

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: 18/01546/PP
Planning Hierarchy: Local Application
Applicant: Lucid Developments
Proposal: Erection of 7 hybrid accommodation units, community hub building, new access pathway, car parking and landscaping arrangements.
Site Address: Land to the North of Boat Yard, Rosneath Road, Kilcreggan, Argyll and Bute.

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Erection of 7 hybrid accommodation units (Class 9), community hub building, new private access serving the development, car parking and landscaping arrangements.

Ground source renewable energy system.

Photovoltaic panels on roof of recycling bin store.

ii) Other Specified Operations

Connection to public water and sewerage.

(B) RECOMMENDATION:

It is recommended that planning permission be refused.

(C) HISTORY:

None

(D) CONSULTATIONS:

Roads Helensburgh and Lomond - 15.10.2018 Advise refusal.

Marina Curran-Colthart - Local Biodiversity Officer - 22.08.2018. No objections.

Requires the applicant to provide ornithological surveys, otter and bat surveys. Details of a management plan as the burn is known to flood and the applicant liaise with Forestry Commission Scotland re felling license. The applicant provided this information by way of a Preliminary Ecological Appraisal. Report prepared by Echoes Ecology Ltd on 7th November 2018. Further consultation was made in which Local Biodiversity Officer advises no objections.

Flood Risk Manager – 21/12/18 and 24/1/19 – No objections.

A drainage layout has been supplied (Drawing No. 16.883-701 “Drainage layout”). The following comments are made upon this layout:

- A filter trench is shown on the northern and eastern fringe of the car parking area. It is unclear how this would operate as it appears to be located on the uphill side of the car park. Drawing No. 010 A “Site Plan as Proposed” shows a slope to the south east, away from the filter trench. In addition, the north easterly flow direction of the filter trench shown appears to be in an uphill direction.*
- The filter trench discharges to a 150 mm diameter surface water pipe with an ultimate discharge to the small water course at the southern boundary of the site.*
- Drainage from the proposed buildings appears to be direct to the 150 mm surface water pipes, and then the watercourse, with no attenuation.*

It is recommended that further information be supplied in order to ensure that the design is appropriate. This information is as follows:

- Clarification of the design and operation of the proposed surface water drainage on the northern side of the car park in the north eastern section of the site.*
- Pre and post-development runoff calculations. Given the receiving watercourse close to the site and the proximity of other properties, it is recommended that runoff calculations are supplied in order to demonstrate that the post development runoff is no greater than the pre-development 1 in 2 year greenfield runoff.*
- Maintenance information for the proposed drainage system.*

These matters were put to the applicant’s agent who provided surface water run-off calculations, attenuation design, greenfield run off rates and estimated site discharge. The Flood Risk Manager further advises no objection subject to safeguarding condition that the drainage design is in accordance with current legislation.

Core Paths - No response.

Scottish Water - 09.08.2018 - No objection

Development Policy Section - 25.09.2018 – advise refusal.

Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction, it is considered that the proposed development would not be compatible with Policy SG LDP REC/COM 2 and SG LDP 6. In addition to the above, the steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with its setting, and unable to meet the reasonable expectations for special needs groups as required by Policy LDP 9.

SNH 08.08.2018 - No formal comment.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 06.09.2018

(F) REPRESENTATIONS:

- i) 11 representations received from the following parties:

Objection

Mr Jonathan Dean Tigh Corr Fort Road Kilcreggan 13.08.2018

Mr David Ross 93 East King Street Helensburgh 27.08.2018

Bill Stoops Rockfield Fort Road Kilcreggan 27.08.2018

Mrs Alison Barclay Craigarran Shore Road Kilcreggan 27.08.2018

H S Cathcart Aingarth Fort Road Kilcreggan 31.08.2018

The Woodland Trust Scotland, Shore Road, Perth. 11.09.2018

Support

Mr Patrick Hanley 14 Meikle Aiden Brae Kilcreggan 30.08.2018

Charlotte McLean Seymour Lodge Shore Road Cove 01.10.2018

Ms Helen de Main 0/1 27 Leven Street Glasgow 04.10.2018

James McLean Seymour Lodge Shore Road Cove 31.01.2019

Representation

Richard H West Lynton Park Fort Road Kilcreggan Helensburgh 04.09.2018

ii) Summary of issues raised:

- **Objections**

The hybrid units will create overlooking upon properties on Fort Road to the south.

