



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

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27 May 2020

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **BY SKYPE** on **WEDNESDAY, 3 JUNE 2020** at **10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SW OF 1 ROYAL COTTAGE, PIER ROAD, INNELLAN (REF: 20/0008/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 18)
 - (b) Comments from Interested Parties (Pages 19 - 54)

Argyll and Bute Local Review Body

Councillor David Kinniburgh (Chair) Councillor Alastair Redman
Councillor Sandy Taylor

Contact: Fiona McCallum Tel: 01546 604392

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Ref: AB1

ARGYLL AND BUTE COUNCIL

www.argyll-bute.gov.uk/**

OFFICIAL USE

NOTICE OF REVIEW

Date Received

Notice of Request for Review under Section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use Block Capitals.
Further information is available on the Council's website.

You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW

(2) AGENT (if any)

Name Name Address Address Post Code Post Code Tel. No. Tel. No. Email Email

(3) Do you wish correspondence to be sent to you ☒ Me or your Agent ☐

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

Erection of dwelling house and installation of sewage treatment plant

(7) Please set out detailed reasons for requesting the review:-

The design of the proposal is very much a matter of opinion, to the best of my knowledge there are no guidelines as to design, this is a matter for discussion. The house has been designed specifically to incorporate the two protected trees, the roots of which do not extend onto the site, they are in an elevated position and project under the North Campbell Road, they are an integral part of the design and are intended to fuse with the house, blending with the timber clad elevations. A green roof has been under consideration but, unfortunately, there was no opportunity to discuss these options with planning as no consultation was offered.

There are no windows which impose upon visible elevations, they are of similar proportions to the directly adjacent buildings rear windows, the only difference are mullions, positioning of these can be discussed.

The building does not have a flat roof, but even if it did, there is no consistent roof pitch in the area.

The planning department appear to accept the turning and parking facilities are sufficient and is therefore no objection.

Site occupancy extends to approximately 30% of total leaving ample space for other uses, the planning officer has also ignored the accessible roof space.

The construction of the house and it's finishes are of sustainable build and the use of the sewage treatment plant are considered an essential part of sustainable build.

The planners only have to look to the opposite end of North Campbell Road for an example of their idea of unacceptable "rounding off" that build bears no relationship with any other property in the area in terms of colouring, the extent of roof, windows, has limited visibility on exit, and has limited amenity as it is built on a dramatic slope, to the extent it is constructed on stilts.

The access to the site already exists and, regardless of the outcome of this review, will continue to be in use, the ability to turn within the site will doubtless improve the situation. This access has existed for many years, as has the problem of the turn linking Wyndham Road/ Pier Road, North Campbell Road, this problem is easily resolved with little cost/inconvenience by changing Pier Road into one way in the direction of North Campbell Road with no left turn at top. There is no additional traffic, the access already exists and is in use.

With regard to viability plays, who has control over their neighbors land, the planners granted permission for the development of the land to which they refer, surely it has the same problem regarding control of this site.

The local development plan is irrelevant relating to existing access.

Private sewage treatment plants are encouraged by other local authorities, they have much less impact on the sewage system but if the local authority prefer sewage to be connected to the municipal system it is not a problem.

I am very much of the view the application has not been assessed/considered with any diligence, site visits did not take place, an assessment of the protected trees was not carried out and the existence of the access was not addressed. I had a conversation with Mr Brian Close in approximately 2016 when we discussed this proposal, he informed me at the time his superior was not in favour of modern architecture and that would present a problem! I believe this application was immediately dismissed as no discussion was offered, only one email was sent and Mr Close's superior does not like the design, if we were to judge all applications were to be considered based on one mans personal view, we would see little progress!

If insufficient space please continue on a separate page. Is this attached?

Please tick to confirm

☐

(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information:-

- (a) Dealt with by written submission ☐
- (b) Dealt with by Local Hearing ☐
- (c) Dealt with by written submission and site inspection ☐
- (d) Dealt with by local hearing and site inspection ☐ YES

NB it is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review **(Note if posting your paperwork 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No	Detail
1	Photograph 1
2	Photograph 2
3	Photograph 3
4	Photograph 4
5	Photograph 5
6	
7	
8	
9	
10	
If insufficient space please continue on a separate page. Is this attached? Please tick to confirm	

Submitted by
(Please sign)

Stewart Hutchison

Dated

03/03/2020

Important Notes for Guidance

- (1) All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
- (2) All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
- (3) Guidance on the procedures can be found on the Council's website -:
<http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body>
- (4) In in doubt how to proceed please contact 01546 604392/604269 or email:
localreviewprocess@argyll-bute.gov.uk
- (5) Once completed this form can be either emailed to
localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services, (Local Review Body), Kilmory, Lochgilphead, Argyll, PA31 8RT*
- (6) You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

20/0008/LRB

**REVIEW AGAINST REFUSAL OF PLANNING PERMISSION
REF. 19/01861/PP**

**LAND SOUTH WEST OF 1 ROYAL COTTAGE
PIER ROAD, INNELLAN, DUNOON, ARGYLL**

16/04/2020

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ("the Council"). The appellant is Mr Stuart Hutcheson, The Long House, 1 Lower Milovaig, Glendale, Isle of Skye, IV55 8WR. The applicant did not appoint an agent.

Planning application ref. 19/01861/PP, which proposed the erection of a dwellinghouse and installation of a sewage treatment plant on land south-west of 1 Royal Cottage, Pier Road, Innellan ("the appeal site"), was refused on 17th January 2020

The planning decision has been challenged on the basis of the appellant's comments below that are the subject of review by the Local Review Body.

DESCRIPTION OF SITE

In the adopted Argyll and Bute Local Development Plan (LDP), the appeal site is located within the village and minor settlement of Innellan (North). The appeal site lies at the southern portion of a larger site containing two modern dwellinghouses to the north. This larger site is covered by a Tree Preservation Order (ref. 04/04 – Grounds of Royal Cottage, Pier Road), which relates to one Horse Chestnut tree and one Lime tree which were confirmed on 11th February 2004.

[Production No. 1 Appeal Site Location Plan]

Site and Surroundings

The appeal site is located at the top of Pier Road, east of its junction with Wyndham Road and North Campbell Road, Innellan. The appeal site was originally part of The Royal Hotel site which was demolished following a fire in 1981. The Villagers Royal Bar (the remaining part of The Royal Hotel buildings) is located to the east and downhill from the appeal site. The former Royal Cottages have been demolished and replaced by two split-level dwellinghouses which were developed by the applicant immediately adjacent and north of the appeal site.

Despite various planning permissions being granted for housing developments on the site of the former Royal Hotel to the east of the appeal site, this large vacant site is now overgrown having being cleared of vegetation several years ago. Notwithstanding the lack of recent planning activity, this brownfield site still has the potential to be developed for housing.

The appeal site itself was used for the storage of building materials and vehicles when the Royal Cottages site was being developed by the appellant. This small triangular site has been fenced off as a separate site by the appellant.

A Horse Chestnut tree and Lime tree, both covered by a Tree Preservation Order, are located in the north-western corner of the site adjacent to North Campbell Road. The site is overgrown with mature shrubs and a large storage container is located on the site.

A burn which is partly culverted flows downhill across the southern tip of the appeal site.



