

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

Reference No: 16/02515/PP

Planning Hierarchy: Local

Applicant: Mr Colin Finnie

Proposal: Erection of dwellinghouse

Site Address: Land Adjacent To 21 Victoria Road Helensburgh

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of dwellinghouse

Erection of garage

Formation of access

(ii) Other specified operations

Connection to existing public water main

Connection to existing public sewer

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the attached conditions and reasons.

(C) HISTORY:

06/02083/DET - Erection of dwellinghouse – Refused 01.06.2007
Appeal reference 07/00018/REFPLA - Erection of dwellinghouse – Upheld
22.10.2007

(D) CONSULTATIONS:

Scottish Environmental Protection Agency	04.11.2016	No objections
Roads Helensburgh And Lomond	14.10.2016	No objection subject to conditions
Scottish Water		No reply
Flood Risk Assessor	07.11.2016	No objection subject to conditions.
Helensburgh Community Council	19.12.2016	No objections, but strong concerns as set out below:

The original combination plans lodged on 7th October crucially did not show the location of the house and garage.

Comment: The original plans did include a plan showing the location of the house and garage. This was removed from the 'combination plans' as it was superseded with a plan that showed a minor alteration to the red line of the site. The original proposed site plan showed the red line of the site (at the boundary with Chapleacre Grove) to be in the wrong position. The red line of the site needed to be shifted 1.7m to the east and the width reduced by approximately 0.6m. It was considered that this was a minor amendment given the extent of the site boundary and so a fresh application was not required. Furthermore, the red line of the site was shown correctly on both the location plan and the existing site plan.

Should Argyll & Bute be minded to consider the application we make the following recommendations:

Rec1: The true ownership of the land forming the garage and parking area for the new house at the foot of Chapleacre Grove be established.

Comment: The applicant owns all the land within the site boundary, including the parking area.

Rec2: A traffic impact assessment at the bottom of Chapleacre Grove is carried out due to the inevitable increase in the traffic levels there.

Comment: This is an application for the erection of 1 dwellinghouse which includes off street parking and which has been previously approved on appeal and renewed in 2012. It is unlikely that there will be a substantial increase in traffic. The Area Roads Manager has also indicated no objections.

Rec3: Establish whether there would be an increased risk of flooding in the Millig Burn caused by the construction of the new house

Comment: The Flood Risk Officer has been consulted and considers that the house is at a high enough level not to disrupt the burn.

Rec4: Establish whether the new house will damage the root boles of existing trees within 10 metres of it.

Comment: Conditions will be placed on the consent to ensure that the tree roots are not damaged.

Rec5: The 2006 Aboricultural Report is checked for its relevance in 2016 and is not accepted carte blanche.

Comment: A revised Aboricultural Report was submitted dated 9th December 2016.

Rec6: Strict conditions are laid down for minimising noise, damage and traffic conditions during the construction phase.

Comment: Construction noise and congestion are not normally a material planning consideration. However in this instance, since a condition was placed on the previous consent, the same condition requiring a construction method statement prior to commencement of works to include the hours of working and the measures proposed to control noise, vibration, dust and other disturbance to local residents caused by the construction work, and to prevent pollution of the Millig Burn, will be placed on the consent.

Rec7: consideration be given to moving the garage southward to allow vehicles to turn within the grounds of the new house and thus avoid the need to reverse on to Chapelacre Grove.

Comment: The garage is in the same position as the previously approved consent, except this time it is a double garage, not single. The Area Roads Manager has no indicated no objections.

(E) PUBLICITY: Listed Building/Conservation Advert (Expiry date 10.11.2016)

(F) REPRESENTATIONS:

8 letters and e-mails of objection have been received from 12 objectors.

