

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: 13/00665/PP

Planning Hierarchy: Local application.

Applicant: Mrs Isobel Stirling

Proposal: Erection of dwellinghouse, upgrading of septic tank, provision of new water supply, landscaping and car parking provision.

Site Address: Ballochyle Farm, Sandbank, Dunoon

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse (white render and natural slates);
- Upgrading of existing septic tank (no details submitted);
- Provision of new private water supply;
- Formation of car parking area (three spaces);
- Associated landscaping and boundary treatments (including tree planting and fencing);
- SuDS (no details).

(ii) Other specified operations

- Removal of trees (indicative).
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(B) RECOMMENDATION:

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

(C) HISTORY:

The historical farmstead of Ballochyle Farm was split into two residential units (i.e. Cottage 2 on the north wing and Cottage 3 on the south wing). Planning permission (ref. 05/02354/COU) was granted on 6 February 2006 for the conversion of a storage building attached to Cottage 3 into a separate dwellinghouse.

Planning permission (ref. 06/00307/COU) was granted on 4 July 2006 to convert the dwellinghouse (cottage 2) on the northern wing of Ballochyle Farm into two separate dwellinghouses.

(D) CONSULTATIONS:

Area Roads Manager (response dated 8 April 2013): No objections subject to conditions regarding parking provision.

Public Protection (response dated 23 May 2013): No objections in principle but comments regarding private water supply and foul drainage arrangements.

(E) PUBLICITY:

The application was advertised under Regulation 20(1) Advert Statement (expiry date 24 May 2013).

(F) REPRESENTATIONS:

Five letters/emails of objection have been received from:

Jennifer A Harrison and Anthony S Watkins, Cottage 4, Ballochyle Farm (letter dated 11 May 2013);
Mr. Tom Pierson, *1 Ballochyle Estate*, Sandbank (letter dated 12 May 2013);
Mrs. Kirsteen Manuel, *Ballochyle* (letter received 16th October 2009);
Mr. Euan Macdonald, Stewart and Bennett Solicitors on behalf of Mrs. Manuel (email dated 28 May 2013);
Councillor Bruce Marshall, Violet Grove, Strone (email dated 29 May 2013).
The points raised can be summarised as follows:

- *Local Councillor objects on behalf of the neighbours who have great concern with regard to location, proximity to another residence and water supply amongst other issues;*
- *Ballochyle Farm was designed in the 1920s as a model farmhouse when the settlement character was established and not by 'recent' applications as suggested by the agent. The layout of the original Ballochyle Farm buildings and 1 Ballochyle are indicative of rural building design of that period with their large gardens, avenue tree planting and east facing aspects;*
- *The proposed new building will directly overlook cottages 1 and 2 only some 20-25 metres away which will impinge on the privacy of the occupants of those dwellings and will adversely intrude upon the model concept of Ballochyle Farm;*
- *Submitted drawings do not accurately show a garden office which was constructed between 2000 and 2006 and sits close to the southern boundary. The proposed dwellinghouse would be located only 4 metres from this structure with a clear loss of amenity and any proposed amenity planting would impose even greater shading of this building;*
- *Proposed dwelling will have a deleterious impact on both the natural and existing built environment;*
- *Proposed dwellinghouse has been designed not to further regenerate Ballochyle Farm (which was never derelict) but to secure planning consent with no consideration for the neighbours or the wider estate. The design is out of character with the surrounding dwellings and the proposed location would upset the proportions of space between buildings.*
- *Proposed modern dwelling has been designed with no windows on the north facing elevation to fit the limited space available;*

