

Reference Number: 07/02258/DET
Applicants Name: Sarah Black
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of private sewerage system.
Location: Bay Cottage, Strachur, Argyll, PA27 8DD.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

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

(ii) Other specified operations.

- Connection to public water main
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(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 detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Strachur is defined as a '*Sensitive Settlement*' by virtue of Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need. In this case, there is no need that would justify this proposed development contrary to this policy. **The proposal is therefore contrary to Policy POL HO 9 of the Cowal Local Plan 1993.**

Within the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the defined Strachur '*Settlement Zone*'.

Both Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Modified Finalised Draft Local Plan encourage up to medium scale housing developments within the settlement zone of Strachur on appropriate infill, rounding-off and redevelopment sites and providing there will be no unacceptable environmental, servicing or access impact. Policy LP CST 1 encourages development which requires a coastal location and crucially which respects the existing landscape/townscape character and amenity. It does not respect the existing settlement pattern by virtue of introducing a second tier of development in an area that is characterised by a single linear tier of development between the road (A886) and the foreshore. **The proposal is therefore contrary to Policies STRAT DC 1 and STRAT HO 1 of the Structure Plan and policies HOU 1, CST 1 and ENV 19 of the Finalised Draft Local Plan.**

(ii) Representations:

8 letters of representation have been received from 6 individuals, 2 of whom object.

The applicant has also submitted a supporting letter.

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

Given the number of objections received, the department would not recommend a hearing in this instance

(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.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
24 June 2008

Author: John Irving, Tel: 01369 708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 20 June 2008
Date: 24 June 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: 07/002258/DET

- 1 Bay Cottage is one of four buildings located on the shore side of the A886 in Strachur. The erection of a dwellinghouse upon ground to the rear of Bay Cottage would amount to back land development at odds to the established built form and settlement character which is characterised by a single tier of development on the shore side of the A886 road. The proposal does not respect the existing settlement pattern by virtue of introducing a second tier of development in an area that is characterised by a single linear tier of development between the road (A886) and the foreshore. For this reason the application is considered to be contrary to: Policies STRAT DC 1 '*Development within Settlement*' and STRAT HO 1 '*Housing*' of the Argyll & Bute Structure Plan 2002; Policies HO 9 '*Sensitive Settlements*' and BE 9 '*Layout and Design of Urban Development*' of the Cowal Local Plan 1993; Policies LP ENV 19 '*Development Setting, Layout & Design*', CST 1 '*Coastal Development on the Developed Coast*', HOU 1 '*General Housing Development*' and Appendix A of the Argyll & Bute Modified Finalised Draft Local Plan 2006; and the principles set out in Argyll & Bute Council's Sustainable Design Guidance 1 '*Small Scale Housing Development*'.
2. The level of amenity and outlook afforded to the small residential unit to the rear of Bay Cottage will be adversely affected by this proposal. Outlook from this property would be greatly reduced by the erection of a two metre fence less than four metres from the rear of Bay Cottage and a large dwellinghouse to a finished roof ridge height of 10.7 metres less than eight metres from the rear of Bay Cottage. The proposal would also result in limited external amenity space afforded to the rear of the existing Bay Cottage. The proposal is therefore contrary to the provisions of Policy BE 9 '*Layout & Design of Urban Development*' of the Cowal Local Plan 1993 and Policy ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Argyll & Bute Modified Finalised Draft Local Plan 2006. It is also considered to be contrary to the principles set out in the Council's Sustainable Design Guidance 1 '*Small Scale Housing Development*'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/02258/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 1 '*Development within Settlement*' supports the principle of up to '*medium scale*' development with the settlement of Strachur on appropriate infill, rounding-off and redevelopment sites.

STRAT HO 1 '*Housing*' seeks to encourage, outwith formally allocated sites, appropriate forms and scales of housing infill, rounding-off and redevelopment within the settlements providing it is consistent with STRAT DC 1-10. Innovative and sympathetic developments will be encouraged where they are appropriate to their particular setting.

Cowal Local Plan 1993

POL HO 9 '*Sensitive Settlements*' seeks to resist new housing development within Strachur to identified areas, given that unsympathetic development could have a detrimental effect on the existing landscape setting and servicing. This application does not fall within an identified site.

POL PU 2 '*Private Sewage Disposal Schemes*' discourages private sewage disposal schemes in areas covered by mains drainage.

POL BE 9 '*Layout and Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Argyll and Bute Modified Finalised Draft Local Plan 2006

The site lies within the Settlement Zone of Strachur and within an Area of Panoramic Quality.