Mr John Hanks, 9 Chapelacre Grove, Helensburgh (email dated 25/10/16)

Dr John McCormick, 10 Chapelacre Grove, Helensburgh (letter dated 21/10/16)

Robert G Hepburn, 33 Charlotte Street, Helensburgh (letter dated 26/10/16)

Mr and Mrs B Canty, 13 Chapelacre Grove, Helensburgh (email dated 27/10/16)

Mr D Stewart, 16 Chapelacre Grove, Helensburgh (email dated 27/10/16)

Mrs J Hope, 15 Chapelacre Grove, Helensburgh (email dated 27/10/16)

Mr J McMurty, 11 Chapelacre Grove, Helensburgh (email dated 27/10/16)

Mrs Eleanor Hanks, 9 Chapelacre Grove, Helensburgh (email dated 29/10/16)

Linda McCormick, 10 Chapelacre Grove, Helensburgh (letter dated 8/11/16)

Mairi Mclellan, Heatherlea, Badachro, Gairloch (email dated 14/11/16)

Robert G Hepburn and Catriona H Hepburn, 33 Charlotte Street, Helensburgh (letter dated 30/11/16)

(i) Summary of issues raised

We believe that the application is fundamentally flawed and that the Council cannot possibly approve the Planning Application. The fantastic mature beech tree which is 13 m tall and expected to have a life expectancy between 20 and 40 years must be retained.

Comment: This tree was marked for removal in the original application which was approved on appeal. There has been no change in circumstances to justify now retaining the tree.

Oil, bitumen, cement or other material likely to be injurious to a tree should not be stocked or discharged within 10 metres of a bole but the bole of several of the retained trees will be well within 10 metres of the proposed house. It is self-evident the proposed planning application cannot be approved by the Council.

Comment: This refers to materials to be stacked above ground, that could in theory topple over and damage the trees or spill onto the trees above ground and damage them. Relevant conditions are placed on the consent to include tree protection, hand digging around roots and special protection measures to make sure that the trees within close proximity to the house are not damaged.

Damage to many of the roots of trees which are to be retained.

Comments: Conditions will be placed on the consent to ensure that the trees are protected.

The proposed house is close to the Millig Burn which has the potential to destabilise its banks and flood.

Comment: The Flood Risk Officer considers that the house is at a high enough level not to disturb the burn. He did state that the removal of trees at the burn banks may have the potential to affect the banks and as such a condition requiring a bank stability and erosion study will be placed on the consent.

The proposed garage and gravel parking area would be a third access to the narrow turning head at this end of Chapelacre Grove, and it is only made possible in the plans by the proposed access encroaching physically onto the access drive to no. 10 Chapelacre Grove.

Comment: All proposed works are within land owned by the applicant. The site boundary was amended at the boundary between the application site and no. 10 Chapelacre Grove to show this. The Area Roads Manager has no objections to the proposal.

There is already congestion at this end of Chapleacre Grove by the needs for disabled residents, and their carers, to park outside the flats.

Comment: The Area Roads Manager has no objections to the proposal.

It is very important that the elderly or disabled residents are spared the additional noise, disruption and traffic congestion that would be caused by these building works.

Comment: Construction noise and congestion are not normally a material planning consideration. However, in this instance, since a condition was placed on the previous consent, the same condition a condition requiring a construction method statement prior to commencement of works to include the hours of working and the measures proposed to control noise, vibration, dust and other disturbance to local residents caused by the construction work, and to prevent pollution of the Millig Burn, will be placed on the consent.

The plans are incorrect and the red line encroaches onto our property (10 Chapleacre Grove).

Comment: The red line on the site plan was slightly incorrect. This has since been amended.

I would object to the new 1.6m high timber fence to the west of the proposed garage protruding northwards from the existing fence surrounding the Victoria Road property. The original development is an open development and this layout has remained over the decades.

Comment: The plans show that the new fence will not protrude further than the proposed garage. There is an existing fence between the two that will remain in situ.

At the time of construction of 21 Victoria Road it is believed that there was a covenant running with the land from Chapleacre Grove to Victoria Road.

Comment: This is not a material planning consideration.

The current proposal includes the construction of a double garage with 2 additional parking spaces in Chapleacre Grove where an application for disabled parking has already been refused on the grounds of the burden of existing traffic and to which the burden of 4 cars is now being contemplated.