Comment – See report.

Concern regarding increase in noise from residents.

Comment – Matters relating to anti-social behaviour is not a planning consideration but a Police matter. Separate Environmental Health legislation is available to the public who are experiencing anti-social noise problems.

Possible risk of flooding from burn/Potential for additional water run-off will put pressure on Scottish Water tank.

Comment – A burn is located on the boundary of the development site, the applicants engineer report confirms that there will be no additional run off from the site into the burn. The Council's Flood Risk Manager advises no objection subject to safeguarding condition that the drainage design is in accordance with current legislation.

Footpath through the site will require alteration to the boundary fence of the adjacent Health Centre, this would be a risk to users.

Comment – The development will not require alteration to any existing fences. The semi-public path is proposed to connect the pavement in front of the medical centre to the application site boundary. This does not involve access to the car park or adjustments of Health Centre paths or fences.

Unclear as to the actual use of the buildings.

Comment – The applicant has stated the proposal is for either rental use or permanent residential accommodation.

Woodland is not as described by the applicant, it isn't that bad.

Comment – This point is noted. See report.

Vehicle access/egress will be hazardous.

Comment – The Area Roads Manager advises refusal.

The proposal is regarded as overdevelopment.

Comment – The proposed 7 units are within the terms of Policy LDP DM 1.

The proposal is not in keeping with the surrounding area.

Comment – The proposed 7 units are within the terms of Policy LDP DM 1 however the steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with the its setting, and unable to meet the reasonable expectations for special needs groups as required by policy LDP 9.

The public path through the site will not be wheelchair accessible.

Comment - The steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with the its setting, and unable to meet the reasonable expectations for special needs groups. As a result the proposal is contrary to Policy LDP 9 Development Setting, Layout and Design and SG LDP HOU 2 Special Needs Access Provision in Housing Developments of the Argyll and Bute Development Plan 2015.

Extra tree planting will pose a danger to road users.

Comment – The Area Roads Manager advises refusal.

Concern regarding delivery of development if funding problems occur.

Comment – This matter is not a material planning consideration.

- **Support**

The development will improve an eyesore.

The proposal is an innovative development.

The proposal will visually improve the village.

Unique design and choice of materials blends into its surroundings

Good transport links within the surrounding area makes the proposal a good place to live.

Other shopfront/civic improvements within the village adds to the quality of the development.

Sustainability aspects of the design are to be applauded.

Comment – These points are noted.

- **Representation.**

Wishes road traffic safety and water run-off matters to be examined as part of the application process.

Comment – These matters have been fully examined as part of the assessment.

(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: N
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: **Yes**

Preliminary Ecological Appraisal

Report prepared by Echoes Ecology Ltd on 7th November 2018

The survey did not identify any plants regarded as European Protected Species but the non-native species Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*), rhododendron (*Rhododendron sp.*) and buddleia (*Buddleja sp.*) were identified within the site. The Code of Practice on Non-Native Species (Scottish Government, 2012) should be adhered to and any soil that may contain any non-native plant material should be moved in line with good practice guidance.

No evidence of badger, otter or water vole was identified within the survey area. There was one tree with potential roost features (PRFs) located within the site. As the tree is to be felled, an inspection of the PRF was carried out using an endoscope from a ladder during a second visit on 23.10.18. No evidence of bat use was identified. The feature was sealed to prevent future use by roosting bats. There is habitat within the site and its surroundings that is suitable for red squirrels and two potential dreys were identified. Two feeding stations monitored with trail cameras were installed on 23.10.18 for a period of two weeks to investigate if squirrels were present within the woodland. No red squirrels were recorded, only grey squirrels (*S. carolinensis*), and it is assumed that any dreys present belong to grey squirrels.