[Production No. 2 - photo taken 7th October 2019 from top of Pier Road looking north-east over the appeal site]

The Proposal

It is proposed to erect a detached dwellinghouse within the northern portion of the small triangular shaped site. The proposed dwellinghouse would have an 'L' shaped footprint and adopt a modern design approach with a flat roof upper section and raised patio deck. The two-level dwellinghouse would accommodate two bedrooms, store/office and shower room on the ground floor with open plan kitchen and living room on the first floor. The proposed dwellinghouse contains a mixture of large vertical and horizontal window open openings. The main east facing elevation would have a large picture window from a bedroom on the ground floor with a glazed main entrance doorway. A large picture window from the lounge/kitchen on the upper floor displays horizontal emphasis with a further glazed doorway opening out onto a raised patio deck. With the exception of one narrow vertical slit window from the ground floor store/office, no other window openings are proposed on the rear (west) elevation. On the south elevation a larger picture window made up of both vertical and horizontal window panels is proposed. No window openings are proposed on the north elevation. No materials were specified.

It is proposed to connect to the public water supply. It is proposed to install a sewage treatment plant system with soakaway to the nearby burn. No surface water drainage proposals have been submitted.

Access to the application site is from Pier Road via an existing dropped kerb access which previously served the former Royal Cottages but was to be upgraded to serve the proposed residential schemes approved. The site is bounded by a low stone boundary wall along the North Campbell Road / Pier Road frontage.



[Production No. 3 - photo taken 7th October 2019 at the top of Pier Road looking into the appeal site].

SITE HISTORY

There is an extensive site history detailed in the report of handling in Appendix A.

Essentially, the appeal site is an unused piece of land which was associated with the development of the Royal Cottages site adjacent.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & 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 determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

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

- Whether the siting of the proposed dwellinghouse is acceptable in terms of the existing settlement character?
- Whether the proposed development would adversely affect the immediate settlement character?
- Whether the proposed dwellinghouse represents acceptable infill, rounding-off or redevelopment within the Innellan settlement zone?
- Whether the proposed scale, design and materials are appropriate for the site?
- Whether the proposed development on a prominent site would result in adverse visual impact?

- Whether the proposed access and parking arrangements are acceptable?
- Whether the proposed private foul drainage arrangements are acceptable in an area served by public sewer network?

The Report of Handling dated 17th January 2020 [Appendix 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. Photographs are included within this response to illustrate the nature of the site surroundings and help explain the issues related to in the text below.

COMMENT ON APPELLANT'S SUBMISSION

The appellants' statement can be summarised under the following key issues: Taking each of the appellant's comments in turn:

- *The design of the proposal is very much a matter of opinion, to the best of my knowledge there are no guidelines as to design, this is a matter for discussion. The house has been designed specifically to incorporate the two protected trees, the roots of which do not extend onto the site, they are in an elevated position and project under the North Campbell Road, they are an integral part of the design and are intended to fuse with the house, blending with the timber clad elevations. A green roof has been under consideration but, unfortunately, there was no opportunity to discuss these options with planning as no consultation was offered.*

Planning response: Design can be a subjective matter but in this case, the poor quality submission coupled with a poor design concept on a confined site was found to be unacceptable by the Case Officer, Area Team Leader and Divisional Manager. Design Guidance is contained within the Argyll and Bute Local Development Plan Supplementary Guidance including Sustainable Siting and Design Principles and also within the Council's Sustainable Design Guidance documents 1 to 4.

The appellant had been invited to submit a Design Statement to explain the rationale for his particular design but no Design Statement was ever submitted nor did the department have any opportunity to discuss the scheme in more detail with the appellant despite emails dated 4th October 2019, 4th November 2019, 4th December 2019 and 23rd December 2019 [Production nos. 5, 7, 8 & 9].

The issue of the protected trees on site have not been explored fully with the appellant. The trees are located immediately adjacent to the raised footway on Pier Road where the roots could have a detrimental impact on the structural integrity of the footway and road. The department may however be willing to support any proposals to remove these trees providing proposed siting, scale and design is acceptable.

- *There are no windows which impose upon visible elevations, they are of similar proportions to the directly adjacent buildings rear windows, the only difference are mullions, positioning of these can be discussed.*

Planning response: The proposed dwellinghouse displays a mixture of window openings leading to cluttered elevations. The appellant had been invited to submit a Design Statement to explain the rationale for his particular design but no Design Statement was ever submitted nor did the department have any opportunity to discuss the scheme in more detail with the appellant despite emails 4th October 2019, 4th November 2019, 4th December 2019 and 23rd December 2019. [Production nos. 5, 7, 8 & 9].

- *The building does not have a flat roof, but even if it did, there is no consistent roof pitch in the area.*

Planning response: The submitted drawings were considered to be of such poor architectural quality that the upper section of the dwellinghouse appeared 'box-like' with a flat roof. The appellant was invited to submit a Design Statement to explain the rationale for his particular design but no Design Statement was submitted nor did the department have any opportunity to discuss the scheme in more detail with the appellant despite emails dated 4th October 2019, 4th November 2019, 4th December 2019 and 23rd December 2019 [Production nos. 5, 7, 8 & 9]. For the record, the department is not against the use of flat roofs or mono-pitch roofs on modern dwellinghouses provided the overall design concept is acceptable.

- *The planning department appear to accept the turning and parking facilities are sufficient and is therefore no objection.*

Planning response: Roads response dated 2nd October 2019 [Production no.4] confirms no objections in principle but subject to safeguarding conditions. Roads require the access to be at 90° to the road to ensure maximum visibility for vehicles exiting the site. The exit must be more than 15 metres from the junction with Wyndham Road. Parking for 2no. vehicles to be provided within the site along with turning provision. The department advised the appellant of these requirements and requested a revised plan indicating access design and demonstrating that parking and turning could be achieved. No revised plan was submitted. Furthermore, the appellant questioned the professional advice given by Roads in emails dated 4th October 2019, 4th November 2019, 4th December 2019 and 23rd December 2019 [Production nos. 5, 7, 8 & 9].

- *Site occupancy extends to approximately 30% of total leaving ample space for other uses, the planning officer has also ignored the accessible roof space.*

Planning response: The poor quality drawings and lack of a Design Statement explaining how the proposed building works and its relationship to its amenity spaces resulted in a negative recommendation. The small overgrown triangular site (182sqm) has very limited opportunities for meaningful amenity space which was not ably demonstrated by the appellant in his submission. For these reasons, it was considered that the erection of a dwellinghouse on the site together with its car parking and turning facilities would result in over-development of the restricted application site and offer very limited amenity spaces for the proposed dwelling.

- *The construction of the house and its finishes are of sustainable build and the use of the sewage treatment plant are considered an essential part of sustainable build.*

Planning response: No other modern dwellinghouse within the immediate settlement boundary would be allowed to have its own sewage treatment system under current LDP policy guidance. All properties within the settlement zones are expected to connect to the mains water and foul drainage systems. Only in some rural settlements or isolated rural development would private sewerage systems be considered to be acceptable in the absence of a public system.

- *The planners only have to look to the opposite end of North Campbell Road for an example of their idea of unacceptable "rounding off" that build bears no relationship with any other property in the area in terms of colouring, the extent of roof, windows, has limited visibility on exit, and has limited amenity as it is built on a dramatic slope, to the extent it is constructed on stilts.*

Planning response: Comparing another property with the appellant's proposal is considered to be irrelevant. Planning bases its recommendations on the Development Plan, statutory

consultee responses, third party representations and any other material considerations with the overriding principle that every site is judged entirely on its individual merits. The particular site the appellant refers to involved lengthy negotiations to find an acceptable design solution. However in this case of this appeal, the appellant chose not to engage with the department in a meaningful way to achieve a positive outcome.