Policy LP ENV 10 '*Development Impact on Areas of Panoramic Quality*' seeks to resist development within, or adjacent to, Areas of Panoramic Quality where its scale, location or design would have a significant adverse impact on the character of the landscape. The highest standards of location, siting, landscaping, boundary treatment, materials and detailing will be required within such designated areas.

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

Policy HOU 1 '*General Housing Development*' establishes a presumption in favour of small and medium scale development in small towns and villages of Argyll and Bute, including Strachur. Within the Settlement Zone, the general presumption in favour or against a development is largely based on whether or not it is of an appropriate scale, i.e. small, medium or large scale.

Policy LP CST 1 '*Coastal Development on the Developed Coast (Settlements & Countryside Around Settlements)*' supports development where it requires a coastal location and respects the landscape/townscape character and amenity of the surrounding area.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' sets out circumstances where the connection of the development to the public sewer will not be required. This includes situations where connection is not feasible (for technical or economic reasons) or where the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity. In addition, the proposal should not result in, or add to, existing environmental, amenity or health problems.

Policy LP SERV 8 '*Flooding & Land Erosion*' concerns flooding and explains that, in cases where the potential for flooding is highlighted, the Council will exercise the '*precautionary principle*' and will seek the advice of the Scottish Environment Protection Agency.

Policy 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

None

(iii) CONSULTATIONS

Area Roads Manager (email dated 29th February 2008): No objection.

The access proposal for new dwellings is acceptable. At the shop/office the first parking space adjacent to the rear of footway should be removed. All vehicles using the car park must be able to both enter and leave in a forward manner.

Scottish Water (letter dated 4th December 2007): No objection.

Loch Eck Water Treatment Works has sufficient capacity. There are no known issues within our Water Network that serves this proposed development.

SEPA (letters dated 17th December 2007, 13th February 2008 & 10th April 2008): No objection.

Initial objection raised due to lack of information and proposed private septic tank within a settlement served by a public sewer. Objection removed in light of additional information received from the applicant.

(iv) PUBLICITY AND REPRESENTATIONS

8 letters of representation have been received, 4 letters received in support of the application and 4 letters received objecting to this application.

Letters of support received from the following: Mr & Mrs P. Thuring (letter dated 22nd December 2007) Shore Cottage, The Bay, Strachur. T.M & I.W. Millar (letter dated 21st December 2007), Arkaig, Shore Road, Strachur, PA27 8DD. Bruce D. Pettie (letter dated 21st December 2007), Seacliffe, Shore Road, Strachur, PA27 8DD. D Lindsay Walker (letter dated 22nd December 2007), The Anchorage, 21 Baycroft, Strachur, Argyll, PA27 8BW.

Letters of objection received from the following: Sir Charles MacLean (letters dated 10th December 2007 & 27th February 2008), Strachur House, Strachur, Argyll, PA27 8BX. Thomas L. Hill (letters dated 31st January 2008 & 24th March 2008) Rosehill, Strachur, Argyll, PA23 8DE.

The points raised are summarised below:

Comments in support

i) The site was previously occupied with several depilated mobile homes and it was in a terrible mess. A new house will be much better.

- ii) The proposed design is for an aesthetically pleasing dwelling which will be an asset to the community. A modern building which will compliment the style of the old houses in the area.
- iii) The proposed new dwellinghouse will be visible from Arkaig but it will be behind the Post Office when viewed from the east and behind the existing pine trees when viewed from the north.
- iv) The proposed development will not be out of keeping with buildings close by in terms of height (from the point of view of obscuring and or restricting the views of other residents).
- v) The proposed access road will be along a line currently occupied by sheds which are to be removed and there will therefore be no encroachment on existing parking space

Comment: See assessment below.
- vi) Since the applicant took over Bay Cottage the business has greatly improved providing a mixture of local services to the wider community and passing tourists.

Comment: This is not a material planning consideration.

Comments of objection

- i) The proposal constitutes tandem development.
- ii) Overdevelopment. The scale and adverse impact of the large 4/5 bed house on site does no accord with the principles contained Argyll & Bute Sustainable Design Guidance.
- iii) The proposal contravenes Policy LP ENV 10 of the Finalised Local Plan. The development must be resisted since the scale, location and design of the proposal has significant adverse impact on the landscape.
- iv) The proposal may compromise the amenity of the Post Office/Shop enterprise, essential to local services.

Comment: See assessment below.
- v) Parking facilities for the Post Office/Cafe will be compromised. The plans do not take into account the new extension to the building.

