

**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**

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**Reference No:** 14/01724/PP

**Planning Hierarchy:** Local Application

**Applicant:** Houses for Heroes Scotland and the Chrystal Trust

**Proposal:** Erection of 3 dwellinghouses and the formation of vehicular access

**Site Address:** Land East Of Shira Lodge, Main Road, Cardross

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**DECISION ROUTE**

**Local Government (Scotland) Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of 3 dwellinghouses;
- Formation of vehicular access.

**(ii) Other specified operations**

- Connection to public water supply and sewage system.
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**(B) RECOMMENDATION:**

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

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**(C) HISTORY:**

14/01725/LIB - Partial demolition of listed boundary wall to facilitate construction of vehicular access (pending consideration)

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**(D) CONSULTATIONS:**

Council's Roads Engineer – Helensburgh and Lomond (memo dated 28/08/14): No objections subject to the provision of visibility sightlines of 4.5 x 75 x 1.05 metres

formed at the vehicular access and the first 5 metres of the access road should be surfaced in a bituminous surface.

Cardross Community Council (e-mail dated 22/08/14) – Object on the basis of the proposal being contrary to greenbelt policy and the detrimental impact on the adjoining listed buildings, scheduled ancient monument and the wider conservation area.

West of Scotland Archaeology Service (letter dated 14/08/14) – Concerned about impact of the proposal on adjoining listed buildings and scheduled ancient monument. As such they advise that Historic Scotland should be consulted. However, they do not object subject to the provision of an appropriate archaeological condition requiring site investigation and recovery of any artefacts.

Historic Scotland (awaiting response).

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**(E) PUBLICITY:**

ADVERT TYPE: Listed Building/Conservation Advert

EXPIRY DATE: 04.09.2014

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**(F) REPRESENTATIONS:**

A total of 48 e-mails and letters of representation have been received. These comprise 38 objectors and 33 supporters as detailed below:

**Objectors**

Melanie Thomson, Burnside Cottage, Main Road, Cardross (e-mail dated 11/08/14)  
Colin Clarke, Barbain, Church Avenue, Cardross (e-mail dated 13/08/14)  
Robert Murray, 6 Napier Avenue, Cardross (e-mail dated 20/08/14)  
Brian Craven, 1 Kilmahew Grove, Cardross (e-mail dated 20/08/14)  
Nancy Gray, Hillcrest, 6 Ritchie Avenue, Cardross (letter dated 19/08/14)  
D Hall, Ardenvohr, Main Road Cardross (letter dated 19/08/14)  
Helen Blair, Glenview, Main Road, Cardross (letter dated 19/08/14)  
Mr & Mrs J Taylor, The Bungalow, Station Road, Cardross (letter dated 19/08/14)  
Craig More, Main Road, Cardross (letter dated 19/08/14)  
Agent on behalf of Mr & Mrs I Cameron, Shira Lodge, Main Road, Cardross (letter undated)  
C Milton, Westburn Cottage, Main Road, Cardross (letter dated 29/08/14)  
David Gray, 42 Kirkton Road, Cardross (letter dated 28/08/14)  
John & Melanie Thomson, Burnside Cottage, Main Road, Cardross (letter dated 21/08/14)  
Mary Milton, Westburn Cottage, Main Road, Cardross (letter dated 29/08/14)  
J Hollywood, 25 Kirkton Road, Cardross (letter dated 27/08/14)  
A M Bryson, Bloomhill Lodge, Carman Road, Cardross (letter dated 23/08/14)  
Tom Hamilton, 1 Ardenvohr, Main Road Cardross (letter dated 19/08/14)  
Mrs K Jones, Moorcroft, Main Road, Cardross (e-mail dated 01/09/14)  
Mrs P Goldie, 35 Bainfield Road, Cardross (letter dated 27/08/14)  
Gail J Steven, 1 Ardenvohr, Main Road Cardross (letter dated 19/08/14)  
James Reilly, 3 Ardenvohr, Main Road Cardross (letter dated 19/08/14)  
John & Anne Marie Monaghan, Marlea, Main Road, Cardross (letter dated 19/08/14)  
James Taylor (no address), (e-mail dated 29/08/14)

Richard & Margaret McGhee, The Anchorage, Reay Avenue, Cardross (letter dated 29/08/14)

Mr G A A Murphy, Clyde View, Ferry Road, Cardross (letter dated 29/08/14 and e-mail dated 02/09/14)

Mrs M Ferguson, The Whins, Station Road, Cardross (letter dated 29/08/14)

The Occupier, Glenlee, Kirkton Road, Cardross (letter dated 01/09/14)

K R MacAulay, Crawford, Main Road, Cardross (letter dated 19/08/14)

John Monghan, Marlea, Main Road, Cardross (letter dated 19/08/14)

Janice Taylor, Laurelbank, Main Road, Cardross (letter dated 19/08/14)

David Haig, Gartuillt, Main Road, Cardross (e-mail dated 03/09/14)

Kenneth Readman, Woodlands, Murrays Road, Cardross (e-mail dated 06/09/14)

Daivid Rainey, Rossadillish, Carman Road, Cardross (e-mail dated 04/09/14)

