

**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: 18/01382/PP
Planning Hierarchy: Local Application
Applicant: Rainheath Limited
Proposal: Erection of 2 dwellinghouses
Site Address: Land East Of Camis Eskan Farmhouse, Helensburgh, Argyll and Bute

DECISION ROUTE

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

(A) THE APPLICATION

a.i) **Development Requiring Express Planning Permission**

Erection of 2 dwellinghouses

(B) RECOMMENDATION:

Refuse

(C) HISTORY:

01/02061/COU Conversion of farm buildings to form 4 dwellings – Approved 6.6.02

05/00742/PP – Demolition of shed and erection of 2 Dwellings – Withdrawn 10.3.2006

06/00085/COU - Conversion of barn into 2 dwelling houses – Approved 30.1.07

07/00444/ERECDW – Building warrant approval for demolition of barn and erection of two dwelling houses .Building Standards have no information on a start date or any inspection notes in respect of the previous barn or the current partial foundations constructed on the site. No notification of commencement of development.

15/01652/PP Erection of 2 dwellinghouses - Refused 31.08.2015

(D) CONSULTATIONS:

Roads Helensburgh and Lomond - 16.08.2018 – No objections.

Scottish Water - 02.07.2018 - No objections

Helensburgh Community Council advise support for the two new houses in this location.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 02.08.2018

(F) REPRESENTATIONS:

i) Representations received from:

1. Mr Chris Muskett, Dairy Cottage, 5 Camis Eskan Farm, Helensburgh. Submitted two letters on 02.08.2018 objecting to the proposal.
2. Mr Charles Carver, Stables Cottage, Camis Eskan Farm, Helensburgh on 03.07.2018 neither objecting to or in support of the proposal.

ii) Summary of issues raised:

Would like to ensure the original barn stone facing be re-used.

Comment – The stonework retention and re-use can be subject to a safeguarding condition if the Council were to grant planning permission.

Access into the courtyard round the north-east side of the garage pertaining to No2 is narrow. Would like this roadway completed at full width.

Comment– The completion of the roadway is a matter than can be dealt with by way of compliance with conditions in relation to the original planning permission for the conversion of farm buildings to form 4 dwellings associated parking areas and formation of passing places on access road (ref 01/02061/COU).

This site has resulted in greater impact upon privacy than the previous refused planning application 16/01652/PP as the driveway access to the eastern property will be adjacent to my bedroom window.

Comment – The habitable room window to window distance threshold has been met. The location of a driveway adjacent to a neighbouring property is not a material consideration that would affect residential amenity.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- 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 e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

The supporting planning statement submitted alongside the application highlights the following;

The proposal should be regarded as a minor departure and supported using the following as material considerations;

1. Paragraph 83 of the SPP states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

Comment – *The surrounding area is not considered to be a fragile community.*

- 2 The site is classified as brownfield land. The generally accepted definition of 'previously developed, or 'brownfield' land is that this is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. Scottish Planning Policy advises that LPAs should always consider the re-

use or re-development of brownfield land before new development takes place on greenfield sites. Similarly, Planning Advice Note 73 states:
“Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity”.

Comment – The site is not recognised as a brownfield site, it is identified in the adopted development plan as Greenbelt.

(H) PLANNING OBLIGATIONS

None Required

(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.

LDP DM1 – Development within the Development Management Zones
LDP 9 – Development Setting, Layout and Design

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 6 – Private Water Supplies and Water Conservation
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 Planning Series Circular 3/2013: Development Management Procedures

Scottish Planning Policy (SPP)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment

No

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required

(M) Has a sustainability check list been submitted:

No

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

No

(O) Requirement for hearing :

No

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

The application site is located in a remote hillside location within the general environs of a historic farm complex which has been subject to permitted conversion to residential use. The proposal is to erect two new 2 storey dwellinghouses on the site of a former barn that has since been demolished. The two dwellings are handed and each have detached garages, driveways and large front/rear gardens. The houses both comprise kitchen/diner, 2 public rooms bedroom and store on ground floor and three ensuite bedrooms on the upper levels. The houses are orientated to the south with rear gardens facing north, external finishes are natural stone walls salvaged from former barn, slate roof timber windows and doors. The design of the building takes its references from a farm cottage with dormer roof windows but on a much larger scale.

