

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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18 November 2011

SUPPLEMENTARY PACK 2

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 23 NOVEMBER 2011

I enclose herewith supplementary report for item 5 (**MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)**) and item 8 (**DAVID MOONEY: ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW ACCESS: PLOT 3, LAND TO THE REAR OF LIMEKILN COTTAGE, FERRY ROAD, ROSNEATH (REF: 11/01550/PP)**) which was marked copy to follow on the Agenda for the above meeting.

Douglas Hendry
Executive Director - Customer Services

SUPPLEMENTARY REPORT AND ITEM TO FOLLOW

5. **MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 2)
8. **DAVID MOONEY: ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW ACCESS: PLOT 3, LAND TO THE REAR OF LIMEKILN COTTAGE, FERRY ROAD, ROSNEATH (REF: 11/01550/PP)**
Report by Head of Planning and Regulatory Services (Pages 3 - 16)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay
Contact: Fiona McCallum

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Tel. No. 01546 604406

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**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: 11/00784/PP

Planning Hierarchy: Local Application

Applicant: Mr Duncan Campbell

Proposal: Sub-division of garden ground, erection of dwellinghouse and detached garage and formation of new vehicular access.

Site Address: 7 Laggary Park, Rhu, Helensburgh

SUPPLEMENTARY REPORT NO.2

1.0 SUMMARY

Members will recall that it was agreed at the October Committee to continue consideration of this application to the next meeting to allow officers to clarify with the applicant which set of plans he wished to put forward for consideration, and whether or not he wished to see the original proposal determined, or whether he proposed to withdraw this current application and submit a new application in respect of an alternative proposal.

The applicant's agent has since advised that he would be pleased to secure planning permission for either of the two site layouts. Consequently, he would like to discuss both layouts further with officers to see if there is an appropriate compromise that could be reached in a bid to secure a favourable recommendation.

2.0 RECOMMENDATION

It is recommended that Members note the terms of this report and agree to continue the application for further discussions at the request of the applicant.

Author: Stephanie Spreng 01436 658889
Contact Point: Richard Kerr 01546 604845

Angus J Gilmour
Head of Planning & Regulatory Services

03 October 2011

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**Argyll and Bute Council
Development & Regulatory 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: 11/01550/PP

Planning Hierarchy: Local Application

Applicant: Mr David Mooney

Proposal: Erection of dwellinghouse, installation of septic tank and formation of new access

Site Address: Plot 3 Land to the rear of Limekiln Cottage, Ferry Road, Rosneath

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of new access
- Installation of septic tank

(ii) Other specified operations

- Connection to existing public water supply
-

(B) RECOMMENDATION:

It is recommended that, subject to a discretionary local hearing being held in advance of the determination of the application in view of the number of third party representations received, planning permission be **refused** for the reasons outlined below.

(C) HISTORY: 08/00895/DET – Erection of 2 dwellinghouses and installation of shared septic tank – Approved 23/06/2008

(D) CONSULTATIONS:

Roads Helensburgh And Lomond	30.09.2011	No objections subject to conditions.
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Flood Alleviation Manager	01.11.2011	No objections subject to conditions.
Scottish Water	06.09.2011	No objections.
Historic Scotland	21.09.2011	No objections. The most important aspect of the setting of Ferry Inn is its relationship with the Gare Loch and there is likely to be little impact on this relationship. Suggest retention of tree cover in terms of secondary impact on setting of Ferry Road when viewed from the road.
Rosneath & Clynder Community Council	20.09.2011	Object on grounds of drainage, loss of trees and over-development.
Council Biodiversity Officer	15.11.2011	Agrees with recommendations of submitted Bat Report

(E) PUBLICITY: Conservation Advert and Setting of a Listed Building Advert (expiry date 23.09.2011)

(F) REPRESENTATIONS:

26 email/letters of objection and 12 email/letters of support have been received from the following:

Objectors

Diane Brown, Ferry Inn, Ferry Road, Rosneath (email dated 04/09/2011)
Joseph Brown, Ferry Inn, Ferry Road, Rosneath (email dated 04/09/2011)
Lutyens Trust, c/o Dr. Mervyn Miller, 11 Silver Street, Ashwell, Baldock (letter dated 06/09/2011)
Gareth Jenkins, Flat 8, Raleigh Square, Raleigh Street, Nottingham (email dated 10/09/2011)
Gordon Jenkins, Flat 11, 29 Seward Street, London (email dated 11/09/2011)
Ethan Brown, 1043 Chelsea Avenue, Santa Monica, California (email dated 12/09/2011)
Mrs Edith Boyle, Red Beech Lodge, 20a West Argyle Street, Helensburgh (email dated 12/09/2011)
Bryan and Pat Jenkins, Cranford, Ferry Road, Rosneath (letter dated 10/09/2011)
Dr. Jodi Constantine, 1043 Chelsea Avenue, Santa Monica, California (email dated 13/09/2011)
Dr. Matthew Schmidt, 304 Robelmount Drive, College Station, Texas (email dated 13/09/2011)
Mrs Brenda Knopp, 11511 Spring Heath Court, Louisville, Kentucky (email dated 14/09/2011)
Robert Knopp, 11511 Spring Heath Court, Louisville, Kentucky (email dated 14/09/2011)
Mrs Janet Campbell, 50 Argyll Road, Rosneath (email dated 15/09/2011)
Alastair Wreford, Rose Cottage, Treights, Port Isaac (email dated 15/09/2011)
Mrs Rebekah Jenkins, Flat 8, Raleigh Square, Raleigh Street, Nottingham (email dated 15/09/2011)
Ms Linda Buglass, 15 Roselea Gardens, Ladybank (email dated 17/09/2011)
Kayleigh Maloy, 6 Princess Way, Rosneath (letter dated 20/09/2011)

Katrine Wreford, Water's Edge, Ferry Road, Rosneath (letter dated 20/09/2011 enclosing previous letter of objection on 08/00895/DET application)
Mrs Jenny Cole, 36 Straid-a-Cnoc, Clynder (letter dated 20/09/2011)
William Easson, 1 Argyll Road, Rosneath (letter dated 20/09/2011)
Johnise Maloy, 9 Navy Way, Rosneath (letter dated 20/09/2011)
Ms Leeca Pitt, Number 10, The Soundings, Clynder (email dated 24/09/2011)
Mr & Mrs C. Brown, 33 Clachan Road, Rosneath (letter dated 20/09/2011)
Mr. J & Mrs M Godfrey, 29 Argyll Road, Rosneath (letter dated 20/09/2011)
Miss Jayne MacColl, 31 Courthill, Rosneath (email dated 01/10/2011)
Gary Freeburn, 1/28 Ferry Road, Rosneath (email dated 01/10/2011)

(i) Summary of issues raised by objectors

The proposal will compromise the approach to and the setting of The Ferry Inn, a Category A Listed Building.

Comment: See my assessment.

The site's downward slope means that the height of the house is exaggerated and will look down on Cranford, Ferry Inn and especially Ferry Inn Cottage and produce a house that is more intrusive than its footprint implies. The design of the house is bland with no affinity to its context. Moreover, the building is inadequate for the size of house proposed. Taken together with the other two houses this represents incremental suburban development. Its proposed intensification appears quite inappropriate for this visually sensitive location, with two heritage assets of acknowledged importance nearby.

Comment: See my assessment.

It is proposed to remove trees from the site which form a natural windbreak. Permission for the two houses already erected was granted with the understanding that a screen of trees would be left to hide them from the A listed building. Their loss will increase the visual prominence of this proposed new building and its neighbours were it to be permitted.

Comment: See my assessment.

The Council's Main Issues report contains a valuable commitment to protecting, conserving and enhancing the outstanding natural and built environment of Argyll and Bute. Policy LP ENV 13a aims to protect listed buildings and their setting from inappropriate development. Given this policy, the Main Issues report commitment and the manifest limitations of the design and site, refusal of the application is the only appropriate course of action.

Comment: The Main Issues report is not as yet a material consideration in the assessment of applications. See also my assessment.

The development will entail the further breach in the historic rubble stone wall which enhances the immediate rural character of the surroundings.

Comment: The site is bounded by a traditional stone wall which is to be retained. Access is proposed from Ferry Road through the existing curtilage of the adjoining property approved under application 08/00895/DET. The Area Roads Manager has indicated no objections.

