

Reference Number: 09/00180/DET
Applicants Name: Seavision (Scotland) Ltd
Application Type: Detailed
Application Description: Alterations to internal access road layout and car parking provision (relative to planning permission 06/00589/DET); formation of new access road, land reprofiling works and infill to facilitate private vehicular parking areas (partially retrospective).
Location: Clyde Cottages, Colinton, Reading Rooms & Holy Loch Marina, Rankins Brae, Sandbank, Dunoon.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Alterations to approved internal access road layout & car parking.
- Formation of new access road.
- Land reprofiling works including infill.
- Formation of private vehicular parking areas.

(ii) Other specified operations.

N/A.

(B) RECOMMENDATION

Having due regard to development plan and other material considerations, it is recommended that planning permission **be granted** subject to the attached conditions and reasons along with the informatives detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

By virtue of planning permission 06/00589/DET the marina development has been determined as consistent with development plan policy. This application relates to internal and relatively minor layout changes within the site and land reprofiling works to garden grounds of adjacent properties. This proposal will not have any impact upon the wider landscape or indeed the established surrounding settlement pattern.

(ii) Representations:

Four letters of representation have been received.

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

In view of the small number of representations received, it is considered that there is no need for 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.

None.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
27 April 2009

Author: John Irving, Tel: 01369708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 22nd April 2009
Date: 27 April 2009

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: 09/00180/DET

1. Infill works to raise the level of the existing rear gardens of Clyde Cottages No. 1 to 4, Colinton and The Old Reading Rooms shall only occur as a single phase, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: To ensure infill works occur in a single phase to safeguard residential amenity afforded to these properties.

2. Prior to development works commencing in the rear gardens of Clyde Cottages No. 1 to 4, Colinton and The Old Reading Rooms full details of the proposed boundary treatments, hardstanding surface treatments and landscaping to be undertaken within these properties shall be submitted for the written approval of the Planning Authority, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest of visual amenity.

3. Prior to the access road first coming into use full details and positioning of the required 'No Entry' and 'Residents Access Only' signage shall be submitted for the written approval of the Planning Authority in consultation with the Area Roads Manager. These sign shall be designed to the standard traffic sign regulations, unless the prior consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest of road safety.

4. Within two months of this permission being granted, a detailed landscaping and screen planting scheme shall be submitted to and approved in writing by the Planning Authority. The scheme shall specifically detail all proposed landscaping and screen planting within the area of infill ground between the new access road and rear boundary with Millar Cottage, The Oakbank Hotel, Oakbank Cottage and The Old Reading Rooms. The scheme, as may be approved shall also indicate the siting, numbers, species and heights (at the time of planting) of all trees and shrubs to be planted and shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the infill 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 which will in due course improve the environmental quality of the development and provide essential screening between the marina development and adjacent properties.

INFORMATIVES RELATIVE TO APPLICATION: 09/00180/DET

- i. This planning permission does not bring with it the legal right to undertake development works within land outwith the applicant's ownership or control. The consent of all other landowners within the defined application site should be obtained prior to implementing this planning permission. With regards to condition 1, no infill works shall occur with the adjacent rear gardens unless this can be undertaken as a single phase development in order to safeguard the amenity and privacy of these properties.

APPENDIX A – RELATIVE TO APPLICATION NUMBER:09/00180/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Cowal Local Plan 1993

Policy RUR 1 'Landscape Quality' seeks to resist prominent development which would have an adverse impact on East Cowal's rural and coastal landscape

Policy POL BE 1 'Ancient Monuments and Listed Buildings' seeks only to encourage development that seeks to protect or enhance their setting.

Policy POL BE 9 'Layout & Design of Urban Development' seeks to achieve a high standard of layout and design.

Policy POL TOUR 7 'Development of Water Based Tourism' supports water based tourism in Cowal, including Dunoon/Holy Loch area.

Policy POL TOUR 8 'Marina Development in Holy Loch' supports the development of marina and related facilities in the Holy Loch.

Policy POL COM 5 'Bad Neighbour Development' opposes "Bad Neighbour" developments which adversely affect the amenity of neighbouring properties and land.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

Policy LP ENV 13(a) - Development Impact on Listed Buildings seeks to preserve listed buildings or their setting.

Policy LP ENV 19 Development Setting, Layout and Design seeks to ensure that new developments harmonise with their surroundings.

Policy LP CST 1 - Coastal Development on the Developed Coast (Settlements and Countryside Around Settlements) generally supports development which: (A) Requires a coastal location; (B) Is of a form, location and scale consistent with STRAT DC 1-3; (C) Provides economic and social benefits to the local community; (D) Respects the landscape/townscape character and amenity of the surrounding area; and (E) Is in accordance with policy LP ENV 1.

Policy LP CST 4 - Development Impact on the Natural Foreshore. Development will only be acceptable on the natural foreshore if there is a specific operational purpose for its foreshore location and there being no effective alternative location for the development landward of the natural foreshore.

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

A variety of planning applications have been submitted since 2001 for this marina development. The most recent and relevant planning permission is 06/00589/DET, granted on 25th January 2007 for the formation of marina and port development comprising : expansion of existing marina to provide an additional 300 berths, floating breakwater, infilling and land reclamation to provide 361 car parking spaces, erection of licensed restaurant/shop, retail units, pier services building/offices: construction of commercial pier including weigh bridge and causeway, car parking and bark storage area; formation of new port and marina vehicular entrances, new bus stop and widening of A815.

There is an associated enforcement report (Ref: 07/00309/ENFBOC elsewhere on this agenda.