### **(i) Summary of issues raised**

- In their supporting planning statement, the applicants contend that there is a need for new homes as a form of affordable housing. On this matter, it is important to note that the housing allocations in the emerging Local Development Plan (LDP) provide land for 1,125 new homes in the Helensburgh and Lomond Housing market area, including 304 in Cardross. Of these 1,125 new homes, 257 are to be affordable homes and will be provided across a range of tenures and designed to meet the needs of all the community, including those with particular needs. It should be noted that these figures are for planned new developments and do not include other brownfield windfall opportunities that exist in the Helensburgh and Lomond housing market area. Moreover, the emerging LDP has been informed by a Housing Needs and Demand Assessment which considers the housing requirements across the Council area, including housing requirement for those with particular needs. Therefore, the allocations presented in the adopted and emerging development plan are to meet the needs of all of the community and there is no justification to develop a site within the greenbelt and which would require the demolition of an important listed wall in order to facilitate the development of three new dwelling houses.
- Taylor Wimpey has advised that the affordable homes at Geilston Farm will be provided across a range of tenures, including social rented and low cost sale. Taylor Wimpey has also advised that they see no reason why the land at Geilston Farm could not provide housing to meet the requirements of ex-service personnel. In light of this, there is no housing shortfall or particular housing need that requires to be addressed through the development of three houses in the greenbelt at Bloomhill.

*Comment: The points are noted. An application has been submitted and is judged on its merits against development plan policy and other material considerations. It is considered that the allocations presented in the adopted and emerging development plan meet the needs of all of the community. See also my assessment.*

- The application site forms part of an area of Greenbelt as defined by the adopted Local Plan and the emerging Local Development Plan (LDP). Indeed, the emerging LDP gives consideration to the release of green belt land and sets out that there is no requirement to release the application site from the green belt to meet need for housing. The application site is a key component of the green belt as it helps to maintain the identity and landscape setting of Cardross. The site rises steeply from west to east and the development of the site would introduce suburban residential development that would be elevated above the existing gate

lodges along Main Road and would be completely out of character with the existing built form of the village. The proposed residential development would be an alien feature that would have an urbanising effect upon the village and is therefore contrary to Policy SI 1 of the Structure Plan.

- The adopted and emerging development plans are explicit in stating that encouragement will only be given to very limited and specific categories of development in the greenbelt. Although the policies allow for certain exceptions, it is clear that the application proposals are not required for agricultural purposes, will not retain a significant building at risk, will not secure the future of a community asset, will not directly support the provision of vital infrastructure or support the recreational use of land. Therefore the proposal is therefore contrary to Policies SI1 and STRAT DC3 of the Structure Plan, Policy LPHOU1 of the Local Plan and LDP DM1 of the Proposed LDP.
- The applicants' supporting statement contends that the actual application site only really relates to the setting of Shira Lodge. This reveals a complete misunderstanding of the application site and its wider context. The proposals involve demolishing a ten metre section of the listed boundary wall that encloses the grounds of Bloomhill House and developing three new homes in the greenbelt and on land which provides the setting for two important listed buildings. The listed boundary wall which runs along the northern side of Main Street performs an important function in terms of understanding the historical context of both Bloomhill House and Shira Lodge. The listed wall is a formal boundary wall which serves to enclose the grounds of Bloomhill House and it is inextricably linked with the setting of Bloomhill House and Shira Lodge. Together with the associated lodge house (Shira Lodge) the boundary wall allows one to appreciate the form of these historic properties and their historic grounds. As well as having a formal design relationship with the aforementioned listed properties, a particular characteristic of the wall is its scale, length and height while the continuity and uniformity of the boundary wall characterise this part of the Cardross Conservation Area.
- Historic Scotland's guidance on boundaries is quite clear that the formation of new openings needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. It also requires proposals to take into account the design and material characteristics of the historic boundary. Having considered the special characteristics of the listed wall, we are of the view that the proposals to demolish a 10 metre section would undoubtedly have an adverse effect on its unique character and diminish the important contribution that it makes to Cardross Conservation Area. Removing a ten metre section from the wall would also severely impact its function as a boundary wall and this would undoubtedly affect the setting of both Bloomhill House and Shira Lodge.
- In terms of impacts on Shira Lodge, the applicants contend that only a limited part of the proposed development will be visible from Shira Lodge. This is simply not the case. The application site is highly visible from Shira Lodge and the proposed new homes would face directly on to this property. The proposed plans indicate a limited amount of planting along the site's western boundary but this would not be sufficient to screen the proposed development. The area where the proposed homes are to be located sits approximately 4.5m above Shira Lodge, something that can be seen from the topographical information presented on submitted drawing GB 9995/P/01A. The extent to which the proposed dwellings would be

elevated above Shira Lodge is clearly illustrated on drawing GB 9995/P/06. The proposed houses would directly overlook Shira Lodge and its garden grounds, adversely affecting the amenity of the property and also impacting on the setting of this important Listed Building. The proposed car parking area would also lie immediately adjacent to this property with associated impacts. For example, in the evenings, lights from car headlamps would be directed directly into the property, adversely affecting the amenity of their home.

