

Reference Number: 08/01597/OUT
Applicants Name: Mr and Mrs Hutchinson
Application Type: Outline
Application Description: Erection of Dwellinghouse
Location: Land East of Burnside Cottage, Montford, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse on a plot of 0.25 hectares (no details submitted)
- Formation of vehicular access onto Burnside Road

(ii) Other specified operations.

- Connection to public water supply and waste water network.
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(B) RECOMMENDATION

It is recommended that planning permission be **refused** for the reason set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application site is located within the settlement of Rothesay for the purposes of both the Bute Local Plan 1990 and the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008. In terms of its relationship with existing buildings and the surrounding landscape, it constitutes a 'rounding-off' of this part of Montford. Although the application is in outline form only, it is considered that suitably-worded conditions could be attached to successfully integrate a dwellinghouse with other buildings in the Rothesay Conservation Area.

The main issue in respect of the proposal relates to road safety. There are a lack of passing places between the application site and the junction of Burnside Road and Craigmore Road. Also, importantly, there is a shortfall of 26 metres in terms of an acceptable visibility splay looking in a northerly direction from the junction of Burnside Road and Craigmore Road. Given the intensification in the use of this junction and access as a result of an increase in traffic generated by an additional dwellinghouse, the proposal is considered to be unacceptable in road safety terms.

For the above reason, the proposal is considered to be contrary to Policies LP HOU 1 and LP TRAN 4 of the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008.

(ii) Representations:

Five letters of representation have been received.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Given the number of representations, there is no requirement for an informal 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.**

Not applicable.

(viii) **Has a sustainability Checklist Been Submitted:**

No.

**Angus J Gilmour
Head of Planning
12th June 2009**

Author: Steven Gove
Reviewing Officer: David Eaglesham

Date: 12th June 2009
Date: 12th June 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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01597/OUT

1. In the interests of road safety, having regard to the intensification in use of Burnside Road as a result of an additional dwellinghouse. This private road has a lack of passing places between its junction with the application site and its junction with Craigmore Road. Furthermore, the visibility splay in a northerly direction at the junction of Burnside Road and Craigmore Road is 16 metres by 2.4 metres, which is significantly less than the recommended visibility splay of 42 metres by 2.4 metres. No indications have been given by the applicant that he would have the requisite control over the land necessary to improve the passing place situation or increase the northern visibility splay to the required standard.

On the basis of the foregoing, the proposal is considered to be contrary to Policies LP HOU 1 and LP TRAN 4 of the Argyll and Bute Local Plan (post Inquiry Modifications) 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01597/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 1 encourages up to large scale development on appropriate infill, rounding-off and redevelopment sites within Main Towns (such as Rothesay).

STRAT DC 9 seeks to resist development that would damage or undermine the historic environment, including Conservation Areas.

STRAT HO 1 encourages appropriate forms and scales of housing infill, rounding-off, redevelopment and change of use to housing within the settlements where it is consistent with STRAT DC 1-10.

Bute Local Plan 1990

POL HO 1 encourages the development of infill and redevelopment sites including rounding-off for private housing in the settlements such as Rothesay.

POL BE 6 seeks to prevent any deterioration in the character and setting of the Rothesay Conservation Area through unsympathetic new development.

POL BE 15 seeks to achieve a high standard of layout and design where new urban developments are proposed.

POL BE 16 seeks to retain existing trees within or directly adjacent to settlements and requires that developments within its powers of control do not lead to the destruction of trees, woodlands and hedges.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

LP ENV 7 seeks to resist development that would be likely to have an adverse impact on trees and will ensure, through the development control process, that adequate provision is made for the preservation of woodlands/trees.

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 14 presumes against development that does not preserve or enhance the character or appearance of an existing Conservation Area. Outline planning applications will not normally be considered appropriate for proposed development in Conservation Areas.

LP ENV 19 *'Development Layout, Setting & Design'* requires developers to execute a high standard of setting, layout and design where new developments are proposed.

LP HOU 1 promotes housing development within Main Town unless there is an unacceptable environmental, servicing or access impact.

LP TRAN 4 seeks to resist development that would be served by an existing private access regime, where that regime is considered to be of such a poor standard and there is no mechanism for improving the situation to an acceptable standard.

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

Outline Planning Permission (ref: 97/01647/OUT) for the erection of two dwellinghouses at the subject site was refused on 5th February 1998. This refusal was on the basis that the development would be prejudicial to road safety as the site cannot be adequately accessed from Quarry Road (Burnside Road) which is substandard in its construction and geometry, including the junction with the A844 which has substandard sightlines.

