

Argyll and Bute Council
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/02077/PP

Planning Hierarchy: Local

Applicant: Mr Nicholas Staunton

Proposal: Erection of Dwellinghouse

Site Address: Land North West of Ardare, Colintraive

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank with outfall to burn

(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 below.

(C) HISTORY:

None.

(D) CONSULTATIONS:

Scottish Water (letter dated 28 January 2011): No objections.

Area Roads Manager (report dated 7 February 2011): No objections subject to conditions.

(E) PUBLICITY:

Neighbour Notification (closing date 10th February 2011) and advertised under Regulation 20 (closing date 18th February 2011).

(F) REPRESENTATIONS:

Two representations have been received from Ian and Ruth Warnock, Ardare, Colintrave (e-mail dated 9th February 2011) and G Greg Morris, Milton Wood, Colintrave (letter dated 10th February 2011). The issues raised can be summarised as follows:

- i. The proposal would have an adverse impact upon the habitat and species within the site, including; a heron family, wild ducks, otters, badgers, owls, robins, pheasant, grouse, red squirrels, Roe deer and Pine Martens.
- ii. The proposal would have a significant impact upon trees within the site. Current UK building insurance terms normally require that no large trees are located within 10-20 metres of a building.
- iii. There are issues with the position and design of the building – building line does not align with Ardare; proposed dwelling would have a different and deeper elevation than Ardare; there would be a substantial number of windows on both the north west and south east elevations.
- iv. The sole access road for the area and any construction traffic to the proposed site is over a small, single carriageway road and bridge with a weight limit of 7.5 tons. The heavy plant traffic for a new build may threaten structure and safety of the bridge. Furthermore, there are no pavements on this section of road, which is used by locals and visitors for walking, cycling and also wheelchairs. Much of the road has not been resurfaced and is already in poor repair.
- v. The proposed private sewage treatment arrangements would not be conducive to the habitat in the woods.

Comment: The above issues will be addressed in the Assessment section below.

- vi. There is a legal agreement preventing any building within 12 metres from the boundary with the property known as Ardare. This may affect the layout and positioning of parking and turning space within the plot.

Comment: This is essentially a legal issue between the parties concerned and does not have a material bearing upon the planning aspects of the case.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes

Summary of Design Statement:

- The client brief requires a fairly large family house to provide living accommodation for the sizeable family together with adequate accommodation for friends and relatives who would visit the house mainly (but not only) during the summer months;
- In consideration of the nature of the site, it is recognised that, although the overall area of the site is quite extensive, the footprint of the building should be kept to a minimum so that a limited number of trees have to be disturbed. Consideration should be given to the architectural style of existing buildings adjacent to the site, particularly Ardare to the south east;
- In order to provide a workable solution to the accommodation requirements, it is proposed to form a two storey house in relatively compact form. The character of the existing Ardare with its pitched natural slate roof and vertically proportioned windows has been taken into consideration;
- The access will be formed with 40 metres by 2.4 metres visibility splays and a traditional 5 bar gate set 6 metres back from the road. The access road will be formed to curve between existing trees and will be surface with plain kerbless bitumen macadam. A plain stockproof stob and wire fence is proposed along the frontage to the main road.

(iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(v) Supporting Information

Information in support of the application has been submitted by James Barr (letter dated 21st February 2012). The points raised can be summarised as follows:

- The proposed development is an infill site, with existing residential properties bounding to the east and west, both within and beyond the designated settlement boundary identified in the Argyll and Bute Local Plan for Colintrave. This plan states that infill development can be defined as being new development on land between existing buildings, and that housing development on an infill site in the countryside is supported in principle.
- The Proposals Map for Colintrave sets out a restricted settlement boundary that only covers some of the existing residential premises within the wider local area. In relation to the proposed development site, the plot sits between two existing residential premises within an area which boasts housing along the coastline. The settlement boundary promoted by the Council ends to the immediate west of the site; however, beyond this site to the east, there are numerous residential properties which are designated within a countryside location.
- The proposed development of a new dwelling in this location would not cause the extension of the existing settlement boundary, as it is evident in the Local Plan that there are already a number of residential properties located outwith the designated settlement boundaries in this area.