- The adopted Local Plan was also informed by an appraisal of Cardross Conservation Area. This document gives specific consideration to the land north of Main Street, which includes the application site. The appraisal establishes that the Conservation Area, in this location, exhibits a more open character to encompass the fields surrounding the listed Bloomhill House. The conservation area appraisal also recognises that Auchinfroe House is located in this area of open rural character where the protection of the setting of buildings is all important. The character appraisal establishes that the application site is included within Cardross Conservation Area for the contribution which it makes to the setting of the village as an area of open space and for the protection which it offers to the setting of Bloomhill House, Auchinfroe House and their associated lodge houses. There is no question that the application proposals would have a significant adverse impact on the aforementioned listed buildings and Cardross conservation area and run contrary to the provisions of Policy SI1 of the Structure Plan, policies LP ENV1 and LP ENV14 of the Local Plan and policies LDP STRAT 1 and LDP3 of the Proposed LDP.
- The introduction of a further vehicular access on the northern side of Main Street, in addition to the existing entrances to Cardross Golf Club, Burnside Cottage and Shira Lodge will have serious consequences for road safety in this short section of Main Street. Indeed, this section of Main Street already has a history of road traffic accidents and the proposed development would increase the likelihood of further incidents. Furthermore, the visibility splay shown on plan 995/P/02 crosses the existing entry into Shira Lodge, meaning that the visibility splay shown will be obstructed at times, preventing safe access into the application site. In light of this, the proposals run contrary to Local Plan Policies LP DC1, LP ENV1, LP TRAN4 and proposed LDP policies LDP9 and LDP11.

*Comment on the above points: See my assessment below.*

- Is this truly a suitable site for 'Heroes'? Would wounded or handicapped service personnel be sufficiently mobile to travel to Dumbarton or Helensburgh just to fulfil everyday tasks such as shopping? If the site proves unsuccessful would the houses be sold? In these circumstances the project could be seen as a Trojan Horse. Once planning permission has been granted it is easier subsequently to obtain a variation to the original permission. There may be nothing in future to prevent the land being sold on to a third party who might seek to maximise building development for commercial purposes.

*Comment: An application has been submitted and is judged on its merits against development plan policy and other material considerations. If the application were to be approved safeguards could be put in place to ensure that the homes were occupied by disabled service personnel. See also my assessment.*

- The Chrystal Trust is asserting that this project would commemorate the centenary of a family member killed in World War 1. But it is understood that the deceased person is interred in France and there is no plaque or other insignia in the local cemetery to commemorate him. Does this infer a cynical plot to overcome earlier hurdles in obtaining planning permission to develop this location for commercial purposes?

*Comment: An application has been submitted and is judged on its merits against development plan policy and other material considerations.*

- The design statement is weak and does not address Local Plan policies LP ENV 13(b) on the demolition of listed buildings or LP ENV 14 on development in the conservation area.

*Comment: See my assessment below.*

- Why was application 14/01724/PP not synchronised with application 14/01725/LIB? Its number even indicates that this latest application preceded the other despite the fact that *it* appeared first. Why is the sequence so badly out of synch? Surely this lack of co-ordination risks undermining public response to 14/01724/PP? The public might think that having addressed the earlier application there is no need to respond to the latest application. The plans are difficult to decipher and the Council's web site was difficult to access.

*Comment: Both applications were received on 14 July 2014. However, application 14/01724/PP was invalid until 1 August 2014 whilst the other was able to be made valid on day of receipt. Both applications are in a position to be determined at the same time.*

- I would oppose any suggestion that this letter be summarised.

*Comment: It is standard practice to summarise the key points both for and against the proposal. Elected Members, the public, the applicant and other third parties can access and read in full each e-mail and letter on the Council's public access system.*

## **Supporters**

Dr Nigel Allan, Woodend, 20 Millig Street, Helensburgh (letter dated 29/08/14)  
 R C Seaward, Ardtalla, Peel Street, Cardross (letter dated 01/09/14)  
 Marjorie Mackie, Glengate Cottage, Cardross (letter dated 01/09/14)  
 Kevin Gray, Legion Scotland (The Royal British Legion Scotland) (e-mail dated 09/09/14)  
 Marjorie Mackie, Glengate Cottage, Cardross (letter dated 01/09/14)  
 Owner/Occupier, 1 Claddoch Cottage, Cardross (letter undated)  
 David Leask, 119 West Princes Street, Helensburgh (e-mail dated 04/09/14)  
 Rosemary Wilson, High Auchensail farm, Cardross (letter dated 03/09/14)  
 Michael & Rosemary Wilson, High Auchensail farm, Cardross (letter dated 02/09/14)  
 Alice Harrison, 14 Princes Gardens, Glasgow (letter undated)  
 Peter Watson, 41 Colquhoun Street, Helensburgh (letter received 09/09/14)  
 Mairi Wilson, 41 Colquhoun Street, Helensburgh (letter received 09/09/14)  
 Jaimie McGrigor MSP, The Scottish Parliament, Edinburgh (e-mail dated 04/09/14)  
 Irene White, Helensburgh & District Royal British Legion c/o 82 East Princes Street, Helensburgh (letter dated 04/09/14 enclosing 19 signature petition)

**(i) Summary of issues raised**

- The difficulties encountered by disabled servicemen to afford homes for themselves and their families is well known. None exist in the Helensburgh and Cardross area although the village of Cardross comprises most amenities with Helensburgh and Dumbarton within easy reach. The area has long been the recruiting ground of the 9<sup>th</sup> Battalion Argyll & Sutherland Highlanders now incorporated in the Royal Regiment of Scotland.