- *Access to the proposed building will be between two trees within a row of 14 mature Western Red Cedar trees. Vehicular traffic and excavation will have a detrimental effect on the root system leading to their demise;*
- *The avenue of Western Red Cedar trees were originally planted in the late 1920s at the same time as the farm was built. The trees were planted 13 metres apart and over the intervening years the root systems will have become intimately intertwined. Western Red Cedar is a relatively shallow rooting species;*
- *Access will be made over an unmade road where additional traffic will create ongoing problems with potholes and damage to verges. Additional visitor traffic may park on the access road creating major access problems for those with an existing legal right of way;*
- *Access to proposed dwelling runs across more than one right of access;*
- *The residents of Ballochyle formed a committee to pay for the upgrade of the main entrance road. The applicant has not contributed to the upkeep;*
- *Conversion of original property into two cottages has resulted in an increase in traffic and issues in usage of servitude rights;*
- *The previous owners of Cottage 3 obtained planning permission on appeal for a new dwelling approximately 300 feet to the south of the proposed site. The new owners have no intention of implementing this permission and a statement in the supporting document that this property is "in the course of erection" is entirely false;*
- *Applicant does not enjoy any right to extract water from the river in order to supply the development site;*
- *Have tests been carried out to prove that usage from a borehole is acceptable? Issues concerning the right to use water from the Little Eachaig and ownership issues;*
- *Leachate from both the Glenkin and Dalinlongart landfill sites discharges into the Little Eachaig River must be of concern when considering the river as a source of drinking water;*
- *Exception taken to the agent's derogatory comments concerning the Ballochyle Estate private water supply which is being used by the owner of Cottages 1 and 2 (the applicant) and these cottages are used as holiday lets. In 30 years of living at No. 1 Ballochyle Estate, no one to my knowledge has ever been unable to drink the private water supply water and the water from the spring supply has never been known to dry up;*
- *Owner of Ballochyle not correctly neighbour notified;*
- *Address given in application form is incorrect. The building adjacent to the application site was originally Ballochyle Farm, then The Courtyard and now Ballochyle Cottages 1, 2, 3 and 4. Ballochyle Steading is located just to the south of Ballochyle House;*

A response (dated 10 June 2013) has been received from the applicant's agent to clarify some of the concerns raised above and these are summarised below.

The agent confirms that his clients own a considerable stretch of the river bank and have full rights to the river. The applicant has expressed desire not to draw water from the river and a potable borehole would be carried out in accordance with standard accepted procedures. The existing private water supply cannot be relied upon which is why the borehole is proposed. Contrary to objectors comments that the proposed dwelling to the south of Ballochyle Farm has a building

warrant but the development is still subject to ongoing legal proceedings. On conclusion of these proceedings, the project will re-commence.

The avenue of trees already has a vehicular access running through it and has no TPO on them.

In terms of the adjacent detached office building, the agent does not believe that the proposed dwellinghouse will cause any loss of amenity or daylighting.

Comment: Refer to Assessment below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: N

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N

(iii) A design or design/access statement: Y

In the Design Statement (March 2013), the applicant's agent comments that the site is located within a Rural Opportunity Area and as such has presumption in favour of small scale residential development. The settlement character has been established over earlier applications however the main characteristic of the immediate context is the cluster of buildings at Ballochyle centred on the existing courtyard steading. The new dwelling has been carefully designed to offer a sustainable rural family home and be harmonious with the adjacent building typologies, demonstrating the same elongated narrow form of the adjacent steading. The large area of unused garden space will still result in each house having in excess of 300m² of private garden area.

The potable water supply can be created from two possible sources; either the Little Eachaig River or a specifically constructed bedrock borehole. The applicant owns the field highlighted blue which includes a substantial length of the riverbank. Transtech's report for another proposed dwelling nearby is considered to be still current for this supply and there is sufficient capacity in the river to supply all of the dwellings future requirement. The new property can be supplied with potable water without having to use the unreliable and often un-drinkable existing private water supply.

The existing advanced Klargester BD Biodisc active treatment tank to serve the two courtyard houses will be replaced with a larger tank that will accommodate all of the new dwellings foul water requirements. All of the percolation results that were conducted for the building warrant for the existing Biodisc tank are still applicable to the new system.

In terms of legal rights, the owner of Cottages 2 and 4 has full access rights across all estate roads and there are no outstanding boundary or ownership issues.

(iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(l) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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.

a) Argyll and Bute Structure Plan 2002:

STRAT SI 1 Sustainable Development ;
STRAT DC 4 Development in Rural Opportunity Areas (ROA);
STRAT DC 10 – Flooding and Land Erosion;
STRAT FW 2 Development Impact on Woodland;
STRAT HO 1 Housing – Development Control Policy.

b) Argyll and Bute Local Plan (August 2009):

The application site is located within a Rural Opportunity Area (ROA) outwith the settlement of Sandbank where the following policies are applicable:

LP ENV 1 Development Impact on the General Environment;
LP ENV 7 Development Impact on Trees / Woodland;
LP ENV 19 Development Setting, Layout and Design (*including Appendix A Sustainable Siting and Design Principles*);
LP HOU 1 General Housing Development;
LP SERV 1 Private Sewage Treatment Plants;
LP SERV 2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);
LP SERV 4 Water Supply;
LP SERV 8 Flooding and Land Erosion;
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.