The whole of the development site which now consists of one finished property, one partially built house and the newly designated Plot 3 is situated on a very wet and boggy piece of land. Drainage has always been a problem with this piece of ground. Since the building of the other two properties on this site, Ferry Road has suffered from increased flooding and water run-off. This can only become worse with the erection of a third large house and with the loss of a large number of trees.

Comment: A Flood Risk Assessment has been submitted and assessed. Should the application be approved, a SuDS condition would be placed on the consent to ensure that an acceptable scheme of surface water drainage was implemented.

The land for this proposed development is surrounded by an old stone wall which retains a very high bank which runs down the side of Ferry Road. At one point it must reach a height of over 6 feet. Building work, the digging of foundations and the loss of trees may well destabilise this wall which would cause a major landslide if it collapsed which would be disastrous for the adjacent properties and Ferry Road.

Comment: This is a matter for Building Standards as part of any subsequent Building Warrant submission.

The lower part of Ferry Road is single track. The lack of parking and turning space within the property boundary means that cars would have to back out on to the road on a bend, or may even have to park on the road itself. This is dangerous and unacceptable in such a confined stretch of Ferry Road. The road will not be suitable for the extra traffic that will require access to these properties.

Comment: The Area Roads Manager has no objections subject to conditions.

There is currently a dwellinghouse on site that is yet to be completed. There is no demand for houses to be built in this particular area as one is yet to be finished after 3 years and the other has yet to be sold since it was completed. Reducing the plot size of the existing unoccupied second house to build a third house will do nothing to increase the value of the property in the area.

Comment: An application has been submitted and requires to be assessed against development plan policy and other material considerations. Property values are not a material consideration.

It is proposed to provide another septic tank which will be right up against the boundary fence of my property (Water's Edge). The tank installed for plots 1 & 2 is also right up against my boundary fence and is extremely noisy. Having two at either end of my garden will mean there is no escape from this noise.

Comment: It is not considered that an additional septic tank would have a significant impact on existing background noise.

There are active bats in this area and this should be considered before any permission is given to fell any more trees.

Comment: A bat survey has been submitted by the applicant and recommendations confirmed as acceptable by Local Biodiversity Officer. See also my assessment.

Planning permission for plots 1 and 2 was granted by waiver of burden. No waiver was given for the construction of a third house.

Comment: This is a civil matter rather than a material planning consideration.

I (Mrs Edith Boyle) own the plot of land with the old slipway to the south of Limekiln Cottage. In 2008, I granted a Deed of Servitude to Mr Mooney and Mr McWilliam to allow a drainage pipe to run through my land to serve plots 1 and 2. With regards to this current planning application I am not sure what arrangements have been made for drainage but if it was being considered to use the drainage arrangements that already exist for plots 1 and 2, and then the Deed of Servitude does not cover this for plot 3.

Comment: This is also a civil matter.

Supporters

Allan McWilliam, 22 Gullion Park, East Kilbride (email dated 11/09/2011)
Jordan McWilliam, 52 Barhill Road, Erskine (email dated 11/09/2011)
John McKenzie, 30 Ravelrig, Balerno (email dated 14/09/2011)
Paul Mooney, Coach House, Glencarse, Perth (email dated 14/09/2011)
Roderick MacLeod, 51 Rowanhill Drive, Port Seaton (email dated 15/09/2011)
Gordon Wright, Coach House, Glencarse, Perth (email dated 15/09/2011)
Christopher Allan, 32 Shaw Court, Erskine (email dated 19/09/2011)
Mrs Martina McWilliam, 22 Gullion Park, East Kilbride (email dated 22/09/2011)
Ross Lockhart, 54 Ellisland Drive, Kirkintilloch (email dated 24/09/2011)
Mrs Margaret Wright, Coach House, Glencarse, Perth (email dated 02/10/2011)
Miss Karyn McWilliam, 60 Clement Drive, Airdrie (email dated 01/10/2011)
Miss Emma Smeaton, 121 Gullion Park, East Kilbride (email dated 01/10/2011)

(i) Summary of issues raised by supporters

The design and layout will not have a detrimental impact on the natural beauty of the area. Indeed, the stunning design will enhance it.