*Comment: These comments are noted.*

- It is clear that the visual impact on the surrounding conservation area will be minimal and indeed enhanced with the retention of all trees in the locality. The three houses are sympathetic to the character of the vicinity and will be built with local materials. While technically greenbelt it falls within the natural perimeter of the village. By opening up a hidden corner of Bloomhill, the project will add to the stock of “green” by giving the public sight of and access to an expanse of green land that has hitherto been invisible. From the proposed position of the terrace, little will be seen of it from the road and then only from certain limited viewpoints. Overall the impact on the locality will be negligible.

*Comment: See my assessment below.*

- Gatepiers on either side of the access from the A814 will be in the traditional style harmonizing with others in the vicinity. Access for vehicles meet the standards required and as this project is designed for disabled service men disabled access also meets with the Council’s requirements.
- In areas of declining population, an influx of young families is to be welcomed and encouraged. The average age of disabled applicants is around 25 years often with young families. Not only will they bring youth and vitality to the area, they will also be an incentive to local businesses and shops which struggle in small villages. Service families with their background of discipline and service would inevitably be an asset to the local community.
- Legion Scotland (The Royal British Legion Scotland) represents the interest of veterans in branches throughout Scotland. We are delighted to learn that the Chrystal Trust has given an area of land in Cardross to Houses for Heroes Scotland so that houses for medically discharged servicemen and their families can be built and thereby create a community within a community for veterans in the heart of the village. Legion Scotland considers that the continued support to our veterans is still very much needed and in the spirit of the Armed Forces Covenant and as a consequence we fully support the planning application.

*Comment on the above points: See my assessment below.*

- We are proud of the number of Cardross men and women who served in the Armed Forces and as a village we should provide accommodation for this generation of needy families.

*Comment on the above points: See my assessment below.*

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**(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
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:** A planning and design statement has been submitted.

**Applicant's Supporting Statement**

Houses for Heroes Scotland provide low rented accommodation to house, for life, physically and psychologically disabled ex-Service personnel in Scotland. It has 614 houses in 74 locations. In 2007 it identified a critical need to provide 60 additional low-rented houses for disabled ex-Service personnel in Scotland. The research was reviewed in 2012 and confirmed the balance of 38 houses was still required.

The Chrystal Trust has offered land at Cardross, who wish to see a legacy born out of their ancestor Lt George Chrystal, heir to the Bloomhill Estate, who was killed at the Second Battle of Ypres in 1915.

A three property single storey development has been designed for the site and will provide housing for some of the 12 disabled ex-Service personnel and their families on the Veterans Scotland Central Housing Register waiting list for homes in this area.

In landscape terms the site falls within the greenbelt and forms part of area CN04 in the Argyll and Bute Greenbelt Landscape Study. The study suggests that this area is of "*high landscape sensitivity, with a high value and high susceptibility to development.*" However, it is clear from the text that this is because much of the site is open and visible from the A814 and Carman Road whereas the application site itself cannot be seen from here. It is also largely invisible to viewers at street level on Main Road due to the boundary wall and trees.

The site is within the greenbelt and, as such, there is a presumption against housing. However, it is equally clear that the Council can allow this as an exception to policy, provided there is a justification for this. In this case there is a need for new homes in this area for veterans as a form of affordable housing supported by policies LP HOU 2 and LP HOU 3 and this represents a cogent reason for a departure from policy and in accordance with Policy LP DEP 1.

Furthermore, the development of the site will benefit the wider area by bringing investment, and helping to support local construction jobs. Houses for heroes will, whenever possible, make sure that they use local companies and tradespeople in developing the site.

The proposal is for a traditionally designed terrace that is entirely suitable to the context, and takes the very best of local design and materials to come up with a building, in its partial view from the street, that it will appear as an appropriate addition to the conservation area. It will at least have a neutral effect, but arguably will offer an enhancement.

The proposed terrace has been set gable on to the existing boundary wall to reduce its visual impact. It has also been sited as far away from Shira Cottage as possible to protect the amenity of this property. It has been designed to reflect exemplar buildings found in the Conservation Area and will be built of materials that can be found locally.

It has also been sited such that it is not part of the open and visible landscape referred to in the Argyll and Bute Council Greenbelt Landscape, which we consider is actually referring to that part of the conservation area which is open and visible from the A814 and Carman Road; whereas the application site itself cannot be seen from here other than in limited views.

All existing mature trees are to be retained. Once construction of the development has been completed, the aim will be to plant garden and boundaries such that the terrace is appropriately screened from neighbouring properties and blends with its surroundings.

The proposal is considered to meet the statutory tests for listed buildings and conservation areas, and local plan policy that cover the same issues. The creation of the access will lead to a loss of small section of wall. However, what will replace it by way of new wall and gate piers are considered to be appropriate to the area, and reminiscent of similar entrances close-by. It is considered that ultimately, the new entrance will blend in and be neutral in its impact.