- *The access to the site already exists and, regardless of the outcome of this review, will continue to be in use, the ability to turn within the site will doubtless improve the situation. This access has existed for many years, as has the problem of the turn linking Wyndham Road/ Pier Road, North Campbell Road, this problem is easily resolved with little cost/inconvenience by changing Pier Road into one way in the direction of North Campbell Road with no left turn at top. There is no additional traffic, the access already exists and is in use.*
- *With regard to viability (sic) splays, who has control over their neighbours land, the planners granted permission for the development of the land to which they refer, surely it has the same problem regarding control of this site.*

Planning response: Roads responded on 2nd October 2020 [Production no.4], stating no objections subject to conditions regarding access design, location of access, sightlines onto Pier Road, parking and turning provision within the application site This information was passed to the appellant via email on 4th October 2019 to allow him the chance to submit a revised plan based on Roads comments. [Production No.5].

The appellant duly responded by email on 4th October 2019 with his own comments on access and car parking but unwilling to accept comments made by the Area Roads Engineer.

Roads were again consulted by the department on 1st November 2019 to offer comment to the appellant's comments. Roads confirmed the conditions required were "*fairly standard and could be addressed fairly simply*". The main aspect of Roads advice was the requirement to provide an access at 90 degrees to the carriageway, which the current "access" clearly did not. Roads confirmed that by squaring up the access, visibility to the north-west would be maximised. This would ensure that the safety of all road users both those entering or leaving the site and passing traffic both vehicular and pedestrian is not compromised.

These comments were passed to the appellant via email on 4th November 2019 with no further reply from the appellant.

Furthermore, the access arrangements were the only aspect of the proposed development which South Cowal Community Council objected to (e-mail of objection dated 15th November 2019). The Community Council considered that access to the site will potentially be dangerous due to its proximity to a very sharp bend, the junction with Wyndham Road and the steep slope of Royal Brae. The combination of these three factors will pose a risk for vehicles entering or leaving the site.

- *The local development plan is irrelevant relating to existing access.*

Planning response: The adopted Argyll and Bute Local Development Plan and accompanying Supplementary Guidance and Sustainable Design Guidance forms the Development Plan on which planning assessments are made. Specifically, Policies LDP 11 and SG LDP TRAN4 spell out the Council's stance on the provision of new vehicular accesses. This document is clearly a material consideration in an assessment of the proposal.

- *Private sewage treatment plants are encouraged by other local authorities, they have much less impact on the sewage system but if the local authority prefer sewage to be connected to the municipal system it is not a problem.*

Planning response: The applicant did not respond to the department's requests regarding foul drainage arrangements. Scottish Water in their response (dated 26th September 2019) offered no objections in principle and commented that foul drainage could be serviced by Innellan Dunadd Waste Water Treatment Works subject to capacity. There would therefore appear to be capacity in the public sewer network to avoid installing a private treatment plant. Interestingly, previous schemes for the Royal Cottages dwellings and proposals for development of the Royal Hotel site, all made connections, or intended to connect to the public sewer network. Accordingly, the proposal to install a private sewage treatment plant with soakaway to a nearby burn in an area that can potentially be served by connection to the public sewer system is contrary to policies LDP 11 and SG LDP SERV 1 of the Argyll and Bute Local Development Plan.

- *I am very much of the view the application has not been assessed/considered with any diligence, site visits did not take place, an assessment of the protected trees was not carried out and the existence of the access was not addressed. I had a conversation with Mr Brian Close in approximately 2016 when we discussed this proposal, he informed me at the time his superior was not in favour of modern architecture and that would present a problem! I believe this application was immediately dismissed as no discussion was offered, only one email was sent and Mr Close's superior does not like the design, if we were to judge all applications were to be considered based on one man's personal view, we would see little progress!*

Planning response: The Case Officer previously discussed the applicant's proposals with him informally and outlined the process of submitting a preliminary enquiry for comment prior to submitting a formal application. Contrary to the appellant's comments, the Case Officer was open to either traditional or modern design on the site but had expressed concern that the site may be too small to accommodate a dwelling together with amenity spaces, car parking and turning. The applicant was advised that it was his responsibility to demonstrate that a dwellinghouse could be suitably accommodated on the site.

The applicant however declined the opportunity of engaging in any pre-application enquiries and submitted his application on 4th September 2019 without any previous discussions concerning siting, design or access.

When the application was validated on 23rd September 2019, the Case Officer visited the site initially on 7th October 2019 with subsequent visits leading up to the preparation of the Report of Handling during December 2019. The Case Officer was very familiar with the appeal site having been involved in previous development proposals.

The appellant's recollection of events is contrary to the factual evidence of email discussions throughout the course of the planning application when the department initially contacted the appellant on 4th October 2019 with further emails sent 4th November 2019, 4th December 2019 and 23rd December 2019.

The department emailed the applicant on 4th November 2019 [*Production No.7*] with further Roads comments and to query the particular design and use of a flat roof. In addition, the appellant was invited to peg the site out for further inspection as the site was heavily overgrown. No response was received from the appellant.

A further email was sent from the department to the appellant on 4th December 2019 [*Production No.8*]. This email made the appellant aware that the lack of supporting information and not providing a response to various outstanding matters concerning, design, access and foul drainage would result in the application being reported with a negative recommendation. The appellant was also given the chance to withdraw the application and engage in meaningful discussions to best develop the site. No response was received from the appellant.

The application was reported with a Report of Handling [Appendix 1] dated 17th January 2020 and sent out to the appellant on 17th January 2020.

An email from Admin Support to the appellant dated 31st January 2020 [*Production No.10*] stated that the Refusal Notice with associated stamped plans were posted but the package was returned to the planning office on 27th January 2020 marked as “addressee gone away”. The email dated 31st January 2020 to the applicant in addition to an attached Refusal Notice gave the appellant a link to the Refusal Notice and stamped plan on the Council’s website. The appellant responded to Helen Munroe on 3rd February 2020 [*Production No.11*]

CONCLUSION

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

The attached Report of Handling [Appendix 1] clearly details why Planning Permission could not be supported due to the scale, siting and design of the proposed dwellinghouse on a very restricted site where there were also issues of access, car parking and foul drainage arrangements. The proposed development was considered to be contrary to the surrounding settlement pattern with adverse visual impacts and technical failures. The application necessitated a straightforward policy refusal against LDP DM 1 and LDP HOU 1.

The proposed development is not in accordance with the Local Development Plan policies LDP DM 1, LDP 9, SG LDP HOU1 and Argyll and Bute Supplementary Guidance that allow for rounding-off related to the existing built form. For the reasons advanced in the report, the proposed development is considered to be poorly designed for its surroundings and would not be in keeping with the established settlement pattern of the area. The application site although small with limited space, may be capable of supporting a very modest dwellinghouse, but with much enhanced design features, improved amenity spaces and appropriate access design.

The department attempted to contact the applicant at various stages throughout the planning process to request the submission of additional details on design, materials, access improvements and foul drainage arrangements, but to no avail. It was also suggested to the applicant that this application be withdrawn and (in the absence of any previous pre-application enquiry taking place), engage in meaningful discussions to try to find a more appropriate design solution for the site. The department have not ruled out the possibility of a modest residential development on the appeal site but the appellant will need to work closely with the department (and Roads) to find a mutually agreeable solution. If the appellant submits a revised application before the original date of receipt i.e. before 4th September 2020 then he would avoid paying a further planning fee provided the red line site boundary remains the same (the inclusion of visibility splays within a revised red line boundary would be permissible in this instance).