Comment: The applicant has submitted a revised site plan and the Area Roads Manager has raised no objection to this application.
- vi) Strachur Bay with its prominent group of Scots Pine is a significant landmark not only in Cowal but in Argyll.

Comment: See assessment below.
- vii) Strachur Estate owns the adjoining land on the eastern boundary of the site. The line of the existing fence shown as being the eastern boundary does not represent the ownership boundary at this point and that an area of the estate is within the application site.

Comment: The applicant's agent has submitted a revised site plan which details a slight modification to the north-eastern boundary of the site which now ensures that the applicant owns the entire application site.

- viii) The Post Office/Cafe has recently completed an extension to the cafe. No arrangements have been made to accommodate the additional vehicles this will generate. The result is now a serious and potentially dangerous traffic congestion situation.

Comment: This does not form part of the application submitted. However, the applicant has submitted a revised site plan which details the extent of car parking available to the Post Office/Cafe and that of the proposed dwellinghouse. The Area Roads Manager has raised no objection to this application.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a supporting statement dated 22nd November 2007 and an additional letter dated 21st December 2007. The points raised are detailed below:

- i) The applicant owns Strachur Post Office which includes a shop and cafe. Considerable investment over recent years has resulted in a thriving business which has generated employment and also created an important hub for the local community. The applicant wishes to build a new cottage on a vacant plot adjacent to the Post Office as she is currently living in rented accommodation approx 5 miles away. The existing accommodation at Bay Cottage, to the rear of the Post Office, is too small for the applicant's family requirements.
- ii) The height of the proposed development is in line with its nearest neighbour Arkaig and smaller than Sea View both these properties have steps leading to their front doors.
- iii) The proposal will have no visual impact on Strachur Bay because it will not be in or on the Bay it will simply be a continuation of the settlement to the left of the bay. I am at a loss to see how the development can have a negative impact on the entire village environment.
- iv) A thriving business has been built from a site which previously had run down caravans; boats and shed etc. which had been littering the grounds and was an eyesore for years.
- v) The tearoom has never looked over Loch Fyne, one window looks onto the car park and the others on to the roadside.
- vi) The proposed access road is not through the existing car park as clearly shown on the plans.

In addition the applicant's agent submitted a further written statement dated 18th June 2008. The points raised are detailed below:

'The design principles adopted for this proposal were set out in the letter dated 22.11.07 which accompanied the Planning Application. Subsequently an additional drawing (WCS 02) was submitted on 15.2.08, showing the south-east elevation in relation to the existing buildings, which confirms that the scale of the proposed building is in keeping with its neighbours. The detailed design and choice of materials has not been questioned during the Application process and in the latest email (30.5.08) from the Planning Officer it was noted that 'the development is of appropriate scale'.

During the consultation process four letters in support of the proposal were submitted by Strachur residents.

The issue which the Planning Department has raised for discussion is of 'settlement character'. The Department have expressed the view that any development on this site would be at odds with the existing character and would constitute backland development. This is an opinion which I do not believe can be supported by a close analysis of the area.

The enclosed drawing WCS 03 shows the settlement pattern of the majority of Strachur. The older buildings were spread over a wide area in a disparate arrangement. The Clachan area is given some focus by the old street, now bypassed, leading down to the church. The Creggans and Bay areas are focussed on the shoreline and view over Loch Fyne. Beyond that it is hard to read any particular sense of pattern into the settlement and more recent developments have only added to the wide range of house types and road layouts. The 'settlement character' can best be summarised as very informal with a wide variety of scale and density. The proposal for the site adjacent to Bay Cottage cannot therefore be described as unacceptable in principle.

In terms of a narrower focus on the immediate surroundings, the site continues the line of three existing houses facing the loch at this point (two of which are 'historical'). It is therefore a natural site for another house which addresses the loch and fits well in the widened area between the road and the shoreline at this point. The existing stand of pine trees to the east of the site are left untouched and, together with the existing Bay Cottage building, will provide partial screening and an immediate link between the new building and its setting.

The proposal can therefore be considered as a natural addition to the settlement character of Strachur and will only add to the sense of community around the Post Office.'

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/002258/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Strachur is defined as a '*Sensitive Settlement*' by virtue of Policy POL HO 9 of the adopted Cowal Local Plan 1993. Housing development is restricted to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site without an '*exceptional*' circumstance requiring either an operational or locational need. In this case, there is no need that would justify this proposed development contrary to this policy.

The proposal is therefore contrary to Policy POL HO 9 of the Cowal Local Plan 1993.

Within the Argyll and Bute Modified Finalised Draft Local Plan 2006, the site falls within the defined Strachur '*Settlement Zone*'.