An informative note was attached to the refusal decision notice which stated that, if the reason for refusal could be adequately addressed and accommodated, the development of the site for two dwellings would appear to be acceptable in principle.

(iii) CONSULTATIONS

Scottish Water (letter dated 17th September 2008)

No objections.

Area Roads Manager (report received 5th November 2009)

Recommends deferral on the basis that the northern sightline is less than the required standard. To achieve the requisite standard, lowering of boundary wall is necessary and evidence is required as to whether this can be achieved.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Article 9, Section 60 and as a Potential Departure from the Development Plan (closing date 10th October 2008). Five letters of representation have been received – Mr and Mrs Johnson, Millburn, Ascog, Isle of Bute (letter dated 24th September 2008); R and E Brown, Ascog Mill Cottage, Ascog, Isle of Bute (letter dated 25th September 2008); Dr and Mrs Reid, Millburn Cottage, Ascog, Isle of Bute (letter dated 28th September 2008); Alasdair Macrae, 44 Craigmore Road, Rothesay, Isle of Bute (letter dated 30th September 2008); and Iain Macrae, 45 Craigmore Road, Rothesay, Isle of Bute (letter dated 5th October 2008).

The points raised can be summarised as follows:

- i. Concern is expressed that the granting of a dwelling on this site would have serious consequences for road safety. Traffic approaching along the A844 from the south appears from around a bend and a hump in the road. Traffic from the north is obscured by on-street car parking and the front boundary wall of 45 Craigmore Road.
- ii. Concern that the width of Burnside Road and the lack of passing places could mean that an entering vehicle may have to reverse into the main road's traffic stream.
- iii. Burnside Road was rebuilt in 2002 to cover a number of public services. Concern is expressed that the road and these services would not be capable of supporting the further traffic movements that would result from the proposed development.
- iv. Concern is expressed that the application is in 'outline' form only, particularly when the site is within the Rothesay Conservation Area.
- v. The application form states that no trees or shrubs will be removed but it is contended that this would not be the case.

All of the above points will be addressed in the 'Assessment' section below.

(v) APPLICANTS' SUPPORTING INFORMATION

Marshall Associates, acting on behalf of the applicants, have submitted three letters of support (dated 5th September 2008, 23rd October 2008 and 6th April 2009). The points raised can be summarised as follows:

- a) It is contended that the existing sightlines from Burnside Road onto Craigmore Road are 30 metres x 2.5 metres to the north and 70 metres x 2.5 metres to the south;
- b) The traffic on Burnside Road is light, serving only the drainage-water treatment plant and five dwellings. Provision of one further dwelling presents the prospect of only a negligible increase in an already low volume of vehicle movements;
- c) All residents of Burnside Road have to use the junction with Craigmore Road. If there are deficiencies in the design of the junction, it seems unreasonable that responsibility for improvement of the junction should rest with any individual resident;
- d) The application site is owned by the applicant. The applicant does not own Burnside Road, or its verges, or the boundary walls of other properties. Neither does the applicant have any powers to require improvement works to be undertaken at his request;
- e) If road safety at the junction is perceived still to be an issue then it would need to be addressed by Argyll and Bute Council who, once establishing and substantiating the extent of the problem, would need to include any necessary alterations in their ongoing programme of works. Refusing planning permission for another dwelling will not improve the junction;
- f) The applicant has calculated that perhaps 73,000 vehicle movements have occurred at the junction over the last 10 years and has established, in correspondence with Strathclyde Police, that no accidents have been reported at the junction over the same period. The additional one dwelling would result in a total of six dwellings sharing Burnside Road and it is submitted that this will not present a material change to the volume of traffic using the junction.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01597/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Permission in principle is sought for the erection of a single dwellinghouse on land measuring 0.25 hectares to the east of Burnside Cottage, Montford, Rothesay, Isle of Bute. Connection will be made to existing public services whilst a new vehicular access is shown to be taken from the adjacent private road, referred to as Burnside Road.

In terms of the principle of the site for residential purposes, the site is located within the settlement of Rothesay in both the existing Bute Local Plan 1990 and the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008. In this respect, it represents a rounding-off of the settlement at this point in Montford as, when moving in a westerly direction from the site, one enters the *Countryside Safeguarding Zone* (Bute Local Plan) and *Countryside Around Settlement* (Post Inquiry Modifications), both of which are relatively prohibitive of residential development.

For this reason the proposal is considered consistent with Policy STRAT DC 1 and STRAT HO 1 of the Structure Plan, POL HO 1 of the Bute Local Plan but not Policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications as there are access issues that are explored in detail below.