As a tree surgeon I have advised the applicant that most of the trees on the land he proposes to build on should be removed as they are dangerous. The trees lining Ferry Road would be kept.

The applicant will be employing local people to build this property which keeps employment within the area, money within the local economy and the possibility that local people will reside in this desirable property.

Comment: Whilst this is noted as an intention, it cannot be controlled by means of any planning permission and associated conditions.

The area is not currently in the best state. The addition of a third dwelling on this development will not only enhance the value of the existing homes but will provide additional executive accommodation.

Comment: Property values are not a material consideration. See also my assessment.

The road being a single track road will not be compromised by any additional property development in the area.

We take exception to the Lutyens Trust calling the site incremental suburban development. The Cranford house seems to have much more affect to the area and is next to Ferry Inn and Ferry Inn Cottage.

After reading some ridiculous comments regarding drainage concerns it should be said that there has been a vast and obvious improvement in drainage over the last

few years since the immediate, new neighbouring properties have been built. This has been the result of hundreds of thousands of gallons of water being led away from the site due to the 2 new houses drainage systems being in place.

The proposed plot is not only across the road from, but also around the corner from the Ferry Inn. The plans show a lot of natural screening being left in place. Left in its current state, the proposed plot does nothing to enhance this area. It therefore makes sense for this development to go ahead.

(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:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

Summary of main issues raised by each assessment/report

Flood Risk Assessment

The proposed development is unlikely to cause or be affected by flooding and should have no impact on existing properties. A cut off ditch is proposed and new floor levels will be set to minimise surcharge risk from the house drainage or road flooding and is well above tidal flood influence from the adjacent loch. The new roof and driveway will be formally drained to a SUDS filter system and the discharge will be connected to the existing surface water outfall.

Bat Assessment Report

Although the trees within the plot/site are unlikely to hold any opportunities for bats, in the interests of best practice it would appropriate to follow a suitable methodology during any site clearance. Any felling of the trees should be undertaken during the winter months and by the end of February. If this is not possible, then all trees affected will need to be rechecked for bats and nesting birds. The stone wall around the northern boundary is unlikely to present good roosting opportunities for bats during the majority of the year due to the damp/wet conditions. However, there may be some potential during drier summer periods and for that reason the wall (if being removed or being altered (re-built) in any way) should be soft stripped (taken down by hand) during the winter months.

(H) PLANNING OBLIGATIONS

- (i) **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.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control
STRAT FW 2 – Development Impact on Woodland

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 7 – Impact on Tree/Woodland
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

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

Appendix A – Sustainable Siting and Design Principles

(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 & Bute Sustainable Design Guidance (2006)

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): 38 representations have been received with the majority (26) being objectors and none of the supporters having local addresses. In the event that Members are minded to support the recommendation to refuse, then it is not considered that a discretionary hearing would add value to the process. If Members are minded to support the application contrary to recommendation, then a discretionary local hearing is recommended.

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

Planning permission is sought for the erection of a dwellinghouse within a triangular shaped site fronting on to Ferry Road, Rosneath. The site is within the settlement boundary and Rosneath Conservation Area and is close to a Category A listed building, Ferry House, and the Category C(s) Ferry Cottage.

It is accepted that the proposal will not directly impact on the immediate settings of the nearby listed buildings and the loss of trees in the centre of the site, which are indifferent quality, is not considered sufficiently significant to warrant refusal of the proposal.

However, the size and shape of the proposed plot is insufficient to accommodate the dwellinghouse whilst maintaining the generous plot sizes which characterise the existing streetscape and the surrounding residential area. The bland and suburban design of dwelling proposed is also considered unacceptable in the context of adjacent dwellings and the conservation area within which the site is situated. The combination of an insufficient plot size and an inappropriate design produces a development which would fail to meet the statutory requirement to maintain and enhance the character of the conservation area within which it is proposed to be located.

