

Delegated 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: 17/00666/PP
Planning Hierarchy: Local
Applicant: IST Marine Ltd
Proposal: Erection of dwellinghouse, installation of septic tank and formation of vehicular access.
Site Address: Land 169M west of Shore Cottage, Stonefield, Tarbert

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of new junction and access road
- Installation of private sewage treatment plant (septic tank)

(ii) Other specified operations

- Connection to existing mains water supply.
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(B) RECOMMENDATION:

That planning permission be approved subject to the conditions

(C) CONSULTATIONS:

Area Roads – 15.08.17 – No objection subject to conditions relating to on-site parking and refuse collection provision.

Transport Scotland – 17.08.2017 – The Director does not wish to advise against grant of consent.

Historic Environment Scotland - 17.08.2017 - Do not have any comments to make on the proposals. This should not be taken as our support for the proposals. Council should also seek advice from archaeology and conservation services for matters including unscheduled archaeology and category B and C-listed buildings.

Scottish Water – No response received.

Environmental Health – No response received.

(D) HISTORY:

12/00649/PPP (planning permission in principle) - Site for erection of dwellinghouse, installation of septic tank and formation of new vehicular access – Approved 18.12.2012

15/02630/PPP – Renewal of planning permission in principle reference 12/00649/PPP (Site for erection of dwellinghouse, installation of septic tank and formation of new vehicular access) - Approved 08.01.2016

(E) PUBLICITY:

Regulation 20 Advert Local Application – expired 08.09.2017

(F) REPRESENTATIONS: None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account**

in assessment of the application.

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 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

Local Development Plan Schedules

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

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 15 – Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Impact on Listed Buildings

General Housing Development

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

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

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & 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.**

- Scottish Planning Policy
- Planning History

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

Planning Permission in Principle has been approved for the erection of a dwellinghouse on an application site comprising 2,720 m² (excluding the access track) in December 2012, and subsequently renewed in January 2016.

This detailed application site presently includes the above site extended approximately 20 m to the east and 15 metres to the south to comprise some 4,752 m² (excluding the access.)

The site is located within a Rural Opportunity Area (ROA) as identified in the Argyll and Bute Local Development Plan – Adopted 2015 (LDP) wherein Policy LDP DM 1 gives encouragement in principle to small-scale, sustainable forms of development on appropriate sites. The erection of a dwellinghouse on this site is generally consistent with policies LDP DM1 and SG LDP HOU 1.

The site is located within the vicinity of a grouping of listed buildings/structures including Stonefield Castle. Given the physical separation between the listed features in combination with the landform and established woodland setting, it is considered that the setting of the listed structures will not be adversely affected, and as such the proposal complies with policy LDP ENV 13a. The site also lies within the Designed Landscape of the Stonefield Castle Estate, but given the position of the site in an open area of woodland (the site itself was latterly part of a conifer plantation which has been felled in recent years), it will not adversely impact upon the important elements of the designed landscape and as such complies with policy LP ENV 11.

The proposed siting for the proposed house is within approximately the eastern half of the application site. The detailed design is for a largely 1 ¾ storey, detached 5 bedroom villa with extensive pinwheel footprint and formal composition of shallow-pitched volumes punctuated by a 3-storey tower feature. The overall design proposes an imposing, grand villa with formality and detail reminiscent of mid19th-20th century arts and crafts/prairie house with a formal landscaped setting including raised terraces on the front elevation. There is no clear reference to materiality

beyond an assumption from the drawings that the roof cladding will be standing seam metal roof. It is considered that external facing materials and window/door frame materials can be adequately controlled by a planning condition.

Notwithstanding, the significant scale, massing and formality of the dwellinghouse design and its formal landscaped setting it is considered that a non-vernacular, country villa of this scale and design can be accommodated on this site due to its discreet siting within the larger wooded landscape, without detriment to the characteristics and qualities of the local or wider landscape, or the setting of nearby listed buildings and the Stonefield Castle Estate's designed landscape.

Given the distances between existing residential properties, there will be no impact upon residential amenities of residents.