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**(H) PLANNING OBLIGATIONS**

**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 SI 1 – Economic and Social Objectives  
STRAT DC 3 – Development within the Greenbelt  
STRAT DC 8 – Landscape and Development Control

STRAT DC 9 – Historic Environment And Development

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 13(a) – Development Impact on Listed Buildings  
LP ENV 13(b) – Demolition of Listed Buildings  
LP ENV 14 – Development in Conservation Areas and Special Built Environment Areas  
LP ENV 16 – Development Impact on Scheduled Ancient Monuments  
LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development  
LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision  
LP HOU 3 – Special Needs Access Provision in Housing Developments

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 6 – Vehicle Parking Provision

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles  
Appendix C – Access and Parking Standards

- (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, 2013

Argyll & Bute Sustainable Design Guidance (2006)

Scottish Historic Environment Policy

Argyll and Bute Greenbelt Landscape Study

Representations and Consultee Responses

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

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

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

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

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**(O) Requirement for a hearing (PAN41 or other):** A total of 48 e-mails and letters of representation have been received. The proposal is contrary to greenbelt policy. This is a generally restrictive policy which only gives encouragement to limited and specific categories of countryside based development. In addition, there are other robust reasons for refusal and the majority of representations oppose the proposed development. As such it is not considered that a Hearing would give any added value to the decision making process and is not justified in this instance.

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

Planning permission is sought for the erection of 3 dwellinghouses and the formation of a new access on a site adjoining Cardross Old Parish Church and Churchyard. The site is roughly rectangular in size, extends to 0.39 hectares and is located both within the greenbelt and Cardross Conservation Area. Structure Plan Policy STRAT DC3 refers to development within the greenbelt. This is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. Policy LP HOU 1 of the adopted Local Plan presumes against small-scale housing development in the greenbelt.

As the site adjoins two listed buildings, a scheduled ancient monument and is within the conservation area Policies LP ENV13(a), LP ENV 13(b) and LP ENV 14 are applicable as are Policies LP ENV 1 and LP ENV 19. Policy LP ENV 13(a) requires that development affecting a listed building or its setting shall preserve the building or its setting. Policy LP ENV 13(b) deals with demolition of listed buildings and Policy LP ENV 14 presumes against development that does not preserve or enhance the character or appearance of a Conservation Area or its setting. Policy LP ENV 1 requires that the Council assesses applications for their impact on both the natural, human and built environment and. Policy LP ENV 19 requires a high standard of design and that consideration be given to setting, layout and density and design.

The proposed provision of three new dwellinghouses is contrary to Policy STRAT DC3 of the approved Argyll and Bute Structure Plan and to Policy LP HOU 1 of the adopted Local Plan which state inter alia that within greenbelt areas encouragement will only be given to very limited and specific categories of countryside based development. A specific justification has been claimed on the basis of the need for purpose-built housing for disabled veterans in Cardross and that the land is being donated by the Chrystal Trust to tie in with the centenary of the death of the Trustees' great uncle in 1915. However, it is considered that there are other sites within the settlement boundary and that the link with the Chrystal Trustees is not sufficient to justify the provision of three dwellinghouses on this site and there are no other material considerations that would justify a departure from these policies. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, contribute to urban sprawl, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the Conservation area. As such the proposal is recommended for refusal.

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

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

The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside. At this location it will also undermine the setting of Cardross Old Parish Church and Churchyard which respectively are a listed building and scheduled monument and will have a detrimental impact upon the character and appearance of the Conservation area contrary to development plan policy.

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland:** Not required.

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**Author of Report:** Howard Young

**Date:** 09/09/14

**Reviewing Officer:** Ross McLaughlan

**Date:** 10/09/14

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

## GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 14/01724/PP

1. The proposed provision of three new dwellinghouses is contrary to Policy STRAT DC3 of the approved Argyll and Bute Structure Plan and Policy LP HOU 1 of the adopted Local Plan which state inter alia that within greenbelt areas encouragement will only be given to very limited and specific categories of countryside based development. A specific justification has been claimed on the basis of the need for purpose-built housing for disabled veterans in Cardross and that the land is being donated by the Chrystal Trust to tie in with the centenary of the death of the Trustees' great uncle in 1915. However, it is considered that there are other sites within the settlement boundary and that the link with the Chrystal Trustees is not sufficient to justify the provision of three dwellinghouses on this site and there are no other material considerations that would justify a departure from these policies. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant and result in sporadic development in the countryside.
2. The application site is within the greenbelt but sits between existing houses and Cardross Old Parish Church and Churchyard which are within the settlement boundary and Cardross Conservation Area. The prevailing form of development on both sides of Main Road in the immediate vicinity of the site is linear one plot depth development with properties facing directly towards the road not gable end on. In the Argyll and Bute Greenbelt Landscape Study it suggests that this area is of "*high landscape sensitivity, with a high value and high susceptibility to development.*" The proposed houses will be set back from the road sitting at right angles gable end on and even with extant and additional planting the houses will still be visible from adjoining viewpoints. In addition, the proposed retaining wall comprising gabion baskets and varying in height from 2.695 metres to 1.696 metres will also be a significant landscape feature in an area characterised by traditional walls and/or hedges marking property boundaries. The introduction of an inappropriate and unjustified form of new development in an area of open rural character which contributes to the setting of the village and houses that will sit gable end on to the road in an area of primarily linear one plot depth development where properties face directly towards the road will be visually intrusive, visually discordant and will therefore have a detrimental impact upon the character and appearance of the Conservation Area. The proposal is therefore contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policies LP ENV1, LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan which require that new development be of a high standard of design compatible with development in the surrounding area and which presumes against development that does not preserve or enhance the character or appearance of a conservation area.
3. The proposed houses will sit some 14 metres from the boundary of Cardross Parish Church and Churchyard. The church is listed Category B and the churchyard is a Scheduled Ancient Monument. Government policy as set out in PAN 2/2011 on Archaeology and Planning is to protect and preserve archaeological sites and monuments, and their settings, in situ wherever feasible. The introduction of an inappropriate and unjustified form of new development some 14 metres from the boundary of the churchyard in an area of currently undeveloped open space which contributes to the setting of the old church and churchyard will be visually intrusive and visually discordant and will therefore undermine the setting of this listed building and scheduled monument contrary to Structure Plan Policy STRAT DC 9 and Local Plan Policies LP ENV 13(a) and LP ENV 16 which presume against development that detrimentally affects a listed building and scheduled ancient monument.
4. The proposals involve demolishing a ten metre section of the listed boundary wall to provide access to the proposed new homes. The listed wall is a formal boundary wall