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

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

N/A

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

Author of Report: Ross McLaughlin

Date: 16/11/2011

Reviewing Officer: Richard Kerr

Date: 17/11/2011

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION 11/01550/PP

1. The proposal would reduce the existing curtilage of the dwellinghouse occupying Plot 1 by approximately 23m in width and 290 square metres in total, as defined in implemented consent 08/00895/DET. The size and shape of the proposed plot is insufficient to accommodate a dwellinghouse in keeping with the character of the streetscape of this part of the Rosneath Conservation Area. The plot of land is situated at the end of a line of 2 newly built detached dwellinghouses which are set within generous rectangular shaped plots of approximately 26 metres in width and approximately 40 metres in depth giving an area of approximately 1040 square metres. The proposed plot size would measure only 23 metres in width and 23 metres in depth giving an area of approximately 529 square metres, which around 50% smaller than curtilage of Plot No 2. The proportions and design of the dwellinghouse proposed would appear to be too large for this triangular plot, crammed to boundaries with only a 2 metre separation from boundary walls and trees, which would be out of keeping with the character of its surroundings. Consequently, the combination of the sub-division of the existing plot and the introduction of a detached dwellinghouse with a smaller curtilage into a block of detached dwellinghouses with generously proportioned plots, would not be capable of being integrated satisfactorily within its surroundings, and, when juxtaposed with the existing properties would be visually discordant and would have a detrimental impact on the character and amenity of adjoining properties, the conservation area and the wider street scene. The proposal fails to pay sufficient regard to the context into which it is to be situated and fails to either maintain or enhance the character and appearance of the conservation area. This would be contrary to adopted Local Plan Policies LP ENV1, LP ENV14, LP ENV 19, LP HOU1 and Appendix A, which require that new development should integrate with its setting, should be compatible with its surroundings, and in particular, respect the character of conservation areas

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/01550/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is within the settlement boundary of Rosneath as defined by the adopted Local Plan. The site is also within the Rosneath Conservation Area. Within the settlement boundary there is a presumption in favour of development subject to site specific criteria being met. However, in exercising its duties under planning legislation, Section 64 of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 imposes a duty on the Planning Authority when considering developments within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The courts have interpreted this obligation in such a manner that any development which has a negative impact on the character and appearance of a conservation area ought therefore to be refused.

B. Location, Nature and Design of Proposed Development

The site is triangular in shape and extends to approximately 530 square metres. It comprises a piece of wooded and overgrown ground which adjoins the site of two existing houses approved under application 08/00895/DET. Part of the site will be made up of part of the existing curtilage of this adjoining property. The site is elevated sitting some 6 feet above the adjoining Ferry Road from where access is proposed, although the site itself is relatively flat. To the north is Ferry Inn, a Category A listed building, and Ferry Inn Cottage which is Category C(s). A separate unlisted property, Limekiln Cottage, sits to the south-east of the site.

The site is within the Rosneath Conservation Area and close to two listed buildings as indicated above. In accordance with Policy LP STRAT DC 9 of the Structure Plan and Policies LP ENV 13a and LP ENV 14 of the adopted Local Plan, all development must maintain or enhance this area and not detrimentally impact on the setting of a listed building.

In accordance with Policy LP ENV 19 of the adopted Local Plan, any new dwelling should be sited so as to pay regard to the context in which it is located, should be of a density compatible with the surrounding area and be designed to be compatible with its surroundings. The development should not create any amenity issues to neighbours or the surrounding area by way of overlooking, overshadowing, loss of daylight and so on.

The Council's 'Sustainable Design Guidance' also gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality and which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design.

The proposed house would be located towards the middle and rear of the plot at an angle of 90 degrees to the road on a similar building line as the adjacent new build properties. It would be 1½ storey in height, although given the size and shape of the roof it is effectively a two storey property. The design of the proposed dwelling is rather bland and suburban in appearance and does not reinforce any of the attributes of the conservation area. Its footprint would be approximately 120 square metres which would occupy approximately 23% of the site. This is in line with guidance in Appendix A of the Local Plan which indicates that detached houses should occupy no more than 33% of the site.

However, the proposed plot is smaller than those in the immediate area and there would also be a negative impact on the adjacent existing house (Plot 1) which would lose approximately 23m in width from its curtilage, and 290 square metres in total as defined in implemented consent 08/00895/DET. The small proportions of the site have made it difficult for the proposed dwellinghouse to sit comfortably alongside the established development / building line in the locale, with a cramped layout of the plot being the result. In the north and west corner there are only 2m separation distances to boundary walls and the identified boundary trees, which constitute important features in this part of the conservation area. The integrity and setting of both are likely to be undermined by such close proximity of a dwelling house in this location and the form of the development discordant with the generous proportions of the adjacent plots, which allow at least 7 metres separation from the houses to Ferry Road. Overall it is considered that the siting layout and design of the proposal would not respect the established character of the conservation area.

