

Reference Number: 07/01330/OUT
Applicants Name: Mr D Haig
Application Type: Outline planning permission
Application Description: Demolition of former boathouse and 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 behind the hotel, one replacing the existing derelict boathouse and the other in a more elevated position towards the back of the site

(ii) Other specified operations.

- Demolition of boathouse
 - Use of existing vehicular access
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(B) RECOMMENDATION

That planning permission be granted subject to the standard conditions and reasons and the conditions and reasons and notes to applicant detailed below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

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 Modified Finalised Draft 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. It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking. It is also considered that, subject to the imposition of appropriate conditions, the site presents adequate scope for the establishment of two dwellinghouses without detriment to the setting of the adjacent Listed Building in accordance with Policy LP ENV 13(a).

(ii) Representations:

Objections received from:

- Mr R H B Lofting, Dykenamar, Kilchattan Bay (fax dated 10 August 2007)
- Mr HTH and Mrs E Cromack, Pier View, Kilchattan Bay (letter dated 25 July 2007)

(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 two representations have 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.

Notification to Scottish Ministers is not required.

(viii) Has a sustainability Checklist Been Submitted:

No

Angus J Gilmour
Head of Planning
19 November 2007

Author: Charles Tibbles
Reviewing Officer: David Eaglesham

Date: 15 November 2007
Date: 19 November 2007

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: 07/01330/OUT

4. Development at the site shall not begin until the existing overhead power line has been re-routed, either underneath or away from the site.

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.

5. The proposed dwellings shall not exceed one storey in height and, for the avoidance of doubt, the proposed building footprints shown on the submitted plans are not approved, pending the submission of further details in accordance with Condition 1 above.

Reason: To ensure that an appropriate form of development is achieved in keeping with the scale and amenity of the surrounding area, the privacy of adjacent dwellings and the setting of St Blane's Hotel. The acceptable siting of the dwellings will depend upon their detailed design, the position and nature of windows proposed relative to neighbouring properties (assessed in accordance with the Council's published standards on overlooking) and cannot be determined in the absence of further details in this respect.

6. The proposed dwellings shall be designed and sited to minimise requirements for underbuilding. Underbuilding in excess of 0.5m measured from ground level will not be acceptable and the details submitted in connection with condition 1 above shall include full details of existing and proposed ground levels together with section drawings at not less than 1:50 scale.

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

7. Vehicular access to the site shall be provided via the existing access onto the B881.

Reason: In the interests of road safety.

8. The buildings granted consent shall not be occupied until space has been laid out within the site for two cars to park in relation to each dwelling, and for vehicles to turn so that they may enter and leave the site in forward gear, details of which shall have been agreed in writing by the Planning Authority prior to work starting on site.

Reason: In the interests of road safety.

9. The details provided pursuant to Condition 1 above shall include boundary treatment to the rear of the St Blane's Hotel curtilage in the form of a coped whitewashed rubble wall to match the existing boundary wall at the front of the Hotel. The dwellings at the site shall not be occupied until the wall has been completed.

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.

10. No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size in terms of British Standards and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority. New planting shall include selected heavy standard planting to extend the existing woodland backdrop to the west of the site and establish standard trees between the proposed dwelling plots and between the proposed dwellings and adjacent land to the north and south of the proposed dwellings.

Reason: The proposed development requires to be accompanied by landscaping to fully integrate the proposal with its surroundings and provide an appropriate setting for the adjacent listed building.

11. The development shall be landscaped in accordance with the planting details approved pursuant Condition 10 above. All planting shall be completed 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. All planted areas 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 or 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 secure the environmental quality of the development.*

12. No trees that are established within the application site in accordance with Conditions 10 and 11 above 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.*

INFORMATIVES:

1. Your attention is drawn to the attached letters from SEPA dated 6 August and 7 September 2007
2. Your attention is drawn to the attached letter from Scottish Water dated 24 July 2007.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01330/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

This outline application includes indicative footprints for the two proposed dwellings which are shown sited behind the hotel occupying relatively elevated positions, with one replacing the existing derelict boathouse and the other establishing a building in a more elevated position towards the back of the site. No access details have been provided but the site boundary has been drawn to include the existing vehicle access to the hotel site from the adjacent B881 which meets the technical standards required by the roads authority.

At this location, the adopted 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 roads authority and Scottish Water have no objection to the proposed development and SEPA have confirmed the acceptability of proposals which the applicant has put to them for surface water drainage. The overhead power line at the site will require to be re-routed before development can take place.

The proposed development could affect the setting of St Blane's Hotel which is a Category C(S) Listed Building. Large modern bungalows exist to either side of the hotel and the general development pattern in Kilchattan becomes a little scattered at this location with no rigid building line. It is considered that a further two houses could be located behind the hotel without further significant detriment to its setting as a listed building, subject to the incorporation of landscape planting to re-enforce the wooded backdrop at this location, and conditions to prevent significant underbuilding, limit height to a single storey and provide for the establishment of an appropriate boundary treatment to the rear of the hotel. Subject to the imposition of these requirements and safeguards, there are not considered to be any over-riding environmental constraints at the site.