Comment: The new garage and parking area is off Chapleacre Grove, on an area of land owned by the applicant. It will involve the loss of 1 on-street parking space where the curb needs to be lowered for the new access. The Area Roads Manager has no objections to the proposal.

There would be problems with egress from the new driveway, especially in winter.

Comment: The Area Road Manager has no objections to the proposal.

The access road onto Chapleacre Grove is only 3m which is narrower than the 3.7m minimum in Argyll & Bute planning guidance note.

Comment: The plans show the proposed access to be 4.8m wide. The Area Roads Manager has no objections to the proposal.

The residents of Chapleacre Grove have been unsettled by various planning applications on this site over 26 years.

Comment: This is not a material planning consideration.

Concerned that the new house might affect our light (23 Victoria Road). I haven't seen the plans so don't know how close it is to us. If our light is not affected I don't object.

Comment: The proposed new dwellinghouse will be sited approximately 45 metres north of 23 Victoria Road. It is not considered that there will be an impact on light.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** Y
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Y
Arboricultural Report

Summary of main issues raised by each assessment/report

Design Statement

The proposed development is the erection of a 4 bedroom house, almost identical in every respect to the house allowed on appeal in 2007 and renewed by the Council in 2012

The site forms part of the eastern part of the garden ground of 21 Victoria Road. The site is within a larger TPO relating to the grounds of Chapleacre House, a now demolished private dwellinghouse with extensive garden grounds

During the 1980's Cala Homes developed some of the land to provide 10 houses and 12 flats. In addition 3 further houses were built on plots sold by Cala. The newest house was completed in 2000 and is relatively modern with extensive use of facing brick and render.

The application site is not designated for its nature conservation value, and is not known to be at risk from flooding. It has a road frontage onto a cul-de-sac at the end of Chapleacre grove, which in turn is accessed from East Abercromby Street.

The proposed house has been designed to be in keeping with the scale and massing of the surrounding modern houses in the area.

The new dwelling has been designed to maximise light and views, particularly on the south and east elevations overlooking Millig Burn. The design is for an accessible family home.

The key features are the use of natural slate or a quality substitute, dormer windows springing from the wallheads, projecting bay windows, conservation style rooflights, a mix of reconstituted stone/white rendered walls, a mix of glazing and white panelling and timber windows and doors.

Access will be taken from a turning head at the end of Chapleacre Grove. A double garage will be set back from the road edge and a further 2 parking spaces provided.

Five trees are to be removed. In assessing the proposed loss of these trees, the Reporter noted that of the trees to be removed, only the Copper Beech had significant individual presence within the site, but that it was only partly visible from outwith the site. He was of the opinion that the value of the trees to the surrounding area was as a group and not individually and that the proposal would not significantly reduce the value of the woodland and its contribution to the character and appearance of the conservation area.

There has been no material change in circumstance or policy since the previous recommendations were made, notwithstanding the recent adoption of the LDP in 2015. It is therefore considered that the proposal continues to comply fully with the relevant policies and should be approved.

Arboricultural Report

The tree report identified 23 trees on site, most of these are in fair to good physical condition. The report identifies one tree that needs to be removed and a further 4 more that are to be removed to make way for the development.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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 adopted March 2015

Policy LDP DM 1 – Development within the Development Management Zones –
The site is within the settlement boundary.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 9 – Development Setting, Layout and Design

Argyll and Bute Local Development Plan – Supplementary Guidance

SG LDP ENV 6 - Development Impact on Trees / Woodland

SG LDP ENV 17 - Development in Conservation Areas and Special Built Environment Areas

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

SG LDP - Sustainable Siting and Design Principles

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

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

Argyll & Bute Sustainable Design Guidance (2006)

- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**
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- (L) **Has the application been the subject of statutory pre-application consultation (PAC): N**
-