Both Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Modified Finalised Draft Local Plan encourage up to medium scale housing developments within the settlement zone of Strachur where this serves a local community of interest on appropriate infill, rounding-off and redevelopment sites and providing there will be no unacceptable environmental, servicing or access impact. Policy LP CST 1 encourages development which requires a coastal location and crucially which respects the existing landscape/townscape character and amenity.

While the development is of an appropriate scale it is considered that the development is at odds to the settlement character within this area of Strachur which is characterised by a single tier of development comprising four properties on the shore side of the A886. The proposed development would constitute unacceptable backland development by creating an uncharacteristic and cramped second tier of development at this location which is at odds with the established settlement character and townscape.

The proposal is therefore contrary to Policies STRAT DC 1 and STRAT HO 1 of the Structure Plan and Policies HOU 1 & CST 1 of the Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

It is proposed to erect a large one and three quarter storey dwellinghouse within the rear garden ground of Bay Cottage. The site is bounded by the shoreline to the northwest, a group of Scots Pine trees to the north east and neighbouring properties to the south.

In design terms the proposal boasts elements of traditional local design with a slate roof, timber fenestrations and cement render finish. While the proposal is slightly large in terms of overall massing, the design of the dwellinghouse is considered to be acceptable.

Notwithstanding the aforementioned and as detailed in Section A above, it is maintained that a dwellinghouse at this location creates a second tier of development which is at odds to the defined built form within this area of Strachur. Bay Cottage is one of four buildings located in a linear formation along the shore side of the A886. This proposal amounts to back-land development which does not take account of the existing settlement character. The proposal would also remove a significant amount of ground/garden space associated with Bay Cottage which is also a defining feature of the settlement pattern and should be resisted. Regardless of the proposal's good design, it cannot overcome the issue of development contrary to the settlement pattern.

In terms of impact upon established levels of privacy and amenity it is considered the neighbouring property to the south *Arkaig* will remain unaffected by this proposal given the angle of outlook, distance between both properties and boundary screening. However, there is a small residential unit to the rear of Bay Cottage which will be adversely affected. Outlook

from this property would be greatly reduced with the erection of a two metre fence less than four metres from the rear of Bay Cottage and a large dwellinghouse to a finished roof ridge height of 10.7 metres. Furthermore, the proposal would result in limited external amenity space to the rear of Bay Cottage.

The proposal is therefore contrary to policy BE 9 of the Cowal Local Plan 1993 and Policy ENV 19 along with Appendix A of the Finalised Draft Local Plan. Furthermore, it is also considered to be contrary to the principles set out in the Council's Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has raised no objection to this application. Parking and turning provision and the proposed access are acceptable

On this basis the proposal is consistent with the provisions of Policy TRAN 4 of the Finalised Local Plan.

D. Infrastructure

It is proposed to connect to the public water supply and Scottish Water has raised no objection to this element of the proposal.

In respect of foul drainage, Scottish Water has advised that there is a public sewer in the vicinity of the site. However, the nearest connection point is approximately 75 metres away and at a higher level which would require a private pump station. The cost of a connection to the public sewerage system would be in the region of £30,000 and it would remain in the private ownership and responsibility of the applicant.

The applicant proposes the installation of a new private sewerage system that would serve the proposed dwelling and that of the existing Bay Cottage. SEPA have raised no objection to the use of a private sewerage system on the basis that a connection to the public sewer cannot be achieved at a reasonable cost and providing that it meets effluent discharge standards

Whilst both existing and emerging Development Plan policies encourage new developments within settlements served by a public sewer to connect to the public infrastructure. This is not feasible in this case due to cost prohibitive reasons. The use of a private septic tank is considered to be consistent with policy SERV 1 as the applicant has demonstrated that a connection is not feasible for economic reasons and the proposal is unlikely to create any adverse environmental, amenity or health problems providing the discharge from the septic tank meets effluent standards.

On this basis, the proposal is consistent with the provisions of Policy POL PU 2 of the Cowal Local Plan 1993 and Policy LP SERV 1 of the Argyll and Bute Modified Finalised Draft Local Plan 2006.

E. Conclusion.

Supporting information submitted with this application has claimed that there is a locational need for the applicant to have a dwellinghouse beside the associated business. The department does not consider this need to outweigh a departure from development plan policy and to allow development that is at odds with the settlement character of the area. There would appear to be scope for extending the existing building of Bay Cottage to provide attached accommodation that would be acceptable to the department. Given all of the aforementioned, this application is recommended for refusal.