Neither Transport Scotland nor the Area Roads Officer have any objections to the proposed development on grounds of highway safety or transport infrastructure and as such the proposal complies with policies SG LDP TRAN 4 and TRAN 6.

It is considered that the proposed development can be adequately served by infrastructure provision.

On the basis of the above assessment, the application proposal is considered to be acceptable with regard to all material planning considerations including Local Development Plan policy.

On the basis that several of the application drawings refer to further development within this application site, it is incumbent on the Local Planning Authority to state that no reference to separate building plots or future aspirations for an intensification of development of this site are in any way accepted by any part of this assessment. In the interests of absolute clarity the applicant's attention is drawn to the advisory notes attached to the decision notice.

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

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

The proposed dwellinghouse is to be located within a suitable site in a Rural Opportunity Area, and is of a scale, massing, form and design which can be accommodated without detriment to the spatial strategy and settlement pattern; landscape quality and characteristics; historic environment and residential amenity, in accordance with all relevant Local Development Plan policy. Additionally, the proposed development can be sustainably served by infrastructure provision, including the local road regime, to an acceptable level.

(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: No

Author of Report: Norman Shewan **Date:** 29.11.2017

Reviewing Officer: Richard Kerr  **Date:** 30.11.2017

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00666/PP

1. With the express exclusion of any reference to separate plots, or to future development aspirations within the application site, the development shall be implemented in accordance with the details specified on the application form dated 07.03.2017 and the approved drawing reference numbers 4162/07 b; 08 b; 10 c; 40 g; 41 c; 42 d; 43 d; 44 d; 45 d; 46 c; and 47d 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. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate three vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of a proposed refuse collection point to be located adjacent to the public road have been submitted to and approved in writing by the Planning Authority in consultation with Council's Roads Engineers. The duly agreed details shall be implemented in full prior to the development first being occupied.

Reason: In the interest of road safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 3A, and 3E and Part 2 Class 9 of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration,

maintenance or improvement of such a building.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

PART 2: SUNDRY MINOR OPERATIONS

Class 9: Stone cleaning or painting of the exterior of a building.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity, from unsympathetic siting and design of developments otherwise capable of being carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

5. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external walls; roof cladding; door and window frames; and rainwater goods have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

6. Notwithstanding the provisions of Condition 1, 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's SuDS Manual C697. 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.

7. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

8. Notwithstanding the details shown on the submitted plans, the red edged application site as shown on drawings 4162/07 b; 08 b, 10 c and 40 g shall not by default, automatically comprise the residential curtilage of the property, and prior to occupation of the proposed dwellinghouse a scaled plan clearly outlining the residential curtilage associated with the house hereby approved, to be located wholly within the application site edged red, has been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interest of visual amenity and clarity as to authorised planning land-use.

9. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

NOTE TO APPLICANT

- **The length of the 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).]
- Whilst not part of this application, reference to this site forming 2 development plots and an aspiration by the applicant to develop a 4-bedroom villa on part of this application site, in addition to the presently proposed 5-bedroom villa has been noted on several of the application drawings and as such, for the avoidance of doubt, requires comment. The erection of a second house within this site would, in the considered opinion of the Local Planning Authority, result in a significantly over-intensive and highly inappropriate development pattern to the detriment of the locality in terms of landscape impact, contrary to the effect of LDP policy. It should be noted, without any ambiguity that the Planning Authority would not support an application for a further dwellinghouse on this site. The above expressed concerns are not finite and the Planning Authority reserve the right to a full assessment of an application were it to be submitted against this advice.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk
- The applicant should be aware that a combined development of more than 5 dwellinghouses served by the proposed access from the A83(T) would require a public road to an adoptable standard.
- 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.
- 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/00666/PP**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**
- (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**
- (C) The reason why planning permission has been approved:

The proposed dwellinghouse is to be located within a suitable site in a Rural Opportunity Area, and is of a scale, massing, form and design which can be accommodated without detriment to the spatial strategy and settlement pattern; landscape quality and characteristics; historic environment and residential amenities in accordance with all relevant Local Development Plan policy. Additionally, the proposed development can be sustainably served by infrastructure provision, including the local road regime, to an acceptable level.