Given the above, the planning history of the site and having regard to the policies contained in the Argyll and Bute Local Development Plan, it is considered that the proposal to erect a modern flat roofed dwellinghouse on such a small and prominent site within the settlement zone is inconsistent with policies contained in the LDP and there are no special circumstances or material considerations which would justify approval. Additionally, the lack of detailed information on access arrangements, foul drainage arrangements and impact on existing protected trees all combine to make it difficult for the department to recommend approval.

The original reasons for refusal are set out below.

REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 19/01861/PP

1. Whilst the application site lies within the village and minor settlement boundary of Innellan (North), the proposal is considered to be unacceptable rounding-off development due to the inappropriate siting, scale and design of the proposed dwellinghouse on a very confined site which contains two protected deciduous trees. The particular modern and incongruous design would result in a dwellinghouse that would look out of place in its traditional surroundings at be at odds with the surrounding built environment. The use of a flat roof and varied mix of large horizontal and vertical windows would not create an acceptable or sympathetic design solution for this awkwardly configured site. The erection of a dwellinghouse on the site together with its car parking and turning facilities would result in over-development of the restricted application site and offer very limited amenity spaces for the proposed dwelling. The application therefore is not consistent with policies LDP DM 1, LDP9, SG LDP HOU1 General Housing Development and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan.
2. The proposed dwellinghouse would not represent acceptable rounding-off development as the required sightlines onto Pier Road cannot be provided. The required southbound visibility splay is located on land outwith the applicant's control. Furthermore, the existing access requires significant improvements to provide a safe vehicular access. Without these necessary improvements, the proposal would result in an intensification of traffic movements on Pier Road using a sub-standard access. The proposed development is considered to be inconsistent with the provisions of the Development Plan and approval could only be obtained if the visibility splays and access design issues can be addressed. With this in mind the proposal as currently submitted is not capable of achieving the required standards as per SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes of the Argyll and Bute Local Development Plan.
3. The siting of the proposed dwellinghouse in close proximity to two protected deciduous trees (Tree Preservation Order 04/04) would result in a significant impact to these trees. Development so close to these trees and their root systems would inevitably result in a significant adverse impact to these trees and accordingly contrary to policies LDP 3 and SG LDP ENV6 of the Argyll and Bute Local Development Plan which states that the 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 and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.
4. It is proposed to install a private sewage treatment plant with soakaway to a nearby burn in an area that can potentially be served by connection to the public sewer system. Accordingly, the proposed development is considered to be contrary to policies LDP 11 and SG LDP SERV 1 of the Argyll and Bute Local Development Plan.

Accordingly, and on the basis of all of the above, the department maintains its position of refusal under the terms of policies LDP DM1, LDP 3, LDP 9, LDP 11, SG LDP ENV6, SG LDP HOU1, SG LDP TRAN4, SG LDP SERV 1 and SG2 of the Argyll and Bute Local Development Plan, all of which presume against the nature of the development proposed. No new information has been submitted by the appellant in support of his proposal that would alter the department's original recommendation. Taking account of all of the above, it is respectfully requested that the appeal be dismissed and Planning Permission refused as per original recommendation.

Appendix 1

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: 19/01861/PP

Planning Hierarchy: Local application

Applicant: Mr Stuart Hutcheson

Proposal: Erection of dwellinghouse and installation of sewage treatment plant.

Site Address: Land south-west of 1 Royal Cottage, Pier Road, Innellan, Argyll.

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of detached dwellinghouse;
- Installation of sewage treatment plant;
- Formation of on-site car parking and installation of turntable;

(ii) Other specified operations

- Use of existing access;
 - Connection to public water main;
 - Clearance and removal of vegetation within site.
-

(B) RECOMMENDATION:

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

(C) HISTORY:

The application site is an unused piece of land which was associated with the development of the Royal Cottages site adjacent.

An application for planning permission (ref. 03/01644/DET) for the demolition of two cottages and erection of two dwellinghouses with retaining wall and formation of vehicular accesses was withdrawn 15th December 2003.

Planning permission (ref. 03/02339/DET) was granted on the 3rd February 2004, for the demolition of two cottages (Royal Cottages) and erection of two dwellinghouses with

retaining wall and formation of vehicular accesses, North Campbell Road, Innellan. These dwellings were completed around 2006 where the developer was the current applicant.

Planning permission (ref. 04/00422/VARCON) for a variation of condition 8 of permission 03/02339/DET to remove requirement for turning space in favour of two double driveways was granted on 1st April 2004 and implemented.

The Royal Cottage site formed part of a larger site to the south which was The Royal Hotel site.

Detailed planning permission (ref: 06/01528/DET) was granted for the erection of five detached dwellinghouses and formation of a vehicular access on 20th October 2006 and expired.

An application (ref. 08/00489/DET) for the erection of 12 dwellinghouses, detached garage, formation of new vehicular access, car parking, turning and landscaping was refused on 30th July 2009 and a subsequent appeal (ref. 09/00019/REFPLA) was dismissed due to issues of over-development, visual impact, loss of amenity and concern regarding visibility and access position.

An application (ref. 10/01261/PP) for the erection of 10 dwellinghouses and detached double garage and formation of new vehicular access, car parking, turning and landscaping was withdrawn on 27th October 2010.

An application (ref. 11/00353/PP) for the erection of 10 dwellinghouses (8 with integral garages), erection of detached double garage, formation of new vehicular access and landscaping was registered invalid on receipt on 28th February 2011

Planning Permission (ref. 11/01672/PP) for the erection of five detached dwellinghouses and formation of vehicular access (renewal of planning permission 06/01528/DET) was granted 7th November 2011 but lapsed in 2014.

(D) CONSULTATIONS:

Roads (response dated 2nd October 2019): No objections subject to conditions regarding access design and position, sightlines, parking and turning requirements. Advisory comments regarding surface water drainage, gates and a Road Opening Permit.

Scottish Water (response dated 26th September 2019): No objections in principle. Currently sufficient capacity in Loch Eck Water Treatment Works. Foul drainage will be serviced by Innellan Dunadd Waste Water Treatment Works subject to capacity. Applicant advised that SW will not accept any surface water connections into their combined sewer system. Advisory comments.

-
- (E) PUBLICITY:** The application was advertised under Regulation 20(1) Advert (publication date 4th October 2019, expiry date 25th October 2019). Neighbour notification expired on 15th October 2019.

(F) REPRESENTATIONS:

One e-mail of objection (dated 15th November 2019) has been received from South Cowal Community Council. The Community Council consider that access to the site will potentially be dangerous due to its proximity to a very sharp bend, the junction with Wyndham Road and the steep slope of Royal Brae. The combination of these three factors will pose a risk for vehicles entering or leaving the site.

Comment: Roads recommend conditions in respect of access design and sightlines. Refer to report below.

(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 e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 obligation 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 Local Development Plan (26th March 2015)

LDP STRAT1 Sustainable Development;
LDP DM1 Development within the Development Management Zones;
LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment;
LDP 8 Supporting the Strength of Our Communities;
LDP 9 Development Setting, Layout and Design;
LDP 10 Maximising our Resources and Reducing Our Consumption;
LDP 11 Improving our Connectivity and Infrastructure.

