

**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**

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**Reference No:** 21/01943/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Paul Rodger  
**Proposal:** Demolition of detached dwellinghouse, erection of 3 detached dwellinghouses and formation of vehicular access  
**Site Address:** Peat Knowe, Back Road, Clynder, Helensburgh, Argyll and Bute G84 0QF

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of 3 no. dwellinghouses
- Associated groundworks and retaining structures
- Alteration to access and formation of internal access road and parking areas

**(ii) Other specified operations**

- Demolition of dwellinghouse (derelict condition)
  - Connection to public drainage network
  - Connection to public water supply network
  - Landscaping
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**(B) RECOMMENDATION:**

Planning permission be approved subject to conditions recommended herein.

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**(C) CONSULTATIONS:**

**Area Roads** - 11.11.2021 - No objections subject to conditions.  
Sightline splays of 2.4 x 42 x 1.05m required in both directions.  
Gradient of new driveway shall be no steeper than 1 in 20 (5%) over the first 5m and thereafter no greater than 1 in 8 (12.5%).  
Off-street car parking to be provided in accordance with SG LDP TRAN6.  
Surface water must not be allowed to flow onto the carriageway.

**Scottish Water** - 25.10.2021 - No objections. This does not confirm that the proposal can currently be serviced. Applicant should note that further investigation may be required with regard to Water and Waste Water Capacity upon submission of a formal application directly to Scottish Water. Records appear to show abandoned water infrastructure within the site. Applicant advised to contact Scottish Water Asset Impact Team for guidance if the infrastructure requires to be removed to enable development. New surface water connection will be allowed into combined public sewer system in limited exceptional circumstances.

**Scottish Rights of Way and Access Society** – 09.11.2021 - Right of Way SD13 crosses close to the application site. Request that the above affected route is kept open and free from obstruction or obstruction before, during and after any proposed development.

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**(D) HISTORY:**

None

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**(E) PUBLICITY:**

Regulation 20 Advert Local Application – Expired 25.11.2021

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total of 20 representations have been received from interested third parties. One of these supports the proposed development and 17 are objections. The remaining two representations raise planning issues but are neutral in terms of support or objection.

**Support**

- James McGuigan - Ardgare Back Road Clynder Helensburgh

**Objection**

- Owner of no. 28 Straid-a-cnoc, Clynder, Helensburgh
- Julie Cameron - 3 Pier Road, Clynder, Helensburgh
- Ms Frances Harrison-Coyle - 36 Straid-a-cnoc, Clynder, Helensburgh
- Karen Pritchard - 22 Straid-a-cnoc, Clynder, Helensburgh
- Mike Kenyon – Address not provided
- Carolyn Kenyon – 23 Straid-a cnoc
- Alison Hamilton - 11 Straid-a-cnoc, Clynder, Helensburgh
- Margaret Swan - 21 Straid-a-cnoc, Clynder, Helensburgh
- Kim Chapman - Address not provided
- Beth Sinclair – Heatherdale, Back Road, Clynder, Helensburgh
- Jake McGibbon - Address not provided
- Gordon MacMillan – Invergare, Back Road, Clynder, Helensburgh
- Fay MacMillan – Invergare, Back Road, Clynder, Helensburgh
- Mrs. P. Walker - 20 Straid-a-cnoc, Clynder
- Gini Allison - Address not provided
- Maxime Stiles - Crossowen Cottage Back Road Clynder Helensburgh

- Dr. Lucy J Troup - Address not provided

### **Representation**

- Helen Williams - The Villas, Pier Road, Clynder Helensburgh
- Nigel Carlisle - 11 Straid Bheag, Clynder, Helensburgh

### **(ii) Summary of issues raised:**

#### **Support**

- Positive opportunity to achieve enhancement of a derelict site to local community benefit.

#### Comment – Noted

- Development will be of benefit in terms of drainage and proper grounds maintenance

Comment – Drainage issues arising from proposed development will be fully assessed later within this report

#### **Objection**

##### Impact on Visual Amenity

- Proposed development are not in keeping with the area. Specific reference is made to the proposed number of units/plot densities, size and design relative to existing development. Will result in detrimental impact to visual amenities.