In terms of the Argyll and Bute Local Development Plan 2015 the site is located within the Greenbelt area 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.

There is a general policy presumption against new residential dwellings in the green belt unless they meet the requirements of policy LDP DM1, and more particularly part (G). This sets out a range of criteria against which development proposals in the green belt will be considered.

Scottish Planning Policy (SPP) para 49 defines the key objectives of green belt policy which are to:

- direct planned growth to the most appropriate locations and support regeneration;
- protect and enhance the quality, character, landscape setting and identity of towns and cities; and protect and give access to open space within and around towns and cities

The SPP further advises at para 52 that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

Private housing which does not meet a greenbelt need or comply with a policy exception set out in the criteria at policy LDP DM1(G) does not contribute positively to the function or operation of the greenbelt and its objectives. Indeed, unless the new housing meets one of the criteria in policy LDP DM1(G) then it represents sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt set out in SPP at paragraphs 49 and 52 and policy LDP DM1(G) of the adopted Local Development Plan. If allowed, this proposal would also set an undesirable precedent which would potentially undermine the application of policy LDP DM1(G) which is in place

to address the considerable pressure for residential development in this area of Argyll and Bute and ensure that the objectives for the greenbelt are not undermined.

As the barn which was previously on site has been demolished in its entirety, and all materials removed from the site, this available exception to policy is now not available and the proposed erection of two dwelling houses is contrary to green belt policy with no possible exceptions being available. The proposal is therefore considered to be contrary to policy DM1 (G) of the recently adopted Argyll and Bute Local Development Plan 2015.

The design of the proposed dwelling houses, a large scale 2 storey cottage, is not appropriate for this location. The design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site to the farm steading. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted local development plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

Although the site has partially constructed foundations and some materials on the site, it is considered that the site, although somewhat untidy, is not sufficiently harmful to the amenity of the area to merit granting planning permission as an exception to policy to address this issue or require the serving of a Section 179 Amenity Notice. Notwithstanding the above, neither of these benefits of allowing planning permission is considered to outweigh the fact that the proposed development is clearly contrary to important, long established, and well supported, policy principles of when residential development should be allowed in the greenbelt. Indeed, by demolishing the barn and beginning unauthorised construction work on a new build scheme a breach of planning control has occurred. It would not be appropriate to legitimise breaches of control, which undermine important policy objectives, by the grant of a planning permission contrary to these objectives.

Officers are also mindful that allowing vernacular farm buildings to be demolished, and then new build dwellings to be built contrary to previous planning permissions and green belt policy advice could set an undesirable precedent, particularly as no material considerations which would outweigh conflict with policy LDP DM1(G) has been identified.

In respect of access and parking provision there has been no objection from the Area Roads Engineer and therefore the proposal accords with the requirements of Policies SG LDP TRAN 4 and SG LDP TRAN6.

The agent has confirmed that there are existing water and sewage connections which have sufficient capacity in the locality and therefore the proposal, subject to the imposition of conditions requiring details of these services is considered to accord with SG LDP SERV 1 and SG LDP SERV 6. It is also considered that the provision of a Sustainable Urban Drainage System (SUDS) could be provided and addressed as a conditional matter on any grant of planning permission. The proposal is therefore also considered, subject to the imposition of an appropriate condition, to accord with SG LDP SERV2.

Given the above it is recommended that planning permission should be refused in this instance for the following reasons:

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with

operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1(G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

If allowed, this proposal to build two new dwellings in the green belt would set an undesirable precedent which would potentially undermine the objectives of SPP and policy LDP DM1 (G) of the adopted Argyll and Bure Local development Plan.

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

No

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

N/a.

(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: Frazer MacLeod

Date: 16/8/18

Reviewing Officer:



Howard Young

Dated:

Angus Gilmour
Head of Planning, Housing and Regulatory Services

REASONS RELATIVE TO APPLICATION: 18/01382/PP

1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1(G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

2. The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

APPENDIX TO DECISION NOTICE

Appendix relative to application: 18/01382/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 two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and Policy LDP 9 and therefore it is considered that the proposed residential development should be refused.