Argyll and Bute Supplementary Guidance (approved March 2016)

SG LDP ENV6 Development Impact on Trees / Woodland;
SG LDP HOU1 General Housing Development;
SG LDP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
SG LDP SERV2 Incorporation of Natural Features / Sustainable Drainage Systems (SuDS);

SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes;
SG LDP TRAN6 Vehicle Parking Provision;
SG2 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.**

Planning history;
SPP, 2016;

Consultee responses;
Argyll and Bute Council Sustainable Design Guide, 2006;

Legitimate public concern expressed on 'material' planning issues;
Argyll and Bute Proposed Local Development Plan 2, November 2019.

-
- (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:** No

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

Policy Considerations

In the Argyll and Bute Local Development Plan, the application site is located within the village and minor settlement of Innellan (North).

The application site lies at the southern portion of a larger site containing two modern dwellinghouses to the north. This larger site is covered by a Tree Preservation Order (ref. 04/04 – Grounds of Royal Cottage, Pier Road), which relates to one Horse Chestnut tree and one Lime tree and confirmed on 11th February 2004.

Site and Surroundings

The application site (182sqm) is located at the top of Pier Road, east of its junction with Wyndham Road and North Campbell Road, Innellan. The application site was originally

part of The Royal Hotel site which was demolished following a fire in 1981. The Royal Bar (now Villagers Royal) recently closed on Pier Road, is located to the east and downhill from the application site. The former Royal Cottages have been demolished and replaced by two split-level dwellinghouses immediately adjacent and north of the development site (ref. 03/02339/DET and 04/00422/VARCON).

Despite various planning permissions being granted for housing developments on the site of the former Royal Hotel to the east of the application site, this area is now overgrown having being cleared of vegetation several years ago.

The application site itself was used for the storage of building materials and vehicles when the Royal Cottages site was being developed. This small triangular site has been fenced off as a separate site by the applicant.

A burn which is partly culverted flows downhill across the southern tip of the application site.

The Proposal

It is proposed to erect a detached dwellinghouse within the northern portion of the small triangular shaped site. The proposed dwellinghouse would have an 'L' shaped footprint and adopt a modern design approach with a flat roof upper section and raised patio deck. The two-level dwellinghouse would accommodate two bedrooms, store/office and shower room on the ground floor with open plan kitchen and living room on the first floor. The proposed dwellinghouse contains a mixture of large vertical and horizontal window open openings. The main east facing elevation would have a large picture window from a bedroom on the ground floor with a glazed main entrance doorway. A large picture window from the lounge/kitchen on the upper floor displays horizontal emphasis with a further glazed doorway opening out onto a raised patio deck. With the exception of one narrow vertical slit window from the ground floor store/office, no other window openings are proposed on the rear (west) elevation. On the south elevation a larger picture window made up of both vertical and horizontal window panels is proposed. No window openings are proposed on the north elevation.

No materials are specified.

It is proposed to connect to the public water supply. It is proposed to install a sewage treatment plant system with soakaway to the nearby burn. No surface water drainage proposals have been submitted.

Access to the application site is from Pier Road via an existing dropped kerb access which previously served the former Royal Cottages but was to be upgraded to serve the proposed residential schemes approved. The site is bounded by a low stone boundary wall along the North Campbell Road / Pier Road frontage.

A Horse Chestnut tree and Lime tree, both covered by a Tree Preservation Order, are located in the north-western corner of the site adjacent to North Campbell Road. The site is overgrown with shrubs and a large storage container is located on the site.

Assessment

Settlement Strategy

In the Argyll and Bute Local Development Plan, Policy LDP DM1– Development within the Development Management Zones, encouragement shall be given to sustainable forms of development as follows:-

(C) Within the Villages and Minor Settlements up to small scale on appropriate sites.

Additionally, policy LDP STRAT 1 – Sustainable Development states that in preparing new development proposals, developers should seek to demonstrate the following sustainable development principles, which the planning authority will also use in deciding whether or not to grant planning permission:

- b) Make efficient use of vacant and/or derelict land including appropriate buildings;
- d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) Respect the landscape character of an area and the setting and character of settlements;
- j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and
- k) Avoid having significant adverse impacts on land, air and water environment.

In this instance the proposal is located within the settlement boundary of Innellan (North) generally amongst existing traditional dwellinghouses. Whilst the principle of developing this small site for a very modest dwellinghouse may be consistent with policy, the particular siting and design of the dwellinghouse is considered to be at odds with the surrounding built environment. Whilst development of the site may make use of a prominent piece of vacant ground, the design of the dwellinghouse is considered to be of very poor quality and not consistent with the LDP in terms of criteria (h) and (i) above.

In the Argyll and Bute Local Development Plan, Policies LDP DM1, LDP 8 and SG LDP HOU 1 sets out a general presumption in favour of small scale housing development within the villages and minor settlements on appropriate sites unless there is an unacceptable environmental, servicing or access impact.

The proposal must be assessed against the provisions of Policies LDP 9 and SG LDP HOU 1 where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Supplementary Guidance. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted.

Scale, Design and Finish

Supplementary Guidance on Sustainable Siting and Design Principles of the Local Development Plan states that new housing development in settlements must be compatible with and consolidate the existing settlement. The relationship with neighbouring properties will be paramount and guidance is provided on location, layout, access, open space, services and design.

LDP Supplementary Guidance - Sustainable Siting and Design Principles

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.*
- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

In terms of its relationship with the existing settlement, it is considered that the proposed development of a modern detached dwellinghouse would not represent acceptable rounding-off development within the Innellan (North) settlement. The siting and scale of the proposed dwellinghouse on a small, limited and constrained site would not reflect the scale and position of surrounding dwellinghouses within their larger plots.

- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*

The proposed modern dwellinghouse with its flat roof feature and mix of horizontal and vertical window openings is not in keeping with the traditional scale and design of surrounding dwellings. Despite being a detailed application, no materials are specified.

- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.*

The application form indicates that the application site measures 182sqm. The proposed building footprint measures 60sqm which would take up 33% of the site. However, with car parking and turning within the site, and the presence of two mature deciduous trees, there would be very little remaining amenity spaces and the plot would therefore look cramped and over-developed.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

It is proposed to connect to the public water supply. Despite being located within an area served by a public sewer, it is proposed to install a private sewage treatment plant with a soakaway to the nearby burn. No details have been submitted.

Policy SG LDP SERV 1 - Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems. This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning consent for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed.*

Elsewhere, connection to the public sewer will be required, unless the applicant can demonstrate that:

- (i) connection is not feasible, for technical or economic reasons, or
- (ii) the receiving waste water treatment plant is at capacity and Scottish Water at that time has no programmed investment to increase that capacity; and
- (iii) the proposal is not likely to result in or add to existing environmental, amenity or health problems.

Planning consent for development with private waste water systems will only be allowed where proposals satisfy (i) or (ii) above, and satisfy (iii). Any such systems in areas adjacent to waters designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC or Bathing Directives should discharge to land rather than water.

**In settlements where there is limited or no capacity for additional foul drainage connections to the public sewer, the Council may accept temporary drainage solutions provided that Scottish Water has programmed investment to upgrade the foul drainage system in that settlement and the proposed temporary system is acceptable to Scottish Water and SEPA.*

The applicant has not responded to the department's requests regarding foul drainage arrangements. Scottish Water in their response dated 26th September 2019) offer no objections in principle and comment that foul drainage could be serviced by Innellan Dunadd Waste Water Treatment Works subject to capacity. There would therefore appear to be capacity in the public sewer network to avoid installing a private treatment plant. Interestingly, previous schemes for the Royal Cottages dwellings and proposals for development of the Royal Hotel site, all made connections, or intended to connect to the public sewer network.

