

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/00678/PPP

Planning Hierarchy: Local Application

Applicant: Mr Robert MacIntyre

Proposal: Site for the erection of dwellinghouse

Site Address: Land West Of Ruanda Shore Road Peaton Helensburgh Argyll And Bute

DECISION ROUTE:

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Site for the erection of dwellinghouse
Installation of septic tank
Formation of a new private access

ii) Other Specified Operations

Connection to public water supply

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **REFUSED** for the reasons appended to this report.

(C) RELEVANT PLANNING HISTORY:

No planning history relating to this site.

South of the site, at the location where the proposed access is located there is a pending application:

23/01120/PP

Change of use of land for the siting of 2no holiday let pods, erection of storage building, installation of septic tank and formation of access and parking arrangements

(D) CONSULTATIONS:

Roads Helensburgh And Lomond - 10.06.2022 – No objection subject to conditions.

Scottish Water - 01.06.2022 – No objection however Scottish water have noted the following;

There is currently sufficient capacity in the Belmore Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. Unfortunately, according to our records there is no public Scottish Water, WasteWater infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Ministry Of Defence - 11.08.2022 – No objection subject to conditions

Scottish Environment Protection Agency (SEPA) –

- 13.03.2023 - No objection subject to conditions
- 08.09.2022 - No objection subject to conditions
- 24.08.2022 - Holding objection due to the lack of information
- 04.08.2022 – Holding objection due to the lack of information

Local Biodiversity Officer

- 03.08.2023 – Defer - *Request for further information by way of; tree survey, a bat roost assessment (EPS), a bird survey, otter survey (EPS) & an invasive non-native species eradication plan for both the Himalayan balsam and Japanese knotweed found on the site. It is noted that the bat and otter surveys cannot be conditioned and require to be submitted prior to determination as they are EPS surveys.*
- 20.07.2022 - No objection subject to conditions
-

Development Policy Section –

- 31.10.2023 - The application would be contrary to LDP 2 policies; Policy 01, Policy 02 LDP2, Policy 04, Policy 05, Policy 08, Policy 10, Policy 73, Policy 77, Policy 78, Policy 79 and Policy 80.
- 29.07.2022 – The application is considered that the proposed site is not an appropriate site in terms of LDP STRAT 1, LDP 3 & LDP 9.

Cove And Kilcreggan Community Council - 14.07.2022 – Object to the proposals - *on the basis that the proposals would negatively affect the existing woodland on the site, negatively affect the bio-diversity of the site, the site would be within an area of flooding, the proposals site is an inappropriate use of the foreshore which should be protected, the proposed access is out with the settlement boundary and that the proposed septic tank with soakaway is not in line with SEPA'S guidelines.*

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application
23.06.2022

Expiry Date:

(F) REPRESENTATIONS:

i) Representations received from:

Objection

Donald Mackay Frolic Shore Road Ardpeaton Helensburgh Argyll And Bute
Anne M Prentice Craigpeaton Shore Road Peaton Helensburgh 15.06.2022
Carol Anne Calder Bloomfield Shore Road Cove Helensburgh Argyll And Bute
17.06.2022
Alasdair Reynolds Stanley Lodge North Shore Road Ardpeaton Helensburgh Argyll
And Bute 19.06.2022
Tracey Quine Broompark Shore Road Cove Helensburgh Argyll And Bute 25.07.2022
Unknown Shore Road Peaton Cove 25.07.2022
Sarah Frod 1 Myrtle Park Shore Road Cove Helensburgh Argyll And Bute
Arthur Redpath Rocklee Shore Road Cove Helensburgh Argyll And Bute
Janet Williams 156 Lakeside Sunset Park Sower Carr Lane Hambleton FY6 9EQ
21.07.2022
Ed Widdicks Primrose Bank Shore Road Kilcreggan Helensburgh Argyll And Bute
07.07.2022
Ken Owen Hartfield Court South Ailey Road Cove Helensburgh Argyll And Bute
14.07.2022
James McLean Seymour Lodge Shore Road Cove Helensburgh Argyll And Bute
14.07.2022
Iain Robson Ashlea Shore Road Cove Helensburgh Argyll And Bute 19.07.2022
Lynda MacKenzie Park Place Shore Road Cove Helensburgh Argyll And Bute
18.07.2022
James Greg Upper Flat Craigowlet House West Shore Road Cove Helensburgh
Argyll And Bute
Katy Grant 21 Lochview Ardpeaton Helensburgh Argyll And Bute 20.07.2022
Chloe Brodie 81 Leyland Road Bathgate EH48 2SG
Amy Glen 4 Wester Kippielaw Green Dalkeith EH22 2GF 21.07.2022
Lesley Wade Shiemara Shore Road Kilcreggan Helensburgh Argyll And Bute
21.07.2022
Claire Jones 34 Greenfield Road Little Sutton Cheshire CH66 1PF 21.07.2022
Tom Furniss Park Place Shore Road Cove Helensburgh Argyll And Bute 19.07.2022
Mrs Cheryl Mccauley 16 Henderson terrace Gourrock Pa19 1tt 21.07.2022
Mrs Mairi Watkins 45 Foxglove Road Glasgow G77 6FP 21.07.2022
Mrs Veronica Ferguson Glen Eden Shore Road Cove Helensburgh Argyll And Bute
22.07.2022
Lisa Carr Ruanda Shore Road Peaton Helensburgh 14.06.2022 & 03.06.2022
Kevin Carr Ruanda Shore Road Peaton Helensburgh 14.06.2022 & 03.06.2022