Argyll and Bute Proposed Local Development Plan (February 2013);
Scottish Planning Policy (February 2010);
Planning Advice Note PAN 44: Fitting New Housing Development into the Landscape;
Planning Advice Note PAN 72: Housing in the Countryside;
Planning history;
Representations.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N

(L) Has the application been the subject of statutory pre-application consultation (PAC): N

(M) Has a sustainability check list been submitted: N

(N) Does the Council have an interest in the site: N

(O) Requirement for a hearing (PAN41 or other): N

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

The determining issue in an assessment of this proposal is whether the siting and design of this contemporary dwellinghouse would complement the immediate settlement character and amenity of the existing surrounding dwellings within a Rural Opportunity Area (ROA).

The proposal would result in an awkward and unacceptable infill development between existing residential properties. The proposed development would remove garden ground belonging to Ballochyle Farmhouse cottages which would not only alter their rural setting but result in issues of overlooking and loss of amenity and privacy. Similarly, the amenity and privacy of the detached dwellinghouse to the north of the proposed dwellinghouse would also be seriously affected by the close proximity and scale of the proposed dwellinghouse.

While the Sustainable Design Guidance contained in the Argyll and Bute Local Plan promotes innovative and energy conscious design, it is important that dwellings within ROAs are attractively sited and appropriate. One of the main aims of Design Guidance 1 is to ensure that future development is in sympathy with its landscape and its surroundings where there is a need to consider both the relationship of new dwellings to their landscape setting and their relationship to other buildings within their immediate area. Although the proposed long, narrow building displays traditional design features, its orientation and location in such close proximity to existing dwellings would result in a cramming effect which would be contrary to the character of the immediate area.

Furthermore the location of the proposed dwellinghouse could result in damage to the avenue of trees by virtue of creating a car parking area between two of these mature Western Red Cedars. These trees constitute a significant landscape feature within the estate and offer amenity value. Given the narrow verges beside the access track, it is considered that construction and visitor traffic could result in damage to their root systems which are shallow and intertwined with the other trees within the avenue.

Five letters / emails of objections have been received from neighbours concerning inappropriate infill development, settlement character, proximity and scale of development, loss of amenity and privacy, damage to trees, private water supply and access issues. Whilst some of the matters raised (i.e. servitude rights, upkeep of the private road, rights to water supply and development of a plot nearby) are considered to be civil matters between affected parties, the department concurs with the views regarding the unacceptable nature and adverse impact of the proposed development upon established settlement character and setting and amenity of existing dwellinghouses.

Given the rural and open nature of the immediate area, the proposed dwellinghouse with its particular siting, orientation, design and layout, does not conform to the layout and pattern of surrounding existing buildings which would be at odds with the existing settlement character, sited between and in close proximity to existing dwellinghouses with potential damage to an established avenue of trees and therefore contrary to SPP, PAN 44, PAN 72 and to Policies STRAT SI 1, STRAT DC 4, STRAT DC10, STRAT FW 2, STRAT HO 1 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1, LP ENV 7, LP ENV 19, LP HOU 1, LP SERV 2 and LP SERV 8 of the Argyll and Bute Local Plan (August 2009) and accordingly does not justify the grant of planning permission. These policies are unaffected by policies contained in the Argyll and Bute Council Proposed Local Development Plan.