- **Surface Water Drainage**

There are no detailed proposals for surface water drainage, however, SEPA's standing advice does not require suds for single dwellinghouses and this aspect will be addressed via a Building Warrant. Scottish Water have advised however that they will not accept any surface water connections into their combined sewer system.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

Roads comment that the proposed development is accessed from U031 Pier Rd Innellan. The access to be constructed as per Standard Detail SD 08005a Dropped Kerbs. The access to be at 90° to the road to ensure maximum visibility for vehicles exiting the site. The exit must be more than 15 metres from the junction with Wyndham Road. The required sightlines are 20 x 2 metres. All walls, hedges and fences within the visibility splays to be maintained at a height not greater than 1 metre above the road. Parking for 2no. vehicles to be provided within the site along with turning provision. Surface water must not be able to flow onto the footway or road. If gates are to be fitted they must not be able to open out onto the footway. A Road Opening Permit will be required for any works on the footway or carriageway.

The applicant responded indicating that, *“Roads appear not to be aware that the access already exists as stated on the site plan, as is the turntable shown, which allows cars to turn through 360 degrees. The total area is hard standing therefore parking available for two cars, location of parking is flexible due to being able to turn in a small specified area. Roads may also wish to take into consideration current consent (I believe is still in place) for the Former Royal Hotel site. With regard to water onto the pavement, the issue is more water sheading onto the site, mainly due to the road drains”*.

Roads offered further comments by highlighting the requirement to provide an access at 90 degrees to the carriageway. This is to ensure that the safety of all road users; both those entering or leaving the site and passing traffic both vehicular & pedestrian is not compromised. By squaring up the access, visibility to the north-west would be maximised.

Comment: The existing access to which the applicant refers is an existing overgrown access which historically served the former Royal Cottages. With the redevelopment of the Royal Cottages site (by the applicant) to provide two split-level dwellinghouses and new access from North Campbell Road, this existing access became redundant. Despite previous permissions for housing development on the former Royal Hotel site, all of these permissions have expired with no improvements being made to the access. At the time of the planning officer's site inspections, no evidence could be seen of the alleged turntable on this very overgrown site.

Impact on Trees / Woodland

The application proposes no works to existing trees. The north-western corner of the application site contains one Horse Chestnut and one Lime. Both of these trees are protected by Tree Preservation Order TPO 04/04. Whilst there are no immediate proposals to fell or carry out any works to these trees, the position of the building footprint will inevitably result in a significant impact to both trees.

Policy SG LDP ENV 6 – Development Impact on Trees / Woodland states that:

“The Council will also 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 and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.”

To accommodate a dwellinghouse within the confined application site with the submitted footprint may necessitate the felling or extensive pruning of these deciduous trees which contribute to the wider landscape setting of this area of Innellan. It is considered that the siting of the proposed dwellinghouse in very close proximity to two protected deciduous trees would inevitably affect their integrity and cause damage to their root systems, contrary to the provisions of SG LDP ENV 6.

Conclusions

The proposed development is not in accordance with the Local Development Plan policies LDP DM 1, LDP 9, SG LDP HOU1 and Argyll and Bute Supplementary Guidance that allow for rounding-off related to the existing built form. For the reasons advanced in the report, the proposed development is considered to be poorly designed for its surroundings and would not be in keeping with the established settlement pattern of the area. The application site although small with limited space, may be capable of supporting a very modest dwellinghouse, but with much enhanced design features and improved amenity spaces.

The department have attempted to contact the applicant to provide additional details on materials, access improvements and foul drainage arrangements but to no avail. It was also suggested to the applicant that this application be withdrawn and (in the absence of any previous pre-application discussions taking place), engage in meaningful discussions to try to find a more appropriate design solution for the site.

Given the above, the planning history of the site and having regard to the policies contained in the Argyll and Bute Local Development Plan, it is considered that the proposal to erect a modern flat roofed dwellinghouse on such a small and prominent site within the settlement zone is inconsistent with policies contained in the LDP and there are no special circumstances or material considerations which would justify approval.

Additionally, the lack of detailed information on access arrangements, foul drainage arrangements and impact on existing protected trees all combine to make it difficult for the department to recommend approval.

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

(R) Reason why Planning Permission should be refused.

Whilst the application site lies within the village and minor settlement boundary of Innellan (North), the proposal is considered to be unacceptable rounding-off development due to the inappropriate siting, scale and design of the proposed dwellinghouse on a very confined site which contains two protected deciduous trees. The particular modern and incongruous design would result in a dwellinghouse that would look out of place in its traditional surroundings at be at odds with the surrounding built environment. The use of a flat roof and varied mix of large horizontal and vertical windows would not create an acceptable or sympathetic design solution for this small and awkwardly configured site. The erection of a

dwellinghouse on the site together with its car parking and turning facilities would result in over-development of the restricted application site and offer very limited amenity spaces for the proposed dwelling. The application therefore is not consistent with policies LDP DM 1, LDP9, SG LDP HOU1 General Housing Development and SG2 Sustainable Siting and Design Principles.

The siting of the proposed dwellinghouse in close proximity to two protected deciduous trees would result in a significant impact to these trees. Development so close to these trees and their root systems would inevitably result in a significant adverse impact to these trees and accordingly contrary to policies LDP 3 and SG LDP ENV6 of the Argyll and Bute Local Development Plan.

The proposed dwellinghouse would not represent acceptable rounding-off development as the required sightlines onto Pier Road cannot be provided. The required southbound visibility splay is located on land outwith the applicant's control. Furthermore, the existing access requires significant improvements to provide a safe vehicular access. Without these necessary improvements, the proposal would result in an intensification of traffic movements on Pier Road using a sub-standard access. The proposed development is considered to be inconsistent with the provisions of the Development Plan and approval could only be obtained if the visibility splays and access design issues can be addressed. With this in mind the proposal as currently submitted is not capable of achieving the required standards as per SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes.

The applicant has indicated that he intends to install a private sewage treatment plant with soakaway to a nearby burn. Whilst no technical details have been submitted, the application site is located in an area that can potentially be served by connection to the public sewer system. Accordingly, the proposed development is considered to be contrary to policies LDP 11 and SG LDP SERV 1.

All other material issues have been taken into account but these are not of such weight as to overcome the potential adverse impacts of a poorly sited and designed modern dwellinghouse using a sub-standard access with no suitable commensurate improvements which cannot be overcome by the imposition of planning conditions or by way of a S75 legal agreement.