Representation

George H L Campbell Calveley Home Farm Long Lane Nr Tarporley Cheshire
30.06.2022

ii) Summary of issues raised:

Concern about the impacts the proposals will have on bio-diversity / wildlife and potential protected species

Comment; *the bio-diversity officer has been consulted on the proposals and requested further information by way of; tree survey, a bat roost assessment (EPS), a bird survey, otter survey (EPS) & an invasive non-native species eradication plan for both the Himalayan balsam and Japanese knotweed found on the site. The applicants have subsequently submitted a preliminary ecological appraisal on this basis that suggests further EPS's surveys are submitted. Based on this information*

the bio-diversity officer was re-consulted and has requested further info which can be conditioned.

Concern about the potential impacts on trees

Comment; *As above*

Concern that the proposed development will affect the neighbouring properties views

Comment; *this is noted however, this is not a material planning consideration*

Note that this development would be the only shore side development within the settlement

Comment; *please see full assessment below*

Concern about the proposed location of the access as this is on a blind bend

Comment; *The council's roads officer has been consulted and has recommended certain conditions in the interests of roads safety*

Concern the proposal with create a precedent;

Comment; *this is noted however, each application is accessed on its own merits*

Concern about flooding as the site is located within an area shown as high risk on the SEPA floor risk maps

Comment; *SEPA have been consulted on the proposals and have noted that they have no objection subject to conditions*

Concern that the proposals will affect daylight to neighbouring properties

Comment; *this is noted however, it is considered that the distance between neighbouring properties is such that daylight will not be adversely effected*

Note that the proposed access is out with the settlement boundary

Comment; *please see full assessment below*

Concern in regards to the proposed septic tank and soakaway in that such systems are not permitted within close proximity to the shore

Comment; *SEPA have been consulted on the proposals and have noted that they have no objection subject to conditions*

Concern in regards to development on the foreshore which should be preserved

Comment; *please see full assessment below*

Note that a railway carriage has been dumped on the site

Comment; *this is noted however, this does not form part of these proposals and will be investigated as a separate enforcement matter*

Note that comments within the supporting statement are untrue or incorrect

Comment; this is noted however, a full assessment has been taken in regards to the proposals including a site visit therefore, the authority are well aware of the parameters of the site and any issues

(G) SUPPORTING INFORMATION

- i) Environmental Impact Assessment Report: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement:
 - A supporting statement submitted which includes a summarised site appraisal, comments on privacy, access, landscaping, parking and the envisaged design.
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:
 - A Preliminary Ecological Appraisal was submitted which included a walkover survey.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

-
- (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.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 10 – Coastal Development

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 minute neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 22 – Flood Risk and Water Management

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

Coastal Development

SG LDP CST 1 – Coastal Development

(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 3/2013.

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non

Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 55 – Flooding
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 77 – Forestry, Woodland and Trees
Policy 79 – Protection of Soil and Peat Resources

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

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

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

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

(O) Requirement for a pre-determination hearing: No.