(Q) Is the proposal consistent with the Development Plan: N

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

1. Having regard to the siting, design and layout of the proposed dwellinghouse, in close proximity to existing surrounding dwellinghouses, the development would not complement, but be at variance with the existing settlement character with its particular layout, orientation, scale and design. The orientation, design and layout of the proposed dwellinghouse are considered to be based upon the limitations of the site and relationship to adjacent dwellinghouses. The immediate area is characterised by the prominence of the former Ballochyle Farmhouse and the detached dwellinghouse at 1 Ballochyle Estate, where the spaces between and around these buildings are considered to provide an appropriate setting to dwellings of their scale, design and layout. For these reasons, the site for the proposed development on domestic garden ground for Cottages 2 and 4 is not regarded as appropriate infill development. Development on this site in close proximity to these dwellinghouses would remove important amenity spaces which would affect the setting of these dwellings and result in a loss of amenity and privacy for these dwellings. Additionally, the proposed dwellinghouse would be sited in close proximity to the adjacent dwellinghouse at 1 Ballochyle Estate, its outbuildings and private garden area. The siting of the proposed dwellinghouse 4 metres from the mutual boundary would result in a loss of privacy and amenity in addition to potential loss of daylighting. Accordingly, such a dwellinghouse with its particular siting, scale and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment within the Rural Opportunity Area. The proposal is considered to be contrary to, SPP, PAN 44, PAN 72; Policies STRAT SI 1, STRAT DC 4, STRAT FW 2, STRAT HO 1 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1, LP ENV 7, LP ENV 19, LP HOU 1 and LP SERV 2 of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.
2. The applicant has failed to provide any information in respect of surface water drainage proposals (SuDS) for the application site. The lack of precise drainage arrangements incorporating a SuDS scheme to alleviate potential flooding of the site and adjacent properties and their land is contrary to: Scottish Planning Policy SPP7 – ‘*Planning and Flooding*’ and PAN 69 ‘*Planning and Building Standards Advice on Flooding*’; Policies STRAT SI 1 ‘*Sustainable Development*’ and STRAT DC10 ‘*Flooding and Land Erosion*’ of the Argyll and Bute Structure Plan 2002; and policies LP SERV 2 – *Sustainable Drainage Systems (SuDS)*, LP SERV 3 ‘*Drainage Impact Assessment*’ and LP SERV 8 ‘*Flooding and Land Erosion*’ of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.
3. The avenue of Western Red Cedars bordering the access road serving these properties, constitutes a significant landscape element within the Rural Opportunity Area. The proposed development would result in the removal or damage to the avenue of Western Red Cedar trees to accommodate a parking bay and pedestrian access to the development. The proposed development is therefore considered to be contrary to policies STRAT SI 1 and STRAT FW 2 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1 and LP ENV 7 of the Argyll and Bute Local Plan (August 2009).

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

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Brian Close

Date: 20 June 2013

Reviewing Officer: David Eaglesham

Date: 21 June 2013

Angus Gilmour
Head of Planning & Regulatory Services

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/00665/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Within the Argyll and Bute Local Plan, the application site is located within a Rural Opportunity Area (ROA). This large ROA runs from Glen Lean and Balagowan in the south-west towards Cairdie House at the north and includes Ballochyle House, Ballochyle Steadings and former Ballochyle farm buildings (now converted into 4 residential units) in addition to other scattered dwellings and SNH office within the central portion.

The majority of the land surrounding the application site to the west, north and south is in the ownership of Ballochyle Estate and used primarily for sheep grazing purposes. The immediate area contained within the private access track is characterised by the traditional Ballochyle farm courtyard buildings that have recently been converted into four separate dwellinghouses, scattered farm outbuildings of timber and corrugated iron construction to the south, detached one-and-a-half storey dwellinghouse at 1 Ballochyle Estate and disused forestry shed to the north. This compartment also includes large areas of open space creating generous separation between the existing buildings in character with the low density and rural nature of the area.

STRAT DC 4 of the Argyll and Bute Structure Plan gives encouragement to small scale developments in ROAs on suitable sites which in terms of siting and design, will visually integrate with the landscape and settlement pattern; this may include small scale development in open countryside as well as small scale infill, rounding-off, redevelopment and change of use of building development.

Policy HOU 1 of the Argyll and Bute Local Plan states a presumption in favour of housing within ROAs where there is a general capacity to successfully absorb small scale housing development that would be in tune with the landscape character and settlement pattern.