Surface Water Assessment

Report prepared by David Narro Associates on September 2018

A site investigation has been carried out by Mason Evans which found shallow bedrock across the site. It is therefore assumed that the existing surface water is percolating into the ground at a greenfield runoff rate of 5 l/s before discharging into the burns that run within the site. An asset plan for the surrounding area has found that there is an existing public combined sewer located at the road that runs to the North boundary of the site.

It is proposed that the surface water from the proposed hardstanding and roofs be collected by a new series of surface water drainage runs and discharged directly into the burn. A soakaway would not be possible in this location due to the bedrock present on site. Treatment to the water outflow from the road and car parking areas will be provided by a filter trench. Due to the nature of the existing site, the overall volume of water being discharged into the burn is not increasing and is being collected into single discharge points. Having considered all options, it is believed that discharging the surface water to the existing burn within the site is the most feasible option. It is the conclusion of this report that the suggested drainage solution includes sufficient measures to limit the impact of the development on surrounding environment. The proposed system will connect to the existing burn and not increase the overall flow of water currently being discharged into the burn.

Arboriculture Report

1st Report Arboricultural Survey - Arboricultural Impact Assessment and Arboricultural Method Statement To British Standard 5837 (2012) prepared by Mike Charkow MA, TechCertArborA, PTI on 12th June 2018

78 individual trees were surveyed. 16 trees could not be categorised. 7 trees were categorised as 'A'; 31 were categorised as 'B', 14 as 'C' and 10 as 'U'. The majority of trees were native species. The dominant species was the naturalised Sycamore (*Acer pseudoplatanus*), of which thirty-seven trees were recorded. 44 trees were in good condition, 8 were in moderate condition, 8 were in poor condition, 2 were dead and 16 could not be categorised. The surveyed trees were mostly native or naturalised species.

48 trees were recommended for works. The majority of recommended works (38 trees) refer to ivy growing on trees. It was possible to inspect most of the bases of these trees, however many of these trees' stems and some of their crowns were severely obscured. Ivy is an important native plant for wildlife habitat and as a food source, however its presence on trees can be problematic:

- It can impede the inspection of the tree;
- It can smother branches causing foliage to die;
- It can increase the 'sail-area' of the tree, making it more wind resistant and therefore prone to breakage.

It is usually costly and impractical to remove all of the ivy from a tree, however it can be severed from near ground level to around 1.5 metres. This should be done on an annual basis to prevent the ivy from regrowing. The ivy may take a year to die, but then it can be removed much more easily, or it will fall off over time. The reinspection would therefore take place once the tree could be seen. It is the decision of the tree owner whether the risk of the

tree warrants complete ivy removal or severing at base. 10 trees were recommended for removal due to their condition. 30 trees had no works recommended.

2nd Report prepared by AVArboriculture on 1st October 2018 in response to objections by The Woodland Trust.

The woodland is a category 2a (Ancient Woodland of Semi-Natural Origin). Scottish Natural Heritage does list the site as 'Ancient (of semi-natural origin)'. It is apparent that much of this designated woodland has already been developed. Forestry Commission Scotland do not list the application site as a native woodland.

Most of the trees (49 of 78, 63%) were classed as early-mature. Native trees included Silver Birch, Common Alder, Common Ash, Common Holly, Common Oak and Common Rowan. These account for 40 of the 78 (51%) trees surveyed. None of these are indicator plants for ancient woodland, however the indicator species list does consist of 74 vascular plants, most of which are not trees.

I was not commissioned to record ancient woodland indicator species, so I do not have this information. It is not clear from my investigations why the site has been classed as category 2a (Ancient Woodland of Semi-Natural Origin). I recommend that the procedure for the woodland classification of this site by Scottish Natural Heritage be disclosed. It may also be prudent to have an ancient woodland indicator species carried out.

