

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: 14/01166/PPP

Planning Hierarchy: Local Development

Applicant: Miss Sumie MacAlpine-Downie

Proposal: Site for the erection of dwelling house

Site Address: Land West of Tigh Na Crois, Portnacroish

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwelling house
- Formation of footpath
- Formation of car park (12 spaces)
- Installation of new septic tank

(ii) Other specified operations

- Connection to water supply
 - Use of existing access track
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(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons appended below.

(C) HISTORY:

14/01167/PPP – Site for the formation of a car park – Pending consideration.

13/02637/PPP – Site for the erection of a dwelling house – Refused 20/01/14

(D) CONSULTATIONS:

Area Roads Manager

Report dated 13/06/2014

No objection subject to conditions.

West of Scotland Archaeology Service (WoSAS)

Letter dated 05/06/2014

No objection subject to a watching brief condition being attached to any permission.

Transport Scotland

Report and emails dated 05/06/2014, 08/07/2014

No objection subject to conditions. Considers the proposed car park could improve road safety for users of the church.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 26/06/2014.

(F) REPRESENTATIONS:

There have been 9 representations received: 3 in support and 6 objections. These are summarised below.

Objections:

Dr James Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mrs Sandra Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mr D Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs C Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs Jessica MacKenzie, Myrtle Cottage, Portnacroish, Appin, PA38 4BN (13/06/2014)

Mrs Sheila Appleby, 1 Station Cottages, Appin, PA38 4BN (18/06/2014)

(i) Summary of issues raised in objection:

- The land was subject of a Local Plan enquiry in 2007. The outcome was that the land should not form part of the settlement boundary.
Comment: This concern is noted. The current Local Plan designates the land as Countryside Around Settlement with a general presumption against development subject to specific criteria.
- The development of this land would impact on the panoramic views from the Holy Cross Episcopal Church, Portnacroish. The church and adjacent memorial are both listed. The uninterrupted views across Loch Laich, and back toward to the church, are integral to the setting of the church.
Comment: Impact on the setting of the listed buildings is considered as part of the assessment below.
- Given the size of the site area the grant of planning permission would set a precedent for further housing along this site.
Comment: The application is for a single house. Future applications would need assessed on their merits if such applications were submitted. There is nothing to suggest that future applications are proposed. However, given that the site extends into a Countryside Around Settlement zone, where a

presumption against development applies, a precedent could be created if it were granted without a robust planning justification.

- The site represents a natural break in the development of the settlement representing a sense of character in the dispersed settlement pattern.
Comment: This concern is shared by the planning assessment.
- Site is directly across from the listed Battle of Stalc Memorial which is floodlit at night commemorating the battle in 1486. The memorial should remain visible from Loch Laich and the cycle track with respect of the heritage to the area and the potential for increased heritage related tourism.
Comment: The area is rich in archaeological deposits as advised by WoSAS, and above ground buildings and structures including the C listed memorial. The memorial is currently obscured from wider view by mature trees and is not prominent from the cycle path at present. The impacts of the development on the memorial must therefore be judged in that context. This is assessed in detail below.
- Concerns have been raised over the safety of the access.
Comment: The access has raised no objections from the local Roads Authority or the Trunk Roads Authority.
- Concerns have been raised over use of the proposed car park by patrons of the newly approved restaurant/bar in the Old Inn.
Comment: The proposal is to provide a single house. The associated car park is the subject of a separate planning application. Adequate parking provision has been made for the Old Inn proposal within its own application site.

Support:

Mr Paul Zvegintzov, Appin Home Farm, Appin, Oban (09/07/2014)

Mrs Ethel Johnston, Lettershuna Lodge, Appin (25/06/2014)

Mr David Craig, Lettershuna House, Appin (25/06/2014)

(i) Summary of issues raised in support:

- The applicant is originally from the area, helped with stabling nearby, and family members still in the vicinity would enjoy having a closer family relationship.
Comment: This is not a relevant material consideration.
- The proposed building will be an appropriate addition to Portnacroish.
Comment: The site is distinguished apart from existing settlement zone at Portnacroish in the Local Plan.
- The site should be considered as part of the village.
Comment: The Local Plan identifies the site as separate from the existing settlement zone, entirely within Countryside Around Settlement zone where a presumption against new housing applies, unless it comprises infill, rounding off, change of use or redevelopment within the CAS zone. The proposal is not infill, rounding off, change of use or redevelopment as defined in the Local Plan.
- The proposal will not cause any residential amenity impacts.
Comment: This is accepted.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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|-------|--|------------|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | Yes |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

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| (i) | Is a Section 75 agreement required: | No |
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|-----|---|-----------|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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- (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 the Countryside Around Settlements
 STRAT DC 8 – Landscape and Development Control
 STRAT DC 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
 LP ENV 9 – Impact on National Scenic Areas (NSAs)
 LP ENV 13a – Development Impact on Listed Buildings
 LP ENV 17 – Impact on Sites of Archaeological Importance
 LP ENV 19 – Development Setting, Layout and Design
 LP HOU 1 – General Housing Development
 LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
 LP SERV 4 – Water Supply
 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
 LP TRAN 6 – Vehicle Parking Provision
 Appendix A – Sustainable Siting and Design Principles
 Appendix C – Access and Parking Standards

- (i) 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.**

(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: No

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

The application is for the erection of a dwelling house and installation of a private waste water treatment system. The site is located at Portnacroish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The adjacent memorial is a category C listed.