The proposed dwellinghouse would remove garden ground belonging to the dwellinghouses within the north wing of the Ballochyle Farm courtyard development which would reduce separation distances between this major existing building and a detached dwellinghouse to the north. The space between these existing buildings would not allow for suitable infill development given proximity to the southern boundary of the dwellinghouse at 1 Ballochyle Estate. The erection of a dwellinghouse within the space between these buildings would result in a cramming effect which is contrary to the open nature of the immediate area. The proposed development is therefore considered to be unacceptable infill development which would also be contrary to the immediate settlement pattern and would not complement the layout and setting of existing dwellings. The proposed development is therefore inconsistent with policies contained in the adopted Argyll and Bute Local Plan and Argyll and Bute Structure Plan. These policies are unchanged in the Argyll and Bute Council Proposed Local Development Plan.

The development is not in tune with the character of the immediate built environment and does not respect the surrounding low-density and scattered development pattern. The proposal would result in a cramming effect between existing buildings resulting in unacceptable infill development that would be inconsistent with policies STRAT DC 4 and HO 1 of the Argyll and Bute Structure Plan and Policies LP ENV 19 and LP HOU 1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site includes cottages 2 and 4 within the northern wing of the Ballochyle Farm development and associated garden ground that extends 31 metres northwards to the southern boundary of the adjacent dwellinghouse at 1 Ballochyle Estate. Cottage 2 is a two-storey dwellinghouse with cottage 4 forming the attached single storey extension on the northern wing of the courtyard conversion development. The application site also extends to the east to link up with

the access track which serves cottage 2. An existing Bio-disc septic treatment plant is situated within the central portion of the garden area together with two LPG tanks that are sited along the northern boundary of the application site. The application site also includes an off-street car parking area serving cottage 4.

The former main vehicular access over the bridge past Dalinlongart Farm has now been formally closed due to storm/flood damage when the buttresses of the bridge were washed away. The principal access to the application site is now provided by the existing estate road running north where it connects with the Glen Massan road near Inverreck Nursing Home. This road has recently been resurfaced and improved for vehicular traffic.

The site is bounded to the west by an avenue of twelve mature cedar trees.

(ii) Development Layout

The dwellinghouse has been designed on the theme of a traditional long cottage and sited gable end-on to the access track. The building itself would be long (24 metres) and slim (5.5 metres) with a slated pitched roof and white rendered walls. The dwelling would have a higher (6.5 metres to ridge) western section with 1 metre lower eastern section. A lean-to porch would be situated centrally on the north facing elevation. Whilst the main entrance porch feature is located on the northern elevation the dwelling would be sited with its main elevation facing south towards Cottages 2 and 4.

The dwellinghouse would provide two levels of accommodation in the western wing with single storey in the eastern wing. On the ground floor, the main entrance would be located on the northern elevation into a long hall where a lounge, kitchen/dining, two bedrooms and bathroom would be located. On the upper level, a further two bedrooms would be located. The only window on the northern elevation would be from a hall window which faces the porch. On the main side elevation facing south, windows from all principle and secondary rooms are located with windows from ground and upper bedrooms on the west gable and two lounge windows on the east facing gable. Four rooflights are located on the north facing roof slope with one on the porch roof. Five rooflights are proposed on the south facing roof slope. The dwellinghouse features an oversized chimney feature on the low part of the dwelling.

It is proposed to create a pedestrian access to the dwelling with a car parking area for three vehicles adjacent. A post and wire fence is proposed to separate the new dwelling from the adjacent dwellings in Ballochyle Farm to create a private garden area.

It is proposed to create a new water supply with a borehole shown within the field to the east and a new septic tank system (no details submitted) will replace the existing septic tank that is located 9 metres north of cottages 2 and 4. It is proposed to re-locate two LPG tanks that are currently sited along the northern boundary and these will be moved to locations within the new fenced boundary. Indicative planting is shown but details have been submitted. The plans indicate that at least one mature tree will be removed.

(i) Assessment

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Local Plan (August 2009) where a high standard of appropriate design is expected in accordance with the Council's design principles. Development shall be sited and positioned to pay regard to the context within which it is located. Development layout and density shall effectively integrate with its countryside setting of the development. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Countryside Development Zones', 'the landscape could be easily spoiled by careless development and new houses within this landscape must respect local identity and the environment and should be designed taking the following advice into account:

- *Location – houses must be carefully located within the landscape to complement their surroundings and should make the minimum possible physical impact;*

The development of the long dwellinghouse has the capacity to overwhelm the character of the converted farmhouse development and dwellinghouse to the north by a development which would

remove the setting of the existing dwellings. The design and siting of the dwellinghouse merely highlights the difficulty in locating such a development in the space between existing buildings.