This is a local application. It is considered that the proposed development has been determined in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

(P)(i) Key Constraints/Designations Affected by the Development: N/A

(P)(ii) Soils

Agricultural Land Classification: Unclassified Land

Peatland/Carbon Rich Soils Classification: N/A

Peat Depth Classification: N/A

Does the development relate to croft land? No

Would the development restrict access to croft or better quality agricultural land? N/A

Would the development result in fragmentation of croft / better quality agricultural land? N/A

Does the development result in loss of trees/woodland? N/A

Does the development result in loss of trees/woodland? N/A

Does the development result in loss of trees/woodland? N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes

Does the proposal include any replacement or compensatory planting? No

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area (Proposed House)
- Rural Opportunity Area
- Countryside Zone (Proposed access)
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:
N/A

ABC pLDP2 Settlement Strategy

- Settlement Area (Proposed House)
- Countryside Area (Proposed access)
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:
N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a single dwellinghouse and installation of septic tank at: Land West Of Ruanda, Shore Road, Peaton. The site for the proposed dwellinghouse is located with the minor settlement boundary of Coulpport/Letter. The proposals also includes the formation of a new access to serve the proposed dwellinghouse – it is noted that the majority of this new access is out with the settlement boundary and is located within the countryside zone. The site is also located within the MOD safeguarding zone of Coulpport.

The proposed site is located on the seaward side of the main road (B833) opposite an existing dwelling known as Ruanda. It is noted that all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. It is, however, recognised that there is development on the seaward side of the main road in nearby neighbouring settlement of Ardpeaton. This development is either historical development or is re-development on brownfield sites and is not on a greenfield site. The application site is greenfield, considered to be natural foreshore and can be described as a mature aged broadleaved woodland with areas of wet woodland within it.

Limited information has been given on the proposed design of the dwellinghouse as this is a PPP application, however, there are some further details within the applicant's supporting statement (see detailed assessment below).

Summary relating to settlement strategy

LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposals include area of settlement zone and countryside zone, they do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposal would also result in development which extends the settlement in to the countryside zone and therefore do not accord with part E of LDP DM1.

In terms of LDP2; LDP1 policy DM1 is replaced in LDP2 by Policy 01 in relation to settlement areas and Policy 02 outwith settlement areas. In relation to Policy 01 the criteria include appropriate scale and fit, and respects the character and appearance of the surrounding townscape. In this regard the proposals do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. With regard to Policy 02, the proposal would not constitute infill, rounding off, redevelopment or a previously developed site and is therefore not generally supported.

NPF4 Policy 9 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies, as explained above, then the proposal is also contrary to Policy 9 of NPF4.

Summary relating to siting

The proposal has been assessed against the policy relating to sustainable development (LDP STRAT 1, LDP2 Policy 04) and those relating to Design and Placemaking (NPF4 Policy 14, Policy LDP9 replaced by LDP2 Policies 05, 08, 10). As well as policy relating to natural places (NPF4 Policy 4) and policy relating to coastal development (SG LDP CST 1 & NPF4 Policy 10).

The development does not integrate into the landscape or existing built form, and the siting of a development does not take into account the character of the area in terms of its settlement pattern, layout and density. In this respect the proposals do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road.

The proposal does not accord with the above policies that seeks to conserve and enhance the natural and built environment and the landscape character.

Summary relating to impacts on natural environment

The proposal has been assessed against NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Policy's 73, 77 & 79 of LDP2 relating to conserving and enhancing biodiversity. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.

Summary relating to impacts on woodland

The proposal has been assessed against NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77.

The applicant's survey states that the application site consists of native semi-natural broad-leaved woodland and is dominated by mature aged broadleaved woodland with areas of wet woodland within it. Further details of this is within the detailed assessment below.

There is no tree survey submitted and the applicant's submission does not identify the trees to be removed. Despite the lack of detail with regard to tree removal, from site inspection, it is certain that trees will require removal to accommodate development.

As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

Summary relating to access

The proposal has been assessed against LDP 11, SG LDP TRAN 4, TRAN 6 and Proposed LDP Policies 36, 39 and 40. In terms of terms of the proposed access (which is mainly located within the countryside zone) the applicants have provided supporting information. Roads have no objections and if the application was to be improved they recommend conditions relating to the access / driveway widths and gradients, drainage, surfacing, parking and turning that would be required in this location.

Summary relating to flooding

The proposal has been assessed against LDP STRAT 1 and NPF4 Policy 22. There is a potential flood risk but it has been concluded that the applicant has been able to demonstrate that there are areas within the site available to accommodate the development which meet the Finished Floor Levels of 5.5mAOD.

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

(R) Reasons why Planning Permission in Principle Should be Refused:

See reasons for refusal below.

