

**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

LOCAL REVIEW BODY REF. 14/0010/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF
DWELLINGHOUSE, INSTALLATION OF SEWAGE TREATMENT
PLANT AND FORMATION OF VEHICULAR ACCESS.**

LAND SOUTH-WEST OF 55 FOREST VIEW, STRACHUR, ARGYLL.

**PLANNING PERMISSION IN PRINCIPLE
APPLICATION REFERENCE NUMBER 14/01447/PPP**

31st October 2014

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr. John Lamont.

An application for Planning Permission in Principle (ref. 14/01447/PPP) for the erection of a dwellinghouse, installation of sewage treatment plant and formation of vehicular access on land south-west of 55 Forest View, Strachur ('the appeal site') was refused under delegated powers on 30th July 2014. The planning application has been appealed and is the subject of referral to the Local Review Body.

DESCRIPTION OF SITE

The application site is located to the rear (south-west) of a line of dwellinghouses within Forest View and sited at the upper part of the village at the bend in the A815. A small watercourse runs along the south-eastern boundary of the site. The site is bounded by mature trees. A static caravan is currently in situ but unauthorised [Production No. 2].

SITE HISTORY

Whilst there is no planning history for the application site, a pre-application enquiry (ref. 14/00732/PREAPP) was submitted on 21st March 2014.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the siting, scale and design of the proposed dwellinghouse is acceptable in terms of the existing settlement character of the upper part of the small town and village settlement of Strachur?
- Whether the proposed development would adversely affect the immediate settlement character?
- Whether the proposed dwellinghouse represents acceptable infill, rounding-off or redevelopment within the settlement boundary?
- Whether the amenity of the adjacent dwellings in Forest View would be adversely affected by the proposed dwellinghouse?
- Whether the introduction of an additional vehicular access onto the A815 would have an adverse impact on the flow of traffic on this main route through the settlement and whether the introduction of one additional plot with its separate access would set a precedent for additional plots within this part of the settlement?

The Report of Handling dated 30th July 2014 [Production No. 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. Other productions referred to below are listed in the Appendix. Photographs are included within the Appendix [Production No. 4] to illustrate the isolated nature of the site surroundings and help explain the issues related to in the text below.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised are either addressed in this statement or were covered fully in the Report of Handling which is contained in the Appendix. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of objections, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following summary points are noted in response to the appellant's comments based on individual reasons for refusal below:

1.0 The proposal would be at odds with the established development pattern for the upper part of Strachur, when in reality it is the opposite which is true. The proposed development together with any subsequent similar developments in adjoining croft plots would serve to complement this area which already comprises many diverse buildings with different functions.

Within close proximity to the application site there exists a mechanics workshop, a joiner's workshop, timber garages and a variety of single and 1 ½ storey dwellings all with different designs and finishes.

1.1 It is unclear what point the agent is trying to make in the second paragraph. It is accepted that a variety of building types are located alongside the A815 and surrounding the application site but there is a strong established settlement pattern of residential properties within Forest View to the rear of the application site which are served by a loop road from the A815. This loop road was designed as a secondary distributor road whilst keeping the main A815 as the primary road route with limited accesses off the main carriageway which carries a 40mph speed limit. Siting one single dwellinghouse as currently proposed would not complement the existing pattern but introduce an isolated dwellinghouse to the rear of the dwellings in Forest View which would also require a dedicated separate access to serve this single dwelling. Whilst the application site is shown within the settlement boundary of Strachur, the development of single plots with single accesses from the A815 was not envisaged nor encouraged.

Production No.3 is a built form block plan which illustrates the settlement character of this part of Strachur with dwellinghouses shown in black and the application site shown in red with the footprint of the proposed dwellinghouse shaded red. This clearly shows the uneasy relationship between the isolated plot and the strong built form of Forest View to

the rear. It also highlights the particular siting of a dwellinghouse along a 40mph stretch of main road close to the brow of a hill which is also on a bend. Approval of such a proposal could result in similar plots with individual accesses which would have an adverse impact on the immediate road hierarchy.