A further issue is the extent to which this new house impinges on the setting of adjoining listed buildings. It is located to the south of both Ferry Inn and Ferry Inn Cottage with a separation distance of over 40 and 20 metres respectively. As indicated by Historic Scotland the most important aspect of the setting of Ferry Inn is its relationship with the Gare Loch, and there is likely to be little direct impact on this relationship given the relationship of the buildings in question. Of secondary importance is the setting of both Ferry Inn and Ferry Inn Cottage when viewed from the adjoining road. It is not considered that it would impinge directly on the setting of either building, given both the separation distances involved and the angle/siting of the properties concerned. However, there will be an awareness of a modern property of suburban appearance in close proximity to the boundary wall and boundary trees on the approach to Ferry Inn and Ferry Inn Cottage on Ferry Road, which would be notable and discordant from the character of other properties on route through this tree lined section of the conservation area, to the detriment of the overall character and appearance of that conservation area.

C. Impact on Woodland/Biodiversity.

The proposed application site is currently overgrown with shrubs and is wooded containing a number of trees. Policy LP ENV 7 of the adopted Local Plan states that the Council will protect trees and resist development which is likely to have an adverse impact on them.

The site is not covered by a Tree Preservation Order (TPO) as the trees are not generally good quality specimens and are of limited value. Protection is, however, conferred by the status of the area as being within Rosneath Conservation Area (within which works to lop, top or fell trees requires consent). However, even in this context, the trees have minimal value. One tree has already fallen over and two others are sloping and are of little or no value. Approximately 14 trees would be removed to accommodate the proposed house. The key trees are the ones on the boundary between the proposed new property and the two listed buildings. Historic Scotland would wish to see these retained if permission were to be granted.

The issue of bats being active in the area has been raised by objectors. As a European protected species it is necessary that a bat survey be undertaken prior to the application being determined. A Bat Report has been submitted and its findings and recommendations have been agreed by the Council's Local Biodiversity Officer.

D. Road Network, Parking and Associated Transport Matters.

The proposed dwellinghouse would be accessed from Ferry Road. The site is bounded by a traditional stone wall which is to be retained. Access is proposed from Ferry Road through the existing curtilage of the adjoining property approved under application 08/00895/DET. The Area Roads Manager has indicated no objections subject to the provision of appropriate sightlines and a localised widening of Ferry Road.

