Ascog to Port Bannantyne.

In terms of the settlement pattern and character of this part of Rothesay Conservation Area, the proposal would represent appropriate infill development, consistent with the immediate settlement character.

For this reason the proposal is considered consistent with Policy STRAT DC 1 of the Structure Plan, POL HO 1 of the adopted Local Plan and Policies ENV 13a, ENV14, ENV15, ENV19 and HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

(ii) Representations:

While a total of three letters of representation have been received, the concerns raised have been either addressed or resolved during the planning process.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Given the number of representations, there is no requirement for an informal hearing in this instance, as the proposal is consistent with all other policies.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

While there is no requirement under the Town and Country Planning (Notification of Planning Applications) (Scotland) Direction 1997 to notify Scottish Ministers, approval will be required from Historic Scotland regarding the accompanying Listed Building Application (ref. 08/01537/LIB).

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
17th December 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 17th December 2008
Date: 17th December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. 08/01244/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: *in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

2. Prior to the commencement of any construction works, samples of all external finishes, roof coverings and full details of boundary treatments shall be submitted for the written approval of the Planning Authority.

Reason: *In the interest of visual amenity and to help integrate the proposal within its surroundings.*

3. No works shall take place until written confirmation has been received from the applicant that Scottish Water will accept (or adopt) the drainage scheme (that includes Sustainable Urban Drainage Systems) as shown on approved Drainage Layout 3628-10 received 2nd October 2008. If acceptable to Scottish Water, the drainage layout shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: *In order to provide for a sustainable drainage scheme for the development.*

4. No works, including excavations for the foundations of the proposed development shall take place until the footway on the western side of *Craigmore Road* has been widened and realigned, and the existing stone boundary wall fronting *Craigmore Road*, opened for no more than a 10-metre section as shown on approved drawings 3628-10 received 2nd October 2008 and Site Plan 0818/PO3A received 27 August 2008 to provide visibility splays of 42 metres in each direction from a 2.4 metre setback. No obstruction to visibility (i.e. walls, fences, trees and shrubs) shall be permitted within these visibility splays above a height of 1.00 metre above road level.

Reason: *To improve sightlines and visibility and in the interests of pedestrian and traffic safety.*

5. The vehicular crossing shall be constructed to a minimum width of 5.5 metres for the first 5 metres and the first 5 metres from the back of the footway shall have a sealed surface. The gradient of the access shall not exceed 5% for the initial 5 metres and 8% for the remainder.

Reason: *In the interests of road safety*

6. Prior to first occupancy of any of the flats hereby approved and notwithstanding any details submitted, car parking for eight vehicles and a dedicated turning area shall be provided and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: *In the interests of providing off-street car parking provision.*

7. Notwithstanding the submitted details, the proposed front turning areas as detailed in 1:100 Drainage Layout drawing no. 3628-10 received 2nd October 2008, shall be surfaced in 'grasscrete', permeable brick paviors or other similar materials, which shall be approved in writing by the Planning Authority prior to their application on site, unless written consent for variation is approved in writing by the Planning Authority.

Reason: *To ensure that the car parking area provided in the forecourt, integrates sympathetically with the amenity space of the application property and to provide a sustainable surface water designed surface.*

8. No works, including excavations for the foundations of the proposed building shall take place until the existing 2.4 metre high stone boundary wall fronting *Craigmore Road*, has been opened for no more than a 10-metre section as shown on approved Site Plan and Wall Elevation drawing 0818/P03B received 25th November 2008. None of the flats hereby approved shall be occupied until this section of wall has been suitably rebuilt and redressed using random rubble from the existing wall to match the existing wall as shown on approved Site Plan and Wall Elevation drawing 0818/P03B and Entrance Piers Detail drawing 0818/D01 received 25th November 2008.

Reason: *In the interest of visual amenity and to help safeguard the character of the boundary wall.*

9. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of landscaping including boundary treatment(s), tree planting and details of trees and other features to be retained, shall be submitted to and approved in writing by the Planning Authority. This scheme shall specifically include proposed landscaping and tree planting including the age species and location of tree and shrub planting. Additionally, the landscaping scheme shall include suitable screening (by trees/shrubs) of the seven car parking spaces and turning area in the front portion of the site. The landscaping scheme shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping.*

10. For the avoidance of any doubt, the existing access from the application site onto Montford Terrace shall be permanently and physically closed off to vehicular traffic. Details of landscaping or other means of closure (which could still allow for pedestrian access if required) shall be submitted in writing and approved by the Planning Authority prior to any works commencing on site.

Reason: *To ensure that vehicular access to the site is taken from Craigmore Road only.*

ADVISORY NOTES TO APPLICANT RELATIVE TO APPLICATION REF. 08/01244/DET

- (i) *No works should commence on this Category B Listed Building until the accompanying Listed Building Application (ref. 08/01537/LIB) has been duly determined and the views of the Secretary of State have been finalised.*

Any unauthorised works to a Listed Building may constitute an offence under Section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- (ii) *The Area Roads Manager has advised that the proposed works will require Roads Construction Consent (S21) and a Road Opening Permit (S56 for the realignment of the footway which must be agreed with the Area Roads Manager prior to any other works commencing on site. Additionally, a system of surface water drainage is required to prevent water running onto the road. The applicant/developer shall also provide a street name plate for the development. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon such matters.*

- (iii) *The applicant/developer is advised by Scottish Water that :*

- In terms of planning consent, Scottish Water does not object to this planning application. Please note that any planning approval granted by the Planning Authority does not guarantee a connection to Scottish Water's infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received;*
- Loch Ascog Water Treatment Works currently has capacity to service this proposed development;*
- The water network that serves the proposed development is currently able to supply the new demand;*
- Rothesay Waste Water Treatment Works currently has capacity to service this proposed development;*
- The waste water network that serves the proposed development is currently able to accommodate the new demand;*
- In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable the development to connect. Should we become aware of any issues such as flooding, low pressures, etc. the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules;*
- A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption;*
- If the connection to public sewer and/or water main requires to be laid through land outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*
- It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.*
- Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB, tel. 0845 601 8855;*

For the advisory notes above, the applicant/developer is advised to contact Scottish Water directly (Planning and Development Services, 419 Balmore Road, Glasgow G22 6NU, Susan Miller, Customer Connections, Tel. 0845 601 8855 or at www.scottishwater.co.uk).

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01244/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

a) Argyll and Bute Structure Plan 2002:

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources and to respect the landscape character of an area and the setting and character of settlements.

STRAT DC 1 '*Development within Settlement*' supports the principle of up to 'medium scale' development with the 'Main Town' settlements such as Rothesay on appropriate infill, rounding-off and redevelopment sites.

STRAT DC 9 '*Historic Environment and Development Control*' promotes the protection, conservation, enhancement and positive management of the historic environment.

STRAT HO1 – '*Housing – Development Control Policy*' encourages appropriate forms and scales of housing infill, rounding-off and redevelopment where it is consistent with STRAT DC1 -10.

The above policies are developed further in the Argyll and Bute Local Plan.

b) Bute Local Plan 1990

Policy POL HO 1 '*Development within Settlements*' encourages the development of infill and rounding-off sites in the settlement of Rothesay.

Policy POL TR 5 '*Parking Associated with New Developments*' sets out appropriate car parking standards.

Policy POL BE 1 '*Listed Buildings and Archaeological Sites*' seeks to protect the character and setting of listed buildings from unsympathetic new development.

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to protect the character and setting of the designated area from unsympathetic new development.

c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)

Policy LP HOU 1 '*General Housing Development*' states the general presumption in favour or against within settlements is largely based on whether or not it is of an appropriate scale.

Policy LP ENV 13a '*Development Impact on Listed Buildings*' seeks to resist development that would have an adverse effect on character and setting of a listed building.

Policy LP ENV 14 '*Development in Conservation Areas...*' states a presumption against development that does not preserve or enhance the character or appearance of the Conservation Area.

Policy LP ENV 15 '*Demolition in Conservation Areas...*' states a presumption against demolition of any structure which contributes to or enhances the character of the Conservation Area.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design. Appendix A of the local plan sets out sustainable setting and design principles.

Policy LP SERV2 – '*Sustainable Drainage Systems (SuDS)*' – where encouragement is given to incorporate existing watercourses as positive environmental features and that culverting is avoided where practicably possible.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

Policy LP TRAN 6 '*Vehicle Parking Provision*' – which sets out appropriate car parking standards.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

None. Accompanying listed building application (ref. 08/01537/LIB) also before Members for consideration.

(iii) CONSULTATIONS

Area Roads Manager (response dated 12th November 2008): No objections subject to conditions regarding sightlines, access design and surfacing, car parking and turning and advisory notes regarding surface water drainage, street name plate and requirement for Road Construction Consent and Road Opening Permit.

Scottish Water (response dated 2nd June 2008): No objections in principle but advice regarding water mains and connections.

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures and Section 65 advertisement (published 28th September 2007); three letters of representation have been received from the following:

Alex and Margaret Webster, 36 Craigmore Road, Montford (letter dated 14th July 2008); Wm Skelton and Co. Solicitors on behalf of Jacqueline Reynolds and Others (proprietors of Montford Terrace that include Miss Jacqueline Reynolds, Mrs. Anne Lauder, Mrs. Eileen Thurman, Wifrid Lewis Peers, Mrs Barclay, A J Stewart - letters dated 14th and 15th July 2008); The points raised can be summarised as follows:

- *B-listed wall should be retained. There is already an access from Montford Terrace*

Comment – Partial demolition of wall required to create preferred vehicular/pedestrian access other than from Montford Terrace.

- *Safety issues with regards vehicles travelling from the south where dip in the road and parked cars could impeded visibility*

Comment – Roads have no objection. Refer to assessment.

- *Balconies on the front elevation of the proposed development will encroach on privacy of properties in front of the development.*

Comment – These balconies have now been deleted following discussion with the agent.

- *The proprietors of Montford Terrace have no objection to the proposal provided that access is only from Craigmore Road and not from Montford Terrace. Montford Terrace is privately owned with the sections opposite each property being owned exclusively by the owners with no legal right of access over Montford Terrace for the proposed flats.*

Comment – Access is only proposed from Craigmore Road that would involve opening up a section of the boundary wall.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01244/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application is located within the settlement of Rothesay (Montford), defined as a ‘Main Town’ in the Development Plan.

The site is located to the rear of existing two-storey semi-detached properties fronting Craigmore Road but in line with the adjacent Montford House that is set back and angled some 30 metres from the road. Montford House is a large traditional two-storey sandstone villa that has been subdivided into two flats. To the north of the application site lie a variety of house types that are also set back from Craigmore Road. The application site lies within Rothesay Conservation Area that extends from Ascog to Port Bannantyne.

In terms of the settlement pattern and character of this part of Rothesay Conservation Area, the proposal would represent appropriate infill development, consistent with the immediate settlement character.

For this reason the proposal is considered consistent with Policy STRAT DC 1 of the Structure Plan, POL HO 1 of the Bute Local Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications .

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site lies to the south of the B-Listed Montford House and comprises enclosed overgrown garden ground. The application site is bounded by a 2.4 metre high random rubble wall on the east side to Craigmore Road, a low ranch style timber fence on the northern boundary and trees and shrubs along southern and western boundaries. The site slopes from west to east.

The site also includes a link to Montford Terrace but this will not be used for vehicular traffic. The high boundary wall has a door set within it. Montford House has its own vehicular and pedestrian access.

The proposal seeks to erect a flatted building in the same building line as Montford House and set back some 40 metres behind properties at 36-39 Craigmore Road.

(ii) Development Layout

The proposal involves the erection of a flatted development comprising 4 flats within a two-storey modern villa type building. The building features a central entrance feature with vertically glazed bay features on either side. The roof is designed with shallow hips to replicate Montford House adjacent. Materials include buff/cream render for external walls, white timber framed double glazed window units and slate effect concrete tiles.

A new vehicular access is proposed by the partial demolition of the high boundary wall to Craigmore Road. The existing narrow pavement will be widened to assist in order to achieve satisfactory sightlines. The new access will lead to a landscaped central driveway where car parking and turning will be provided.

Landscaping is proposed with retention of existing trees and shrubs and supplementary tree planting to provide suitable screening around the edges of the site.

(iii) Assessment

Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Local Plan expects a high standard of appropriate design in accordance with the Council’s design principles. Development shall be sited and positioned to pay regard to the context within which it is located. Development layout and density shall effectively integrate with its setting. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of ‘Design of New Housing in Settlements’, the design and construction of new dwellings must be compatible and consolidate the existing settlement and should be designed taking the following advice into account:

- *Location – new housing must reflect the traditional settlement pattern of built form and be sympathetic to the setting of landmarks or views of the local landscape.*

The proposed development has been designed using Montford House and the properties at 36-39 Craigmore Road as reference points in respect of scale, massing, design and materials. The shallow hipped roof and proposed materials of buff render will help to integrate within surrounding development. The proposed building footprint set back from Craigmore Road and in line with Montford House is consistent with the immediate settlement character. Given the dimensions of the plot, the building footprint and scale, the proposal is

considered to be appropriate infill development that is designed to blend with the particular nature of the site and immediate surroundings.

- *Layout – must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

The layout of the flatted development means that separation distances to adjacent properties are respected. Screen planting is proposed around the site to augment existing planting. Whilst principal rooms are located on the front (east) elevation to maximise sea views, external materials and insulation will assist in improving energy ratings.