Additional flood risk/drainage report and updated drainage layout plan (16.883-701A).

The applicant has provided additional information in relation to the observations made by the Council's Flood Risk Manager. A filter trench is now shown on the southern fringe of the car parking area discharging to a 150 mm diameter surface water pipe leading to a surface water attenuation tank. Drainage from the proposed buildings also leads to the tank. Discharge from the tank would be at the greenfield runoff rate to the watercourse. The tank has been designed with respect to a rainfall intensity of 70 mm/hr. The drainage layout drawing also states an intention to maintain the system in accordance with CIRIA C753.

(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.

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP DM1 (Key Rural Settlements)

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

Policy LDP 8 Supporting the Strength of Our Communities

Policy LDP 9 Development Setting, Layout and Design

Policy LDP 10 Maximising our Resources and Reducing Our Consumption

Policy LDP 11 Improving our Connectivity and Infrastructure

Argyll and Bute Local Development Plan – Supplementary Guidance

SG LDP ENV 6 Development Impact on Trees/Woodland

SG LDP HOU 1 General Housing Development Including Affordable Housing Provision
SG LDP HOU 2 Special Needs Access Provision in Housing Developments
SG LDP TOUR 1 Tourist facilities and Accommodation
SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 Incorporation of Natural Features / Sustainable Drainage Systems
SG LDP SERV 3 Drainage Impact Assessment
SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 Private Water Supplies and Waste Conservation
SG LDP TRAN 3 Special Needs Access Provision
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 Vehicle Parking Provision
SG LDP - Sustainable Siting and Design Principles

(ii) List of other material planning considerations taken into account in the assessment of the application.

Argyll & Bute Sustainable Design Guidance.
Consultation responses.
Community engagement during design process.

(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

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

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

(O) Requirement for hearing:

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and the relevant policies within it are not considered to be outdated.

Eleven representations have been received both for and against the proposal. There has been no comment from the community council. In this instance there are four reasons for refusal relating to design, impact on an Open Space Protection Area, loss of trees and road safety. Given the small number of representations when considered against the size of the settlement and the straightforward nature of the reasons for refusal, it is not considered that a hearing bring added value to this process.

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

The application site is an area of woodland located on the eastern approaches to the village of Kilcreggan. It is proposed to develop the steeply sloping site by way of a development comprising a hybrid of housing, tourist development, live-work development, community elements and co-housing elements. The development includes 7 two storey residential accommodation units, linked by bridges and footpaths.

These consist of small one bed units at 45 sq.m and small two bed units at 65 sq.m each with a small private terrace. They are raised up on steel foundations to allow the slope and the landscape to pass underneath uninterrupted. There are also small storage units and workshop/studios built into the slope at communal buildings to the north east. These can operate in tandem with the units or independently to maximise flexibility. It is intended that these main units or houses would retain as much flexibility as possible in terms of how they are used and there would be a mix of uses, ideally some full time and some part time, with others perhaps as tourist accommodation. The small community building is shared and co-owned/managed along with an underground renewable energy system and photo voltaic panels on bin store areas. This building also comprises a plant room for the renewable energy system, storage areas, small studios or workshops, bin-stores and recycling areas, external terraces, a sauna plus wc and a meeting/dining room with a small library. Off-street parking areas are provided to the north of the site and compensatory planting is provided as a number of trees are to be removed to accommodate the development.

The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.

The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.

The application site is designated as an Open Space Protection Area. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan.

The proposal is considered to be unacceptable in terms of road traffic safety for reasons of sightline visibility splays, pedestrian access, vehicle turning space and off street parking provision all of which do not accord with the supplementary guidance. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision of the Argyll and Bute Development Plan 2015.