- *Siting – must respect existing landforms and development patterns and the amenity of other dwellings;*

The proposed dwelling would be almost as long as the adjacent farmhouse buildings but sited within 1.8 metres of the southern boundary of the adjacent dwellinghouse at 1 Ballochyle Estate. Whilst the lack of windows from habitable rooms on the north facing elevation would not lead to a loss of privacy for the occupants of 1 Ballochyle, it would be the physical presence and dominating effect which this long large structure would have on this neighbouring dwellinghouse. Whilst the dwellinghouse has been located some 21 metres away from the adjacent cottages 2 and 4, standard levels of amenity and privacy for these dwellings could still be seriously compromised unless high level screen planting could ensure that privacy levels could be maintained.

There is an avenue of mature trees along each side of the main access track. These have not been shown clearly on the plans and it would appear that at least two of these trees would have to be removed to accommodate the development.

- *Principles of Design – High standards of design are expected where scale form, proportions, materials, detailing, colour must all work together to enhance the existing built form and landscape;*
- *Materials and Detailing – materials and detailing should be compatible with the traditions of the area and be sympathetic to the landscape;*
- *Outbuildings – should relate to the main building in form and design and be carefully positioned on the site, relating to the house;*

In general terms the design of the proposed dwellinghouse is traditional in appearance with appropriate materials. However, whilst the scale and design of the dwelling is generally acceptable, the awkward siting of the dwelling between three existing dwellings and the impact on their setting and amenity levels is considered to be unacceptable.

- *Landscaping and Boundaries – where privacy and amenity is important, built form should be screened from viewpoints using appropriate native planting. Hard-landscaping should be kept to a minimum. Boundaries will either integrate a site or alienate it;*

Shrub and tree screen planting is proposed around the site with post and wire fencing. Planting is proposed along the northern boundary close to the dwellinghouse at 1 Ballochyle and its outbuildings. High screen planting could improve privacy but could also result in overshadowing and loss of daylighting. Whilst no precise details have been submitted in respect of proposed boundary treatments and planting, it is considered that specific conditions could control landscaping and screening of the site within its rural context.

- *Parking – car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings.*

The dwellinghouse would be served by the existing unbound access track. Parking for three vehicles is proposed facing the main entrance to the dwelling on land on the eastern side of the track between two mature trees.

Having due regard to the above, the proposal is considered to be inconsistent with Policy STRAT SI 1, STRAT DC 4 and STRAT HO 1 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV 19, HOU 1 and Appendix A of the Argyll and Bute Local Plan. These policies are unchanged in the Argyll and Bute Proposed Local Development Plan.

C. Impact on Woodland

The submitted drawings indicate that at least one mature tree within the avenue of Western Red Cedar trees would be removed. The scale and siting of the proposed dwellinghouse could result in damage to the avenue of trees by virtue of creating a car parking area between two of these mature Western Red Cedars. These trees constitute a significant landscape feature within the estate and offer important amenity value. Given the narrow verges beside the access track, it is

considered that construction and visitor traffic could result in damage to their root systems which are shallow and intertwined with the other trees within the avenue.

Having due regard to the above, the proposal is considered to be inconsistent with policies STRAT SI 1 and STRAT FW 2 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV1 and LP ENV7 of the Argyll and Bute Local Plan (August 2009). These policies are unchanged in the Argyll and Bute Council Proposed Local Development Plan.

D. Road Network, Parking and Associated Transport Matters

The private estate road leading from Ballochyle Farm to the junction with the Glen Massan Road has been resurfaced in recent years. Roads have no objections in principle to the proposed scheme subject to conditions regarding parking provision.

Having due regard to the above the proposal is considered to be consistent with Policies LP TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan. These policies are unchanged in the Argyll and Bute Council Proposed Local Development Plan.

E. Water Supply

The applicant proposes to sink a borehole south of the proposed development to establish a new private water supply. Public Protection note the agents comments regarding the findings of a recent report by Transtech in addition to having a survey carried out by Highwater Ltd. Whilst Public Protection offer no objections in principle, a suspensive condition is recommended requiring an appropriate hydrology report to be submitted for approval, depending on which source they intend to utilise.