Comment – *The siting, plot density and design of the proposed development relative to the character and pattern of existing built development will be assessed with regard to Local development Plan policy later within this report.*

##### Impact on Residential Amenity

- Loss of residential amenity of occupiers of nearby houses by reason of loss of privacy through overlooking, loss of natural light and general noise disturbance.

Comment: - *Impact upon residential amenities will be assessed in full within section p and the appendices to this report.*

- Impact of construction noise.

Comment: - *It is recommended that planning permission, if approved, be subject to a condition restricting the hours of construction activity in order to protect local residential amenity.*

##### Impact on Road Safety, On-street Parking and Congestion

- The existing site access junction with Pier Road is substandard in terms of gradient, alignment and visibility. Intensification of use will increase road safety hazards.

- It is noted that existing local roads are narrow in width with high traffic speeds and insufficient car parking resulting in congestion. Intensification

of traffic that will have a detrimental impact upon local road safety and congestion exacerbating these existing issues.

- Inadequate off-street parking provision
- Specific concern is expressed regarding the impact of large construction vehicles infrastructure on narrow roads during the construction phase.

*Comment: - The Council's Area Roads Engineer has not objected to the proposed development in relation to matters of road safety and congestion subject to planning conditions relating to technical design of the access arrangements and the provision of off-street car parking in accordance with Council standards.*

#### Impact on Land Drainage/Flooding/Mudslides

- Development, including land engineering works will result in surface water run-off and increased risk of flooding on nearby properties. This has resulted in substantial water/mud run-off into the gardens of adjoining gardens. Flooding on Pier Road has increased significantly since mature trees were felled and ground re-profiling took place on the site. This has caused damage to the road surface in places. Exacerbate existing drainage problems.
- The levelling of the site comprising a significant volume of excavated material steeply banked up along the eastern edge of the site has caused concern with regard to stability and potential landslides onto residential properties downhill to the east. Insurance claims arising from mud/landslides and flooding will increase local insurance premiums.

*Comment: - The planning authority notes that significant ground engineering works have been carried out prior to submission of an application for planning permission and that this has caused significant concern to local residents with regard to flooding and potential mud slides.*

*It is recommended that any planning permission be subject to a suspensive planning condition requiring the submission and approval of further details of the proposed drainage infrastructure to demonstrate that the proposed development will not result in an increased risk of flooding on adjoining land.*

*Potential collapse of raised land impacting upon adjoining properties is a private legal matter between the party that has carried out these operations and the owner of any adjoining land that may be affected by reason of potential collapse of the material.*

#### Impact on Natural Environment/Biodiversity

- Detrimental impact on wildlife and local biodiversity. Hedgerow boundary/mature trees have been ripped out which provided species habitat including for a large number of bats and a family of Tawny owls.
- It is submitted that any approval of planning permission be subject to the implementation of mitigation measures.

*Comment: - It should be noted that the complete clearance and stripping of established natural vegetation, and potential detriment to biodiversity*

and species habitat, prior to submission of an application for planning permission is considered to be extremely unfortunate.

The trees and hedgerows were not protected by a Tree Preservation Order, and the site is not within a Conservation Area, and as such the clearance work does not constitute a breach of planning control. However, wildlife habitat are protected under separate legislation, notably the Wildlife and Conservation Act 1981 which potentially makes habitat destruction a criminal offence. Police Scotland has responsibility with regard to enforcing the provisions of the Countryside and Wildlife Act as opposed to the local planning authority.

Re-planting, and other measures, to provide potential for wildlife habitat and to encourage biodiversity, in mitigation of the loss of natural features, can be secured by means of a planning condition.

#### Infrastructure

- Further development may have a detrimental impact on water pressure.

Comment – The consultation response from Scottish Water does not indicate any public infrastructure constraints with regard to water supply, however further investigation may be required when an application is submitted to Scottish Water.

- The Rosneath Peninsula does not have the wider community infrastructure e.g transport, to support expansive development.

Comment: - The proposed development of 3 no. houses is considered to be small-scale development with regard to the LDP. The site is within the settlement of Clynder. As such the scale of development will not have a material impact upon social/transport infrastructure services and is consistent with the LDP Settlement and Spatial Strategy.

#### Procedural Issues

- Not many of the home-owners were notified of the planning application.

Comment: - Adjoining and nearby properties have been individually notified of the planning application fully in accordance with the relevant provisions of the Town and Country Planning Development Management Procedure Regulations

- Did the applicant have authorisation from the roads authority to expand the width of the roadside around the bend on Back Road to its junction with pier Road/

Comment: - This matter has been referred to Council Roads for investigation.