- (M) **Has a sustainability check list been submitted: N**
-

- (N) **Does the Council have an interest in the site: N**
-

- (O) **Requirement for a hearing (PAN41 or other): N**
-

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

Planning permission is sought for the erection of a detached dwellinghouse within the garden ground of 21 Victoria Road, Helensburgh. This site has a long history, with an original application in 1990 being refused and the subsequent appeal dismissed. In 2006 a similar application was made with an officer's recommendation for approval. This recommendation was overturned at a discretionary hearing and the application was refused. The applicant appealed this decision and the reporter allowed the development. In 2012 an application for renewal of the existing consent was applied for and approved. This current application is for the same scheme (with some minor amendments), but cannot be considered a renewal because the previous permission has expired.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. In addition, where the development lies within a Conservation Area, the Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. Within the area covered by the application site, the Development Plan currently comprises the Argyll and Bute Local Development Plan, adopted March 2015. The determining issues in the case are whether the proposal would accord with the Development Plan and, if

not, whether there are any material considerations sufficient to outweigh the policies contained within this plan. Important issues for consideration in this case include whether the site could be developed in a manner which would maintain or enhance the character or appearance of the Conservation Area, whether the removal of trees covered by a TPO is justified to allow the development to proceed, whether the design is acceptable for this site within the Upper Helensburgh Conservation Area and whether there have been any change in circumstances since the previous planning application on the site was approved in 2012.

The existing dwellinghouse sits within an expansive plot measuring approximately 4000 square metres. It is accessed from Victoria Road and is sited to the west of the site. The new plot size is approximately 1700 square metres which is comparable with the density of surrounding properties. Vehicular access will be taken from Chapelacre Grove, where an access already exists. The house will be traditional in form, with a pitched roof and dormer windows, however it will have a protruding gable which will be fully glazed giving the design a more modern feel. The roof will be in natural slate, the walls will be a mixture of reconstituted stone and wet dash render and the windows will be timber. This is the same design that has been previously approved. The scale, form, proportions, materials, detailing and colour of the proposed dwelling house are therefore considered to be acceptable in this part of the conservation area.

In terms of impact on the amenity of the existing dwelling house, the proposed new dwellinghouse will be approximately 5.5 metres from the eastern gable at the closest point. There are no windows proposed on the western gable of the proposed dwelling and therefore there are no overlook issues. Both dwellinghouses will be on roughly the same building line and therefore there will be no overshadowing.

The Millig Burn runs along the eastern part of the site and there has been some concern amongst residents that the new development, particularly the south east corner of the dwelling, may have the potential to impact on the stability of the burn and pose a flood risk. SEPA were consulted and advised that it was outwith their remit, but there may be a potential for flooding so we should contact our own flooding officer. This was done and it was advised that from the levels shown on the tree report, the house was high enough on the site that the burn would not be affected.

The original tree survey submitted with the application was out of date and so a new tree survey was submitted. On this tree survey, 23 trees were identified and of those 23 trees, 5 of these are to be removed, 1 on health and safety grounds. The trees in Chapelacre are protected as a group of trees rather than for their individual specimens. Their removal was approved by the Council as part of the development and there has been no material change in circumstances since then that would justify retaining these trees.

A new vehicular access will be taken off of Chapelacre Grove. There is an existing access to the site at this location, but this will be formalised, widened and a new double garage built. This differs from the previous consent in that only a single garage was approved. This is the only change that has been made. The Area Roads Manager has no objections to the proposal.

It is considered that the proposal is acceptable and in accordance with Development Plan Policies. The site history and previous approvals are a strong material consideration and it is considered that there has been no new information since the previous approval that would warrant a change in recommendation. As such the proposal is in accordance with Policies LDP DM 1, LDP3, LDP 9 of the Argyll & Bute Local Development Plan Written Statement, adopted March 2015 and Policies SG LDP ENV 6, SG LDP ENV 17, SG LDP HOU1, SG LDP TRAN 4 and SGLDP TRAN 6 the Argyll & Bute Local Development Plan Supplementary Guidance, adopted March 2016.