B. Location, Nature and Design of Proposed Development (Including Impact Upon Built Environment)

The site is located within the Rothesay Conservation Area and it is normal procedure for applications within such a designated site to be detailed in nature. In this particular case, the site is tucked to the rear of the main linear row of residential properties along Craigmores Road. In addition, there are a variety of building types in the general vicinity of the site. As a further point, the agent has submitted a sketch drawing of a two-storey dwelling to indicate what might be achievable.

In this particular instance, it is considered feasible that suitably-worded conditions could be attached to any outline permission granted that would successfully address the question of the design of the dwellinghouse.

On the basis of the foregoing, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area. **The proposal would, therefore, be consistent with Policies ENV 10, ENV 14 and ENV 19 of the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008.**

C. Road Network, Parking and Associated Transport Matters.

The application proposes the formation of a vehicular access onto Burnside Road, which is a surfaced single track private road that presently serves five dwellinghouses. Burnside Road in turn has a junction with Craigmores Road (the A844).

As mentioned previously in this report, the site has a planning history, with an application for two dwellings (ref: 97/01647/OUT) being refused in February 1998 on road safety grounds. At that time, it was considered that Burnside Road was substandard in its construction and geometry and that there were inadequate sightlines at the junction of Burnside Road and Craigmores Road.

In the interim period, works were carried out to Burnside Road in 2002 by Scottish Water and its surface is now probably an improvement on the situation in 1998. However, as the Area Roads Manager has pointed out, there are no formalised passing places beyond the junction with Craigmores Road.

In terms of the existing visibility splays at the junction of Burnside Road and Craigmores Road, the Area Roads Manager has advised that the sightline that is attainable in a southerly direction is 70 metres x 2.4 metres. However, the sightline that is attainable to the north is 16 metres x 2.4 metres. Both of these are measured from the existing channel or extended channel line. These measurements are different from those put forward by the agent (letter dated 5th September 2008) but it should be pointed out that his measurements were taken to the far (eastern) side of Craigmores Road rather than the correct nearside (western). This would account for the difference in measurements.

The minimum requirement for visibility splays in this situation is 42 metres x 2.4 metres and the sightline to the north is significantly deficient (by some 26 metres). The main obstruction to visibility to the north is the boundary wall of No.45 Craigmores Road. In order to attain the requisite visibility, it would be necessary for the

applicant to enter into a legal agreement with the owner of the wall to ensure that it could be lowered to a height of no more than 1 metre above the level of the carriageway.

The road safety issues have been discussed in person with the applicant and his agent. No indication has been given that the applicant would be able to enter into any agreements in respect of providing passing places for Burnside Road or for the lowering of the boundary wall of 45 Craigmore Road. He has contended that there have been no accidents at this junction over the last ten years and that the additional dwelling would not significantly increase vehicle movements. The Department would respond by stating that there would inevitably be an increase in traffic movements at this junction and that these would significantly increase the chances of an accident occurring, particularly in the context of a junction with such substandard sightlines. A further material consideration is the decision to refuse permission in 1998, particularly when there has been no significant improvement to the situation in the intervening period.

On the basis of the foregoing, it is considered that the proposal would have an unacceptably adverse effect upon road safety at this particular area, contrary to LP HOU 1 and LP TRAN 4 of the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008.

D. Effect Upon Trees

The majority of the site is covered by overgrown scrub whilst a band of more mature woodland partly bounds the site to the north and west. If permission were ultimately to be granted, the impact of a dwellinghouse on trees within the site would be capable of being controlled via suitably-worded conditions, including the submission of a tree survey.

On this basis, it is considered that the proposal would accord with the Policies POL BE 15 of the Bute Local Plan and LP ENV 7 of the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008.

E. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has raised no objection to this proposal subject to advisory information being attached to the grant of planning permission.

CONCLUSION

The application site is located within the settlement of Rothesay for the purposes of both the Bute Local Plan 1990 and the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008. In terms of its relationship with existing buildings and the surrounding landscape, it constitutes a 'rounding-off' of this part of Montford. Although the application is in outline form only, it is considered that suitably-worded conditions could be attached to successfully integrate a dwellinghouse with other buildings in the Rothesay Conservation Area.

The main issue in respect of the proposal relates to road safety. There are a lack of passing places between the application site and the junction of Burnside Road and Craigmore Road. Also, importantly, there is a shortfall of 26 metres in terms of an acceptable visibility splay looking in a northerly direction from the junction of Burnside Road and Craigmore Road. Given the intensification in the use of this junction and access as a result of an increase in traffic generated by an additional dwellinghouse, the proposal is considered to be unacceptable in road safety terms.