- *Design – The scale, shape and proportion of the development should respect and complement the adjacent buildings and the plot density and size.*

The plot density accords with those on surrounding sites. Given the dimensions of the plot, the building footprint and scale, the proposal is considered to be appropriate infill development that is designed to blend with the particular nature of the site and immediate surroundings.

- *Access – should be designed to maximise vehicular and pedestrian safety.*

Roads have no objection to the proposed access, car parking or turning facilities. Roads comment that the widening of the existing footway to achieve sightlines and limit the amount of wall to be reduced will result indirectly in traffic calming on Craigmore Road where speeding occurs.

- *Open Space/Density – all development should have some private open space.*

The development has been designed to incorporate formal and informal areas of open space for the flats. It is considered that the amount of open space for the proposed flats is acceptable. A condition is recommended regarding tree planting and screening.

- *Services – connection to electricity, telephone and wastewater will all be a factor.*

The development will be connected to the public water mains and to the public wastewater system. A SuDS scheme is proposed that incorporates permeable paving and an attenuation tank.

Given all of the above, it is considered that the proposed development represents a well designed infill development that is in accordance with all of the criteria above and the design of the flatted block is considered consistent with the scale, massing and design of adjacent dwellinghouses. **It is considered that the proposal would be consistent with Policies HO8 and BE9 of the Bute Local Plan and to policies LP ENV19 and LP HOU1 of the Argyll and Bute Local Plan Post Inquiry Modifications .**

C. Development Impact Upon Built Environment

Montford House is a Category 'B' Listed Building that also includes its curtilage and boundary wall. The proposal is to open up a 10-metre section of the wall to provide vehicular and pedestrian access for the proposed flatted development, located south of Montford House. The wall will be rebuilt with curved returns to leave a 5.5 metre opening in the wall that would be set back 1.2 metres from the edge of the carriageway. Unlike the existing access into Montford House, the returns will be finished in random rubble and dressed to match the existing high boundary wall, but with twin dressed ashlar and coped gate piers.

Policy POL BE 1 of the Bute Local Plan 1990 seeks to protect listed buildings and their settings from developments which would have a detrimental impact whilst LP ENV 13(a) of the Argyll and Bute Local Plan Post Inquiry Modifications requires development affecting a listed building or its setting to preserve the building and any features of special architectural or historic interest that it possesses.

All developments that affect listed buildings of their settings must be of a high quality and conform to Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas' (1998) and in particular to 1.8.1 'Car Parking in Garden Ground' which highlights the need for careful design, materials and landscaping of car parking areas in front of listed buildings.

Additionally, 1.8.2 'Boundary Walls, Railings, Gates and Gate Piers', notes that the reduction or removal of walls within a conservation area may set a precedent and alter an existing relationship between a listed building and its original entrance. Furthermore, 8.3 'Steps, Footpaths and Drives' comments that stone steps, stone paving, cobbled or setted areas, gravel drives and other elements of hard landscaping will often be found within the grounds of a listed building whose presence, form and detailing will frequently make a significant contribution to the setting of the building. Proposals to replace gravel, cobbles, setts or stone paving with blacktop, brick paviors or concrete slabs and to resurface stone steps with granolithic or quarry tiles or replace them with concrete should be discouraged.

In terms of the design guidance above, the proposal involves the creation of a new vehicular access that would not alter the original entrance to Montford House. The proposal also involves the creation of a new driveway on land to the south within the curtilage of Montford House but not directly impacting on the listed building. By increasing the width of the pavement on Craigmores Road, the amount of wall to be removed has been reduced.

In terms of surfacing materials for the driveway and car parking spaces, the use of appropriate permeable brick paviors may be acceptable but all surfacing materials are reserved by a condition to ensure a high level of finishing. Given the proposed new entrance together with curved random rubble returns and design and location of landscaping/shrub planting, it is considered that the new entrance and driveway would not unduly impact on the character of the adjacent listed building or on the character of the Conservation Area.

Given the above, it is not considered that the proposal will have a detrimental effect on the setting of these listed buildings. For this reason the proposal is **considered consistent with Policies ENV 13a, ENV14 and ENV15 of the Argyll and Bute Local Plan Post Inquiry Modifications** .

D. Road Network, Parking and Associated Transport Matters.

Roads comment that the widening of the footway to create 'nibs' will assist in achieving required sightlines and indirectly assist in traffic calming on Craigmores Road where speeding does occur within an urban 30mph zone. Roads have no objections subject to conditions regarding sightlines, access design and surfacing, gradient, parking and turning. Advisory comments regarding surface water drainage, street name plates, requirement for Roads Construction Consent and Road Opening Permit for the realignment of the footway.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan Post Inquiry Modifications.

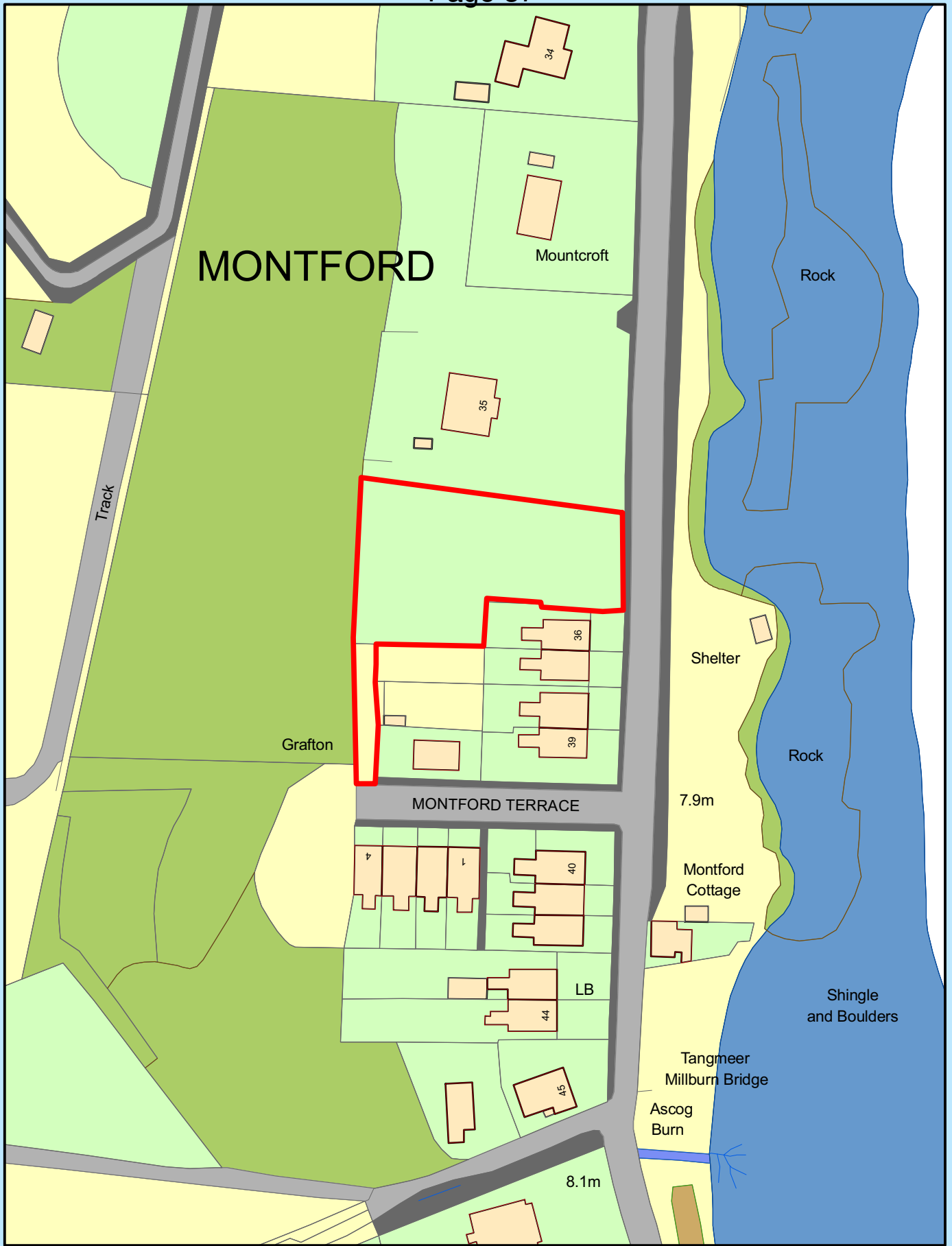
E. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of planning permission. **The proposal is therefore consistent with the provisions of Policies SERV 1 and 4 of the Argyll and Bute Local Plan Post Inquiry Modifications** .

CONCLUSION

It is considered that the proposal with its particular siting and design, would have no adverse impact on the Rothesay Conservation Area. The proposal represents a sympathetic design of a 'modern' flatted villa with traditional scale and features, capable of harmonising with adjacent traditional properties. Attention to siting, design and materials will result in an appropriately scaled building with materials that would be capable of integrating with immediate surrounding dwellings and, subject to the conditions recommended below, would be consistent with policies in the adopted Bute Local Plan and the emerging Argyll and Bute Local Plan.

While three letters of representation have been received, the concerns raised have been either addressed or resolved during the planning process. The main issue raised by the owners of properties at Montford Terrace has been resolved in that vehicular access will be taken only from Craigmores Road, and addressed by a specific condition. This however raises further issues from another neighbour in that a section of boundary wall will require to be demolished. It is, however, considered that the partial demolition of a 10-metre section and redressing of the wall will have no significant impact on Montford House or on the character of the Conservation Area. Conditions are, however, recommended in respect of sympathetic surface materials for the entrance driveway, turning area and parking bays.



**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01244/DET**

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Development Services, Argyll and Bute Council,
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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 8 Isle of Bute
Date of Validity - 27th August 2008
Committee Date - 13th January 2009**

Reference Number: 08/01537/LIB
Applicants Name: George Hanson (Building Contractors) Ltd
Application Type: Listed Building Application
Application Description: Partial demolition of stone boundary wall to form vehicular access.
Location: Land south of Montford House, Craigmore Road, Rothesay

(A) THE APPLICATION

(i) Development Requiring Listed Building Consent

- Partial demolition of a listed random rubble boundary wall to form a vehicular access (serving a flatted residential development);
- Rebuilding of random rubble wall including curved returns and twin gate piers.

(ii) Other specified operations.

- None.

(B) RECOMMENDATION

It is recommended that the application be referred to Historic Scotland with a recommendation that Listed Building Consent be granted subject to the attached conditions and reasons.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

This application is located within the settlement of Rothesay (Montford), defined as a 'Main Town' in the Development Plan.

The subject of this application is a high stone boundary wall that forms the eastern boundary of the large garden ground of the Category B-Listed Montford House. The southern portion of Montford House site is the subject of an accompanying detailed application (ref. 08/01244/DET) for a flatted residential development). The site is located to the rear of existing two-storey semi-detached properties on Craigmore Road and south of Montford House, a large traditional two-storey sandstone villa that has been subdivided into two flats. To the north of the application site lie a variety of house types that are also set back from Craigmore Road. The application site lies within Rothesay Conservation Area that extends from Ascog to Port Bannantyne.

The proposal involves the creation of a new vehicular access from Craigmore Road that would not alter the original entrance to Montford House. The proposal is to open up a 10-metre section of the wall to provide vehicular and pedestrian access for the proposed flatted development, located south of Montford House. The wall will be rebuilt with curved returns, finished in random rubble and dressed to match the existing high boundary wall, with twin dressed ashlar and coped gate piers. Additionally, by increasing the width of the pavement on Craigmore Road, the amount of wall to be removed has been minimised.

Given the design of the proposed new entrance including curved random rubble returns and coped gate piers, it is considered that the new entrance and associated works would not unduly impact on the character of the adjacent listed building or on the character of the Rothesay Conservation Area and would be consistent with Policies BE1 and BE 6 of the adopted Bute Local Plan and Policies ENV 13a, ENV14 and ENV15 of the Argyll and Bute Local Plan Post Inquiry Modifications.

(ii) Representations:

One objector feels there is no requirement to open up the section of wall facing Craigmore Road but is not against the principle of development.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Given the number of representations, there is no requirement for an informal hearing in this instance, as the proposal is consistent with all other policies.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

Montford House is a Category B listed building (including its boundary wall) which will therefore require referral to the First Minister for clearance.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
17th December 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 17th December 2008
Date: 17th December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITION AND REASON RELATIVE TO APPLICATION REF. 08/01537/LIB

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: *to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.*

2. No part of the wall fronting Craigmore Road shall be demolished until evidence has been submitted to the planning authority that a contract has been let for the formation of the access and reconstruction of a random rubble wall including curved returns and twin gate piers in accordance with the approved drawings.

Reason: *In order to safeguard the Category B-listed structure and to ensure that no demolition works are carried out without being followed timeously by satisfactory reconstruction.*

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01537/LIB

(i) POLICY OVERVIEW AND MATERIAL ADVICE

a) Argyll and Bute Structure Plan 2002

STRAT SI 1 ‘Sustainable Development’ includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources and to respect the landscape character of an area and the setting and character of settlements.

STRAT DC 9 ‘Historic Environment and Development Control’ promotes the protection, conservation, enhancement and positive management of the historic environment.