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) Environmental Statement:** No

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|--------------|---|-----|
| <b>(ii)</b>  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No  |
| <b>(iii)</b> | <b>A design or design/access statement:</b> <ul style="list-style-type: none"> <li>• Historic development has created a development pattern characterised by a broad mix of plot sizes; layout; densities; house sizes, ages, design and materials resulting in a semi-urban character and including original Victorian villas and 1970s bungalow type expansion.</li> <li>• A key design principle is for a high level of contemporary design (avoiding a pastiche design solution). Such an approach will reflect the uncompromisingly modern design of the existing house on the plot (when it was constructed.)</li> <li>• Proposed plot sizes and development pattern is to be similar to that of Straid-a-Cnoc adjacent to the east.</li> <li>• Scale and massing of the proposed houses is to be between that of the bungalows to north and east and the large Victorian era villas to the south.</li> <li>• Potential loss of privacy by reason of direct overlooking between windows has been carefully considered and can be achieved by window positions, arrangement of ancillary accommodation and screen walls.</li> <li>• A staggered linear site layout along an (approximately) north-south axis will help to maintain privacy of occupiers of nearby houses and maximise views/solar gain.</li> <li>• Main living spaces will be at first floor level and face east and southwards to maximise views and natural light.</li> <li>• Existing access is clear and statutory sightlines can be achieved. Access will be by means of a shared hard-surfaced driveway with 12.5% gradient compliant with Scottish Technical Standards. Parking and turning to satisfy Council standards can be provided within the site.</li> <li>• Treatment/screening of boundaries and material finishes will help to visually integrate the proposed development into its setting and maintain privacy.</li> <li>• Concludes that the design is modern and striking (in keeping with the original development at Peat Knowe) whilst also respectful and sympathetic to existing development by reason of privacy and material finishes.</li> </ul> | Yes |

- (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

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

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

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 6 – Impact on Trees / Woodland

**Landscape and Design**

SG LDP ENV 14 – Landscape

**General Housing Development**

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

**Enforcement Action**

SG LDP ENF – Enforcement Action

## **Departures from the Local Development Plan**

SG LDP DEP – Departures from the Local Development Plan

## **Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

## **Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 3 – Drainage Impact Assessment

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

## **Transport (Including Core Paths)**

SG LDP TRAN 1 – Access to the Outdoors

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

*Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:*

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 78 – Woodland Removal

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

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

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

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

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**(O) Requirement for a hearing:** No. This is a local application. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

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

The proposed development comprises small scale housing development on an existing residential site bounded on three sides by residential development and located within the Key Settlement of Clynder/Rosneath as identified in the Argyll and Bute Local development Plan 2015 (LDP). As such, it is considered that the proposed development accords with the LDP Settlement and Spatial Strategy.

The site is currently occupied by a modestly sized single-storey house. The proposal is to redevelop the site to provide 3 no. 4-5 bedroom houses sited in a staggered pattern along the south west, upper part of the site with the principle elevations orientated towards the east to take advantage of views over the Gare Loch. The lower levels are to be 'dug into' the slope of the land with a highly glazed pavilion style of structure containing the main living spaces above. Whilst overtly contemporary in terms of form and detailing, the design is well-considered and whilst distinct from the 60s/70s housing to the north and east; and the Victorian era development to the south, the scale, proportions, detailing and external materials are considered to be sensitive to existing visual character. It is considered that the proposed development, by reason of location, scale, siting, massing, form, design detailing and external material finishes will visually integrate with the existing character and pattern of development in the area in accordance with the provisions of policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

The site is bounded on three sides by housing development with open farmland rising to a ridge to the rear (west). The proposed development is relatively modest in scale relative to the landscape character. As such, it is considered that the development will relate well to the existing pattern of development and will not be detrimental to landscape character in accordance with policy LDP 3 and SG LDP ENV 14. In coming to this conclusion, officers have had regard to the "Landscape Character Types" classification published by Nature.Scot.