The house plot measures 38 x 30m approximately with a frontage bounding the A828(T) to the north. The land is currently in agricultural use for grazing and is bounded to the east by a house 'Tigh Na Crois', south by the rest of the agricultural field with the multi-use path beyond and there is a private road and further housing to the west. The applicant intends to take access from an existing private access point to the west and install a small car park with a footpath providing a link to the house. They also intend to install a private waste water treatment system.

Within Portnacroish, the Settlement Zone has been held tightly around existing housing groups in places, with some allocated sites to enable additional development for the community. Holding the boundary tightly to existing housing is a deliberate policy choice, reflecting the rural character of the settlement, which is characterised by individual houses and small groups interspersed on both sides of the road, with notable undeveloped spaces which maintain the overall rural character. There is only low demand for additional housing within the minor settlement, which is adequately catered for within the plan.

The application site is allocated Countryside Around Settlement subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal is infill, redevelopment, rounding off or change of use of an existing building. In the context of CAS, the terms infill and rounding off apply to existing developments within the CAS zone, and not to the extension of the Settlement Zone across or into CAS. The agent's presentation of STRAT DC 2 as

applying a presumption in favour of development is a misunderstanding of the policy. STRAT DC 2 also confirms support for housing within CAS in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but the proposal does not qualify as infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. To this end the proposal is contrary to policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 or LP HOU 1.

It remains the view of planning officers now that the proposal would adversely impact on the setting of the category B listed church. To a lesser degree the same is true of impacts on the category C listed monument, because it lies within mature woodland across the main road to the north. The outlook from and to these structures is important given the setting and relationship with Loch Laich. The proposed development would adversely impact on that open setting by encroaching into those open views to and from the church and yard.

The proposal for the house and car park would allow for an improved road safety option allowing users of the church to park and walk up the existing track, cross the road and onto a proposed footpath in the church grounds. Transport Scotland considers that this will improve safety. However, the car park is also subject to a separate application and there is no direct interdependency on the two proposals. The car park could be provided without the house and the community benefit attached to the provision of a car park is not considered sufficient justification to merit supporting the house as a minor departure from the development plan.

There have been 6 objections and 3 letters of support. The issues raised are dealt with above and within this report. There have been no objections from statutory consultees.

In response to the agent's supporting statements, it is important to summarise the following:

- Countryside Around Settlement zone applies a general presumption against housing. It is allocated to control the spread of development beyond the separately allocated Settlement Zones, where development is encouraged.
- The emerging Local Development Plan merges CAS and Sensitive Countryside. Both policy sets in the existing adopted Local Plan (STRAT DC 2 and STRAT DC 5) are similar in their effect. They presume against new development then set out limited exceptions.
- The main obstacle to the development is that it conflicts with policy. The secondary issue is the impact on the setting of the listed church and memorial.
- The proposal does not represent infill as defined in the Local Plan.
- References to a nearby approval relate to land that was within the allocated Settlement Zone, where a presumption in favour of development applied. That differs considerably from the application site and the approved development referenced does not justify the proposal currently under consideration.

The application is hereby recommended for refusal on the basis that the proposal is contrary to policies STRAT DC2, LP ENV13(a) and LP HOU 1.

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

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

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

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

No justification for a departure has been submitted or identified.

(The agent's case is founded on a misunderstanding of STRAT DC 2, whereby he asserts that a presumption in favour of development applies.)

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

Author of Report: David Love

Date: 16/07/14

Reviewing Officer: Stephen Fair

Date: 16/07/14

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

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 14/01166/PPP

- 1) The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

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CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	14/01166/PPP
Decision Date	16/07/14
Issue Latest Date	16/07/2014
Decision	Refuse

Date signed by ATL

*standard time condition not required if application retrospective.

Include with Decision Notice	
Terms of Section 75	
Summary of Variations made	
Notification of Initiation Form	
Notification of Completion Form	
Notice for Display	
Roads Schedule/standard drawing	
Archaeology Guidance	
Scottish Water Consultation response	
Pre-commencement conditions sheet	
Other:	

Notify of Decision	
Objectors/Contributors	Y
Roads	
Ongoing Monitoring – priorities:	
Other:	