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

n/a

(T) Need for notification to Scottish Ministers: No

Author of Report: Brian Close

Date: 14th January 2020

Reviewing Officer: Howard Young

Date: 17th January 2020

Fergus Murray

Head of Development and Economic Growth

REASON FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 19/01861/PP

1. Whilst the application site lies within the village and minor settlement boundary of Innellan (North), the proposal is considered to be unacceptable rounding-off development due to the inappropriate siting, scale and design of the proposed dwellinghouse on a very confined site which contains two protected deciduous trees. The site is within an area with a mix of housing styles both traditional and modern which make an overall positive contribution to the streetscape and wider townscape in this part of Innellan. The proposed dwellinghouse combines the use of a flat roof and a varied mix of large horizontal and vertical windows would not create an acceptable or sympathetic design solution for this awkwardly configured site. The triangular plot has very limited dimensions and measures 182sqm where the proposed 'L' shaped building footprint of 60sqm occupies 33% of the site area. The erection of a dwellinghouse on the site together with its car parking and turning facilities would offer very limited amenity spaces for the proposed dwelling and look 'cramped' as a result. The siting and scale of the proposed dwellinghouse on such a small, limited and constrained site would not reflect the scale and position of surrounding dwellinghouses within their larger plots. This particular modern and incongruous design would result in a dwellinghouse that would look out of place in its prominent surroundings immediately adjacent to the modern development of two split-level dwellings on the former Royal Cottages site and at the top of Pier Road at its junction with Wyndham Road and North Campbell Road. As such the proposed development would be visually intrusive and visually discordant. The application therefore is not consistent with policies LDP DM 1, LDP9, SG LDP HOU1 General Housing Development and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan.
2. The proposed dwellinghouse would not represent acceptable rounding-off development as the required sightlines onto Pier Road cannot be provided. The required southbound visibility splay is located on land outwith the applicant's control. Furthermore, the existing access requires significant improvements to provide a safe vehicular access. Without these necessary improvements, the proposal would result in an intensification of traffic movements on Pier Road using a sub-standard access. The proposed development is considered to be inconsistent with the provisions of the Development Plan and approval could only be obtained if the visibility splays and access design issues can be addressed. With this in mind the proposal as currently submitted is not capable of achieving the required standards as per SG LDP TRAN4 New and Existing Public Roads and Private Access Regimes of the Argyll and Bute Local Development Plan.
3. The siting of the proposed dwellinghouse in close proximity to two protected deciduous trees (Tree Preservation Order 04/04) would result in a significant impact to these trees. Development so close to these trees and their root systems would inevitably result in a significant adverse impact to these trees and accordingly contrary to policies LDP 3 and SG LDP ENV6 of the Argyll and Bute Local Development Plan which states that the 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 and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.
4. It is proposed to install a private sewage treatment plant with soakaway to a nearby burn in an area that can potentially be served by connection to the public sewer system. Accordingly, the proposed development is considered to be contrary to policies LDP 11 and SG LDP SERV 1 of the Argyll and Bute Local Development Plan.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 19/01861/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

1 of 8	1:1250	Location Plan;
2 of 8	1:200	Block Plan;
3 of 8	1:100	Proposed Ground Floor Plan;
4 of 8	1:100	Proposed First Floor Plan;
5 of 8	1:100	Proposed North Elevation;
6 of 8	1:100	Proposed South Elevation;
7 of 8	1:100	Proposed East Elevation;
8 of 8	1:100	Proposed West Elevation.

(B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No.

LIST OF PRODUCTIONS

Production No. 1	Appeal Site Location Plan;
Production No. 2	Photograph taken 7 th October 2019 from top of Pier Road looking north-east over the appeal site;
Production No. 3	Photograph taken 7 th October 2019 at the top of Pier Road looking into the appeal site;
Production No. 4	Roads response dated 2 nd October 2019;
Production No. 5	email dated 4 th October 2019 from department to appellant with Roads comments attached;
Production No. 6	email dated 4 th October 2019 from appellant to department;
Production No. 7	email dated 4 th November 2019 from department to appellant with further Roads comments;
Production No. 8	email dated 4 th December 2019 from department to appellant;
Production No. 9	email dated 23 rd December 2019 from department to appellant;
Production No. 10	email from Admin Support to the appellant dated 31 st January 2020;
Production No. 11	email from appellant to Admin Support on 3 rd February 2020.



Scale 1:1250



**Production No.4. Roads response
dated 2nd October 2019**
OPERATIONAL SERVICES

Planning No: 19/01861/PP

BUTE & COWAL AREA

Contact: FARRELL PR

Grid Reference: NS1570

Dated: 24/09/19

Received: 24/09/19

Applicant: Mr S Hutcheson

Proposed Development: Erection of dwellinghouse and installation of sewage treatment plant

Location: Land S W of 1 Royal Cottage North Campbell Rd Innellan

Type of Consent: Detailed

RECOMMENDATION		No Objections Subject to Conditions	
Proposals Acceptable Y or N		Proposals Acceptable Y or N	
1. General		3. New Roads N/A	
(a) General impact of development	Y	(a) Widths	
(b) Safety Audit Required	N	(b) Pedestrian Provision	
	N		
2. Existing Roads		(c) Layout (Horizontal/ Vertical alignment)	
(a) Type of Connection (Road Junct/Footway Crossing)	Y		
	Y	(d) Turning Facilities	
(b) Location(s) of Connection(s)			

Proposals Acceptable Y or N**4. Servicing & Car Parking**

(a) Drainage	Y
(b) Car Parking Provision	Y
(c) Layout of Parking Bays/ Carparks	Y

5. Signing N/A

(a) Location	

Item Ref	COMMENTS
1 2 4	<p>This proposed development is accessed from U031 Pier Rd Innellan. The access to be constructed as per Standard Detail SD 08005a Dropped Kerbs. The access to be at 90° to the road to ensure maximum visibility for vehicles exiting the site. The exit must be more than 15 metres from the junction with Wyndham Road.</p> <p>The required sightlines are 20 x 2 metres. All walls, hedges and fences within the visibility splays to be maintained at a height not greater than 1 metre above the road.</p> <p>Parking for 2no. vehicles to be provided within the site along with turning provision.</p> <p>Surface water must not be able to flow onto the footway or road.</p>

Item Ref	CONDITIONS
2 4	<p>The access to be constructed as per Standard Detail SD 08005a Dropped Kerbs.</p> <p>The access to be at 90° to the road to ensure maximum visibility for vehicles exiting the site.</p> <p>The exit must be more than 15 metres from the junction with Wyndham Road.</p> <p>The required sightlines are 20 x 2 metres. All walls, hedges and fences within the visibility splays to be maintained at a height not greater than 1 metre above the road.</p> <p>Parking for 2no. vehicles to be provided within the site along with turning provision.</p>

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: _____ Paul R Farrell

Date 02/10/19

Production No.5 - email dated 4th October 2019 from department to appellant with Roads comments of 2nd October 2019 attached

Fri 04/10/2019 14:27 Classification: OFFICIAL

Hello Stuart,

Please find attached Roads response attached with comments regarding access location and design. I would be grateful for the submission of a revised site plan based on these comments for consideration at the earliest opportunity .

Regards

Brian Close

Planning Officer (Bute and Cowal)

Development Management

Planning and Regulatory Services

Argyll and Bute Council

T: 01369 708604

E: brian.close@argyll-bute.gov.uk

W: <http://www.argyll-bute.gov.uk>

From: Farrell, Paul

Sent: 02 October 2019 09:41

To: bandc, planning <planning.bandc@argyll-bute.gov.uk>

Cc: Close, Brian <Brian.Close@argyll-bute.gov.uk>

Subject: 19-01861 SW 1 Royal Cottages Innellan

Please find attached completed response for the above planning application,

Regards

Paul R Farrell

Paul Farrell

Traffic & Development Officer

Milton House

Milton Avenue

Dunoon PA23 7DU

Tel: 01369 708613

Production No. 6 - email dated 4th October 2019 from appellant to department

Fri 04/10/2019 16:47

Hi Brian,

Good to hear from you, I trust you are well.

Read the attached with interest, Roads appear not to be aware that the access already exists as stated on the site plan, as is the turntable shown, which allows cars to turn through 360 degrees, total area is hard standing therefore parking available for two cars, location of parking is flexible due to being able to turn in a small specified area! They may also wish to take into consideration current consent (I believe is still in place) for the Former Royal Hotel site.