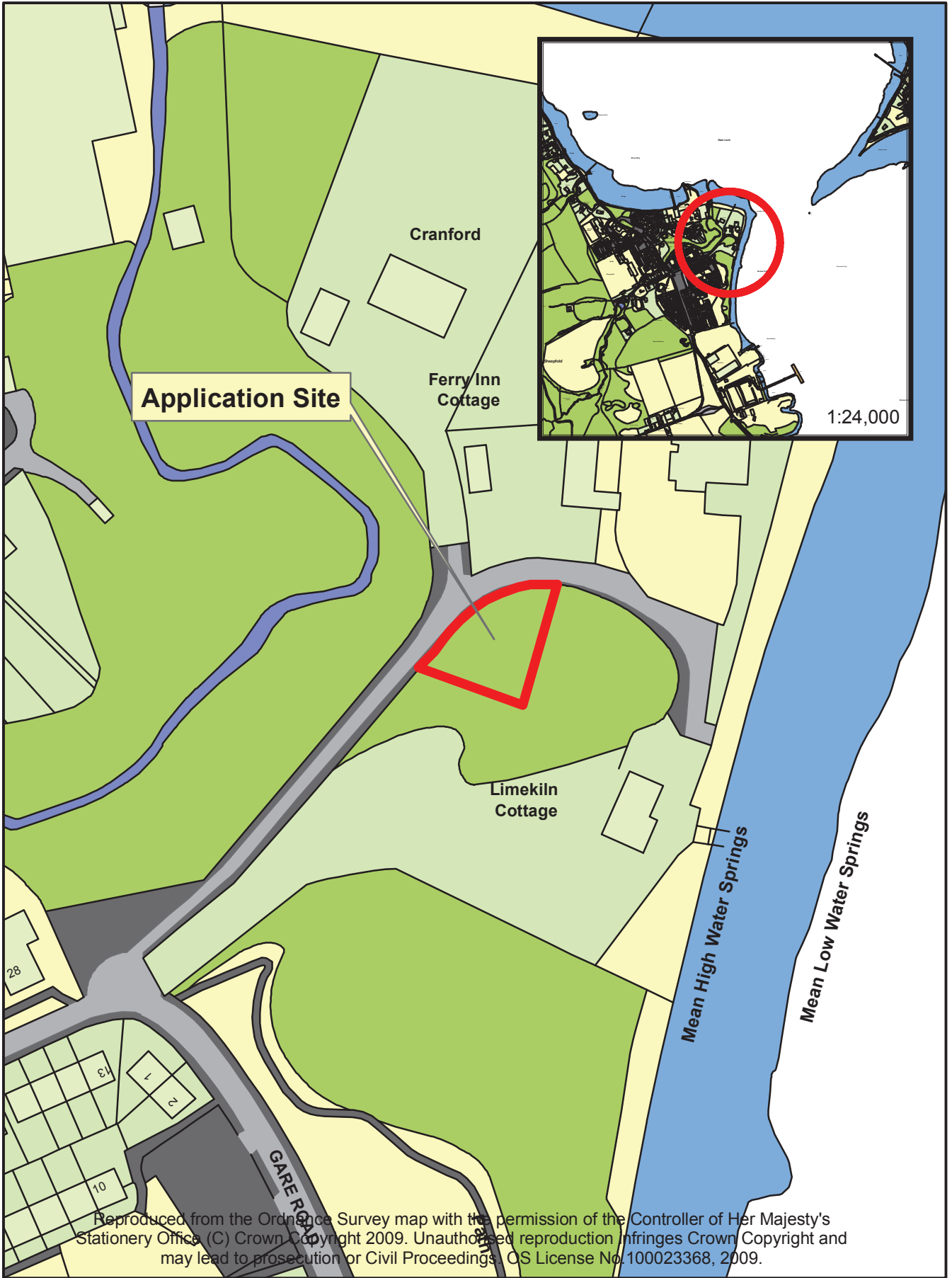
E. Infrastructure/ Flooding Issues

Scottish Water has no objections to the proposal. Concern has been raised that the development of this proposal would contribute to a localised flooding. A Flood Risk Assessment has been submitted. It has concluded that the proposed development is unlikely to cause or be affected by flooding and should have no impact on existing properties. A cut off ditch is proposed and new floor levels will be set to minimise surcharge risk from the house drainage or road flooding and is well above tidal flood influence from the adjacent loch. The new roof and driveway will be formally drained to a SUDS filter system and the discharge will be connected to the existing surface water outfall. The Flood Alleviation Manager has indicated no objections subject to conditions.

F. Conclusion.

The proposal seeks to introduce a new dwelling within the Rosneath Conservation Area where development will only be supported if it preserves or enhances the character and appearance of the conservation area. Development which has negative implications for the conservation area ought therefore to be refused. The dwelling proposed is of a bland and suburban design which does not pay due regard to the context in which it is to be situated and does not exhibit attributes which would reinforce the character of the conservation area. It compromises an existing plot and results in a form of development which does not pay due regard to the context into which it is to be located. The combination of the sub-division of the existing plot and the introduction of a detached dwellinghouse with a smaller curtilage into a block of detached dwellinghouses with generously proportioned plots, would not integrate with its setting and when juxtaposed with the existing properties would be visually discordant and detrimental to the character and appearance of the conservation area.

This would be contrary to adopted Local Plan Policies LP ENV1, LP ENV14, LP ENV 19, LP HOU1 and Appendix A, which require that new development should integrate with its setting, should be compatible with its surroundings, and in particular, respect the character of conservation areas



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Location Plan relative to Application Ref: 11/01550/PP

Date: 09.11.2011

Scale: 1:1,250



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