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

N/A

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

Author of Report: Emma Jane
Reviewing Officer: Kirsty Sweeney

Date: 02.11.2023
Date: 06.11.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. 22/00678/PPP

1. LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposal includes an area of settlement zone and countryside zone, the proposal does not constitute an appropriate site within the settlement zone, because it does not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposed access to the development is located within the countryside zone and therefore does not accord with part E of LDP DM1. In addition, it would not be supported by LDP2 Policy 01 in relation to settlement areas and Policy 02 out with settlement areas which is a material consideration. In relation to Policy 01 – Settlement Areas, development will normally be acceptable where it is an appropriate scale and fit for the size of settlement in which it is proposed and respects the character and appearance of the surrounding townscape. In this regard the proposal does not constitute an appropriate site within the settlement zone, because the proposal does not relate to the established settlement pattern at Coulport/Letter, and results in the development of a section of natural foreshore in a village where built development is located exclusively on the landward side of the road. Regarding Policy 02, the proposal would not constitute as infill, rounding off, redevelopment or located on a previously developed site and is therefore not generally supported. Policy 02 further notes that development adjacent to, but out with settlement boundaries which are delineated in the proposals maps will not constitute infill, rounding off or redevelopment.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area.

As the proposed development fails to pay regard to the established settlement pattern in this location it is also considered to be contrary to NPF4 Policy 14. Furthermore, based on the above the proposals would also be contrary to the provisions of Policy LDP 9 and the Supplementary Guidance Sustainable Siting and Design Principles (paras 4.1 and 4.2) and proposed LDP policies 05, 08 & 10 which are a material consideration.

2. Policy 9 of NPF4 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies within the adopted LDP (as explained in point 1), then the proposal is also contrary to Policy 9 of NPF4.
3. It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Proposed LDP2 Policy 73 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.
4. The proposal would be contrary to NPF4 Policy 6 part b) which notes that proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regard to potentially fragmenting woodland habitats, the preliminary ecological appraisal has noted the site has good connectivity to further Ancient Woodland Inventory and to the Local Nature Conservation Site at Peaton Glen. Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to

have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

5. NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. In addition, policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling house fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1. Furthermore, as this proposal for a single dwelling is located within an undeveloped coastal area it would also be contrary to NPF4 Policy 10.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00678/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A Settlement Strategy

The proposal is for a dwellinghouse which is located with the minor settlement boundary of Coulport/Letter. The proposal also includes the formation of a new access to serve the proposed dwellinghouse – it is noted that the majority of this new access is out with the settlement boundary and is located within the countryside zone.

Whilst an indicative position for the dwellinghouse has been shown, the purpose of this application for Planning Permission in Principle is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 16 relate to quality homes. The site is within a settlement area and therefore Policy 16 is relevant. Part f supports housing that is not allocated within the LDP where the proposal is small-scale and within an existing settlement boundary. However, the proposal must also comply with other relevant policies of NPF4 and the LDP.

LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone.

With regard to LDP DM1 the proposal is for the house to be located within an area of settlement zone and the access within the countryside zone. In terms of the proposed house within the settlement zone, it does not constitute an appropriate site because it does not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposal would also result in development which extends the settlement in to the countryside zone to accommodate the access to the proposal and therefore do not accord with part E of LDP DM1. Further assessment in relation to this is provided below under Location, nature of proposed development.

In addition the proposals would not be supported by the proposed LDP2 Policy 01 in relation to settlement areas and Policy 02 outwith settlement areas which is a material consideration. In relation to Policy 01 the criteria include appropriate scale and fit, and respect for the character and appearance of the surrounding townscape. In this regard the proposals do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. With regard to Policy 02, the proposal would not constitute infill, rounding off, redevelopment or a previously developed site and is therefore not generally supported. It is, however, recognised that there is development on the seaward side of the main road in nearby neighbouring settlement of Ardpeaton. This development is either historical development or is re-development on brownfield sites and is not on a greenfield site. The application site is greenfield, considered to be natural foreshore and can be described as a mature aged broadleaved woodland with areas of wet woodland within it.

NPF4 Policy 9 seeks to encourage reuse of brownfield, vacant and derelict land and reduce the need for greenfield development. Policy 9 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement

strategy policies, as explained above, then the proposal is also contrary to Policy 9 of NPF4.

Therefore, in conclusion the proposal is not supported in principle and does not meet LDP DM1 or NPF 4 Policy 9.

