

Reference Number: 08/00859/OUT
Applicants Name: Thomas Hill
Application Type: Outline
Application Description: Erection of dwellinghouse
Location: Ground adjacent to Eldon, The Bay, Strachur

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a dwellinghouse
- Formation of vehicular access

(ii) Other specified operations.

- Connection to public water main
 - Connection to public sewer
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(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended, that outline 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 also considered to be at odds with the established settlement character and townscape at this location. **The proposal is therefore contrary to Policies POL HO 9 and POL BE 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. The proposal does not respect the existing settlement character by virtue of the tight grouping of buildings in an area of notably larger single plots much wider spacing of dwellings. **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:

Two representations have been received from three individuals, objecting to the proposal. One letter of support has been received.

(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
28 July 2008

Author: Charles Tibbles, Tel: 01369 708606
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 28 July 2008
Date: 28 July 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: 08/00859/OUT

1. The proposed development is contrary to Policy HO 9 of the Cowal Local Plan, adopted 1995, which restricts housing development to identified sites within the settlement. This site falls outwith an identified area and, as such, residential development cannot be supported at this site and no exceptional circumstance has been put forward to justify development at this location.
2. The erection of a dwellinghouse upon ground between Eldon and Rowan View would not respect the established settlement character and townscape at this location by virtue of the small resulting plot sizes which Eldon and the proposed dwelling would occupy, and the tight spacing of buildings that would result. The proposed development is therefore considered to be contrary to: Policies STRAT DC 1 'Development within Settlement' of the Argyll & Bute Structure Plan 2002; Policy BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan, adopted 1995; Policies LP ENV 19 'Development Setting, Layout & Design' and LP HOU 1 'General Housing Development' of the Argyll & Bute Modified Finalised Draft Local Plan 2006.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00859/OUT

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 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 following Policies from the Argyll and Bute Local Plan are relevant to the proposal. The recommendations of the Reporters following the Local Plan Inquiry do not propose any further changes to these Policies that would affect the consideration of this application.

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 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

(ii) SITE HISTORY

Planning permission 98/00736/DET for erection of dwelling on garden ground at Eldon, Strachur, granted 8 July 1998. This permission was implemented (now Rowan View).

(iii) CONSULTATIONS

Area Roads Manager (email dated 28th May 2008): No objection. Visibility splays of 120 x 2.5 metres are required and are attainable.

Scottish Water (letter dated 28th May 2008): No objection. Strachur Hazeldene Septic Tank currently has limited capacity to serve this proposed development.

(iv) PUBLICITY AND REPRESENTATIONS

The application was advertised as a potential development plan departure (closing date 13th June 2008). Two letters of objection have been received from the following: Mr & Mrs McNair (electronic communication submitted 19th May 2008), Rowan View, Strachur and J Black, (letter dated 17th May 2008) Willowbank, Strachur. One letter of support has been received from prospective purchasers of the plot, Nigel & Denise Thompson (letter dated 23rd July 2008), 5 Canberra Close, Wellesbourne, Warwick. The points raised are summarised below:

- i) Concern about the type of building that might be permitted and impact upon privacy due to the proximity of the building and the possibility of overlooking windows.
Comment: The site presents sufficient scope to accommodate a dwelling without compromising the Council's privacy standards.
- ii) Concern about *overdevelopment*;
Comment: As explained in the assessment below, the development of this site would result in tightly spaced development in this part of Strachur which is characterised by houses set within large plots. It is considered to be at odds with the established settlement character and townscape at this location and could be described as *overdevelopment*.
- iii) Removal of preserved beech trees to the rear of the site which were retained when Eldon was built;
Comment: The trees at this location are not protected by any Tree Preservation Order or planning conditions. Their removal would adversely effect the amenity of the area.
- iv) Concern about the 'squashing' of a new building in between existing properties and that this is not in keeping with the countryside.
Comment: In terms of the current and emerging development plan provisions the site is identified as falling within a settlement. As explained in the Assessment below, the proposed development is considered to be at odds with the established settlement character and townscape at this location.
- v) Loss of view at Willowbank;
Comment: This is not a material planning consideration.
- vi) Concern that access would be taken from a single track road;
Comment: The proposed access arrangements at the site are acceptable to the Roads Authority.
- vii) Development of a further dwelling on the original plot constitutes tandem development.
Comment: The proposed dwelling would have its own vehicle access. The appropriateness of the form of development that would result from this proposal is considered in the Assessment below.
- viii) Prospective purchasers wish to be part of community and work partly from home. They wish to build a home which is sympathetic to the area.
Comment: no special case is made for developing this particular site at odds with the immediate settlement character

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00859/OUT

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. As explained at section B. below, this proposal does not respect the character of this part of Strachur and as such would have an unacceptable environmental impact.

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

B. Location, Nature and Design of Proposed Development

The proposed dwelling would occupy space in between two existing dwellings, Rowan View (Rowantree Cottage on O.S. Map) and Eldon. Rowan View was constructed within the curtilage of Eldon and this proposal would remove further land from the curtilage of Eldon. At 0.04 hectares, the proposed dwelling plot would be much smaller than others in the immediate locality. Under the proposals, Eldon and Rowan View would retain 0.08 hectare plots. With the exception of the Bay Cottage tea room and post office and the terraced cottages which immediately front the roadway at the junction of the A886 and A815, the buildings in this part of Strachur can be characterised as detached dwellings loosely spaced within large plots, typically between 0.1 and 0.2 hectares in size. Plot frontages range in width from 25 to 45 metres. The plot frontage proposed under the current planning application would be 19m in width.

Whilst the proposal is in outline, with no details provided in relation to siting or design, it would of necessity result in tightly spaced development in a part of Strachur that is characterised by houses set within large plots, and is considered to be at odds with the established settlement character and townscape this location. The proposal would also remove a significant amount of ground/garden space from Eldon.

The applicant has referred to closely grouped developments in other parts of Strachur, for example at Bay Croft. Whilst this is acknowledged and it is accepted that this site has sufficient scope to realise the construction of a dwelling in line with normal privacy standards, it is concluded that the proposal would not respect the character of this part of Strachur. Regardless of the design employed, it cannot overcome the issue of development contrary to the settlement pattern.

The proposal would be likely to result in tree loss. Although it is acknowledged that there is currently no protection for trees at the site, the loss of the existing tree would adversely affect the existing character and amenity of this part of Strachur.

The proposal is therefore contrary to policy BE 9 of the Cowal Local Plan 1993 and Policy LP 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 and the site presents sufficient scope to provide adequate parking and turning provision.

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

D. Infrastructure

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

Conclusion.

Whilst the site presents sufficient scope to accommodate a single dwelling in accordance with the Council's privacy and transportation standards, such a development would be at odds with the established character and townscape of this part of Strachur. The proposal is therefore contrary to provisions of both the current and emerging development plan. It is not considered that there are any material considerations sufficient to outweigh this fundamental conflict with the development plan and the application is therefore recommended for refusal.