The above policies are developed further in the Argyll and Bute Local Plan Post Inquiry Modifications 2008.

b) Bute Local Plan 1990

Policy POL BE 1 ‘Listed Buildings and Archaeological Sites’ seeks to protect the character and setting of listed buildings from unsympathetic new development.

Policy POL BE 6 ‘Rothesay Conservation Area’ seeks to protect the character and setting of the designated area from unsympathetic new development.

c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008)

Policy LP ENV 13a ‘Development Impact on Listed Buildings’ seeks to resist development that would have an adverse effect on character and setting of a listed building.

Policy LP ENV 14 ‘Development in Conservation Areas...’ states a presumption against development that does not preserve or enhance the character or appearance of the Conservation Area.

Policy LP ENV 15 ‘Demolition in Conservation Areas...’ states a presumption against demolition of any structure which contributes to or enhances the character of the Conservation Area.

Policy LP ENV 19 ‘Development Setting, Layout & Design’ sets out the requirements in respect of development setting, layout and design.

Note: The Full Policies are available to view on the Council’s Web Site at www.argyll-bute.gov.uk.

(ii) SITE HISTORY

None. Accompanying detailed planning application (ref. 08/01244/DET) also before Members for consideration for the erection of a two-storey villa containing four flats and formation of new vehicular access involving the partial demolition of the eastern boundary wall fronting Craigmores Road.

(iii) CONSULTATIONS

Historic Scotland (response dated 17th September 2008): Question the need for a second access where one already exists. Also suggest locating car parking for the proposed flats to the rear. Concern regarding surface materials for driveway and car parking bays. On submission of additional information, a further response (dated 17th December 2008) indicates that Historic Scotland do not feel that the proposal is in line with relevant conservation principles due to the character of the villa and its setting within its own designed landscape. It is suggested that if the Council are minded to grant consent, off-setting the driveway may help to reduce the visual impact of the new building and on its surroundings.

(iv) PUBLICITY AND REPRESENTATIONS

Under Regulation 5 Listed Building Consent (expiry date 26th September 2008) and Article 18 Potential Departure advertisement to policy BE1 (expiry date 26th September 2008), one representation has been received from Alexander and Margaret Webster, 36 Craigmores Road, Montford (e.mail dated 21st September 2008). The points raised can be summarised as follows:

- Existing access off Montford Terrace so no need to demolish part of B-listed wall to create a further access.

Comment – Access from Montford Terrace is neither proposed nor considered suitable by the Area Roads Engineer. Access from Montford Terrace would also be contrary to the wishes of other owners in adjacent properties at Montford Terrace who do not wish an existing side access to be used but have no objection to the new access being created off Craigmores Road.

- Safety issues with regards vehicles travelling from the south where dip in the road and parked cars could impede visibility.

Comment – Other issues regarding safety are addressed in the detailed application (ref. 08/01244/DET).

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01537/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

This application relates to the partial demolition of a 2.4 metre high stone boundary wall that forms the eastern boundary of the curtilage surrounding Montford House, a Category 'B' Listed Building located within the Rothesay Conservation Area. The existing high random rubble wall runs approximately 75 metres northwards from the property at 36 Craigmores Road to the northern boundary of Montford House. At the northern end, the wall is already interrupted by the main vehicular access to Montford House where the returns and gate piers have been built in sandstone blocks.

The proposal is to open up a 10-metre section of the wall to provide vehicular and pedestrian access for the proposed flatted development, located south of Montford House. The wall will be rebuilt with curved returns to leave a 5.5 metre opening in the wall that would be set back 1.2 metres from the edge of the carriageway. Unlike the existing access into Montford House, the returns will be finished in random rubble and dressed to match the existing high boundary wall, but with twin dressed ashlar and coped gate piers.

B. Development Impact Upon Built Environment

Montford House is a Category 'B' Listed Building that also includes its curtilage and boundary wall.

Policy POL BE 1 and BE6 of the Bute Local Plan seeks to protect listed buildings and their settings within the Rothesay Conservation Area from developments which would have a detrimental impact whilst LP ENV 13(a) of the Argyll and Bute Local Plan Post Inquiry Modifications requires development affecting a listed building or its setting to preserve the building and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings of their settings must be of a high quality and conform to Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' (1998) and in particular to 1.8.2 '*Boundary Walls, Railings, Gates and Gate Piers*'. This notes that the reduction or removal of walls within a conservation area may set a precedent and alter an existing relationship between a listed building and its original entrance.

In terms of the design guidance above, the proposal involves the creation of a new vehicular access that would not alter the original entrance to Montford House. The proposal also involves the creation of a new driveway on land to the south within the curtilage of Montford House but not directly impacting on the listed building. By increasing the pavement width on Craigmores Road, the amount of wall to be removed has been minimised.

Historic Scotland originally questioned the need for a second access and suggested that car parking should be located to the rear of the proposed flatted development. These comments would seem to suggest that Historic Scotland may have misinterpreted the proposals where the existing access to the south onto Montford Terrace will not be used for vehicular traffic. However, a further response indicate that Historic Scotland now consider that the proposal is not in line with relevant conservation principles due to the character of the villa and its setting within its own designed landscape. It is suggested that if the Council are minded to grant consent, off-setting the driveway may help to reduce the visual impact of the new building and on its surroundings.

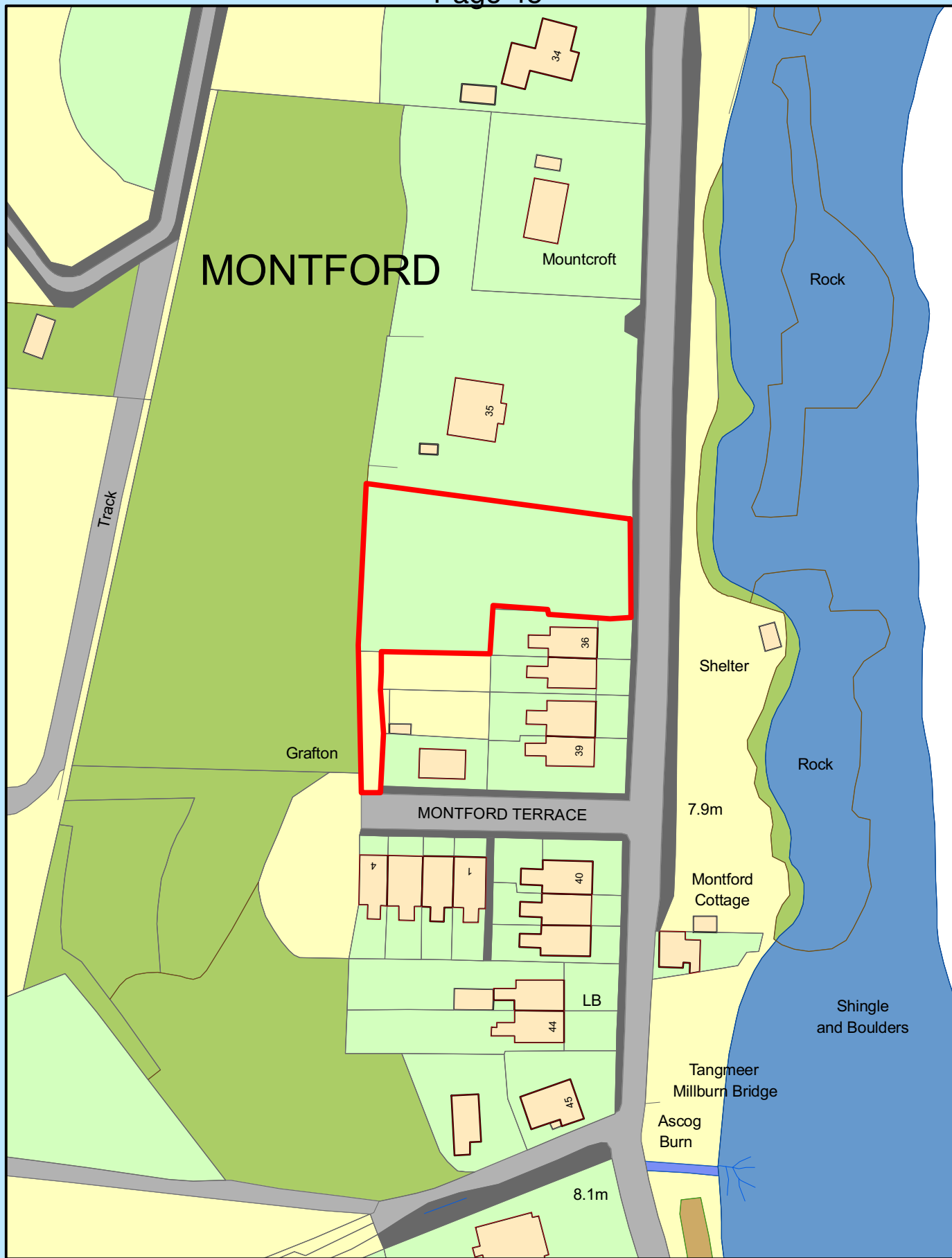
The department do not necessarily agree with the comments from Historic Scotland where the character and setting of Montford House is crucial in an assessment of this proposal. The nature of the sloping site and desire to keep vehicles from the rear of the proposed development means that vehicles will be parked in a front driveway parking area. Interestingly, the siting of the building set back from Craigmores Roads seeks to replicate the siting of Montford House where cars are also parked in a front driveway. Given the curtilage and boundary treatments proposed, this will not significantly affect the character and setting of Montford House. In addition to the principle of development of the site, the detailed application covers such aspects as surface materials and landscaping for the car parking and turning areas.

Given the proposed new entrance together with acceptable curved random rubble returns and coped gate piers, it is considered that the new entrance and associated works would not unduly impact on the character of the adjacent listed building or on the character of the Rothesay Conservation Area and would be **consistent with Policies BE1 and BE6 of the adopted Bute Local Plan and policies ENV 13a, ENV14 and ENV15 of the Argyll and Bute Local Plan Post Inquiry Modifications.**

C. Conclusion.

Given the above, it is not considered that the proposal will have a detrimental effect on the character and setting of the Category B-Listed Montford House, or on the character of the Rothesay Conservation Area.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01537/LIB**

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal
Date of Validity - 23rd October 2008
Committee Date- 13th January 2009

Reference Number: 08/01587/COU
Applicants Name: Denice Purdie
Application Type: Change of use
Application Description: Partial change of use of dwellinghouse as a soap manufacturing business and retention of timber storage unit and metal container in connection with soap manufacturing business (retrospective).
Location: Crawford Cottage, Strathlachlan, Strachur, Argyll, PA23 8BU.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Partial change of use of dwellinghouse to soap manufacturing business.
- Retention of timber storage unit
- Retention of metal storage container

(ii) Other specified operations.

N/A.

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be granted** subject to the conditions and reasons and informatives, detailed below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Given the limited landscape impact of this development on the surrounding area the proposal is considered to be consistent with policies POL RUR 1 and 13 of the adopted local plan.

The site is identified within both an 'Area of Panoramic Quality' and a 'Rural Opportunity Area' (ROA) in the Argyll and Bute Local Plan Post Inquiry Modifications. The Appeal Directorate's report on this emerging local plan recommended that ROA designations within 'Areas of Panoramic Quality' be deleted and replaced by 'Sensitive Countryside'. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council. The proposal is considered to be consistent with policies LP BUS 2 and LP BAD 1 of the emerging local plan.

The soap production business is contained within the existing dwellinghouse, while two small outbuildings within the curtilage of the Crawford Cottage are used for associated storage. The development does not therefore have any impact on the settlement pattern of Strathlachlan, while its wider landscape impact is minimal. The proposal is also considered consistent with policy STRAT DC 5 of the approved Structure Plan.

(ii) Representations:

Six letters of representation received from five individuals.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Based on the number of representations received, the department would not recommend the undertaking of a non-statutory hearing in this instance.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
22 December 2008

Author: John Irving, Tel: 01369 708621 **Date:** 15 December 2008
Reviewing Officer: David Eaglesham, Tel: 01369 708608 **Date:** 22 December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01587/COU

1. The use of the premises for the manufacturing and storage of soap based products shall be restricted to the dwellinghouse's kitchen and dining area, as detailed on submitted drawing dated 22nd September 2008 titled '*Floor Plans 1:50*', along with the timber storage unit. This use shall cease **no later than 31st June 2010**, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In order to control the partial change of use applied for.

2. **No later than 30th June 2009**, the metal storage container shall be completely removed from the site and the ground reinstated to the satisfaction of the Planning Authority, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest of visual amenity.

3. **No later than 20th February 2009** an Odour Management Plan shall be submitted for the written approval of the Planning Authority, in consultation with the Area Environmental Health Manager. This plan shall detail the causes and controls of odour from the receipt of raw materials through to processing, packaging, storage and the handling of waste materials. The plan should also include procedures for dealing with spillages and the washing of equipment.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

4. **No later than 20th February 2009** full details of the waste storage provision shall be submitted to and approved in writing by the Planning Authority, in consultation with the Area Environmental Health Manager. Waste packaging and materials shall be stored in a secure and sealed environment to prevent both litter problems and odour nuisance.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

5. The soap manufacturing business shall only operate (i.e. deliveries, staff, production and packaging) between the hours of 08:00 and 18:00 Monday to Saturday and not on Sundays or statutory public holidays.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01587/COU

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan (November 2002)

Policy STRAT DC 5 '*Development in Sensitive Countryside*' supports development in the countryside which demonstrates the specific development proposed will integrate sympathetically with the landscape and settlement pattern.