B. Location and Nature of Proposed Development

The proposed site is located on the seaward side of the main road opposite an existing dwelling known as Ruanda. The site is located between the main road (B833) to the east and the shoreline of Loch Long immediately to the west. The site slopes from east to west (from the road to the shoreline) gradually getting steeper towards the shoreline. The site is overgrown greenfield and contains mature aged broadleaved woodland with areas of wet woodland within it.

As explained above, all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. As noted above this would be contrary to LDP DM1, LDP2 01 & 02 and NPF4 Policy 9.

The site boundary edged red as shown on the site plan including the proposed access measures approximately 650sqm. Limited information has been given on the proposed design of the dwellinghouse as this is a PPP application, however, within the applicants supporting statement they have noted; *Materials will be used to minimise any visual impact of the buildings where possible. The development of the site would have a 'soft touch' approach in terms of clearing the site....the proposed design will be a maximum of one storey and a half modern house. It will be a very high-quality bespoke design which will integrate fully into its environment / rural setting. The view from the road should not change as the natural screening will remain.*

Whilst an indicative position for the dwellinghouse has been shown, the purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 14 seeks to encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle. NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. The proposed development fails to pay regard to the established settlement pattern in this location and is considered to be contrary to NPF4 Policy 14.

Policy LDP3 states that a development will not be supported where it (B) does not protect, conserve, or where possible enhance; (i) the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design, and; (C) does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale and design.

Policy LDP 9 notes that development setting, layout and design proposals are required to be sited and positioned so as to pay regard to the context within which it is located, and to effectively integrate with the urban, suburban or countryside setting. Further guidance on this is given in the Supplementary Guidance Sustainable Siting and Design Principles, paras 4.1 and 4.2 are particularly relevant where new development must be compatible with and consolidate the existing settlement, and reflect traditional building pattern and built form. As the proposal would be the only

development on the coastal side of the road at Coulport/Letter, it would not accord with the above requirements.

Under proposed LDP2 which is a material consideration; LDP1 Policy LDP 9 is replaced in LDP2 by Policy 05 Design and Placemaking, Policy 08 Sustainable Siting and Policy 10 Design: All Development. Policy 05 refers to compatibility with surrounding land uses, respecting site topography, landmarks or views, and developing the area's sense of identity by understanding and embracing the existing distinctive characteristics. In this respect the proposals do not do that as they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. In relation to Policy 08 this requires that development should integrate into the landscape or existing built form to minimise detrimental effects on the environment, and that the siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density. As the proposal would be the only development on the coastal side of the road at Coulport/Letter, it would not accord with the above requirements. Policy 10 Design: All Development requires development to demonstrate an understanding of and appropriate response to the proposed development site and wider context including consideration of character and urban grain. Again, as the proposal would be the only development on the coastal side of the road at Coulport/Letter, it would not accord with this aspect of policy.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area

C. Natural Environment

NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. As this proposal for a single dwelling is located in an undeveloped costed area it would be contrary to NPF4 Policy 10.

Policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1 despite the dwelling being located within the settlement development management zone.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks. NPF4 Policy 1 requires significant weight to be given nature crisis when considering all development.

LDP STRAT 1 seeks that new development proposals demonstrate certain sustainable development principles. In relation to Policy LDP STRAT 1 the site does not accord with section H) *Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage*

resources; and I) Respect the landscape character of an area and the setting and character of settlements.

Policy LDP 3 seeks to protect, conserve and enhance the environment and will not support development when it (A) does not protect, conserve, or where possible enhance biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment.

The council's bio-diversity officer has been consulted on the proposal and requested certain surveys including; Tree surveys, bird surveys, bat & otter European protected species surveys as well as a non-native species irradiation plan. The applicant latterly submitted a preliminary ecological appraisal to address this. The survey states "the mature trees provide suitable features for roosting bats" However as there is no tree survey and no indication of the extent of tree removal then a survey for bat roosts could not be concluded. The survey states that the site is dominated by wet woodland, consisting of mature broadleaved trees and an understorey consisting of yellow flag iris with marsh marigold, water avens, hemlock water- dropwort and soft rush. Non-native invasive species Rhododendron and Japanese knotweed were located on site during the survey. A dedicated otter survey was carried out which consisted of 200m north and 200m south along the coastline of loch long and no signs of otters holts were found.