With regard to water onto the pavement, the issue is more water sheading onto the site, mainly due to the road drains!

Many thanks

Regards

Stuart

From: Close, Brian <Brian.Close@argyll-bute.gov.uk>

Sent: 04 October 2019 14:27

To: 'stuart

Subject: FW: ref. 19/01861/PP SW 1 Royal Cottages Innellan [OFFICIAL]

Classification: OFFICIAL

Hello Stuart,

Please find attached Roads response attached with comments regarding access location and design. I would be grateful for the submission of a revised site plan based on these comments for consideration at the earliest opportunity .

Regards

Brian Close
Planning Officer (Bute and Cowal)
Development Management
Planning and Regulatory Services
Argyll and Bute Council

T: 01369 708604

E: brian.close@argyll-bute.gov.uk

W: <http://www.argyll-bute.gov.uk>

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Production No.7 - email dated 4th November 2019 from department to appellant with further Roads comments

Mon 04/11/2019 15:11 Classification: OFFICIAL

Hello Stuart,

Thanks for this but I could not see any evidence of a turntable on site which is heavily overgrown.

Roads require you to provide an access at 90 degrees to the carriageway, to ensure that the safety of all road users; both those entering or leaving the site and passing traffic both vehicular & pedestrian is not compromised.

By squaring up the access visibility to the north west would be maximised.

I therefore look forward to receiving an amended plan indicating a proposed vehicular access 90 degrees to Pier Road.

The submitted drawings are considered to be of simple architectural form and do not really help to indicate the type of dwelling proposed. No roof plan has been submitted. No materials are specified. A brief design statement would be helpful to explain the rationale behind the siting, scale and design of the proposed flat roof dwellinghouse. I may also have to ask you to peg out the site for me as I cannot envisage the type of dwelling proposed on the site given its current overgrown condition.

Look forward to hearing from you in order to progress this application.

Regards

Brian Close

Planning Officer (Bute and Cowal)

Development Management

Planning and Regulatory Services

Argyll and Bute Council

T: 01369 708604

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Production No.8 - email dated 4th December 2019 from department to appellant

Wed 04/12/2019 11:57 **Classification: OFFICIAL**

Hello Stuart,

I refer to my previous email to you on 4th November 2019 and note that I have not received a response to the matters raised. You will be aware that I cannot put applications 'on-hold' indefinitely and as a result must now make a determination based on submitted information to date. I am afraid that the lack of supporting information on the proposed access and poor design submission will result in a recommendation of refusal. Alternatively you could withdraw this application and we could have more meaningful discussions on how best to develop the site. A revised application could be submitted as a 'free shot' if submitted before 4th September 2019 but would incur a fresh advert fee.

I look forward to hearing from you within seven days from the date of this email on how you wish me to proceed. No response will result in a report being prepared with a negative recommendation.

Regards

Brian

Brian Close

Planning Officer (Bute and Cowal)

Development Management

Planning and Regulatory Services

Argyll and Bute Council

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Production No.9 - email dated 23rd December 2019 from department to appellant

Mon 23/12/2019 11:36 Classification: OFFICIAL

Hello Stuart,

Disappointing that I have not received a response following my email to you on 4th December 2019. My intention is therefore to write up a report recommending refusal as previously intimated. Best advice at this stage is to withdraw the application, have some meaningful dialogue with Planning and Roads then resubmit a revised application which we might look on more favourably than the current submission.

Look forward to hearing from you by no later than 6th January 2020 or the application will be recommended for refusal.

Regards

Brian Close

Planning Officer (Bute and Cowal)

Development Management

Planning and Regulatory Services

Argyll and Bute Council

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Production No.10 - email from Admin Support to the appellant dated 31st January 2020

From: Munroe, Helen <Helen.Munroe@argyll-bute.gov.uk>

Sent: 31 January 2020 11:24

To: Stuart

Subject: Planning Application 19/01861/PP Land SW of 1 Royal Cottage Pier Road Innellan

Good Morning Mr Hutcheson

**Planning Application 19/01861/PP
Land SW of 1 Royal Cottage Pier Road Innellan
Erection of Dwellinghouse**

I refer to the above planning application, which was refused on 17 January 2020.

The Refusal Notice, with associated stamped plans, were posted to you at the address given in the application form, The Long House Glendale Isle of Skye, on 17 January 2020. This package was returned to this office on 27 January 2020 marked as 'addressee gone away'.

Please find attached to this email, the Refusal Notice and stamped plans. These documents can also be viewed on the Council website by following the link below

<https://portal360.argyll-bute.gov.uk/planning/planning-documents?SDescription=19/01861/PP>

Should you wish the original package to be posted to you, please let me have your postal address.

Helen Munroe

Admin Support Officer

Argyll and Bute Council

Development and Economic Growth

Planning and Building Standards

01546 605518

Email: planning.bandc@argyll-bute.gov.uk

Web site: www.argyll-bute.gov.uk

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Production No.11 - email from appellant to Admin Support on 3rd February 2020

From: stuart hutcheson

Sent: 03 February 2020 16:40

To: Munroe, Helen <Helen.Munroe@argyll-bute.gov.uk>

Subject: Re: Planning Application 19/01861/PP Land SW of 1 Royal Cottage Pier Road Innellan

Hi Ms Munroe,

Many thanks but I have no necessity for a hard copy of the plans.

I read the refusal with interest and find the reasons to be weak and ill considered, I note that is possible to have the application reviewed by Argyle and Bute, but I am concerned that the local authority is not in a position to review itself and therefore have no faith in this process.

I would prefer to go straight to appeal at the Scottish Office, would this be possible without first having the review by yourselves, if so, please provide contact details for the Scottish office.

Many thanks

Stuart Hutcheson

04/02/2020

Good Morning Mr Hutcheson

Planning Application 19/01861/PP Land SW of 1 Royal Cottage Pier Road Innellan

I refer to your email below and can confirm I have forwarded this to Brian Close (Planning Officer) and Howard Young (Area Team Leader Helensburgh, Bute and Cowal) for their attention.

Helen Munroe

Admin Support Officer

Argyll and Bute Council

Development and Economic Growth

Planning and Building Standards

01546 605518

Email: planning.bandc@argyll-bute.gov.uk

Web site: www.argyll-bute.gov.uk

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McCallum, Fiona

From: Farrell, Paul
Sent: 15 April 2020 10:42
To: McCallum, Fiona
Subject: 19/01861/PP SW Royal Cottage Innellan [OFFICIAL]

Classification: OFFICIAL

Good morning Fiona,

Please find below my comments in response to the above review. If you have any queries please do not hesitate to contact myself.

- The required minimum sightlines are 20 x 2.0 x 1.05m. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 metre above the road. As stated by the applicant they are outwith the planning application and his control. To achieve these sightlines a Section 75 Agreement with neighbouring properties can ensure the sightlines would be maintained.
- To maximise visibility on leaving the proposed development the orientation of the access must be at 90 degrees to the carriageway. This will also improve access from the west (Wyndham Road)

Both the above criteria must be met to provide an acceptable level of Road Safety for all road users.

Kind regards,

Paul R Farrell

Paul Farrell
Traffic & Development Officer
Milton House
Milton Avenue
Dunoon
PA23 7DU
Tel: 01369 708613
Mob: 07768 905 396

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Argyll and Bute Council classify the sensitivity of emails according to the Government Security Classifications. The adopted classifications are:

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Non public sector business i.e. does not require protection.

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release.

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