Cowal Local Plan 1993 (October 1995)

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development which could have an adverse landscape impact.

Policy POL RUR 13 '*Development in the Countryside*' supports development in the countryside which are sensitive to and integrated with, their surroundings.

Policy POL COM 5 '*Bad Neighbour Development*' seeks to oppose potential "Bad Neighbour" developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties.

Post Inquiry Modified Argyll & Bute Local Plan (November 2008)

Policy LP ENV 10 '*Development Impact on Areas of Panoramic Quality*' seeks to resist development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LP BUS 2 '*Business & Industry Proposals in the Countryside Development Control Zones*' proposals for development of new or extensions to existing business and industrial development in the Countryside Development Zone will only be permitted where: the development is of a form, location and scale consistent with policy STRAT DC 5 OR small scale development in the sensitive countryside where the applicant can demonstrate a clear operational need for a specific location.

Policy LP BAD 1 '*Bad Neighbour Developments*' will only be permitted where there is no adverse effects on the amenity of neighbouring properties, includes appropriate mitigation measures, no consultation objections and roads standards are adhered to.

Note (i): The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk.

(ii) SITE HISTORY

Planning permission 04/02168/DET granted on 7th March 2005 for the erection of the subject dwellinghouse.

Enforcement Investigation 07/00226/ENFOTH commenced 29th August 2007 following a complaint that a soap manufacturing business was being run from Crawford Cottage. Retrospective application requested and submitted (Ref: 08/00101/COU). Applicant advised that they were moving home and the business running from this property was going to cease.

Planning application 08/00101/COU submitted on 7th January 2007, subsequently withdrawn on 19th March 2007.

Further enforcement Investigation 08/00256/ENOTH3 commenced 21st July 2008 following a complaint that the soap manufacturing business continued to operate from Crawford Cottage.

(iii) CONSULTATIONS

SEPA (letter dated 13th November 2008) No objection.

'A local Environmental Protection Officer has inspected the site and found no causes of concern from our view, regarding both waste disposal and foul drainage. SEPA does not object to this application.'

Area Roads Manager (memo dated 28th October 2008): No objection.

'This proposal is at a location previously granted planning permission, as no change is being made to the access and the business is not retailing from this location no objections to the application.'

Area Environmental Health Manager (memo dated 24th November 2008): No objection subject to conditions.

'Having considered the application and supporting information, I have no objections of an environmental health nature to lodge. However, should you be mindful to grant consent, I would recommend conditions (submission of odour management plan, storage of waste packaging and operating hours) be attached.'

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedure and Section 34 advertisement published 7th November 2008, expired 21st November 2008, six letter of representation have been received from the following:

- Major FB Campbell (letters dated 10th & 20th September 2008), Barandachoid Croft, Strathlachlan, Strachur, Argyll, PA27 8BU.
- Mary Jewison (letters dated 20th September & 21st November 2008) Creag Bhreac, Strathlachlan, Strachur, PA27 8BU.
- E. J. R. Malachaln (letter dated 2nd October 2008), Castle Lachlan, Strathlachlan, Strachur, Argyll, PA27 8BU.
- F McLeod & I Crawford (letter dated 30th October 2008) Stangroom, 6 Leanach, Strathlachlan and Burnside, Strathlachlan, Strachur, Argyll.

An email representation received on 10th November 2008 from Mr Andrew Weir, Branter Lodge, Old School Road, Strachur, Argyll, PA27 8DH was withdrawn on 17th November 2008.

The points raised are summarised below:

- i. Rural and residential environment would be devalued by the presence of a commercial operation in this small hamlet.

Comment: See assessment below.

- ii. This proposal is contrary to Policy LP BU 1 in particular paragraphs B and F.
Comment: This policy is not applicable. This application will be assessed in terms of policy LP BUS 2.
- iii. Concerns regarding waste management and the disposal of commercial waste in a domestic septic tank and resultant discharge to local watercourse. What assurances can be given?
Comment: SEPA have raised no objections to this application
- iv. Soap factory should be run at a designated commercial site with the correct facilities to support this type of operation.
Comment: See assessment below.
- v. Commercial deliveries made to this site on a regular basis will in excess of one a month this would increase as business expands.
Comment:
- vi. I bought this property to escapes noise, traffic and pollution and the prospect of this being allowed to take place is an environmental disgrace.
Comment: See assessment below.
- vii. If permission is granted can further commercial development be restricted?
Comment: It is recommended to grant temporary planning permission
- viii. What plans are there to screen metal container?
Comment: A specific condition will be attached to the grant of planning permission which will require the container to be removed timeously.
- ix. There is no precedent for commercial business in Strathlachlan.
Comment: This application will be assessed in terms of development plan policy and there does not require to be or not be an existing precedent.
- x. There is a small driveway with barely enough room for the household's cars let alone those of employees and delivery trucks.
Comment: The Area Roads Manager has raised no road traffic safety issues with this application.
- xi. It is understood that there is pressure on the Planning Authority to approved retrospective application but in this instance I would ask that this application be treated as a new application.
Comment: This application will be determined entirely on its own merits and subject to the relevant development plan policy.
- xii. This is not a cottage industry which is something that is low profile by people working in their own homes. They employ several people at its 'premises' along with regular deliveries.
Comment: See assessment below.
- xiii. The odours are not part of the natural environment; they can be classed as an environmental nuisance. These scents and smells are acceptable in a bathroom they are not acceptable in a rural context.
Comment: The Area Environmental Health Manager has raised no objection to this application subject to appropriate conditions. See assessment below.
- xiv. We are the main employees at the premises one being full time and one being part time. One lives a minutes' walk away the other drives but parks at the other employees property. During the day there are fewer people at the property than in a normal family home.
Comment: See assessment below.

- xv. There are no chemical or hazardous substances uses in any of this work and therefore no effect on the environment.

Comment: *See assessment below*

- xvi. There is no smell outside the premises, no noise and no inconvenience to any of the neighbours

Comment: *See assessment below*

- xvii. Small, local business employing local staff in rural areas such as this should be praised and supported rather than attacked.

Comment: *See assessment below*

The applicant has also submitted additional information with this application in letters dated 23rd September, 31st October and 10th November 2008. The points raised are summarised below:

The soap manufacturing process includes the following:

- *Melting and pouring of organic soap base (mixed with organic essential oils), shampoo, conditioners, bodywash and bath oils.*
- *Bottling and packaging of products above within the house (dining area and kitchen area). The wooden shed and lock up are used for the storage purposes.*

I employ two local ladies, one full time the other part time and they do not require car parking at my property.

My septic tank is emptied and cleaned every year, as it was this year and will of course continue to do so. I feel this is the best and most appropriate method to assure the watercourse.

I run a cottage industry not a soap manufacturing industry. The only commercial equipment is a commercial size microwave.

We as a family need to make a living like most others living in rural Scotland. We therefore did not have a choice locally other than to work from my own home. A business unit is both too costly but more importantly not available nearby.

I have three shops and I do not require my stock to be delivered to Crawford Cottage. It is cheaper to have it delivered to Glasgow and then pick it up myself.

I wish my business was as large as the objectors think it is. I do hope to be in a position where I can create and increase production but this is not the time and we, like every other business, are feeling the effect of an economic turn down.

Like all Cottage Industries today, I do hope to continue working from home given the fact there is nowhere else to currently produce from. Not being able to do so would affect those locals I do employ and who have stayed here all their lives.

Crawford cottage us very much and will remain residential due to the fact that it has 3 bedrooms and I have 2 children. Most of the preparation work is done in the kitchen and dining area. Most of our products have now been outsourced using our recipes and specifications. Equally some packaging is completed by shop staff as we are experiencing quiet times in those shops.

I will never, nor will I ever burn business waste and bottles on the premise and I totally refute this claim. I have a yellow card from the Council which allows me to take my cardboard waste to the recycling area.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01587/COU

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Given the limited landscape impact of this development on the surrounding area and subject to the timeous removal of the unsightly metal storage container, the proposal is considered to be consistent with polices POL RUR 1 and 13 of the adopted local plan. Furthermore, it is considered that any 'bad neighbour' issues and nuisance associated with this development can be resolved through the imposition of appropriate conditions.

The development is considered to be consistent with policies POL RUR 1, POL RUR 13 and POL COM 5 of the Cowal Local Plan 1993.

The site is identified within both an '*Area of Panoramic Quality*' and a '*Rural Opportunity Area*' (ROA) in the Argyll and Bute Local Plan Post Inquiry Modifications. The Directorate's report on this emerging local plan recommended that ROA designations within '*Areas of Panoramic Quality*' be deleted and replaced by 'Sensitive Countryside'. The Council's response was to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

The soap production business is contained within the existing dwellinghouse, while two small outbuildings within the curtilage of Crawford Cottage are used for associated storage. The development does not therefore have any impact on the settlement pattern of Strathlachlan, while its wider landscape impact is minimal. The proposal is considered consistent with policy STRAT DC 5 of the adopted Structure Plan.

The emerging local plan will only permit Class 4 uses (business) in the Sensitive Countryside Designation where it is of an appropriate form, scale and location consistent with policy STRAT DC 5. The combined floor area of the allocated area within the house, where this business operates (30sqm), in addition to the size of the timber outbuilding (24sqm) represents a 'small scale' business development as defined by Schedule B2. In addition to the fact that the proposal is consistent with STRAT DC 5, as detailed in the previous paragraph, this proposal is considered to be consistent, in principle, with policy LP BUS 2.

There are neighbouring properties to the northeast and southwest of Crawford Cottage and there is potential 'bad neighbour' odour and noise pollution associated with the production of soap at this property. Potential adverse odour pollution can occur from manufacturing of soap but it is considered that this can be addressed by the imposition of appropriate conditions attached to the grant of planning permission and the Councils Public Protection Service have raised no objection to this application subject to the submission of an odour management plan and the secure and sealed packaging of waste packaging and materials. Furthermore, it is considered that potential noise pollution can occur from vehicular movement and patrons using the property. To combat this concern a suitable condition will be attached to the grant of planning permission which restricts days and hours of operation.

The development is considered to be consistent with policy STRAT DC 5 of the adopted Structure Plan along with policies LP BUS 2 and LP BAD 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

This application is to allow the continued use of Crawford Cottage for the production and packaging of soap based products. Crawford Cottage is a detached three bedroom dwellinghouse and the business operates from the properties kitchen and dining area. This application also seeks to retain two outbuildings within the curtilage of Crawford Cottage, a timber storage unit and a metal storage container, these structure are used to store materials and products.

It is considered that the imposition of conditions which restrict business operations to the kitchen and dining area only will ensure the main use of the property remains residential and that the business cannot expand into other areas of the building which could detract from the overall residential amenity, character and charm of the property and surrounding area.

The metal storage container which has been sited to the southwest of the property is unsightly and it is considered to detract from the overall character of the area and from established levels of amenity afforded to the occupants of neighbouring properties. To this end, a condition will be attached to the grant of planning permission which requires the removal of this structure within 6 months.

The development is considered to be consistent with policy LP ENV 19 and APPENDIX A of the emerging local plan.

C. Road Network, Parking and Associated Transport Matters.

The development does not require any additional employee car parking provision within the site, while a limited number of deliveries are made to the property each month in connection with the business. The Area Roads Manager has raised no objection to this application.

The proposal is therefore considered to be consistent with the provisions of policy LP TRAN 4 of the emerging local plan.

D. Infrastructure

The applicant proposes no change to the existing connection to the public water main and private foul drainage system.