It is considered that the proposed development will not have a materially adverse impact upon the residential amenities of adjoining properties. The proposed houses are sited at a significantly higher level than existing houses to the east, and have large areas of glazing with external balconies orientated towards the rear of these properties. However the three proposed houses are sited and orientated such that they will look out to the loch over the top of existing houses rather facing directly towards windows of existing houses on the same level. In addition, the horizontal distances between proposed and existing houses exceed the minimum distance

advised in guidance relating to protection of privacy and daylight. Therefore, on balance, whilst the proposed houses will be prominent from the rear of adjacent houses due to relative ground levels, it is considered that the residential amenities of existing occupiers will be retained.

The site has an existing access onto an adopted road, known as Back Road. It is proposed to alter the access junction and form a shared driveway with a turning head, along the north eastern edge of the site. Individual driveways to each house will be formed off of the shared driveway. It is considered that the existing public road network serving the site has adequate capacity to accommodate the intensification of traffic resulting from a net increase of 2 no. residential units without detriment to road safety or congestion. This is reflected in the consultation response by the Council's Roads Engineer advising that there are no highways objections to the proposed development subject to planning conditions relating to technical design of the access and provision of off-street parking in accordance with Council parking standards.

Local residents have expressed strong concerns that substantial ground engineering works have been carried out on the site, which in combination with removal of trees and natural vegetation, has resulted in increased surface water run-off onto adjoin properties and the public road. It is considered that the site is capable of development in principle without resulting in flooding outside of the site subject to the applicant demonstrating that any risk of increased flooding can be avoided by means of a new drainage system. This can be satisfactorily achieved by means of a suspensive planning condition. There are no other infrastructure constraints.

The site has also been stripped of trees and natural planting prior to submission of this application. This has given rise to concern that this has had a detrimental impact upon biodiversity and destruction of species habitat. Policy LDP 3 and SG LDP ENV 1 operate a general presumption against development that does not protect, conserve and enhance the environment. Whilst the clearance of trees and natural features prior to the application is very unfortunate, some mitigation of potential destruction of habitat and opportunities for bio-diversity can be secured by means of a suspensive planning condition attached to any planning permission. However, the applicant/developer should be aware that a comprehensive biodiversity strategy should inform the landscaping scheme as opposed to a purely cosmetic, visual landscape planting scheme. It is also expected that the landscaping scheme will re-introduce a substantial natural edge along the south west boundary of the site in order to provide a suitably defined edge to built development.

On the basis of the above assessment, subject to planning conditions, it is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

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

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

It is considered that, subject to planning conditions, the proposed development is in accordance with all relevant provisions of the Argyll and Bute Local Development

Plan and does not give rise to any other material land-use planning matters such as would warrant a departure to these provisions.

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

Not applicable – It is considered that the proposed development accords with all relevant provisions of the Development Plan

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No

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**Author of Report:** Norman Shewan

**Date:** 31<sup>st</sup> May 2022

**Reviewing Officer:** Howard Young

**Date:** 08<sup>th</sup> June 2022

**Fergus Murray**  
**Head of Development & Economic Growth**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01943/PP

### 1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 10<sup>th</sup> October 2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	PL-659-00	A	20.10.2021
Existing Site Plan	PL-659-01	-	13.09.2021
Proposed Site Plan, Elevations and Sections	PL-659-02	C	24.05.2022
Proposed Floorplans and Site Elevation	PL-659-03	B	20.10.2021
Site Section E-E & Photographs	PL-659-04	-	24.05.2022

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 the following information is submitted to and approved in writing by the planning authority in consultation with the Area Roads Engineer; -

- A scaled drawing showing a long section demonstrating that the following gradients can be achieved. The gradient of the new shared driveway shall be no steeper than 1 in 20 (5%) over the first 5 metres and thereafter no greater than 1 in 8 (12.5%).

Thereafter the proposed access shall be formed in accordance with the following criteria: -

- Visibility splays in both directions of 2.40 metres to point X by 42 metres to point Y from the centre line of the proposed access.
- The first 5.0 metres of the shared access driveway shall be surfaced with a bituminous material or other alternative hard material approved in writing by the planning authority.
- The driveway shall be formed in accordance with the approved minimum gradients.
- Surface water must not be able to flow from the site onto the public carriageway.

Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the first occupation of any of the houses and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety and to ensure that the proposed development is implemented in accordance with the provisions of the Local Development Plan policy LDP 11 and SG LDP TRAN 4.

3. 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 3 no. vehicles per dwellinghouse 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.