2.0 *The other reason for refusal was that the proposed dwelling represented an isolated development which would have no connection to adjacent housing or land uses. The applicant's agent suggests that the A815 which runs through Strachur represents a very strong connection between the people and places of the local community.*

This main road is regularly used by the inhabitants of Strachur and represents a very busy pedestrian thoroughfare particularly around school starting and finishing times.

2.1 Again, It is uncertain what point the agent is trying to make. It is accepted that the A815 serves this part of Strachur as its main distributor road. Despite the proximity of the application site to the A815, it is the siting of the proposed dwellinghouse in relation to surrounding housing and other built forms of development which leaves it 'isolated'. This busy main through route was not designed as a local distributor road and any future development should not compromise the design and function of the A815 for its intended purpose.

3.0 *Notwithstanding the arguments raised against the reasons for refusal, the applicant's agent is very disappointed in a system which has conspired to encourage his client to progress from the Preliminary Stage to the submission of an application for Planning Permission in Principle and thereafter produce a Refusal of Planning Permission.*

3.1 A response to the agent's pre-application enquiry (ref. 14/00732/PREAPP) on 28th April 2014 included comments on the siting of the unauthorised static caravan, implications of Policy LP HOU1 of the Local Plan which states a "general presumption in favour of housing development unless there is an unacceptable environmental, servicing or access impact", the siting of the proposed dwellinghouse was contrary to the settlement character, and requirement for a Flood Risk Assessment regarding the watercourse running along the south-western boundary of the site. The agent was also reminded that any formal application submitted would be considered entirely on its individual merits and that the comments made by the responding officer on the submitted information may not necessarily be those of the Council as Planning Authority.

4.0 CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The attached Report of Handling [Production 1] clearly details why Planning Permission in Principle could not be supported due to the siting, scale and design of the proposed dwellinghouse in a location which was contrary to the strong built form of dwellinghouses in

Forest View and in an isolated location which would require an additional separate vehicular access to be created from the A815.

The agent's argument is based on the fact that the proposed dwellinghouse would complement the existing settlement character and not isolated by virtue of its proximity to and proposed access off the A815.

The department do not share the view of the agent and consider that the development is very isolated in its relationship to the strong built form within Forest View adjacent. Notwithstanding the principle of development in this particular location, the proposed dwellinghouse would be sited some 22 metres back from the A815 but set so far back in the plot bringing it close to the adjacent semi-detached dwellinghouses at 55/56 Forest View. Amenity space to the rear would be very limited with only 4 metres to the back boundary and the majority of the front part of the plot used for access, car parking and turning and a septic tank. Whilst these matters may be capable of being addressed in a detailed application, it is the principle of development and consistency with immediate settlement character which are the key issues in this appeal.

Unless existing vehicular accesses are improved, the department is reluctant to put additional pressure on the A815 with new vehicular accesses serving separate plots when a local distributor road network exists. Accordingly, any potential future development may have to be comprehensive in nature to address the issue of creating separate multiple accesses onto the A815 but this would be up to the applicant and other land owners to design a suitable development scheme that would be consistent with policies contained in the Development Plan.

For all of the reasons above, the proposed development was considered to be contrary to the immediate settlement pattern by proposing unacceptable development which was neither infill, rounding-off or redevelopment and would result in an additional separate vehicular access being created from the main route through Strachur to the detriment of other road users and also creating a harmful precedent which is contrary to adopted Structure Plan and Local Plan policies.

Accordingly, and on the basis of all of the above, the department feels that it was correct to recommend refusal under the terms of policies STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4); and LP HOU 1 of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed.

These policies are unaffected by policies contained in the Argyll and Bute Council Proposed Local Development Plan.

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDIX

- Production No.1** Report of Handling dated 30th July 2014;
- Production No. 2** Refused drawings 1:1250 Location Plan / 1:500 Block Plan;
1:100 Plans, Section and Front Elevation.
- Production No. 3** Block plan indicating existing built form and location of application site.
- Production No. 4** Photographs of the appeal site taken (27th June 2014) from the A815 illustrating its isolated location within the village and close proximity to the brow of the hill on a bend within a 40mph stretch.