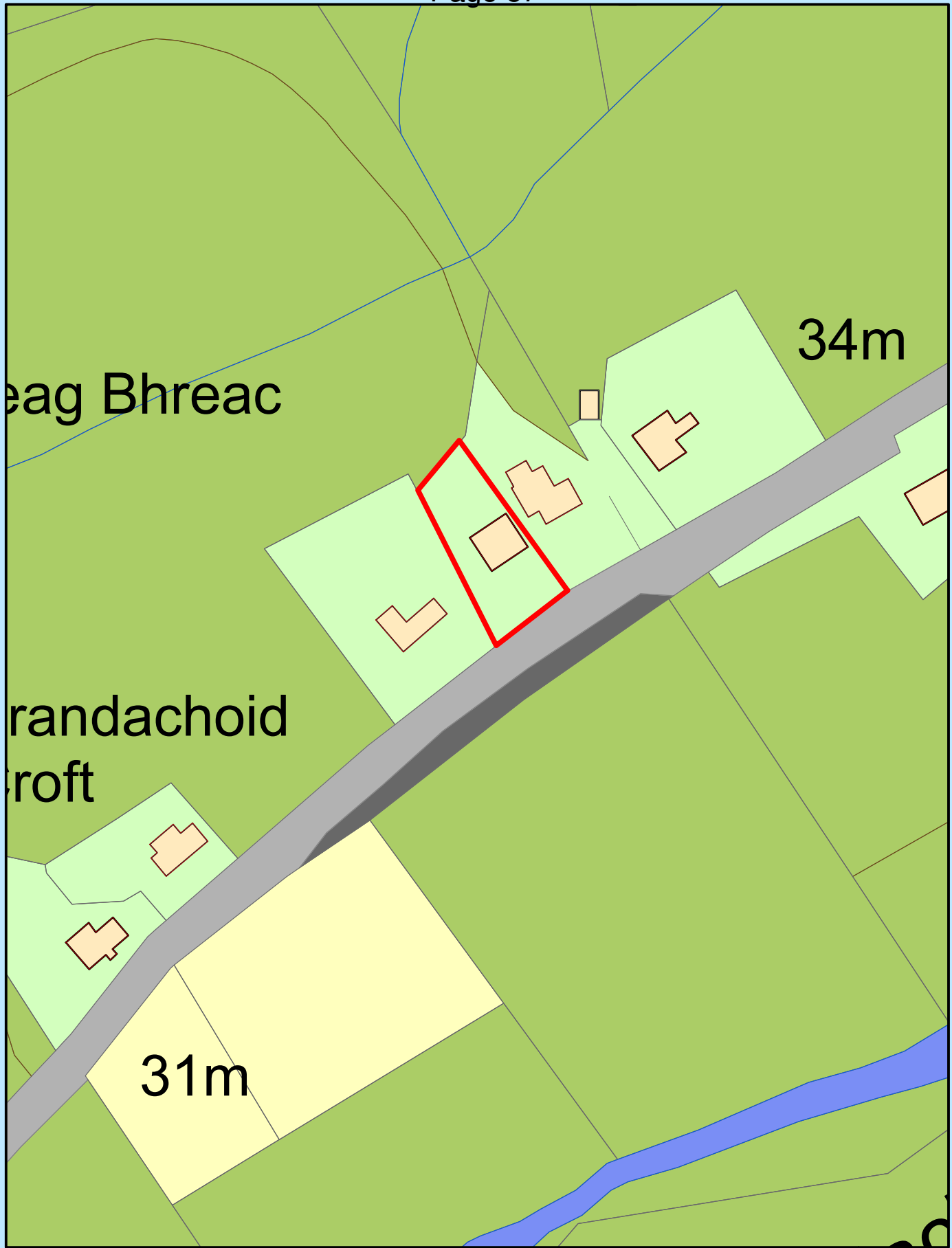
SEPA have raised no objection to this application and, following a visit to the property, have no issue with the foul drainage arrangements and waste disposal.

The proposal is therefore considered to be consistent with the provisions of policy LP SERV 1 of the emerging local plan.

CONCLUSION.

It is considered that the proposed conditions to be attached to the grant of planning permission allow this business to operate from within this residential property without undermining the character of this residential dwellinghouse, while ensuring that its primary use remains residential. Furthermore, specific conditions also ensure that the amenity of neighbours is not unduly compromised by unacceptable levels of odour and noise. In addition, it is considered that a temporary planning permission will ensure the long term use of the dwellinghouse is not compromised while affording the applicant a sufficient period of time to find alternative premises for this expanding business.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01587/COU**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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Meters



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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL AREA**

Ward Number - 8 Isle of Bute
Date of Validity - 13th October 2008
Committee Date - 13 January 2009

Reference Number: 08/01849/REM
Applicants Name: Mr D Haig
Application Type: Approval of Reserved Matters
Application Description: Erection of two dwellinghouses
Location: Ground to rear of St Blanes Hotel, Kilchattan Bay, Isle of Bute.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of two dwellinghouses

(ii) Other specified operations

- Use of existing vehicular access
- Connection to public water main & sewer

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be granted** subject to the standard conditions and reasons and informatives, detailed below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The principle of residential development on site has already been established by the associated outline planning permission 07/01330/OUT to which this reserved matters application relates.

At this location, the adopted Bute Local Plan (Policy POL HO 1) encourages development of infill and redevelopment sites, including rounding off, for private housing providing there are no servicing or environmental constraints. The development is considered acceptable subject to there being no adverse effect upon the setting of the adjacent St Blane's Hotel which is a Grade 'C' Listed Building in accordance with Policy POL BE 1.

The Argyll and Bute Local Plan Post Inquiry Modifications (November 2008) (Policy LP HOU 1) supports housing development at this location (part of an identified settlement zone) unless there is an unacceptable environmental, servicing or access impact and subject to consistency with other Local Plan policies. It is considered that the site and proposal is consistent with Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan. Given the outline planning permission granted it is also considered that, subject to the imposition of appropriate conditions, the site presents adequate scope for the erection of two dwellinghouses without detriment to the setting of the adjacent Listed Building in accordance with Policy LP ENV 13(a).

(ii) Representations:

One letter of representation received from Mr HTH and Mrs E Cromack (dated 6th November 2008), Pier View, Kilchattan Bay, Bute, PA20 9NW.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

As the proposed development is not considered to represent a departure from the adopted Bute Local Plan and only one representation has been received, it is recommended that a hearing should not be required.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning**

18 December 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 18 December 2008
Date: 18 December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01849/REM

1. That the development to which this reserved matters approval relates must be begun not later than:
 - i. 5 years from the date of the outline planning permission.
 - or
 - ii. 2 years from the date of this approval.

Reason: *In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

2. Prior to commencement of any further works on site, the existing overhead power line shall be re-routed underground, as detailed on the approved drawing No. 749/01A, Titled 'Site Layout, Plans, Elevs' received on 25th November 2008, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *to enable the construction of dwelling houses at the site and the establishment and maintenance of landscape planting at the site in the interests of the visual amenities of the area.*

3. Prior to the first occupation of the dwellinghouses, vehicular parking for two vehicles per dwellinghouse shall be fully constructed along with a turning area so that vehicles may enter and leave the site in forward gear.

Reason: *In the interests of road safety.*

4. Prior to any further works on site, sightlines measuring 70 metres from a 2.5 metre from the centre point of the existing access shall be maintained, in perpetuity, clear of all obstructions, including walls, hedges and fences, exceeding 1 metre in height.

Reason: *In the interests of road safety.*

5. The existing vehicular access shall be reconstructed as per Fig 1.16 of the Council's Development Guidelines and shall be a minimum width of 4.8 metres for the first 5 metres behind the footway. The access shall also be a sealed surface for a distance of 5 metres behind the footway.

Reason: *In the interests of road safety.*

6. Prior to the first occupation of the dwellinghouses, the coped whitewashed rubble stone wall to the rear of St Blane's Hotel, shall be fully constructed to the satisfaction of the Planning Authority. This wall shall also be constructed on the adjacent side of the site access for a distance of 12 metres, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *To ensure a satisfactory form of development that is compatible with and does not adversely affect the setting of the adjacent St Blane's Hotel which is a Category C(S) Listed Building.*

7. Before the end of the planting season following the first occupation of either dwellinghouse the tree planting and landscaping scheme as detailed on approved drawing No. 749/01A, Titled 'Site Layout, Plans, Elevs' received on 25th November 2008, shall be fully implemented to the satisfaction of the Planning Authority. Thereafter, the landscaped area shall be maintained for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.*

8. No trees that are established within the application site shall be lopped, topped, felled or uprooted without the prior written consent of the Planning Authority.

Reason: *The landscape features to be provided and protected are required to successfully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent Listed Building.*

9. Prior to commencement of any development, revised elevation and sectional drawings shall be submitted for approval which details the underbuild of both dwellinghouses, this shall not exceed 0.5 metres measured from ground level. Thereafter, the dwellinghouse shall be built in accordance with these drawings.

Reason: *To ensure an appropriate form of development, minimise the visual impact of the development and protect the setting of St Blane's Hotel.*

10. The roof covering of the dwellinghouses shall be finished with natural slate and the walls shall be a cement render finish, full samples of which shall be submitted to the Planning Authority for approval prior to commencement of any development works on site, unless the prior written consent is obtained in writing from the Planning Authority.

Reason: In the interest of visual amenity.

INFORMATIVES:

Surface Water

The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running onto the road. Failure to address this matter would be contrary to Section 99 of the Roads (Scotland) Act 1984, which 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's representative (Mr. Paul Farrell on 01369 708613) directly in this regard.

Road Opening Permit

The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (Section 56). The applicant is advised to contact the Area Roads Manager's representative (Mr. Paul Farrell on 01369 708613) directly upon this matter.

Water/Sewerage

For Scottish Waters comment please see attached copy of consultation response dated 5th November 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/001849/REM

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Cowal Local Plan 1993

Policy POL HO 1 '*Development within Settlements*' encourages development on infill, rounding off and redevelopment sites within the settlement of Kilchattan.

Policy POL BE 1 '*Listed Building & Archaeological Sites*' encourages development which results in the preservation and enhancement of listed buildings.

Policy POL BE 15 '*General Layout & Design*' seeks to ensure the highest standard of layout and design where new development are proposed.

Argyll & Bute Local Plan Post Inquiry Modifications November 2008

Policy LP ENV 13a '*Development Impact on Listed Buildings*' seeks to ensure all developments effecting the setting of a listed building shall ensure the buildings historic interest is preserved.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Outline planning permission 07/01330/OUT granted on 3rd July 2008 for the demolition of former boathouse and erection of two dwellinghouses.

(iii) CONSULTATIONS

Area Roads Manager: (memo dated 28th October 2008): No objection subject to conditions.

Scottish Water (letter dated 5th November 2008): No objection.

SEPA: No response.

(iv) **PUBLICITY AND REPRESENTATIONS**

The required Article 9 neighbour notification procedure has undertaken along with a Section 60 'Application affecting the setting of a Listed Building' advertisement, which expired 14th November 2008.

One letter of representation has been received from Mr HTH and Mrs E Cromack (dated 6th November 2008), Pier View, Kilchattan Bay, Bute, PA20 9NW. The points raised are summarised below:

1. **Privacy** - *The erection of the two dwelling houses will severely impact on our privacy and spoil our enjoyment of our property. We have lived here for over 10 years having chosen the location due to its privacy and outlook. The proposed dwellings will be within a few metres of the rear of our property, will stand on rising ground and so will look directly into our property.*

The new plans deviate from the original outline plan in that both properties are close together, hence both will overlook our property. The original plan submitted was for property one to be on the far side of St Blane's Hotel, and we therefore did not foresee a major privacy problem with it, and so did not specifically object to its development at the outline planning stage.

The submitted plans indicate that the main large windows of the living rooms are to the front of the buildings and so directly overlook our property, also the main access into the property is at the front and overlooking our property. If these dwellings have to be permitted some thought should be given to reducing their impact on Pier View by: -

*Plot 1 – (a) Move location to the far side of St Blane's Hotel, as in original submission.
(b) Site the building on the same axis as that of property 2, i.e. turn on axis so that the building faces through the gap on the far side of St Blane's. This will have the added benefit of improving the outlook to the sea for the occupants.
(c) Changing the access to the building from the front to the left hand side of the building.*

*Plot 2 – (a) turn layout round so that the bedrooms are on the right hand side of the property and the living room on the left (as viewed from main road) so that the view from the living room window is more focused on the gap between Pier View and St Blane's, rather than directly into Pier View.
(b) Reduce the size of the front living room window and add a left hand side window, to maintain light inflow, but reduce overlook.
(c) Change the building access from the front to the left side of the building.*

Comment: The approved drawing of outline planning permission 07/01330/DET does not dictate the footprint position of the two dwellinghouses. Condition 5 of this planning permission states '*...for the avoidance of doubt, the proposed building footprint position shown on the submitted plans are not approved...*' This reserved matters application is for two dwellinghouses within the defined red line, i.e. application site of the outline planning permission.

The department does not consider there to be a privacy issues with the neighbouring property of Pier View. Plot 2 the nearest dwellinghouse to Pier View, is in excess of 30 metres window to window distance, which falls well above the minimum distance of 18 metres as set out in Appendix A of the emerging local plan. Furthermore, the proposed 1.8 metre high timber fence to be erected along the boundary between Plot 2 and Pier View will further protect existing levels of established amenity and further limit overlooking into the rear garden of Pier View.

2. Drainage – *Our initial submission (23rd July 2007) raised our concerns regarding disturbance of the site leading to increased water movement into our property if insufficient attention was given to drainage. I note from the submitted plans that there is provision for the installation of a high level drain at the top of the development but I do not see any provision for a drain at the bottom of the development, to collect water coming from the buildings and soil. The work already done on the site has resulted in disturbance of the water table/spring line, such that there is currently a constant flow of water from the site down the St Blane's roadway, into the main road. In addition during rainfall water is running from the site down the Bute Estate road. Our property along its border with the development is much wetter than in previous years, with at times, areas of standing water. To alleviate this problem we suggest that the developers should be required to insert a drain along the whole length of the development adjacent to the boundary with Pier View, which could continue behind St Blane's to join with the upper level drain.*

Comment: A SUDS scheme dealing with the surface water is included in the drawings, principally redirecting surface water around the proposed retaining wall and picking the s.w. discharge from the two dwellinghouses. The proposal also includes the renewal of the existing system to a discharge point as near the road as possible and providing access points and silt traps at various points along the drain.

3. Access to services [electricity, sewerage, water, telephone]. *All of these services serving adjacent houses are taken from supply mains located in the main road. We have been unable to find any information on the submitted plans as to the proposed route of these services to the proposed two dwelling houses. Bearing in mind that the only access point proposed to the two developments is along the narrow St Blane's Hotel access track, this is not a straight route and some of the services could be aerial, with the need for intermediate poles; the provision of these services could have an impact on Pier View. Therefore the developers should be required to detail the route of all of these services before planning permission is authorised.*

Comment: This application incorporates the re-routing of the overhead electricity cable and a suitable condition will be attached to the grant of planning permission requiring this to be undertaken prior to any other works on site. Planning permission is not required for connections to the public water and sewerage mains or indeed public phone lines.