which serves to enclose the grounds of Bloomhill House and is linked with the setting of Bloomhill House and Shira Lodge, which are both listed buildings. As well as having a formal design relationship with these listed properties, a particular characteristic of the wall is its scale, length and height while the continuity and uniformity of the boundary wall characterise this part of the Cardross Conservation Area. Historic Scotland's guidance on boundaries states that the formation of new openings needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. It also requires proposals to take into account the design and material characteristics of the historic boundary. The introduction of an opening within this listed boundary wall would undermine its continuity and uniformity, would have an adverse effect on its unique character, result in the loss of historic fabric and undermine its integrity. This would be visually discordant, visually intrusive, have an adverse impact on the character and appearance of the wall and diminish the important contribution that it makes to Cardross Conservation Area. As such it is contrary to Policy STRAT DC9 of the approved 'Argyll and Bute Structure Plan', Policies LP ENV13a and LP ENV13b of the adopted 'Argyll and Bute Local Plan' and advice given in 'Scottish Historic Environment Policy' which presume against development that detrimentally affects a listed building and which does not preserve or enhance the character or appearance of a conservation area.

#### **NOTE TO APPLICANT**

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/6/14 including the revised ownership certificate dated 14/07/14 and the drawing reference numbers GB 9995/P/01b, GB 9995/P/02a, GB 9995/P/03, GB 9995/P/04, GB 9995/P/05, GB 9995/P/06 and GB 9995/P/07.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/01724/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

Planning permission is sought for the erection of 3 dwellinghouses and the formation of a new access on a site adjoining Cardross Old Parish Church and Churchyard. The site is located both within the greenbelt and Cardross Conservation Area. Structure Plan Policy STRAT DC 1 sets out the settlement strategy in terms of capacity whilst Policy STRAT DC3 refers to development within the greenbelt. Greenbelt is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. These include, inter alia, agricultural related development, outdoor sport and recreational development, demolition and replacement of buildings subject to no change of use occurring and change of use of buildings to residential institutional use. In exceptional cases development outwith these categories may accord with this policy if it retains a significant building at risk, directly supports the provision of vital infrastructure or involves building development directly supporting recreational use of land. Policy LP HOU 1 of the adopted Local Plan presumes against small-scale housing development in the greenbelt. New dwellinghouses will only be supported, inter alia, where there is a locational or occupational need.

Housing allocations in the emerging Local Development Plan (LDP) provide land for 1,125 new homes in the Helensburgh and Lomond Housing market area, including 304 in Cardross. Of these 1,125 new homes, 257 are to be affordable homes and will be provided across a range of tenures and designed to meet the needs of all the community, including those with particular needs. It should be noted that these figures are for planned new developments and do not include other brownfield windfall opportunities that exist in the Helensburgh and Lomond housing market area. Moreover, the emerging LDP has been informed by a Housing Needs and Demand Assessment which considers the housing requirements across the Council area, including housing requirement for those with particular needs. Therefore, the allocations presented in the adopted and emerging development plan are to meet the needs of all of the community.

A specific justification has been claimed on the basis of the need for purpose-built housing for disabled veterans in Cardross and that the land is being donated by the Chrystal Trust to tie in with the centenary of the death of the Trustees' great uncle in 1915. However, it is considered that there are other sites within the settlement boundary and that the link with the Chrystal Trustees is not sufficient to justify the provision of three dwellinghouses on this site and there are no other material considerations that would justify a departure from these policies. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant and result in sporadic development in the countryside. The proposed provision of three new dwellinghouses is therefore contrary to Policy STRAT DC3 of the approved Argyll and Bute Structure Plan and to Policy LP HOU 1 of the adopted Local Plan. Policy LP HOU 2 requires that all new housing sites will be expected to contribute a portion of affordable housing. However, this and Policy LP HOU 3 on special needs provision would only apply where the proposal met the settlement strategy set out in the Development Plan. As indicated the proposal fails to meet criteria set out in the Council's greenbelt policy.