4. 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) A biodiversity statement demonstrating how the planting strategy contributes towards biodiversity and creation of wildlife habitat;
- v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- vi) 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 and to encourage biodiversity and provide compensatory species habitat in order to mitigate against loss of habitat potential as a result of site clearance.

5. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. The design 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 C753.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding of nearby properties and/or the public adopted roads in accordance with the provisions of policy LDP 10 and SG LDP SERV 2.

6. Notwithstanding the provisions of Condition 1, construction activity shall be restricted to between the hours of 08:00 – 18:00 Mon-Fri and to 08.00 - 12.00 on Saturdays. No construction activity shall take place outside of those periods or at any time on Sundays and Bank Holidays when such activity shall not be permitted at all.

Reason: In order to protect the amenity of the area.

7. 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, 2A, 2B, 3A, 3C, 3D and 3E and Part 2 and Classes 8 and 9 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 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.

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 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

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.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally 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).

8. 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 walls, roofs, window and door frames 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.

9. The existing core footpath C283 which follows the public roads including Pier Road and Back Road directly adjoining the application site the site shall be retained free from obstruction across its full width, including by construction vehicles, plant or materials associated with the proposed development, unless alternative provision has been implemented with the prior written approval of the Planning Authority in consultation with the Council's Access Officer.

Reason: In order to maintain pedestrian access.

## NOTE TO APPLICANT

- 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).]
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)
- Contact the Council's Access Officer for further advice in this respect of the Public Right of Way along Back Road if required.
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act
- 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 A – RELATIVE TO APPLICATION NUMBER: 21/01943/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The application site comprises an existing residential unit located within the Key Rural Settlement of Clynder/Rosneath wherein the provisions of the Argyll and Bute Local Development Plan – 2015 (LDP) policy LDP DM1 (B); LDP 8; and SG LDP HOU 1 offer support in principle for up to medium scale housing development on appropriate sites.

(“Medium-scale” development in relation to residential development is defined as between 6-30 (inc.) units in the supporting text to SG LDP HOU 1.

It is therefore considered that the proposed development is consistent in principle with the LDP Settlement and Spatial Strategy.

#### **B. Location, Nature and Design of Proposed Development**

The application site comprises 0.30 hectares (as stated on the application forms) located towards the western edge of the settlement of Clynder.

It is occupied by a small single-storey dwellinghouse within a relatively large curtilage.

The site has a short frontage of approximately 13 metres in length at its south eastern corner onto the outside bend of an adopted road, Back Road, to the south west of the junction of Pier Road, Straid-a-cnoc and Back Road. It is otherwise bounded to the north west and north east by bungalow properties that front onto Straid-a-cnoc and to the south west by a larger detached Victorian house set in a generous plot fronting onto Back Road. A small watercourse runs south west to north east adjacent to south west boundary. The site is bounded to the rear by open farmland which slopes upwards to the west, away from the site boundary.

The prevailing ground levels rise from the north eastern to the south western site boundaries with a level change of some 8.5 metres (from NE to SW) towards the middle of the site (taken from the submitted drawings.) The site also has a cross fall from the access point at the south east corner of the site upwards to the north-west corner amounting to a change in levels of some 9.43 metres diagonally from SE to NW. The existing modestly-scaled, flat roofed dwellinghouse is sited toward the north-west part of the site at a significantly higher level than the adjacent bungalows lower down the slope and fronting Straid-a-cnoc. The existing house has been unoccupied for some considerable time and is currently in a semi-derelict condition.

Prior to submission of this application for planning permission, the land has been stripped of natural features including trees, hedgerows and ground vegetation. In addition, significant ground engineering works have been implemented including excavation towards the south western part of the site and the formation of a level area towards the north east of the site which includes the formation of a steep bank from excavated material. This bank is directly adjacent to the rear boundaries of 3 no. bungalows fronting Straid-a-cnoc and rises to a maximum height of some 4.0 metres above pre-existing ground level. The exposed earth bank created by excavation along the south-west boundary with open farmland is a maximum of some 2.90 metres in

height. The site, at the time of the application submission, is bare earth with exposed excavated bank and built up levels with patches of pre-existing concrete apron and a derelict house. All existing tree planting and natural vegetation has been stripped from the site.