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. It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking.

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

No relevant history.

(iii) CONSULTATIONS

Roads (reply dated 23 August 2007): No objections subject to conditions. (as follows)

The available sightlines are over 90m to the east and 75m to the west at a setback of 2.5m. The existing footway is 2.3m wide at this location and the carriage way width is 7.9m... Sightlines of 70m x 2.5m must be maintained in both directions; all hedges, fences or wall within the visibility splays to be maintained at a height not exceeding 1m above the road. The access to be constructed as per Fig 10.16 of the Council's Development Guidelines. The access to be 4.8m wide for a minimum of 5m behind the back of the footway. A sealed surface to be provided for the first 2.5m behind the footway.

A system of surface water drainage to be provided to prevent water from running onto the footway. Parking for 2 vehicles per dwelling and a turning area to be provided.

Scottish Water (reply dated 30 July 2007): No objection.

Archaeologist (reply dated 21 August 2007): No archaeological issue.

Scottish Environmental Protection Agency (reply dated 10 September 2007): SEPA notes that surface water from house 1 will discharge to a burn. As the burn discharges to coastal waters, this proposal is acceptable to SEPA under the 'General Binding Rules'. The surface water from house 2 will discharge to a herring bone drain. From a water quality perspective SEPA find this acceptable.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been subject to neighbour notification and advertised as affecting the setting of a listed building (closing date 17 August 2007).

Objections have been received from the following:

- Mr R H B Lofting, Dykenamar, Kilchattan Bay (fax dated 10 August 2007)
- Mr HTH and Mrs E Cromack, Pier View, Kilchattan Bay (letter dated 25 July 2007)

The points raised can be summarised as follows:

- the proposals depart from the existing building line at Kilchattan Bay
- the proposed development is on a spring line and requires detailed hydrogeological investigation before a decision is made
- the site is crossed by a high voltage power line and the electricity supply company has expressed an unwillingness to move it
- the access is of insufficient width as it passes Pier View and is gradually damaging an embankment and there is no adequate alternative
- the St Blane's Hotel access is not a suitable route for laying services
- the house sited on the old boat house would severely impact privacy at Pier View and screening cannot be established due to the position of the over-head power lines
- any development behind Dykenemar should not be allowed to exceed one storey in order to preserve privacy
- the large tree by Dykenemar should be subject to a tree preservation order
- removal of trees and groundwork activity may destabilise the hillside to the rear
- any services running between the hotel and Dykenemar should be at least 5 metres from the common drystone boundary wall between the properties in order to ensure the stability of the wall and remove any risk of water run-off to Dykenemar
- access should follow the existing St Blane's Hotel access road
- the second house would break the existing building line and be detrimental to amenity value of the area against the hillside terrain backcloth.

The points that are material to the consideration of this application are dealt with elsewhere in this report.

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.

B. Location, Nature and Design of Proposed Development

This outline application includes indicative footprints for the two proposed dwellings which are shown sited behind the hotel occupying relatively elevated positions, with one replacing the existing derelict boathouse and the other establishing a building in a more elevated position towards the back of the site. No other design details are provided and no access details have been provided but the site boundary has been drawn to include the existing vehicle access to the hotel site from the adjacent B881.

C. Built Environment

The application affects the setting of a Grade C(S) Listed Building. The adopted Local Plan (Policy POL BE 1) seeks to protect the settings of listed buildings from developments which would have a detrimental impact.

The Argyll and Bute Local Plan requires development affecting the setting of a listed building to preserve its setting and conform to Historic Scotland's Memorandum of Guidance on Conservation Areas and Listed Buildings. Subject to appropriate conditions, it is considered that the site has the potential to accommodate the development of two dwellinghouses without detriment to the setting of the listed building.

It is considered that the site provides adequate scope to enable the requirements of Policy LP ENV 19 (Development Setting, Layout and Design) and design principles at Appendix A of the Plan to be met at the detailed design stage, including requirements in relation to privacy and overlooking.

D. Road Network, Parking and Associated Transport Matters.

Access provided via the existing access regime from the B881 at Kilchattan Bay is acceptable to the Roads Authority and is considered acceptable in terms of Policy LP TRAN 4 of the Argyll and Bute Local Plan.

E. 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 and appropriate conditions can be attached to secure clearer visual definition of the hotel curtilage and additional planting to help re-inforce the wooded backdrop to this part of Kilchattan Bay.

CONCLUSION.

Subject to the imposition of the conditions listed, it is considered that a development of the type proposed could be accommodated at the site in accordance with settlement strategy at this location and without detriment to the setting of the listed building.