## **B. Location, Nature and Design of Proposed Development**

The site is roughly rectangular in size and extends to 0.39 hectares. It slopes up from the adjoining A814 and comprises an area of open space which is part of the grounds of Bloomhill House, a Category B listed building to the north. The western boundary is formed by Shira Lodge, a Category C listed building whilst the southern boundary is defined by an existing listed wall and tree belt. The eastern boundary comprises a belt of mature trees, beyond which is Cardross Old Parish Church and its graveyard. The church is listed Category B and the graveyard is a Scheduled Ancient Monument.

The plans show a terrace of three houses running up the slope from the A814 from where access is proposed through a listed wall. The proposed houses are single storey with traditional finishes including slate roof and white render walls and sited gable end on to the A814. Each has three bedrooms, living room and kitchen and all properties have disabled access. A retaining wall comprised of gabion baskets is proposed on the southern, eastern and northern boundaries. As the site slopes up from the A814 the retaining wall varies from 2.695 metres in height to 1.696 metres.

Policy LP ENV 1 states that the Council will resist development proposals that would have a significant adverse effect on the integrity or character of the Green Belt, Conservation Areas and Listed Buildings. Policies LP ENV 13(a) and LP 13(b) establish that the planning authority will presume against any development that will result in the demolition of a listed building or would otherwise harm its character or setting.

Policy LP ENV 14 'sets out that there is a presumption against development that does not preserve or enhance the character or amenity of an existing or proposed Conservation Area. The policy proceeds to state that new development within a Conservation Area must be of the highest quality, respect and enhance the architectural and visual qualities that give rise to their designation. Policy LP ENV 16 presumes in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments. Policy LP ENV 19 requires a high standard of design and that consideration be given to setting, layout and density and design. Appendix A sets out sustainable design criteria.

The application site is within the greenbelt, forms part of area CN04 in the Argyll and Bute Greenbelt Landscape Study but sits between existing houses and Cardross Old Parish Church and Churchyard which are within the settlement boundary. From a design perspective the houses are acceptable. The prevailing form of development on both sides of Main Road in the immediate vicinity of the site is linear one plot depth development with properties facing directly towards the road not gable end on. The study suggests that this area is of *"high landscape sensitivity, with a high value and high susceptibility to development."* The proposed houses will be set back from the road sitting at right angles gable end on and even with extant and additional planting the houses will still be visible from adjoining viewpoints. In addition, the proposed retaining wall comprising gabion baskets and varying in height from 2.695 metres to 1.696 metres will also be a significant landscape feature in an area characterised by traditional walls and/or hedges marking property boundaries. There is no justification for the houses in terms of greenbelt policy. The introduction of an inappropriate and unjustified form of new development in an area of open rural character which contributes to the setting of the village and houses that will sit at right angles gable end on to the road in an area of primarily linear one plot depth development where properties face directly towards the road will be visually intrusive, visually discordant and will therefore have a detrimental impact upon the character

and appearance of the Conservation Area. The proposal is therefore contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policies LP ENV1, LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan which require that new development be of a high standard of design compatible with development in the surrounding area and which presumes against development that does not preserve or enhance the character or appearance of a conservation area.

Similarly, the proposed houses will sit some 14 metres from the boundary of Cardross Old Parish Church and Churchyard. PAN 2/2011 on Archaeology and Planning sets out guidance on scheduled monuments. Government policy is to protect and preserve archaeological sites and monuments, and their settings, in situ wherever feasible. Where preservation in situ is not possible, planning authorities should consider applying conditions to planning consents, listed building consents and conservation area consents to ensure that an appropriate level of excavation, recording, analysis, publication and archiving is carried out before and/or during development. The interpretation and preservation in situ of archaeological remains should be seen as a positive resource that can contribute to a sense of place in new development.

The setting of the church and burial ground contains some modern buildings particularly on the southern side of the main road (A814). Moreover, whilst West of Scotland Archaeology Service has expressed concerns about the potential direct and indirect impact of the development on the church and burial ground, they have not formally objected. However, on the northern side of the main road the application site is part of a larger area comprising undeveloped open space. This is both part of the grounds of Bloomhill House, a Category B listed building to the north, and land which contributes to the setting of Cardross Old Parish Church and Churchyard. There is no justification for the houses and it is considered that the introduction of an inappropriate and unjustified form of new development some 14 metres from the boundary of the churchyard in an area of currently undeveloped open space which contributes to the setting of the old church and churchyard will be visually intrusive and visually discordant and will therefore undermine the setting of this listed building and scheduled monument contrary to Structure Plan Policy STRAT DC 9 and Local Plan Policies LP ENV 13(a) and LP ENV 16.

The proposals involve demolishing a ten metre section of the listed boundary wall that encloses the grounds of Bloomhill House to provide access to the proposed new homes. A separate assessment of this proposal in terms of its impact on the listed structure is made under application 14/01725/LIB as part of the PPS&L Agenda. The listed wall is a formal boundary wall which serves to enclose the grounds of Bloomhill House and is linked with the setting of Bloomhill House and Shira Lodge, which are both listed buildings. As well as having a formal design relationship with these listed properties, a particular characteristic of the wall is its scale, length and height while the continuity and uniformity of the boundary wall characterises this part of the Cardross Conservation Area.