It is proposed to demolish the existing dwellinghouse and re-develop the site to create 3 no. detached dwellinghouses in a staggered, linear layout along a south-east to north- west axis. The principal elevations face due east towards the Gare Loch. The site layout shows the proposed houses sited on the upper level of the site close to the south west (rear) site boundary with open farmland. A shared driveway runs along the north east edge of the site from its junction with Back Road. This shared drive has a turning head at its northern end and 3 no. driveways off of its south western side serving the 3 no. individual houses. The shared driveway is proposed at an elevated level (relative to the pre-existing ground levels) and is proposed to be retained with sheet piling and screen planted.

The houses have an identical design comprising a rectilinear floor plan and strong cubic volumetric form. Ground level accommodation is 'built into' the slope of the site and comprises double garage, guest bedroom, office/5<sup>th</sup> bedroom and utility room and stairs to the upper level. The lower level is expressed as a white, rendered masonry volume. The upper level accommodates an open-plan kitchen/dining/living space on the principal (east facing) side of the building with three bedrooms to the rear. The main, open living space is enclosed by uninterrupted full-height glazed screens under a projecting, shallow pitched canopy roof resulting in a pavilion type of structure at the upper levels on the principal elevations. The living space gives access onto a balcony that wraps around the front and north elevations. The bedroom areas at the rear are enclosed by timber clad walls. A large, 2 storey high, stone screen wall on either end elevation sits between the glazed pavilion on the principal elevation and the more discreet timber cladding to the bedroom accommodation to the rear. Responding to the prevailing levels, the 3 number houses step up in level from south-east to the north-west.

Access to the proposed development will be from the B833 main coastal road via Pier Road and Back Road. Each house is provided with an integral double garage and private driveway. The site layout drawing indicates 3 no. cars parked on the driveways at plots 2 and 3 with 2 no. cars on that at plot 1.

### **C. Natural Environment**

Policies LDP 3 operates a general presumption against development that does not protect, conserve and enhance the environment. SG LDP ENV 1

Regrettably, the application site has been cleared of natural vegetation, and significant land engineering works implemented, prior to the submission of this application for planning permission.

The removal of trees and hedgerows does not constitute development requiring express planning permission. The trees on the site were not subject to a Tree Preservation Order, nor is the site located within a designated Conservation Area, and as such, whilst unfortunate, the clearance of natural vegetation in itself does not constitute a breach of planning control.

Any resultant destruction of habitat, as alleged by several local residents, is covered by separate legislation including the Wildlife and Countryside Act 1981. Destruction of

habitats can be a criminal offence under the provisions of the above Act however this would have been the responsibility of Police Scotland as opposed to the local planning authority.

As such, it is now very difficult for the planning authority to make a considered assessment of the impact of the site clearance works on the natural environment. However, the removal of hedgerows and mature trees will have had an undoubted impact upon biodiversity and wildlife habitat. In order that the development complies with relevant planning policy, it should be demonstrated that it can provide for mitigation of these impacts by means of a significant re-planting scheme that not only contributes to visual integration but in particular provides enhanced opportunities for biodiversity and wildlife habitat to redress the losses resulting from wholesale site clearance.

It is considered that adequate mitigation to impact on biodiversity can be provided by a suspensive planning condition to secure a fully considered and comprehensive scheme of natural re-planting and other measures in order to make appropriate provision for compensatory wildlife habitat. This will require the submission and approval of a landscaping/re-planting scheme in consultation with the Council's Biodiversity Officer prior to the commencement of any further development.

#### **D. Built Environment**

Clynder is a linear settlement with well-defined edges that extends along the western side of the B833 loch-side road to the north of Rosneath. The street pattern comprises the A833 with frontage development, and a secondary vehicle route running roughly parallel with the main road comprising Straid-a-cnoc and Back Road with residential development fronting onto both sides for much of its length. The two main routes are linked by a series of for shorter lengths of road. Development steps up the hill away from the shore to farmland behind rising to the central ridge of the Rosneath Peninsula.