(iii) CONSULTATIONS

Area Roads Manager (memo dated 23rd March 2009): No objection subject to conditions.

Sandbank Community Council (e-mail dated 26th March 2009): No observations.

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures and Section 60 advertisement, expired 10th April 2009, four letters of representation have been received from:

- Kevin Wilson (e-mail dated 26th February 2009), 3 Clyde Cottages, Sandbank, Dunoon, PA23 8PE.
 - i. In favour of the access although concerned over measurements on the plan width of rear garden at wall is 6.46 metres not 4.5 as detailed on submitted plans.
Comment: See assessment below.
 - ii. I welcome the reduction in height of the developer's site to 4.8 metres so that it will be level with existing gardens.
Comment: See assessment below.
 - iii. The residents along this shore have put up with 10 years of development. Will planning impose on the developer that the works to these properties are given a priority so as to minimise any further upheaval.
Comment: It is considered that the determination of this application will allow the developer to complete all works, including landscaping within the area of the marina adjacent to these properties.
 - iv. Would planning consider a temporary access to road to the rear of these properties while works on the service road is in progress.
Comment: This is a site operational matter for the developer to consider.

- W. M. Cairns (letter dated 2nd March 2009), Upper Benmore View, Main Road, Sandbank, Dunoon, PA23 8PE.
 - i. The occupants of the Old Reading Room is proposing to keep a boat on his hardstanding which would make life difficult as it is not our property to walk about on. Under the circumstances a path should be provided by extending the planned footpath.
Comment: This is a civil matter to resolve with the occupants of the Old Reading Room. Furthermore, it is the developer's prerogative to determine the extent of the footpath that he wishes to provide.
 - ii. Another modification would be to install the existing planned road to the boundary of the Oakbank car park. At present the main road is very busy and turning right into our driveway is rather dangerous.
Comment: The department can only assess the detail of the application submitted.
- Cecilia Colquhoun (letter dated 4th March 2009), 1 Clyde Cottages, Sandbank, Dunoon, PA23 8PE.
 - i. In favour of the access road and works to rear garden providing the site will be level with the garden height and the dividing stone walls are erected
Comment: See assessment below.
 - ii. Detailed landscaping of garden is agreed.
Comment: A condition will be attached to the grant of permission requiring the developer to grass seed all garden ground the has been raised.
 - iii. Safeguards given that this access will be maintained in perpetuity.
Comment: this is a civil matter to be resolved between the developer and affected parties.
 - iv. Title deeds updated accordingly.
Comment: this is a legal matter that does not fall under the jurisdiction of the Planning Authority.
- J & L Mingles (letter dated 12th March 2009), Colinton, Sandbank, Dunoon, PA23 8PE.
 - i. My husband and I are in favour of the marina development.
Comment: See assessment below.
 - ii. Works have already been undertaken to the rear of our house and we are very pleased with the result. We have lived here for 34 years and the works to the garden is a lot better.
Comment: See assessment below.
 - iii. Once this works is complete it will be an advantage to the village which is looking much run down at the moment.
Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00180/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

By virtue of planning permission 06/00589/DET the marina development has been determined as consistent with development plan policy. This application relates to internal and relatively minor layout changes within the site and land reprofiling works to garden grounds of properties which are directly adjacent to the site. This proposal will not have any impact upon the wider landscape or indeed the established surrounding settlement pattern.

The proposal is consistent with policies POL RUR 1, POL TOUR 7 & 8 of the adopted Cowal Local Plan and policies LP CST 3 & 4 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

This application proposes to form an internal access road within the marina site to serve properties which are located on the shore side of the A815, directly adjacent to the development. It is proposed to form this access as a spur road from the approved main access road that will serve the marina. This will require some minor changes to the car parking layout at this area of the marina. The application further proposes to raise the ground level within the rear gardens of 1 – 4 Clyde Cottages, Colinton and The Old Reading Rooms. This will ensure the ground level of these gardens and that of the marina development are the same and the application further proposes to provide private vehicular parking areas in each of these properties to be served by the new road.

It is further proposed to reprofile existing infill material directly located to the north of Millar Cottage. Millar Cottage is the westernmost dwellinghouse located along this tier of properties. It is also the lowest lying and therefore the proposal presents some challenge to ensure outlook from this property is not unduly compromised by the level of infill material upon the reclaimed ground within site. It is therefore proposed to regrade the infill material away from the dividing boundary for a distance of 15 metres from a height of 3.16 metres along the joint boundary to a finished height of 5 metres (1.84 metres in total).

The proposal is consistent with policy POL BE 9 of the adopted local plan and policy LP ENV 19 of the emerging local plan.

C. Built Environment

The Old Reading Rooms (otherwise known as Benmore View) is a Category B listed building which has been subdivided into two flats. The development plan seeks to resist development that would have an unacceptable impact upon the setting of a listed building. It is considered that the formation of a parking area within the rear curtilage of this building will have little to no impact upon this listed building and may, arguably, seek to enhance its setting by providing a landscape improved rear garden.

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

D. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has raised no objection to the proposed internal layout changes within the site: the road geometry and drainage provision are acceptable subject to conditions which relate to width of the access road and signage which restricts access to residents only.

The proposal is consistent with policy LP TRAN 4 of the emerging local plan.

E. Infrastructure

There is no drainage or water supply changes proposed.

CONCLUSION

This proposal will provide improved access to a number of properties directly adjacent to the marina development. It will further improve the amenity value of the rear gardens of these properties. The layout changes within the site, required to provide this access road, present no amenity or road safety issues and are also considered to be acceptable.