4. High Tension Electricity Cables, *The outline planning permission indicates 'development of the site shall not begin until the existing overhead power line has been re-routed'. We note no change to the line of the existing overhead power cables, yet development has commenced on the site. In addition the current line of the pole and cables is shown on the submitted plans and we have had no contact from the Electricity authority for access to the cables, which pass across our property. We would be grateful for clarification of this matter, as the cables will interact with the developers and our potential to maintain a boundary hedge screen. The electricity supply company have forbidden me from erecting anything within 9 metres of the high voltage line and every two to three years, just when my screen is becoming effective, cut it to a height of 1m because of its interaction with the high tension cables. (For more information see our letter of 27th July 2007).*

Comment: The originally submitted plan details the electricity cable in its current overhead position. A revised plan has now been received which details this proposed location of this underground cable, as required by a condition imposed on the outline consent. It is the department's intention to condition this reserved matters approval to require this cable to be re-routed prior to commencement of any other works on site.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01849/REM

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

At this location, the adopted Bute Local Plan (Policy POL HO 1) encourages development of infill and redevelopment sites, including rounding off, for private housing providing there are no servicing or environmental constraints.

The emerging Argyll and Bute Local Plan (Policy LP HOU 1) supports housing development at this location (part of an identified settlement zone) unless there is an unacceptable environmental, servicing or access impact and subject to consistency with other Local Plan policies.

Given the outline planning permission granted, the principle of residential development on this site, consistent with the development plans, has already been established.

The proposal is therefore considered to be consistent with the provisions of policy POL HO 1 of the adopted local plan and policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

It is proposed to erect two single storey dwellinghouses upon land to the rear of St Blanes Hotel. The site will be accessed from a private access lane which runs from the main B881 road between St Blanes Hotel and the property of Pier View to the site. A condition will be attached to the grant of planning permission to ensure the roof of the dwellinghouses are finished with natural slate and an appropriate render finish is applied to the external walls. The design of the dwellinghouses and layout within the site is considered to be acceptable. There is not considered to be any privacy, overlooking or amenity issues associated with this proposal.

The proposal is therefore considered to be consistent with the provisions of policy POL BE 15 of the adopted local plan and policy LP ENV 19 & Appendix A of the emerging local plan.

C. Built Environment

The application affects the setting of a Grade C(S) Listed Building. The adopted and emerging local Plans boast specific policies which seek to protect the settings of listed buildings from developments which would have a detrimental impact.

It is considered that the site can accommodate the development of two dwellinghouses given the outline planning permission granted. The design of the dwellinghouses along with their scale, massing and layout within the site ensures that this proposal will not undermine the setting of St Blanes Hotel when viewed from the B881. A condition will also be attached to the grant of planning permission which ensures a boundary wall is erected to the rear of the hotel which mirrors that of the existing stone wall to the front of the hotel. This will the defined curtilage of the hotel and reinforce its setting.

The proposal is therefore considered to be consistent with policy POL BE 1 of the adopted local plan and policy LP ENV 13a of the emerging local plan.

D. Road Network, Parking and Associated Transport Matters

Access is to be provided via the existing access regime from the B881 at Kilchattan Bay. Parking and turning provision for two cars per dwellinghouses to be provided. The Area Roads Manager has raised no objection to this application.

The proposal is therefore considered to be consistent with policy LP TRAN 4 of the emerging local plan.

E. Servicing & Infrastructure

The proposal includes a connection to both the public water main and sewer. Scottish Water has raised no objection to this application in this regard.

The proposal is therefore considered to be consistent with policies LP SERV 1 and LP SERV 4 of the emerging local plan

F. Other Scottish Executive Advice

Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas emphasises that a listed building should remain the focus of its setting and that developments outwith the curtilage of a listed building should also be regarded as affecting the setting where this will-

- In an urban area, restrict or obstruct views of or from the listed building, or rise above and behind the listed building so that its silhouette can no longer be seen against the sky from the more familiar viewpoints, or
- Development which will block distant views of important architectural landmarks may, in some instances, also fall into this category.
- Development adjacent to a listed building which forms part of a street block should also be regarded as affecting the setting where this will-not respect the form, scale, materials or building line of the listed building (see 10.2.5 below), or
- involve the construction of projecting features which will be seen in oblique views of the listed building.

It is considered that the site provides adequate scope to accommodate two dwellinghouses at the rear of St Blanes Hotel without offending the above criteria. Subject to an appropriate conditions being attached to the grant of planning permission to secure a clearer visual definition of the hotel curtilage and additional planting to help re-inforce the wooded backdrop to this part of Kilchattan Bay.

CONCLUSION

Given the aforementioned, it is considered that the erection of two dwellinghouses will not undermine the integrity and setting of St Blanes Hotel and is otherwise consistent with development plan policy,

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01849/REM**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 7 Dunoon
Date of Validity - 9th October 2008
Committee Date - 13th January 2009**

Reference Number: 08/01815/DET
 Applicants Name: MacIntosh Homes
 Application Type: Detailed
 Application Description: Demolition of existing dwellinghouse and erection of 3- storey block with 5 flats and 2-storey block with 2 flats and formation of parking and landscaped areas.
 Location: Ruberslaw House, Shore Road, Innellan

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Demolition of Ruberslaw House, a traditional two-storey Victorian Villa;
- Erection of three-storey flatted block (5 flats);
- Erection of two-storey flatted block (2 flats);
- Formation of front garden car parking court;
- Landscaping and tree planting (indicative).

(ii) Other specified operations.

- Connection to public water supply and waste water network;

(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan, the application site is located within the settlement of Innellan and located within the Innellan Townscape Policy Area, covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment', BE4 'Townscape Policy Areas' and BE9 'Layout and Design of Urban Development'.

The proposal is considered contrary to policies BE4, BE9 and HO8 of the Cowal Local Plan in respect of the erection of two inappropriately designed modern flatted blocks within The Innellan Townscape Policy Area that is generally characterised by traditional two-storey villas. The scale and design of the modern flatted blocks results in incongruous design features that do not harmonise with their traditional surroundings and would not relate to the existing built form. Issues concerning over-development, siting, loss of privacy, visual dominance are raised by neighbouring residents and supported by the department.

In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the application site is located within the small town and village settlement of Innellan. The proposal is considered contrary to policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and to policies ENV14, ENV18, ENV19 and HOU1 of the Argyll and Bute Local Plan Post Inquiry Modifications since the two flatted blocks cannot be regarded as appropriate infill development where the development, due to scale, siting and design, would result in settlement cramming and overwhelm the townscape character of the immediate area.

(ii) Representations:

Ten letters of objection have been received.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Whilst ten letters of objection have been received, as the application is recommended for refusal, it is not considered necessary to hold a hearing.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No, the application is recommended for refusal.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
17th December 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 17th December 2008
Date: 17th December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASONS FOR REFUSAL RELATIVE TO APPLICATION 08/01815/DET

1. Having regard to the location of the application site between existing two-storey traditional buildings within the Innellan Townscape Policy Area, the siting and design of the proposed modern two and three-storey block of flats would not complement, but be at variance with the character of the immediate settlement pattern. The large building footprints proposed remove adequate separation distances between proposed and existing buildings. Additionally, the large areas of glazing on the front elevations together with prominent balcony features and projecting roof details and palette of external materials combine to result in unacceptable bland modern buildings that would be out of context within the traditional townscape and semi-rural location.
Accordingly, such a development with its particular siting, scale, layout and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern and in particular the Innellan Townscape Policy Area. The proposal would therefore be contrary to: Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO8 'Infill, Rounding-Off and Redevelopment', BE4 'Townscape Policy Areas' and BE9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV14 'Development in Special Built Environment Areas', LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.
2. Having regard to the scale, massing, height design and siting of the proposed flatted blocks and in particular to the three-storey Block A, in such close proximity to adjacent dwellings, the proposed flatted Block A would have the capacity to visually dominate the adjacent flats with Allan Park, and the dwellinghouse Allan Park Cottage.

The existing flatted building at Allan Park is located only 8 metres from proposed three-storey Block A that would be approximately 11 metres in height at this point. The existing Ruberslaw is approximately 18 metres distant with a lower extension and greenhouse between.

Similarly, Allan Park Cottage located at a distance of 6 metres from Block A would lose significant light and be visually overwhelmed and overlooked by the three storey block of flats in such close proximity.

Therefore, it is considered that proposed Block A could result in significant overshadowing and visual dominance of Allan Park and Allan Park Cottage. The unacceptable siting, height and separation distance for flatted Block A in close proximity to dwellings at Allan Park Cottage and Allan Park would visually dominate and have a significant impact on these buildings and their private amenity spaces, therefore diminishing the amenity, privacy and outlook that the occupants of these properties could reasonably expect to enjoy.

Accordingly, such a development with its particular scale, height, siting, layout and design would be contrary to Policy BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' including Appendix A 'Sustainable Siting and Design Principles' and Sustainable Design Guidance 1 (September 2006) of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01815/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002:

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources while respecting the landscape character of an area and the setting and character of settlements.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill and redevelopment sites. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

STRAT HO1 – '*Housing – Development Control Policy*' C) encourages appropriate forms and scales of housing infill and redevelopment where it is consistent with STRAT DC1 -10. and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan.

(b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the Innellan Townscape Policy Area within the settlement of Innellan and requires to be assessed against the following criteria:

POL HO8: 'Infill, Rounding-Off and Redevelopment' where infill and redevelopment will be encouraged related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted.

Policy BE4 'Townscape Policy Areas' - the Council will not permit new developments which would have a detrimental effect upon the character or external appearance of existing buildings or the general character and setting of such areas (e.g. an established line or special layout of villas). High standards of design are expected in these areas.

Policy BE9 'Layout and Design of Urban Development' seeks to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

(c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).

The site is located within the small town and village settlement of Innellan, where the following policies are applicable:

Policy LP ENV14 'Development in Special Built Environment Areas' states a presumption against development that does not preserve or enhance the character of a Special Built Environment Area. New development within these areas and on sites forming part of their settings must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their designation.

Policy LP ENV 18 'Protection and Enhancement of Buildings' encourages opportunities to reuse redundant buildings which make a substantial contribution to the character of an area.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 '*General Housing Development*' states a general presumption of favour of housing within the settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both the Structure and Local Plan.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

Policy LP TRAN6 'Vehicle Parking Provision' sets out appropriate car parking standards.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(d) National Guidance

- a) Scottish Planning Policy SPP3 "Planning for Housing": *"Working with architects and developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11)..... Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development. These principles apply equally to development in the gardens or grounds of existing houses or on back-land sites in urban, suburban or village locations (para 34).*
- b) Planning Advice Note 67 - 'Housing Quality' advise that, *"the design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layout of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages". Furthermore, "new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features."*
- c) Planning Advice Note 68 – 'Design Statements'; *Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme...Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.*
- d) 'A Policy Statement for Scotland - Designing Places'; *Good design creates places that work.....sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it..*

This advice is substantially incorporated in the Council's adopted and emerging Development Plan policies.

(ii) SITE HISTORY

An outline application (ref. 03/02273/OUT) for the erection of a single dwellinghouse was withdrawn on 10th May 2004, following concerns regarding over-development of the site.

A subsequent outline application (ref. 04/02355/OUT) for the erection of a single dwellinghouse was refused on 14th April 2005. While this scheme retained Ruberslaw, it did not allow enough space for a suitable dwelling to be built on land to the north of Ruberslaw, resulting in over-development and impact on the Townscape Policy Area. The department at that time advised that if later side extensions to Ruberslaw were removed, adequate separation distances could be achieved for a single dwellinghouse.

(iii) CONSULTATIONS

Area Roads Manager (response dated 28th October 2008): No objections subject to conditions regarding maintenance of visibility splays, access design, creation of a turning area, and car parking provision. Advisory note regarding surface water drainage and Road Opening Permit.

Scottish Water (response dated 5th November 2008): No objection in principle. Advisory comments regarding connection to waste water system and water pressure.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a *Potential Departure* from policies POL HO8, BE4 and BE9 of the Cowal Local Plan 1993, advertisement published 24th October 2008 (expiry date 14th November 2008) and under Article 9 Advertisement. Ten letters of objection have been received from:

- Mr Ian Bailey, *Allan Park*, 104 Shore Road, Innellan, (e-mail dated 26th October 2008);
- Philomena McFadden, *Allan Park* - upper floor flat, 104 Shore Rd, Innellan (e-mail dated 22nd October 2008);

- Forbes and Adams Architects, 54 Shore Road, Innellan on behalf of Miss P McFadden, *upper flat Allan Park*, Shore Road, Innellan (letter dated 24th October 2008);
- Mrs Margaret Kane, *Allan Park*, 104 Shore Road, Innellan (letter dated 22nd October 2008);
- Mr and Mrs Carey, *The Trees*, Kilhaws, Toward (letter dated 27th October 2008);
- Alan Mackay, 3 Arran Park, Shore Road, Innellan (letter dated 26th October 2008);
- Ms Alison Carey and Mr James Donnelly, 18 Arran Park, Innellan (letter dated 3rd November 2008);
- Mr and Mrs A B Garner, 20 Arran Park, Shore Road, Innellan (letter dated 2nd November 2008);
- Mr D Midge, *Allan Park Cottage*, Ferry Lane, Innellan (letter dated 3rd November 2008);
- Mr and Mrs J McNair, 19 Arran Park, Innellan (letter dated 28th October 2008).

