

**Argyll and Bute Council
Development and Infrastructure Services**

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

Reference No: 14/01725/LIB

Planning Hierarchy: Local Application

Applicant: Houses for Heroes Scotland and the Chrystal Trust

Proposal: Partial demolition of listed boundary wall to facilitate construction of vehicular access

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

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Listed Building Consent

- Partial demolition of listed boundary wall to facilitate construction of vehicular access

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

It is recommended that listed building consent be refused for the reasons set out overleaf

(C) HISTORY:

14/01724/PP - Erection of 3 dwellinghouses and formation of vehicular access (this application appears elsewhere on the agenda)

(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 04/08/14): The integrity of the listed structure would be breached with the loss of historic fabric in a conservation area contrary to Local Plan Policy LP ENV 13(a). A similar proposal relating to the adjacent property of Auchenfroe was rejected together with a partial retrospective application for vehicular access and erection of gates at The Coach House, Ardoch. The access to the A814 is at an inappropriate point, specifically at a bend in the road on rising ground both impeding visibility of on-coming traffic and near the site of a past serious accident.

West of Scotland Archaeology Service (letter dated 14/08/14): Concerned about impact of the proposal on 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)

(E) PUBLICITY:

ADVERT TYPE: Listed Building/Conservation Advert
EXPIRY DATE: 14.08.2014

(F) REPRESENTATIONS:

A total of 19 e-mails and letters of objections have been received from the following 22 individuals:

Gail J Steven, 1 Ardenvohr, Main Road Cardross (e-mail dated 30/07/14)
Nancy Gray, Hillcrest, 6 Ritchie Avenue, Cardross (letter received 30/07/14)
Margaret and Archie Ferguson, The Whins, Borrowfield, Cardross (e-mail dated 11/08/14)
John & Anne Marie Monaghan, Marlea, Main Road, Cardross (e-mail dated 01/08/14)
Tom Hamilton, 1 Ardenvohr, Main Road Cardross (e-mail dated 03/08/14)
Agent on behalf of Mr & Mrs I Cameron, Shira Lodge, Main Road, Cardross (letter dated 05/08/14)
Mr G A A Murphy, Clyde View, Ferry Road, Cardross (letter dated 29/08/14)
David Rainey, Rossadillish, Carman Road, Cardross (e-mail dated 11/08/14)
Mrs P Goldie, 35 Bainfield Road, Cardross (letter dated 08/08/14)
May Milton, Cardross (letter dated 06/08/14)
James Taylor (no address), (e-mail dated 11/08/14 and letter received 12/08/14)
Brian Craven, 1 Kilmahew Grove, Cardross (2 e-mails dated 11/08/14)
Robert Murray, 6 Napier Avenue, Cardross (e-mail dated 04/08/14)
Meriel Bryson and Scott Bryson, Bloomhill Lodge, Carman Road, Cardross (letter dated 09/08/14)
James Reilly, 3 Ardenvohr, Main Road Cardross (letter dated 09/08/14)
John and Sadie Taylor, The Bungalow, Station Road, Cardross (letter dated 10/08/14)
David Haig, Gartuillt, Main Road, Cardross (e-mail dated 13/08/14)

(i) Summary of issues raised

- The boundary wall allows one to appreciate the form of adjoining 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 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. Having considered the special characteristics of the listed wall, we are of the view that the proposal 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.
- Scottish Planning Policy (SPP) advises that the historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. It explains that where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. SPP adds that listed buildings should be protected from demolition or other work that would adversely affect it or its setting.
- Scottish Historic Environment Policy (SHEP) establishes that in assessing an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The SHEP explains that once lost, listed buildings cannot be replaced and they can be robbed of their special interest either by inappropriate alteration or by demolition. The SHEP then establishes that there is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.
- The adopted Local Plan was 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.

Comment on the above matters: See my assessment below.

- 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.

- The proposal of an additional junction would create a crossroads junction. This would have limited sight lines for traffic travelling in each direction. It would impinge on vehicle and pedestrian safety due to the heavy traffic volumes. The general topography of Main Road Cardross at this location is therefore not suitable for such an access.

Comment: The Area Roads Manager has no objections.

- The land is susceptible to flooding both from run-off from the hill above and from the burn that runs nearby. Granting permission would constitute a risk or hazard to Shira Lodge. Removing trees would aggravate this risk.

Comment: Objections have been raised about the potential detrimental impact the proposal would have on surface water run-off and flooding under the separate application for planning permission (14/01724/PP). 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.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **A design or design/access statement:** Yes
- (ii) **A report on the impact of the proposed development e.g.** A planning and design supporting statements have 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 Study, 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) 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 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 19 – Development Setting, Layout and Design

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

Representations and Consultee Responses

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- (I) **Requirement for a hearing (PAN 41 or other):** A total of 19 e-mails and letters of representation have been received all of which object to the proposal. A related application, reference number 14/01724/PP, for the erection of 3 dwellinghouses and formation of vehicular access has 36 representations. This proposal is contrary to greenbelt policy. This is a fairly 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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- (J) **Assessment and summary of determining issues and material considerations**

Listed building consent is sought for the formation of a new access in connection with an associated development for the erection of 3 dwellinghouses on a site adjoining Cardross Old Parish Church and Churchyard. The assessment of the housing proposal is considered separately as part of the PPS&L Agenda under reference 14/01724/PP. The recommendation is to refuse planning permission on robust policy grounds.

This associated listed building application proposed the demolition of a ten metre section of a listed boundary wall to provide access to the proposed new homes. 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' are applicable.

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 by demolishing a ten metre section would undermine its continuity and uniformity, 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.

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 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.

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

(N) Reasons why listed building consent should be refused

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', 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.

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

N/A

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

Author of Report: Howard Young

Date: 08/09/14

Reviewing Officer: Ross McLaughlin

Date: 09/09/14

Angus Gilmour
Head of Planning and Regulatory Services

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 14/01725/LIB

1. The proposal involves the demolition of a ten metre section of the listed boundary wall to provide access to 3 dwellinghouses proposed under associated application for planning permission 14/01724/PP. 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/01a, GB 9995/P/02, GB 9995/P/05 and GB 9995/P/06.