The larger, southern part of Clynder from the junction of Pier Road/A833 south to the junction with Back Road has a 'loose', large grain texture comprising a mix of house sizes, types, ages and materials but predominantly relatively large, detached villas set in large plots with mature landscape screening, mature tree planting and natural, planted boundaries along frontages giving a spacious, informal, semi-rural character, particularly to Back Road. The part of the settlement to the north of Pier Road has a distinct character to the development pattern south of Pier Road. This area, comprising Straid Bheag and Straid-a-cnoc has a finer-grain, more regular and dense development pattern of bungalows that appear to date from the 1960s/70s. This enclave has more of an open plan estate character in comparison to Back Road, however is nonetheless attractive for its type. A line of mature trees and natural vegetation gives a very clearly defined edge to the built development and open farmland to the west.

The application site pre-dates the bungalows to the north and west and when built (est. early 20<sup>th</sup> Century) was in a prominent and relatively isolated siting and of an uncompromising Modernist design with Art Deco influence, single-storey with a flat roof. The site is immediately to the rear of bungalows fronting onto Straid-a-cnoc and as such, in spatial terms, the site relates more to the 20<sup>th</sup> century estate of bungalows, particularly when viewed from the shore to the east. However, it could be argued that the site also relates to the earlier traditional development pattern to the south and east, perhaps to a lesser degree.

It is proposed to demolish the existing house sited toward the north-west corner of the site. Whilst of some local historic and architectural interest, the building is not listed and is in a considerable state of disrepair due to long-term neglect. As such it is considered that the demolition is acceptable in principle.

Policy LDP 9 and associated Supplementary Guidance of Sustainable Siting and Design Principles seek to ensure that the design of new housing in settlements, by reason of siting; layout; density; massing; form and design details, effectively integrates with its contextual setting, as well as protecting residential amenities of the occupiers of nearby houses.

The proposed layout, scale, massing, form and design of the proposed redevelopment is set out in section B (above.) It is noted that the site layout seeks to make maximum development potential from the plot however, notwithstanding the comments made within interested third party representations, it is considered that the plot sizes and overall pattern of density is comparable to that of the existing built development on Straid-a-Cnoc to the east and that along the southern side of Pier Road in the vicinity of the site.

The scale and massing of the house type is not considered to be out of keeping with the wider development pattern which comprises a wide mix of house period, scales, form, design and material finishes. The house type design responds to the change in site levels by proposing a masonry 'box' at ground level on the front elevation with a visually lighter, pavilion style upper level under a simple, flat roof laid at a shallow mono-pitch sloping upwards from rear to front elevation and cantilevering out over the front balcony. As such, the building will appear as a single storey form when viewed from the west and a two storey form from the east. It is acknowledged that this will result in distinct form of development to both the twentieth century bungalows in front and the larger, more ornate Victorian development to the south, it is considered that this is a considered and good quality of contemporary design which responds to the site context. This contemporary intervention will add to the existing mix of styles, periods and building forms whilst having a relatively modest scale; restrained volumetric form; crisp detailing; and appropriate material finishes that is sympathetic to the visual character of existing nearby development.

Therefore, having taken into account all material considerations relating to design, including policy guidance and representations, it is considered that this is a good quality of contemporary design that will reflect the nearby built development pattern and respect or compliment nearby buildings in terms of scale, shape, proportion and material finish in accordance with the provisions of policy LDP 9 and SG on Sustainable Siting and Design Principles.

#### **E. Impact on Residential Amenity of the Occupiers of Nearby Houses**

Potential impacts in this respect include primarily loss of privacy by reason of direct overlooking; loss of natural daylight; and general disturbance including by reason of noise, odours or dust.

##### Overlooking

Policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles require that new development is carefully sited and designed in order to preserve residential amenities of nearby properties.

The 3 no. proposed houses are sited to the rear of existing bungalows fronting Straid-a-cnoc. Due to ground levels, the finished floor level (FFL) of the proposed house at

plot 3 will be very approximately 7.5-8.0 metres above the FFL of the bungalows to the north east. The horizontal distance from the edge of the first floor balconies to the rear elevations of the existing bungalows ranges from 19.7 metres to 31.4 metres. The proposed houses are generally orientated at an angle to the existing bungalows such that there is no direct window to window relationship. The siting and orientation is such that the principal elevations face directly towards gaps between neighbouring house to the north east and largely avoid direct overlooking between windows. The front elevation of the proposed house on plot 3 does directly face towards the rear elevation of no. 36 Straid-a-cnoc however the horizontal separation distance between relative windows will be approximately 37 metres in this instance. SG provides guidance on overlooking, advising that *“no main window of a habitable room shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of not less than 18 metres.”* The guidance continues that *“standards may be relaxed where the angle of view allows privacy to be maintained.”* It is considered that by reason of the horizontal separation distances exceeding the minimum 18 metre guideline, combined with the orientation of the proposed houses relative to the rear elevations of the existing bungalows that the proposed development will not have a materially adverse impact on the privacy of the existing houses by reason of direct overlooking. It is noted that the proposed houses (and the upper level living areas and external balconies) are significantly higher than the rear elevations of the neighbouring bungalows which may result in a heightened perception of overlooking, however the relative levels are so significant that occupiers of the proposed development will look over the top of the neighbouring houses to the north east.