A summary of the concerns and issues raised is as follows:

- *No justification to demolish Ruberslaw, a fine Victorian Villa. Suggest converting this building into flats or maintain it as a single dwelling; Many local examples of splitting existing large villas;*
- *Footprint of proposed flatted blocks and proximity to adjacent properties in particular the flatted block at Allan Park and Allan Park Cottage; Great increase in the breadth of Block A;*
- *Design not in keeping with surrounding traditional buildings and inappropriate;*
- *Development in the roof space creating a third floor makes an ugly looking frontage and bulky building;*
- *Glass balconies out of place and potential to overlook adjacent gardens;*
- *Over-development of the site. Proposal is disproportionate to size of current property;*
- *Potential for overlooking of adjacent properties at Allan Park and Allan Park Cottage from gable kitchen window at third floor;*
- *Height of proposed three-storey flatted block in relation to adjacent buildings in respect of light, overshadowing, design and visual dominance;*
- *Loss of daylight and aspect to properties in Arran Park to the rear;*
- *Height of both blocks not accurately shown and concern if approved whether these heights are appropriate to surrounding buildings;*
- *Suggest smaller block located closer to Allan Park thus reducing overshadowing effect;*
- *Access to site questioned in respect of visibility;*
- *Increase in number of vehicles entering and leaving the site;*
- *Number of cars parked in front garden area and concern over loss of amenity as a result;*
- *Development contravenes both Cowal Local Plan (POL HO8, BE4, BE9) and Argyll and Bute Local Plan;*
- *Assumption that trees along northern boundary will remain as screening when these may have to be removed for safety reasons for properties in Allan Park and Allan Park Cottage;*
- *Concern about safety of trees bordering the application site;*
- *Development will establish an unacceptable precedent;*
- *Proposal should emulate the nearby Braemar Hotel development with appropriate infill.*

Comment – Refer to Assessment below.

(v) Applicant's Supporting Information

No formal 'Design Statement' has been lodged in support of the scheme.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01815/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the adopted Cowal Local Plan, the proposal is located within the settlement of Innellan covered specifically by Policies HO8 and BE9. Policy HO8 'Infill, Rounding Off and Redevelopment', encourages such development related to the built form. Policy BE9 'Layout and Design of Urban Development' expects high standard of layout and design where issues such as privacy, light, parking and access should all be satisfactorily addressed. Policies contained in the Structure Plan and Argyll and Bute Local Plan allow for appropriate infill, rounding-off and redevelopment within settlement zones. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

While the proposed development generally respects the established building line, the scale, design and orientation of the two flatted blocks result in proposed modern development that does not integrate well within the traditional surroundings. The large building footprints proposed remove adequate separation distances between proposed and existing buildings that would result in cramming of the site, also resulting in overshadowing of adjacent buildings to the north. It is considered that the proposed development would not contribute positively to the immediate settlement pattern and could establish a precedent for similar villas.

The proposal would result in 7 flats contained within two-storey and three-storey blocks that do not relate to their traditional surroundings in terms of scale, siting and design. They cannot be regarded as appropriate infill or redevelopment. Accordingly, the proposal would be contrary to policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan, policies POL HO8 and POL BE9 of the Cowal Local Plan and policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site comprises a long rectangular site approximately 120 metres long and 40 metres wide that is situated between traditional two storey buildings at 104 and 106 Shore Road, Innellan. The site is currently occupied by a two-storey Victorian villa Ruberslaw that has been extended to the side with outbuildings to the rear. Ruberslaw is situated within an established line of traditional dwellings within the Innellan Townscape Policy Area where the buildings are all set back some distances from their frontages to Shore Road. The strong building lines are a key character of the surrounding area but this also dictates that no development should take place in front of, or to the rear of established buildings. To the south of Ruberslaw lies Carisbrooke 106 Shore Road, a two-storey traditional stone-faced detached villa with shallow hipped roof. To the north, lies Allan Park 104 Shore Road a two-storey villa with shallow hipped roof that has been converted into three flats (2 lower, 1 upper). To the rear of Allan Park lies Allan Park Cottage, a single storey cottage built on the boundary. To the rear (west) of the application site lies the Arran Park development which comprises modern semi-detached properties but outwith the Townscape policy area.

The large level application site is bounded by mature trees and shrubs and has its existing vehicular access from Shore Road.

(ii) Development Layout

The proposal involves the total demolition of Ruberslaw and its outbuildings. The proposal comprises redevelopment of the site with the erection of two flatted blocks with a total of seven flats being created.

Block A comprises a three-storey block containing five flats and is located adjacent to and south of Allan Park and Allan Park Cottage. The building is modern in design with a large footprint (19 x 14 m that spans 15m) and designed with a pitched and gabled roof with projecting roof feature. Materials proposed include white roughcast on a stone basecourse for external walls with timber cladding for entrance and bay features. The roof will be slated with aluminium windows throughout and glass balustrades for the balconies that dominate the front elevation. The building has been designed to maximise east facing views towards the River Clyde where large area of glazing are incorporated within main living room bays and within the upper flat where the glazing runs to ridge height. Windows are shown on each gable but with the exception of a third floor kitchen window, all are en-suite bathroom windows. On the rear elevation are windows from bedrooms. Main access is via a front entrance stairway with access to the rear.

Block B comprises a two-storey block containing two flats and is located adjacent to and north of Carisbrooke. The building is modern in design with a footprint of approximately 12 x 11 m and span of 13m, and designed 'gable-end on' to Shore Road with a pitched and gabled roof with projecting roof feature. Materials are similar to Block A. The building has been designed to maximise east facing views towards the River Clyde where large

area of glazing are incorporated within main living room bays and within the upper flat where the large area of glazing runs to ridge height. Windows are shown on each gable but this is a stairwell window on the north elevation and en-suite bathroom windows facing Carisbrooke. On the rear elevation are windows from bedrooms. Main access is via side entrances on the north facing elevation.

The existing vehicular access will re-aligned slightly within the site into an oval car parking court with seven spaces on either side and bin stores at the end in front of the blocks. Indicative landscaping proposals suggest that this area including the bin stores will be screened by hedging and that tree planting (and retention) will take around the site although no further details have been submitted at this stage. The rear portion of the site is shown as a communal grassed garden area with tree planting but no details have been submitted.

(iii) Assessment

The proposal must be assessed against the provisions of Policy LP ENV 19 – ‘Development Setting, Layout and Design’ of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008) where a high standard of appropriate design is expected in accordance with the Council’s design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of ‘Design of New Housing in Settlement Zones’, compatibility with existing nearby development and ensuring a positive contribution to the townscape of the area will be important factors in the Council’s general requirement for a high standard of design should take the following advice into account:

Appendix A - Sustainable Siting and Design Principles – ‘Design of New Housing in Settlements’

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

The application site lies between existing strong building lines where buildings are set back some distance from Shore Road within long curtilages. Given the design and height of the proposed blocks, it is considered that the siting of Block A is unacceptably close to neighbouring properties Allan Park and Allan Park Cottage to the north. Block B appears awkward with its gable-end on design and orientation and set forward of the building line with Carisbrooke. This aspect could be improved in terms of siting but the scale, design and external materials and the lack of any local or traditional design features results in two modern blocks of flats that look wholly out of place in their surroundings. Whilst accepting that this is a large site, no reasonable justification has been made for the retention and possible conversion of Ruberslaw where the proposed modern development pays scant regard to the surrounding buildings and settlement character and merely attempts to cram seven flats within two flatted blocks that may be more appropriate in an urban or main town setting.

- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*
- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m);*
- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*

In terms of ‘Infill Development 10.1-10.2’, one of the key things to consider is the scale and design of the proposal which should be in harmony with the surrounding area, particularly the adjacent buildings.

The large footprints of the blocks result in deep plans that are as broad as some of the adjacent dwellings are long. In terms of Sustainable Design Guidance 1 ‘Massing, proportion and scale 2.1’, it is recognised that houses with “deep” floor plans have fundamentally different proportions than this with “narrow” plans. In prominent rural sites simple, well proportioned building forms based on a narrow plan are a better basis for proposals. One of the key things to consider is the scale and design of the proposal which should be in harmony with the surrounding area, particularly the adjacent buildings.

The proposed layout of the two blocks of flats does not reflect the local character and design and in particular, the upper flat within Block A has the potential for overlooking of adjacent properties and land within Allan Park and Allan Park Cottage. This, however, could be resolved by the deletion of this kitchen window or by the imposition of a condition requiring obscure glazing.

However, the crucial issue is the scale and design of the blocks in relation to adjacent buildings and the Townscape Policy Area in general. The modern design pays little or no regard to the siting and design of adjacent properties and (with the limited amount of information available) could result in wholly inappropriate development in this particular semi-rural location. The flatted property at Allan Park is shown only 8 metres from proposed three-storey Block A that would be approximately 11 metres to ridge height at this point (7.5 metres to eaves level). Given the 8 metres separation, it is considered that the proposed height of Block A could result in significant overshadowing of this property with certain visual dominance where the existing Ruberslaw is approximately 18 metres distant with a lower extension and greenhouse between.

Similarly, Allan Park Cottage at a distance of 6 metres from Block A would lose significant light and visually overwhelmed and overlooked by the three storey block of flats in such close proximity. It is however unlikely that the proposed blocks would have any significant impact in terms of loss or overlooking of properties within Arran Park at distances of 50 metres or more. Similarly the location and height of Block B would have no significant impact on Carisbrooke in respect of daylighting or visual dominance but would have in respect of uneasy design relationship.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

The Area Roads Engineer has expressed no objection subject to conditions regarding maintenance of visibility splays and recommends conditions in respect of the access design, car parking provision and turning. While the proposed parking court may not represent the best solution visually, a revised solution could be achieved by planning condition.

On this basis the proposal would be consistent with policy LP ENV 19 (and LP TRAN 4 and TRAN5 below).

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Scottish Water has no objection in principle to the provision of a water supply to serve the development but comment that there may be capacity/connection issues regarding wastewater and potential water pressure issues that would require to be resolved should permission be granted.

The proposal would be contrary to Policy LP ENV 19 of the Argyll and Bute Local Plan Post Inquiry Modifications in respect of a poorly designed scheme for two blocks of modern flats within a traditional townscape area do not pay due regard to the existing settlement character, design, siting and proximity of adjacent dwellings and their amenity spaces. Development of a three-storey block of flats could have the potential to visually overwhelm and dominate existing dwellings in close proximity leading to potential problems of overlooking, overshadowing, loss of privacy and daylight and visual dominance by virtue of inappropriate scale, design and siting.

C. Built Environment

The proposal involves the demolition of a Victorian villa without any reasonable justification as to its structural condition and potential conversion into flats.

The surrounding settlement character within the Innellan Townscape Policy Area / Special Built Environment Area is typified by a strong line of mainly traditional two-storey dwellings along Shore Road with occasional bungalows (built before adoption of the Cowal Local Plan with improved design policies). Generally the scale of development in this area is two-storey with shallow hipped or pitched and gabled roofs with traditional features and front garden parking.

The proposed development of two modern block of flats, that do not pay respect to their traditional surroundings, would have a significant detrimental impact on the character of this designated townscape area. The scale, design, external materials and overly suburban form of the proposed development is considered inappropriate within the townscape policy area that could establish a dangerous precedent if approved.

On the basis of the above, the proposal is considered inconsistent with Policies POL BE4 'Townscape Policy Areas' and POL BE9 of the adopted Cowal Local Plan; and policies LP ENV14 'Development in Special Built Environment Areas' and Policy LP ENV 18 'Protection and Enhancement of Buildings' of the Argyll and Bute Local Plan Post Inquiry Modifications in respect of inappropriate design within a Townscape Policy Area that involves the demolition of a traditional Victorian villa. Furthermore, if approved, the development could result in an unacceptable precedent for similar villa sites within the Innellan Townscape Policy Area.

D. Road Network, Parking and Associated Transport Matters

As mentioned in Section B above, the Area Roads Engineer has expressed no objection subject to conditions regarding maintenance of visibility splays, access design, car parking and turning.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan Post Inquiry Modifications.

E. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water has no objection in principle to the provision of a water supply to serve the development but comment that there may be capacity/connection issues regarding wastewater and potential water pressure issues that would require to be resolved should permission be granted.

On the basis of the above, the proposal is considered consistent with Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Local Plan Post Inquiry Modifications.

CONCLUSION

Whilst the department recognises the dimensions of the application site and difficulty of building in front of and behind the established building line, it is considered that the development process should begin with a clear justification as to the potential conversion or redevelopment of the existing villa, Ruberslaw. If the building cannot be suitably adapted, an appropriate residential development on the site should be acceptable in principle. No such justification has been submitted for the total demolition of Ruberslaw.

However, in the absence of a Design Statement and without stifling contemporary design even within this Townscape Policy Area, the overall design of the two flatted blocks does not meet the department's expectations and is considered to be unacceptable. It would appear that the desire to create an upper floor flat within Block A has resulted in a building that looks cumbersome and awkward in its relationship to its neighbours. A reduction to four flats within Block A could help reduce the bulk of this block to two-storey. Additionally, the proposed blocks do not have a comfortable relationship with each other and collectively within their more traditional semi-rural surroundings.