It is not considered that the preliminary ecological survey fully address the issues raised by the bio-diversity officer and that further surveys (in relation to bats and trees) are required to address the potential bio-diversity impacts, however, as we are looking to refuse this application for other reasons and the matter has already been raised and information submitted via the preliminary survey then this is unlikely to be considered a new matter if the application went to appeal and the applicant can provide more details at this point if they should wish.

Also of relevance are SG LDP ENV 1, SG LDP ENV 6, and SG LDP ENV 14 these policies place importance on development impact on habitats, species and biodiversity in terms of giving stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites, importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees and lastly development impact on landscape in that out with national scenic areas and areas of panoramic quality, Argyll and Bute Council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape.

It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Policy's 73, 77 & 79 of LDP2 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.

D. Impact on Woodland

The proposal will result in the loss of woodland, specifically to areas where the access road is proposed and where the proposed house will be sited. Wild surveys ltd have prepared a preliminary ecological appraisal which has been submitted by the applicants. This survey shows the site to be in an area designated as native woodland. The survey goes into more detail and notes that the native woodland is a semi-natural broad-leaved woodland and is dominated by mature aged broadleaved

woodland with areas of wet woodland within it. The site contains mature oak (*Quercus robur*), sycamore (*Acer pseudoplatanus*) ash (*Fraxinus excelsior*), birch (*Betula* sp.) and alder (*Alnus* sp.) as well as willow (*Salix caprea*), elder (*Sambucus nigra*), hazel (*Corylus avellana*) and rowan (*Sorbus* subg. *Sorbus*). The mature trees are of good ecological value and the site has been classed as being of good condition within the UKHabs condition sheet. It should be noted that a tree survey has not been undertaken so trees have not been individually tagged and identified and assessed in terms of health condition. Additionally there is no plan that identifies the trees to be removed.

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees, this policy also notes under part b) that development proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regards to potentially fragmenting woodland habitats the preliminary ecological appraisal has noted the site has good connectivity to further AWI's and to the LNCS Peaton Glen.

Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits.

Despite the lack of detail with regard to tree removal, from site inspection, it is certain that trees will require removal to accommodate development.

As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

E. Flooding

LDP STRAT 1 in terms of section J) *Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability*; SEPA have been consulted on the proposals and initially submitted a holding objection due to lack of information as the site is adjacent to the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium to high risk of flooding from the sea. The applicant latterly provided the additional information by way of site sections, spot heights and an indicative location for the proposed house. In SEPA's latest consultation response (received: 14.03.2023) they have removed their holding objection and requested that a condition is added requiring that (in line with NPF4 policy 22); all development is limited to existing ground levels above 4.9mAOD. The finished floor level of the development should be set to as least 5.5mAOD. The additional info as submitted by the applicant demonstrates that areas within the site are available to accommodate development which meet with SEPA's recommendations.

F. Road access including Sustainable Transport, Local Living

In terms of terms of the proposed access (which is mainly located within the countryside zone) the applicants have noted within their supporting statement that; *The access to the new properties will take the form of a private driveway accessed off Shore Road (B833) with a hard surface finish for the first 5 metres and sightlines of 136x2.4x1.05M in both directions. The position of the new access indicated will allow for the sightlines to be created within the ownership of the applicant and maintained*

in perpetuity. Off street parking for 3no. Cars will be formed and creation of level access to the house and comply with Scottish Technical Standards, as well as turning within the overall site. In respect of the above the local roads area manager has been consulted on the proposals and had noted that they have no objection subject to conditions. It is however worth flagging that roads have requested visibility splays of 160 x 2.4 x 1.05 metres in both directions not the shorter 136 x 2.4 x 1.05 metres in both directions that the applicants say they can achieve. Roads have also included conditions relating to the access / driveway widths and gradients, drainage, surfacing, parking and turning that would be required in this location. The proposal is therefore considered to be consistent with LDP 11, SG LDP TRAN 4, TRAN 6 and Proposed LDP Policies 36, 39 and 40. It is also worth noting in terms of NPF4 Policies 13 & 15 which relate to sustainable transport and local living and 20 minute neighbourhoods for which this proposal has been assessed against as well as the proposed LDP2 Policy 32 which relates to active travel. It is considered that the proposed development would meet these policies as it is considered that the proposal is small scale and would not result in the requirement to upgrade the existing infrastructure. It is also noted that two bus stops are located within walking distance to the proposal which link up with local facilities 14 minutes away and that these facilities could also be accessed via a 14-minute cycle which is considered appropriate for living within a rural area.