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

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

1. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.
2. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.
3. The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit, the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and existing function. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.
4. The proposed private access is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities. The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data. The off street parking provision is also contrary to policy as it shows the provision for 11 parking spaces, however, the residential units require 12 parking spaces, there is also no parking provision shown to support the Communal build which has the potential to be used

by local community groups. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision

(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: 31/1/19

Reviewing Officer: Howard Young

Date: 04/02/19

Angus Gilmour
Head of Planning, Housing and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 18/01546/PP:

1. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.
2. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.
3. The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and function and the community design consultation was not considered material to outweigh the restrictive open space policy. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.
4. The proposed private access is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities. The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data. The off street parking provision is also contrary to policy as it shows the provision for 11 parking spaces, however, the residential units require 12 parking spaces, there is also no parking provision shown to support the Communal build which has the

potential to be used by local community groups. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01546/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The land in question falls within the settlement boundary of Kilcreggan which is identified in the development plan as a Key Rural Settlement. Policy DM 1 allows development up to and including medium scale on appropriate sites. In terms of residential development a medium scale development is considered between 6 and 30 dwellings therefore the proposal accords with this Policy.

B. Location, Nature and Design of Proposed Development

The application site is an area of woodland located on the eastern approaches to the village of Kilcreggan. It is proposed to develop the steeply sloping site by way of a development comprising a hybrid of housing, tourist development, live-work development, community elements and co-housing elements. The development includes 7 two storey residential accommodation units, linked by bridges and footpaths.

The applicant has described community involvement prior to the submission of this application, this involved;

- Lucid Architecture were involved in the Glasgow Institute of Architects and Cove and Kilcreggan Community Council ideas competition in 2011 for the shore line of Kilcreggan and Cove. They were among the final group of architects selected to present proposals and initiatives for the village, their idea for this site was presented initially during that time.
- Presented a fully worked up proposal to the Cove and Kilcreggan Community Council in September 2016. Their comments fed into the proposals and the current design.
- Presented proposals to board members of Rosneath Peninsula West Community Development Trust in October 2016 in which areas of cross over with their Community Action Plan were identified.
- Meetings with Cove Park Artists Centre Julian Forrester and Alexia Holt in 2015 and 2017 to discuss the Ferry Brae project and any cross overs with their program.
- Domestic neighbours bordering onto the site were contacted at the start of the project and around the time of the main community consultations through 2015 and 2016. All of them were met face to face and kept up to date via email through the design process with drawings sent regularly to inform them of the progress of the design and take account of their suggestions and build in mitigations to the design as far as possible for any concerns that they had raised.
- Consultations with the Construction Scotland Innovation Centre through 2016 and 2017 to explore aspects of the design that can be developed and used as demonstrators for new ways of organising and delivering projects on site plus research into better building technologies and system

C. Impact on Woodland/Access to Countryside

A significant determinant of developing this site is the designation as Open Space Protection Area (OSPA) within the LDP. The area is part of a larger area which has had a longstanding protective designation. Historically this area was included in the 1999 Adopted Dumbarton District, District Wide Local Plan as Woodland, Park Land Retention designation. The area was shown as an OSPA in the 2009 Adopted Local Plan in which there were no objections to this designation, more recently there was also no objection to the OSPA designation at the last LPD PLI. (2015 plan).

This requires SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) to be addressed. In addition the site falls within a section of Semi Natural Ancient

Woodland which requires SG LDP ENV6 (Development Impact upon Trees/Woodland) to be examined.

In terms of justification for development within an OSPA the applicant was asked to address if the proposal could “adequately demonstrate no loss of amenity through either partial, or complete development and that an alternative provision of equal benefit and accessibility be made available”.

The case now put to the Council demonstrates community/planning benefit in respect of the following;

- Community engagement during design process
- Woodland management plan and remediation via removing Himalayan balsam and Japanese Knotweed from site
- Creation of a Community Hub building
- Creation of new public walkway through the site rather than walking on public road
- Creation of contemporary designed tourist accommodation/workspace units in a woodland setting
- Creation of landmark development at the entrance to village promoting a sense of arrival.
- Potential positive economic impact upon the rural community in terms of small start-up business/community initiative projects and tourism.
- The benefit to the public in which they are able to access woodland previously out of bounds.