- In addition, the proposed development cannot further encourage or extend ribbon development along the coastline as it constitutes an infill site. Colintrave consists mainly of residential properties that extend along the coastline, with some included in the settlement boundary, and some outwith. The proposed development of an additional dwelling in this location would not set precedence for further expansion or ribbon development along the coastline, but merely utilise an infill site for a use appropriate in the surrounding area.
- No objection was received from the Council's Service Officer in relation to the proposed removal of trees on the site. Rather, advice and guidance were provided relating to re-planting on the site. In addition, the Service Officer noted in her comments that there are specimens on site which should be removed.
- Overall, the advice is that the proposed removal of some trees will allow for the replanting of younger specimens and this will assist in the longevity of wood cover. It is also stated that, in the wider context, tree cover is generally good in the immediate area and management of this portion will not result in the overall deforestation of the wider area.
- Presumptions appear to be made regarding future works that are not promoted as part of this proposal and outwith the remit of the works promoted on site. As a Tree Preservation Order area, it is worthwhile noting that any additional tree works would require approval by the Council and, therefore, can be monitored accordingly.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within Countryside Around Settlements

STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 6 – Development Impact on Habitats and Species

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 9 – Development Impact on National Scenic Areas

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Not applicable

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

A. Settlement Strategy

Planning Permission is sought for the erection of a dwellinghouse on a site measuring 2160 square metres located between the properties known as Milton Wood and Ardare, on the north eastern shores of the Kyles of Bute, Colintraive. In terms of the principle of developing the site for residential purposes, the site is located within the '*Countryside Around Settlement*' (CAS) zone that stretches in a south easterly direction along the shore from the minor settlement of Colintraive in the Argyll and Bute Local Plan 2009.

Within the CAS zone, the presumption in favour of development is limited to small-scale housing on infill, rounding-off, change of use of building and redevelopment sites provided that it does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

Whilst the application site is located between two existing dwellinghouses, it is heavily wooded and is a key environmental feature of special character. The erection of a dwellinghouse on this site would result in the extension of the established settlement boundary into an area which is of significant landscape value and, as such, it would not accord with the settlement strategy for this part of Colintraive.

In view of the foregoing, the proposal is considered to contravene Policies STRAT DC 2, STRAT DC 8 and STRAT HO 1 of the Structure Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan.

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

The application proposes the erection of a substantial two-storey dwellinghouse with a living room, kitchen/dining room, four bedrooms, two bathrooms and two utility spaces. The external finish will be ivory roughcast with a natural slate roof and ivory-coloured timber windows.

From a purely design perspective, there is a wide variety of designs and finishes along the shore. The design of the dwellinghouse very much borrows from the property to the immediate south east (Ardare) and, in this sense, it is considered to assimilate into this part of the shore.

Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "*Countryside Around Settlement*" although it is directly adjacent, on its western boundary, to an area termed "*Settlement Zone*". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as 'Ardare', which is to the immediate south east. The site is currently not located within the curtilage of 'Ardare' and, given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists a more defined garden ground, there is no evidence to suggest that it was actively used as the curtilage of 'Ardare' for many years. In this sense, the site is a key environment feature that acts as a break between the dwelling to the north west ('Milton Wood') and 'Ardare'.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal would, therefore, contravene Policy STRAT DC 8 of the Structure Plan and Policies LP ENV 9, LP ENV 19 and LP HOU 1 of the Argyll and Bute Local Plan 2009.

C. Impact Upon Habitats and Species

At the time of representations being submitted, concerns were expressed regarding the potential effect of the proposed development upon habitats and species within the site. As a result of these concerns, the applicant employed a consultant (Wild Surveys Ltd) to conduct a species survey, the results of which are contained within a report dated 21st June 2011. The conclusions of the report are the following:

- There are no roost records for the site and the trees on site currently have no potential for roosting bats. There is potential for bats to use the site to commute and forage and the removal of the selected trees would not prevent the commuting or foraging taking place;
- No field signs of badger activity were found within the site;

- No field signs of otter were found on the survey site. There is the potential for otter to use the burn and shoreline for foraging and commuting and, as this will not be altered as a result of the proposed development, the opportunity to use the burn and shoreline will continue;
- The water course had a very low potential for water vole due to the fast flowing water, stony river bed and lack of suitable bankside vegetation. No field signs were found;
- No field signs indicating red squirrel were found during the survey. Red squirrel may commute through or forage within the site as they are known to be present in the locality.