(Q) Is the proposal consistent with the Development Plan: Y

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

It is considered that the proposal is acceptable and in accordance with Development Plan Policies. The site history and previous approvals are a strong material consideration and it is considered that there has been no new information since the previous approval that would warrant a change in recommendation. This is in accordance with Policies LDP DM 1, LDP3, LDP 9 of the Argyll & Bute Local Development Plan Written Statement, adopted March 2015 and Policies SG LDP ENV 6, SG LDP ENV 17, SG LDP HOU1, SG LDP TRAN 4 and SGLDP TRAN 6 the Argyll & Bute Local Development Plan Supplementary Guidance, adopted March 2016.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Stephanie Spreng

Date: 21/12/2016

Reviewing Officer: Howard Young

Date: 22/12/2016

Angus Gilmour

Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 16/02515/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 13/09/2016 and the approved drawing reference numbers 2016_027-00, 2016_027-01A, 2016_027-02C, 2016_027-03, 2016_027/04B and 2016_027/05 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

3. Development shall not begin until samples of the materials to be used on external surfaces of the buildings and in the construction of hard standings, walls and fences have been submitted to, and approved in writing by, the planning authority. Development shall thereafter be carried out using the approved materials, or such alternatives that the planning authority may agree in writing.

Reason: To ensure that the appearance of the development is compatible with its surroundings.

4. No part of the development shall take place until a construction method statement has been submitted to and approved in writing by the Planning Authority. Such a statement shall in particular include the hours of working and the measures proposed to control noise, vibration, dust and other disturbance to local residents caused by the construction work, and to prevent pollution of the Millig Burn. The work shall be carried out in accordance with the approved statement, unless the prior written consent of the planning authority is obtained for variation.

Reason: To limit the disturbance caused to local residents by the construction work, and to prevent water pollution from construction activities.

5. Prior to the occupation of the house, the first 5 metres of the driveway shall be finished in a bituminous material to the satisfaction of the planning authority.

Reason: To prevent loose material being carried on to the road, in the interests of traffic safety.

6. Before development begins, tree protection measures in accordance with BS 5837:2012 shall be erected along the edges of the canopies of the trees on or overhanging the site, and these shall not be removed until completion of the development unless approved in writing by the planning authority.

Reason: To protect the preserved trees on or overhanging the site.

7. During all construction works on site, including the provision of services, any excavation work through tree root areas shall be undertaken by hand.

Reason: To ensure that no damage is caused to tree roots during the works.

8. Before development begins, full details of a replacement tree planting scheme shall be submitted to, and approved in writing by, the planning authority. The scheme shall include two replacement trees to be planted close to the west bank of the Millig Burn, the ground preparation details for planting the trees, the proposed tree species and the nursery stock size of the proposed trees in terms of British Standards. The approved scheme shall be implemented within the planting season following the occupation of the house. Any replacement tree which in the opinion of the planning authority is dying, severely damaged or becoming seriously diseased within 10 years of the planting shall be replaced by a tree of similar size and species to that originally planted.

Reason: To ensure that the landscape character of the site and its surrounding area is maintained.

9. A bank stability and erosion study relating to the removal of two trees on/close to the Millig Burn banks should be submitted to and approved in writing by the Planning Authority prior to works commencing on site.

Reason: In order to ensure that the integrity of the banks of the burn are not jeopardised during the tree removal.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located in the eastern part of the garden and has the Millig Burn running through it. The burn is set within a deep gorge and has mature trees growing on the embankment to either side. There are also a number of trees across the site with the whole area forming part of a Tree Preservation Order (TPO) relating to grounds associated with the former Chapelacre estate. In addition, the site is located within the Upper Helensburgh Conservation Area.

In terms of the Argyll and Bute Local Development Plan 2015 the site is located within the main settlement of Helensburgh as defined by the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 gives support to suitable forms of development within settlements subject to compliance with other relevant policies and supplementary guidance. In particular, Policy LDP 9 requires the design of development and structures to be compatible with the surroundings where careful attention should be paid to the acceptability of massing, form, design details, materials, landscaping and boundary treatment. Any adverse impact on the amenity and privacy of neighbouring properties in terms of over shadowing and overlooking will also be taken into account. Policy LDP 3 assesses applications for their impact on the natural, human and built environment.