These matters will be assessed in further detail establishing if they may be considered material to outweigh the restrictive open space/woodland policies.

In addition to LDP DM1, other appropriate policies to be used are LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Supplementary Guidance Policy.

In terms of SG LDP REC/COM 2 the amenity value of this area is due to its undeveloped woodland nature and the contribution it makes as a rising backdrop to the development on Fort Road. The policy states, inter alia, that there is a presumption against the development of open space protection areas shown to be safeguarded in the LDP Proposals Maps except where there would be no loss of amenity and alternative provision of equal benefit and accessibility would be made available taking into account long term strategy and recreational and amenity value.

Open Space Protection Area's designated for their amenity value within settlements cannot be readily replicated, particularly where they contribute to visual amenity in the form of woodland and trees. SG LDP 6 also recognises the importance of woodland within settlements in terms of the contribution they can make to amenity value, woodland setting and as key landscape features. Proposals which involve the loss of trees, fragmentation of woodland and the introduction of new uses within open space protection areas therefore require to be considered very carefully as they are likely to have unacceptable environmental impacts, not respect the landscape/townscape character of the area and have adverse effects on the amenity (including visual) of the surrounding area.

The Council has carefully considered the applicant's arboriculturalists report and note that they recommend that the trees be removed in order to accommodate the development and that with regard to the remaining trees they state “most of the site is a root protection area (RPA)”. The sitings of the proposed buildings, paths and new drainage may conflict with RPAs. Due to the nature of the site, it would be necessary to infringe the RPAs of many trees during the construction phase.” The report also states that “the tree shading plan (section 2.3) shows that all of the proposed new buildings within the woodland will have all-day shade from retained trees”. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow

as a result of root damage during construction, the proposed development would not be compatible with Policy SG LDP REC/COM 2 and SG LDP 6.

In addition to the above, the steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrated with its setting, and unable to meet the reasonable expectations for special needs groups as required by policy LDP 9. The evidence of community involvement/planning benefit is not considered material enough to outweigh policy in this instance.

The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.

The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings, access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction, the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.

The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and function and the community design consultation was not considered material to outweigh the restrictive open space policy. The proposal is therefore contrary to Policy SG LDP REC/COM 2 of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.

D. Road Network, Parking and Associated Transport Matters

A new private access may be considered appropriate if, inter alia, it serves no more than 20 units as in a housing court development as in this instance. However, the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes which provides additional detail to policy LDP 11 which considers place before movement and takes into account the principles regarding development setting, layout and design set out in policy LDP 9. The proposed private road is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities.

The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data.

The existing B 833 Rosneath Road currently has no pedestrian facility and the proposed pedestrian access intended for used to connect the site into the village is not suitable. Further details would be required to demonstrate that suitable vehicle turning is available to accommodate the service and emergency vehicles.

In addition the off street parking provision shown does not accord with SG LDP TRAN 6 –Vehicle Parking Provision as the details submitted show the provision for 11 parking spaces, however, the residential units require 12 parking spaces (the 4 No x 1 bedroom units require 1.5 spaces per unit equals 6, the 4 No x 2 bedroom units require 2 spaces per unit equals 6) Also there is no parking provision shown to support the Communal build which has the potential to be used by local community groups.

As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision.

E. Infrastructure

It is proposed to connect the development to the public water and sewage system and Scottish Water has indicated no objections. Concern was initially raised by the Flood Risk Manager regarding the design and operation of the proposed surface water drainage on the northern side of the car park in the north eastern section of the site. This matter were put to the applicant's agent who provided surface water run-off calculations, attenuation design, greenfield run off rates and estimated site discharge. The Flood Risk Manager now advises no objection subject to a safeguarding condition.
