

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

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

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**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.

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**(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
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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 granted** subject to the standard conditions and reasons and informatives, detailed below.

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**(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 6<sup>th</sup> 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](http://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 25<sup>th</sup> 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 25<sup>th</sup> 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 5<sup>th</sup> 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](http://www.argyll-bute.gov.uk)**

#### (ii) SITE HISTORY

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

#### (iii) CONSULTATIONS

**Area Roads Manager:** (memo dated 28<sup>th</sup> October 2008): No objection subject to conditions.

**Scottish Water** (letter dated 5<sup>th</sup> 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 14<sup>th</sup> November 2008.

One letter of representation has been received from Mr HTH and Mrs E Cromack (dated 6<sup>th</sup> 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 (23<sup>rd</sup> 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 27<sup>th</sup> 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,