In addition, Supplementary Guidance requires consideration of the proposal in terms of potential impact: on conservation areas; vehicular access, on-site parking and connection to services. Supplementary Guidance SG LDP ENV 19 – Development in Conservation Areas and Special Built Environment Areas states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting. New development within these areas and on sites forming part of their settings must be of the highest quality and respect and enhance the architectural and other special qualities that give rise to their actual or proposed designation.

B. Location, Nature and Design of Proposed Development

The existing dwellinghouse sits within an expansive plot measuring approximately 4000 square metres. It is accessed from Victoria Road and is sited to the west of the site. The site is covered by mature trees and the Millig Burn runs along the eastern side of the site in a deep gorge. The proposal is to split the site vertically, with the new house being built towards the east of the site. The new plot size is approximately 1700 square metres which is comparable with the density of surrounding properties. Vehicular access will be taken from Chapelacre Grove, where an access already exists. This access will be widened and a new double garage will be built. The proposed house will be a 1¾ storey, rectangular plan villa. It will accommodate 4 bedrooms at upper level and the living accommodation at ground floor level. The house will be traditional in form, with a pitched roof and dormer windows, however it will have a protruding gable which will be fully glazed giving the design a more modern feel. The roof will be in natural slate, the walls will be a mixture of reconstituted stone and wet dash render and the windows will be timber. This is the same design that has been previously approved. The scale, form, proportions, materials, detailing and colour of the proposed dwelling house are therefore considered to be acceptable in this part of the conservation area. In terms of impact on the amenity of the existing dwelling house, the proposed new dwellinghouse will be approximately 5.5 metres from the eastern gable at the closest point. There are no windows proposed on the western gable of the proposed dwelling and therefore there are no overlook issues. Both dwellinghouses will be on roughly the same building line and therefore there will be no overshadowing.

C. Natural Environment

The Millig Burn runs along the eastern part of the site and there has been some concern amongst residents that the new development, particularly the south east corner of the dwelling, may have the potential to impact the stability of the burn and pose a flood risk. SEPA were consulted and advised that it was outwith their remit, but there may be a potential for flooding so we should contact our own flooding officer. This was done and it was advised that from the levels shown on the tree report, the house was high enough on the site that the burn would not be affected. However it was advised that if any trees close to the banks of the burn are to be removed, this may potentially cause harm to the banks and as such a condition should be placed on the consent requiring a bank stability and erosion survey. Two of the trees to be removed – no's 958 and 972 (Ash and Beech) are very close to/on the banks of the burn, and so an additional condition will be put on the consent.

D. Impact on Trees

The original tree survey submitted with the application was out of date and so a new tree survey was submitted. On this tree survey, 23 trees were identified and of those 23 trees, 5 of these are to be removed, 1 on health and safety grounds. The trees in Chapelacre are protected as a group of trees rather than for their individual specimens. Their removal was approved by the Council as part of the development and there has been no material change in circumstances since then that would justify retaining these trees.

E. Road Network, Parking and Associated Transport Matters

A new vehicular access will be taken off of Chapleacre Grove. There is an existing access to the site at this location, but this will be formalised, widened and a new double garage built. This differs from the previous consent in that only a single garage was approved. This is the only change that has been made. The Area Roads Manager has no objections to the proposal.

F. Previous Planning History

Over and above Development Plan Policy, the key material consideration is the previous planning history of the site. This site has a long history, with an original application in 1990 being refused and the subsequent appeal dismissed. In 2006 a similar application was made with an officer's recommendation for approval. This recommendation was overturned at a discretionary hearing and the application was refused. The applicant appealed this decision and the reporter allowed the development. In 2012 an application for renewal of the existing consent was applied for and approved. This current application is for the same scheme with some minor amendments. Although it cannot be considered a renewal because the previous permission has expired, the previous appeal decision in 2007 and the renewal of permission in 2012 are key material considerations. These add weight to the development plan policy position and support the recommendation to approve.

G. Conclusion

On the basis of the above information and assessment it is considered that the proposal for a new dwelling house is consistent with the provisions of the Argyll and Bute Local Development Plan 2015 and that the site is capable of accommodating a single dwelling house without detriment to the character and amenity of surrounding properties or the wider conservation area.