Having due regard to the above the proposal with appropriate safeguarding condition is considered to be consistent with Policy SERV 4 of the Argyll and Bute Local Plan. This policy is unchanged in the Argyll and Bute Proposed Local Development Plan.

F. Foul Drainage

It is proposed to replace the existing Klargester BD Bio-disc active treatment plant currently serving the two courtyard houses with a larger tank that will accommodate all of the new dwelling's foul water requirements. Whilst this is annotated on the site plan, no details have been provided.

Public Protection is satisfied with the supporting information and a suspensive condition could be attached requiring full details of the replacement septic tank.

Having due regard to the above the proposal with appropriate safeguarding condition is considered to be consistent with Policy SERV 1 of the Argyll and Bute Local Plan. This policy is unchanged in the Argyll and Bute Proposed Local Development Plan.

G. Surface Water Drainage

Whilst it is indicated in the application form that SuDS will be installed, no details have been provided.

On the basis of a lack of information on proposed surface water drainage arrangements, the proposal is considered to be inconsistent with Policies SERV 2 and SERV 3 of the Argyll and Bute Local Plan (August 2009). These policies are unchanged in the Argyll and Bute Proposed Local Development Plan.

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 13/00665/PP

1. Having regard to the siting, design and layout of the proposed dwellinghouse, in close proximity to existing surrounding dwellinghouses, the development would not complement, but be at variance with the existing settlement character with its particular layout, orientation, scale and design. The orientation, design and layout of the proposed dwellinghouse are considered to be based upon the limitations of the site and relationship to adjacent dwellinghouses. The immediate area is characterised by the prominence of the former Ballochyle Farmhouse and the detached dwellinghouse at 1 Ballochyle Estate, where the spaces between and around these buildings are considered to provide an appropriate setting to dwellings of their scale, design and layout. For these reasons, the site for the proposed development on domestic garden ground for Cottages 2 and 4 is not regarded as appropriate infill development. Development on this site in close proximity to these dwellinghouses would remove important amenity spaces which would affect the setting of these dwellings and result in a loss of amenity and privacy for these dwellings. Additionally, the proposed dwellinghouse would be sited in close proximity to the adjacent dwellinghouse at 1 Ballochyle Estate, its outbuildings and private garden area. The siting of the proposed dwellinghouse 4 metres from the mutual boundary would result in a loss of privacy and amenity in addition to potential loss of daylighting. Accordingly, such a dwellinghouse with its particular siting, scale and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment within the Rural Opportunity Area. The proposal is considered to be contrary to, SPP, PAN 44, PAN 72; Policies STRAT SI 1, STRAT DC 4, STRAT FW 2, STRAT HO 1 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1, LP ENV 7, LP ENV 19, LP HOU 1 and LP SERV 2 of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.
2. The applicant has failed to provide any information in respect of surface water drainage proposals (SuDS) for the application site. The lack of precise drainage arrangements incorporating a SuDS scheme to alleviate potential flooding of the site and adjacent properties and their land is contrary to: Scottish Planning Policy SPP7 – '*Planning and Flooding*' and PAN 69 '*Planning and Building Standards Advice on Flooding*'; Policies STRAT SI 1 '*Sustainable Development*' and STRAT DC10 '*Flooding and Land Erosion*' of the Argyll and Bute Structure Plan 2002; and policies LP SERV 2 – '*Sustainable Drainage Systems (SuDS)*', LP SERV 3 '*Drainage Impact Assessment*' and LP SERV 8 '*Flooding and Land Erosion*' of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.
3. The avenue of Western Red Cedars bordering the access road serving these properties, constitutes a significant landscape element within the Rural Opportunity Area. The proposed development would result in the removal or damage to the avenue of Western Red Cedar trees to accommodate a parking bay and pedestrian access to the development. The proposed development is therefore considered to be contrary to policies STRAT SI 1 and STRAT FW 2 of the Argyll and Bute Structure Plan (2002) and to policies LP ENV 1 and LP ENV 7 of the Argyll and Bute Local Plan (August 2009).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 13/00665/PP

(A) Submitted Drawings

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

13/BLL/IJS PPL / 001, 10/13/BBL 002, 10/13/BBL_003, 10/13/BBL 004, 10/13/BBL 005, 10/13/BBL 006, 10/13/BBL 007

(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