Development of this large site with proposed Block A much closer and higher to its neighbours than the existing Ruberslaw will result in an unacceptable development close to existing dwellings. The general design and poor articulation of the flatted blocks with oversailing projecting roof, large areas of glazing and projecting balcony features do not assist the buildings integrate or harmonise with their traditional semi-rural surroundings. The siting, scale and design of the proposed blocks such close proximity to existing dwellings at Allan Park, Allan Park Cottage and Carisbrooke, would result in over-development and settlement cramming that would have an adverse impact on the privacy and amenity of neighbouring properties and would not relate to the existing built form. Given the siting and design, the proposed development could not be regarded as appropriate infilling, contrary to Policy HO 8 of the adopted Cowal Local Plan and Policy LP HOU 1 within the Argyll and Bute Local Plan Post Inquiry Modifications.

The views above are echoed by the ten letters of objection received from neighbouring residents who express valid planning concerns as to why these buildings would not be 'good neighbours', in particular Block A. Suggestions have been made as to the conversion of Ruberslaw in the first instance, relocating the three storey element further way from Allan Park or referring to a recent appropriate infill development beside the former Braemar Hotel nearby. Other issues regarding over-development, siting, loss of privacy, visual dominance and settlement character have been raised by neighbouring residents and supported by the department.

Such a development with its particular siting, layout, scale massing and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern within the Innellan Townscape Policy Area. The proposal would therefore be contrary to Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment', Policy BE4 'Townscape Policy Areas' and BE 9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV14 'Development in Special Built Environment Areas', Policy LP ENV 18 'Protection and Enhancement of Buildings', LP ENV19 'Development Setting, Layout and Design' (including Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements') and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.



**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01815/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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**BUILDING STANDARDS
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED DATE	VETTED DATE	DECISION	DECISION
04/01412/ALT/C	Seavision (Scotland) Ltd Holy Loch Marina Sandbank Dunoon Argyll Amendment to Warrant to cover minor alterations, including cafe area.	05/09/2008		08/12/2008	WARAPP
05/01773/ERECDW/B	Elizabeth Evans Plot 12 Morrissons Park Carrick Castle Argyll And Bute Amendment to Warrant, to re-locate a number of partitions, and form a basement toilet.	22/09/2008	13/10/2008	28/11/2008	WARAPP
06/01295/ALTER/A	Mrs A Close Shop 53 Hillfoot Street Dunoon Argyll And Bute PA23 7DR Amendment to Warrant, to alter toilet facilities, and amend office layout	22/09/2008	02/10/2008	25/11/2008	WARAPP
06/01319/ALTER/A	Gail McCorquodale 44 Hillfoot Street Dunoon Argyll And Bute PA23 7DT Amendment to warrant, to cover alterations to treatment room.	14/07/2008	08/08/2008	25/11/2008	WARAPP
08/00064/EXTEND/A	Mr And Mrs W Barron 10 Eccles Road Hunters Quay Argyll And Bute PA23 8LB Amendment to Warrant to revise roof and split level design	14/08/2008		18/11/2008	WARAPP
08/00181/ALTER/A	Mr And Mrs R Harvey 5 Kimberley Terrace Nile Street Dunoon Argyll And Bute PA23 8AG Amendment to Warrant, loft floor not now to be upgrade..	10/12/2008	17/12/2008	17/12/2008	WARAPP
08/00360/DEMOL/A	Fyne Homes 3 King Street Rothesay Isle Of Bute Argyll And Bute Amendment to warrant, to include removal of rear entrance wall	11/11/2008		21/11/2008	WARAPP

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building**

08/00628/ALTEXT/A	Mr And Mrs R Allison Dunvegan Lochgoilhead Cairndow Argyll And Bute PA24 8AJ Amendment to Warrant, to move extension further from boundry	15/10/2008	23/10/2008	28/11/2008	WARAPP
08/00799/ERECDW	Mr And Mrs Peter Davie Yard 45A Hunter Street Kirn Dunoon Argyll And Bute PA23 8JR Erection of dwellinghouse with attached garage.	18/08/2008	29/08/2008	17/12/2008	WARAPP
08/00800/ERECDW	Alastair And Ruth Adamson Land South West Of Ardeneden Tighnabraich Argyll Erection of dwellinghouse, with bio-disk unit and domestic oil storage tank	18/08/2008	08/10/2008	19/11/2008	WARAPP
08/00832/ALTER	Mr Joseph Frankgate 106 Alexander Street Dunoon Argyll And Bute PA23 7BD Alterations to form bathroom and re-locate kitchen.	01/09/2008	08/09/2008	21/11/2008	WARAPP
08/00841/ERECT	ROK Prime Contracting Ltd Plot 1.4 Sandbank Business Park Highland Avenue Sandbank Argyll And Bute Erection of industrial building, with associated office space.	03/09/2008	03/10/2008	08/12/2008	WARAPP
08/00858/EXTEND	Mr And Mrs Haworth 22 Ardmore Road Rothesay Isle Of Bute Argyll And Bute PA20 0PG Erection of rear conservatory	08/09/2008	02/10/2008	12/12/2008	WARAPP
08/00910/ALTER	Susan Laird 49 Kilbride Road Dunoon Argyll And Bute PA23 7LN Alteration to adjacent outhouse to form bedroom	23/09/2008		28/11/2008	WARAPP
08/00922/ALTER	Mrs Rebecca Murray Attic Floor Right Firlea Kilchattan Bay Isle Of Bute Argyll And Bute PA20 9NG Alterations to flat, to relocate kitchen and shower room, thus forming a bedroom	01/10/2008	09/10/2008	12/12/2008	WARAPP

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08/01021/EXTEND	Mr And Mrs McWhinnie Linden Lea North Campbell Road Innellan Dunoon Argyll And Bute PA23 7SB Extension to dwelling to form kitchen and bathroom	30/10/2008	17/11/2008	27/11/2008	WARAPP
08/01024/DEM	NHS Highland Tighnabruaich Church Hall School Road Tighnabruaich Argyll And Bute Demolition of former school hall	30/10/2008		21/11/2008	WARAPP
08/01070/DISAB1	Christopher Ballard 7 Newton Park Innellan Dunoon Argyll And Bute PA23 7ST Alterations to convert bedroom to shower room	13/11/2008	26/11/2008	12/12/2008	WARAPP
08/01076/ERECT/ST	STED Investment Ltd Renfield 16 Eccles Road Hunters Quay Dunoon Argyll And Bute PA23 8LB Erection of care home: stage 1. foundations and underbuilding	17/11/2008	27/11/2008	11/12/2008	WARAPP
08/01080/ALTER	Mr And Mrs Sharp 18 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9DY Alteration to dwelling, to underpin porch	18/11/2008		21/11/2008	WARAPP

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**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE**

Bute and Cowal

Application Types: *ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Material Amnt,
OUT App. for Permission in Principle,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation*

Decision Types: *PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required*

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/02079/TPO	Peter H McNeil Claremont Cottage, Ascog, Isle Of Bute, Argyll And Bute, PA20 9EU, Felling of two sycamores	19/11/2008	16/12/2008	PER
08/01993/DET	Iain Connon Altgaltraig, Colintrave, Argyll And Bute, PA22 3AS, Erection of extension	11/11/2008	16/12/2008	PER
08/01991/DET	Fyne Initiatives 3 King Street, Rothesay, Isle Of Bute, Argyll And Bute, , Extension to flatted properties to form four flats (amendment to permission 07/02052/DET incorporating replacement rear wall and change from roof terrace to rooflights)	11/11/2008	16/12/2008	PER
08/01929/DET	Ms Linda Grant Dundarrach, Colintrave, Argyll And Bute, PA22 3AR, Replacement roof covering	31/10/2008	24/11/2008	PER
08/01922/DET	Mr And Mrs Scoon 16 Craigmore Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9LB, Alterations to dwellinghouse	29/10/2008	11/12/2008	PER
08/01888/DET	Mr John Young Upper Glenshira, 28 Crichton Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9JR, Retention of timber summer house and metal screen with gate	21/10/2008	24/11/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01875/DET	Mr Stuart Dunn 37 Shore Road, Port Bannatyne, Isle Of Bute, Argyll And Bute, PA20 0LQ, Installation of 3 velux windows to rear elevation	11/11/2008	16/12/2008	PER
08/01858/LIB	Mr And Mrs I Scoon Madras House, 16 Craigmore Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9LB, External and internal alterations to dwellinghouse	29/10/2008	11/12/2008	PER
08/01852/OUT	Mrs Peterson Land East Of Shener, Cromlech Road, Sandbank, Argyll And Bute, , Erection of dwellinghouse	13/10/2008	16/12/2008	PER
08/01828/DET	Co-Owners Flats 3/1, 3/2, 4/1 And 4/2, 33 East Princes Street, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9DN, Installation of replacement windows	20/10/2008	19/11/2008	PER
08/01782/DET	Bute Homes Land South West Of Rose Creek And Inishm, Eastlands Road, Rothesay, Isle Of Bute, Argyll And Bute, , Erection of dwellinghouse and formation of vehicular access	02/10/2008	21/11/2008	PER
08/01746/DET	Mr Gibson 231 Marine Parade, Hunters Quay, Dunoon, Argyll And Bute, PA23 8HJ, Demolition of outbuilding, erection of extension and alterations to west and south elevations	21/11/2008	01/12/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01729/COU	Mr And Mrs J MacDonald The Hollies, Tighnabruaich, Argyll And Bute, PA21 2BE, Demolition of side extension and change of use of former hotel into two flatted units	09/10/2008	01/12/2008	PER
08/01728/TPO	Patrick O'Sullivan 43 Marine Road, Port Bannatyne, Isle Of Bute, Argyll And Bute, PA20 0LW, Removal of 14 Sitka Spruce and replanting of fruit trees	07/10/2008	01/12/2008	PER
08/01725/OUT	Mr And Mrs J Allison Garden Ground Of Omard, Alexandra Parade, Dunoon, Argyll And Bute, , Erection of two dwellinghouses and formation of vehicular access .	24/09/2008	24/11/2008	PER
08/01701/LIB	Mrs Jean Rodger 39 Marine Road, Port Bannatyne, Isle Of Bute, Argyll And Bute, PA20 0LW, Internal alterations to attic flats to form 1 flat and ground floor flat to instal shower	22/09/2008	27/11/2008	PER
08/01654/TPO	Norman Crawford 45 Mountstuart Road, Rothesay, Isle Of Bute, Argyll And Bute, PA20 9EB, Felling of four trees and lopping of three trees	17/09/2008	20/11/2008	PER
08/01622/OUT	Mr And Mrs R Irvine Garden Ground, Ardess, Tighnabruaich, Argyll And Bute, PA21 2BG, Erection of a dwellinghouse.	22/09/2008	28/11/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01584/OUT	Mrs Anne Hamilton Land South West Of Sulpher Springs, Kames , Tighnabruaich Erection of dwellinghouse and formation of vehicular access .	10/09/2008	04/12/2008	PER
08/01498/DET	NHS Highland Former School Hall, School Road, Tighnabruaich, Argyll And Bute, , Demolition of former school hall and erection of new medical centre	15/08/2008	04/12/2008	PER
08/01442/OUT	A C Welsh Plot 1, Land 550m South Of Auchnaha, Otter Ferry, Argyll Erection of dwellinghouse, formation of vehicular access and installation of septic tank	04/08/2008	16/12/2008	WDN
08/01427/OUT	A C Welsh Plot 2, Land 450m South Of Auchnaha, Otter Ferry, Argyll Erection of dwellinghouse and formation of vehicular access	04/08/2008	24/11/2008	PER
08/01241/COU	Mr S McRoberts Land To The North Of , 1 Dalinlongart Cottage, Sandbank, Dunoon, Argyll And Bute, PA23 8QS, Change of Use of dog grooming parlour to dwellinghouse (temporary for 3 years) (Retrospective)	09/07/2008	05/12/2008	PER
08/01228/NMA	J A Nelson Land To The North Of Seal Lodge, Ascog, Isle Of Bute, Argyll And Bute, , Erection of dwellinghouse amendment to planning permission 05/01527/DET to incorporate additional chimney	03/07/2008	24/11/2008	WDN

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01200/OUT	Archd. Fergusson Ltd Land North Of Strachur Primary School, Strachur, Argyll And Bute, , Erection of six dwellinghouses, formation of vehicular access and installation of sewage system	01/07/2008	03/12/2008	PER
08/01177/DET	Mr Sneddon Land To The East Of Arden Craig , Newton, Strathlachlan, Argyll And Bute, , Erection of dwellinghouse (amendment to Planning Permission 03/01533/DET incorporating alterations to footprint of lounge 'wing' position and associated timber decking)	04/07/2008	17/11/2008	PER
08/01175/COU	Mr Stuart Strachan And Others Rear Garden Of, Rockhill Terrace, 13 Hill Street, Dunoon, Argyll And Bute, , Retention of vehicular parking area.	09/07/2008	27/11/2008	PER
08/01086/DET	A And G McArthur The Old Ferry Inn, St Catherines, Cairndow, Argyll And Bute, PA26 8AZ, Retention of security fencing	10/06/2008	24/11/2008	PER
08/00994/OUT	Ms C Stevenson Garden Ground Of , Newton House, Newton Road, Innellan, Argyll And Bute, , Erection of dwellinghouse and formation of vehicular access	28/07/2008	24/11/2008	WDN

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