Recommendations were made in respect of a further re-inspection of the trees prior to any being removed and best practice guidance for the protection of otters and badgers during construction.

This report was submitted to the Local Biodiversity Officer and she is satisfied that what is proposed in terms of the footprint of the building and access will not compromise the biodiversity of the site providing the integrity of the woodland is maintained.

On the basis of the foregoing, the proposal is considered to be in accordance with Policy LP ENV 6 of the Argyll and Bute Local Plan 2009.

D. Impact Upon Trees

The trees within the application site are protected by a Tree Preservation Order (ref: 07/92) which was originally conferred on 7th November 1992. The Order does not cover just the application site but a fairly sizeable coastal strip stretching from the property known as '*Milton Wood*' at the north west to the property known as '*Millhouse*' at the south east.

The site, which was previously part of the land associated with Ardare, has not been managed as a woodland and this is apparent from the presence of some dead specimens together with the significant *Rhododendron ponticum* growth and a number of relatively unsafe other large specimens. The Alder on the site is assumed to have been self-seeded along the water margins – this being a species drawn to damp soil condition where it will tolerate very poor conditions.

The proposal identifies the removal of six Beech trees, three Ash trees and one Alder and the Council's Horticulture Officer has recommended that at least twelve younger specimens are planted as replacements.

Notwithstanding that the woodland has not been properly managed over the years, the trees within it have been deemed worthy of protection through a Tree Preservation Order. In addition, and as mentioned elsewhere in this report, it is considered that these trees provide a distinctive and valuable buffer between the properties known as '*Milton Wood*' and '*Ardare*'. Furthermore, the woodland contributes to the tree cover in the wider area.

It is considered that the erection of a dwellinghouse would result in the loss of trees and would significantly alter the wooded character of the site. **On this basis, the proposal is considered to contravene Policy LP ENV 7 of the Argyll and Bute Local Plan 2009.**

E. Road Safety

The development proposes the formation of a new vehicular access onto the U17 Couston road, which has a 60 m.p.h. speed restriction. The required sightlines based upon an 85%ile speed of 30 m.p.h. are 42 metres x 2.4 metres. The requirements recommended by the Area Roads Manager can be achieved through suitably-worded conditions whilst sufficient parking spaces are identified within the site.

On the basis of the foregoing, **the proposal is considered to accord with Policies LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.**

F. Infrastructure

It is proposed to connect into the public water main and Scottish Water has confirmed that such a connection is feasible. As there are no public sewers available in the vicinity of the site, a septic tank or biodisc unit is proposed with outfall to an existing burn.

No objections have been received to these proposed arrangements and there is nothing to suggest that they are not acceptable.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Not applicable – application being recommended for refusal

(S) Reasoned justification for a departure from the provisions of the Development Plan

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Steven Gove

Date: 23/3/2012

Reviewing Officer: David Eaglesham

Date: 26/3/2012

**Angus Gilmour
Head of Planning & Regulatory Services**

REASON FOR REFUSAL RELATIVE TO APPLICATION REF: 10/02077/PP

1. Colintrave is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "*Countryside Around Settlement*" although it is directly adjacent, on its western boundary, to an area termed "*Settlement Zone*". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as '*Ardare*', which is to the immediate south east. The site is currently not located within the curtilage of '*Ardare*' and, given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists a more defined garden ground, there is no evidence to suggest that it was actively used as the curtilage of '*Ardare*' for many years. In this sense, the site is a key environment feature that acts as a break between the dwelling to the north west ('*Milton Wood*') and '*Ardare*'.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal is, therefore, contrary to the following policies:

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within Countryside Around Settlements

STRAT DC 8 – Landscape and Development Control

STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 9 – Development Impact on National Scenic Areas

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/02077/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Location Plan (Scale 1:10,00); Drawing No. 1246 – LP1 A; Drawing No. 1246 – SP1 A; Drawing No. 1246 – SP2 B; and Drawing No. 1246 : p 01b.

(B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No