Historic Scotland's guidance on boundaries is quite clear that the formation of new openings needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. It also requires proposals to take into account the design and material characteristics of the historic boundary. It is not considered that there is a policy justification for the three houses and the removal of this section of wall could not be justified. Even with a justification for the houses it is considered that the introduction of an opening within this listed boundary wall would have an adverse effect on its unique character, result in the loss of historic fabric and undermine its integrity. This would be visually

discordant, visually intrusive, have an adverse impact on the character and appearance of the wall and diminish the important contribution that it makes to Cardross Conservation Area. As such it is contrary to Policy STRAT DC9 of the approved 'Argyll and Bute Structure Plan', Policy LP ENV13(a) and LP ENV13(b) of the 'Argyll and Bute Local Plan' and advice given in 'Scottish Historic Environment Policy' (SHEP).

To the west is Shira Lodge, a Category C listed building. Objections have been submitted concerning the impact on this listed property. The proposed houses would directly overlook Shira Lodge and its garden grounds but would be some 42 metres away. The proposed car parking area would also lie immediately adjacent to this but any associated impacts such as lights from car headlamps would be intermittent and limited in their impact.

**C. Road Network, Parking and Associated Transport Matters.**

The proposals involve demolishing a ten metre section of the listed boundary wall that encloses the grounds of Bloomhill House to provide access to the proposed new homes. The Area Roads Manager has been consulted but has no objections. However, as indicated above, it is considered that the introduction of an opening within this listed boundary wall would have an adverse effect on its unique character, result in the loss of historic fabric and undermine its integrity.

**D. Drainage/Flooding/Infrastructure**

Objections have been raised about the potential detrimental impact the proposal would have on surface water run-off and flooding. As the site is within the greenbelt and there is no policy justification for the 3 houses then the applicant has not been asked for a drainage impact or flood risk assessment. Connection is to the public water supply and sewage system.

**E. Proposed Argyll and Bute Local Development Plan (2013)**

Argyll and Bute Council are in the process of preparing a new Local Development Plan (LDP). Given that the emerging LDP is at an advanced stage of preparation it carries weight as a material consideration. Housing allocations in the emerging Local Development Plan (LDP) provide land for 1,125 new homes in the Helensburgh and Lomond Housing market area, including 304 in Cardross. Of these 1,125 new homes, 257 are to be affordable homes and will be provided across a range of tenures and designed to meet the needs of all the community, including those with particular needs. It should be noted that these figures are for planned new developments and do not include other brownfield windfall opportunities that exist in the Helensburgh and Lomond housing market area. Moreover, the emerging LDP has been informed by a Housing Needs and Demand Assessment which considers the housing requirements across the Council area, including housing requirement for those with particular needs. Therefore, the allocations presented in the adopted and emerging development plan are to meet the needs of all of the community.

In terms of policy, the proposals map of the emerging LDP identifies that the application site lies outwith the defined settlement zone for Cardross, within the green belt, within Cardross Conservation Area and within a Strategic Masterplan Area.

Policy LDP STRAT 1 considers 'Sustainable Development' and advises that the Council shall adhere to a range of sustainable development principles, including conserving the natural and built environment and respecting the landscape character, setting and character of settlements.

Policy LDP DM1 'Development within the Development Management Zones' establishes that within the greenbelt, encouragement will only be given to very limited and specific categories of countryside based development. The policy explains that in exceptional cases, development outwith the categories specified may be supported where proposals retain a significant building at risk, directly support the provision of essential infrastructure or involve building development directly supporting the recreational use of land.

Policy LDP 3 considers 'Supporting the Protection, Conservation and Enhancement of our Environment' and establishes that a development proposal will not be supported when it does not protect the established character and local distinctiveness of the landscape, does not protect the established character of the built environment and has a significant adverse effect on the special qualities or integrity of designated natural and built environment sites.

The new local development plan maintains a similar policy regime as the adopted Local Plan and it is considered that the proposal is also contrary to the aforementioned policies in that plan. However, it should be noted that there is an outstanding representation with regard to this site which will be considered by the appointed Reporter. As such the relevant policies in the new LDP are not included in the reasons for refusal.

## **F. Conclusion.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan relevant to the application comprises the Argyll and Bute Structure Plan (2002) and the adopted Argyll and Bute Local Plan (1999). Consideration should also be given to the emerging Argyll and Bute Local Development Plan (LDP), which is at an advanced stage of preparation and is thus a material consideration.

The proposed provision of three new dwellinghouses is contrary to Policy STRAT DC3 of the approved Argyll and Bute Structure Plan and to Policy LP HOU 1 of the adopted Local Plan which state inter alia that within greenbelt areas encouragement will only be given to very limited and specific categories of countryside based development. The introduction of an inappropriate and unjustified form of new development will be visually intrusive, visually discordant and will therefore have a detrimental impact upon the setting of Cardross Parish Church and Churchyard. The church is listed and the churchyard is a scheduled ancient monument. It will also have a detrimental impact upon character and appearance of the Conservation Area. The proposal is therefore contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policies LP ENV1, LP ENV 13(a), LP ENV 13(b), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan which require that new development be of a high standard of design compatible with development in the surrounding area, which presume against development that detrimentally affects a listed building and scheduled ancient monument and which presume against development that does not preserve or enhance the character or appearance of a conservation area. As such it is recommended for refusal.