Having regard to all material considerations including third party representations and LDP policy guidance, it is considered on balance, that the proposed development will not have a materially adverse impact on the privacy of the occupiers of neighbouring development in accordance with policy LDP 9 and SG on Sustainable Siting and Design Principles.

#### Loss of Daylight

Policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles seek to resist development that overshadows other sites. The Guidance advises that planning permission will be refused *“where a proposed development has a significant adverse effect on daylight and direct sunlight to existing neighbouring properties.”*

The proposed development is to be sited to the south west of existing bungalows fronting Straid-a-cnoc. Taking the relationship between plot 3 and no. 34 Straid-a-cnoc as a typical example there is a horizontal separation of some 34 metres between the buildings and the highest part of the roof of the proposed house is approximately 11.6 metres above the height of the (horizontal) mid-point of the windows on the rear elevation of no. 34. Having regard to the “25° angle” assessment method set out in “Site layout Planning for Sunlight and Daylight” published by the Building Research Establishment (BRE), it is considered that the propose development will not have a materially adverse effect on natural daylight to neighbouring houses consistent with the provisions of policy LDP 9 and associated Supplementary Guidance on Sustainable Siting and Design principles.

#### Noise

Potential noise nuisance will be restricted to the construction phase of development. The impact of construction can be mitigated by a planning condition that restricts the hours of construction activity to avoid evening and early morning disturbance. It is appreciated that many people now work from home during day-time hours and that some disturbance may impact on neighbours during the construction phase however,

this will be for a limited period only and construction noise is inevitable for all development. It is considered that the restriction of construction activity to avoid more sensitive hours will satisfactorily mitigate against noise disturbance during the construction phase.

#### **F. Access to Countryside.**

The Clynder High Road C283 core path follows the public road (Pier Road and Back Road) past the access to the application site.

Policy LDP 11 and SG LDP TRAN 1 generally requires that development safeguards and enhances public rights of access to the outdoors.

In the longer term, it is not considered that the proposed development will impact upon this core path. However, it is recommended that a planning condition be attached to any permission to ensure that the path is kept clear of any obstruction at all times and that public access is not compromised in any way during construction activity given the narrow road width and site constraints.

Subject to such a planning condition, it is considered that the proposal complies with the provisions of policy LDP 11 and SG LDP TRAN 1 in respect of Access to the Outdoors.

#### **G. Landscape Character**

Policy LDP 3 and SG LDP ENV 14 generally seek to resist development when its scale, location or design will have an adverse impact on the character of the landscape.

NatureScot define this area as Landscape Character Type 38 – Open Ridges characterised by broad, even slopes forming rounded ridges and occasional steep summits with marginal farmland confined to loch fringes with open moorland/forestry on the higher slopes. Built development is generally concentrated along very narrow shoreline strips.

The site, currently occupied by a house is enclosed on three sides by residential development. The land to west is open farmland rising to a ridge. As such, the site relates well in spatial terms to the existing pattern of development characteristic of this landscape type i.e. a narrow strip of coastal development. Whilst the 3 no. proposed houses will be prominent from the shore area due to the elevated nature of the site, the built development will be viewed in the context of built development in the foreground and against the backdrop of the hillside behind. As such, the proposed built development pattern will reflect the visual character of the landscape in accordance with the provisions of policy LDP 3 and SG LDP ENV 14.

#### **H. Road Network, Parking and Associated Transport Matters.**

The site is served by an existing access junction onto Back Road at a point to the south of its junction of Pier Road, Straid-a-cnoc. The most direct vehicular access to the site from the A833 road is via Pier Road and Back Road.

Policy LDP 11 and SG LDP TRAN 4 generally require that new development is served by an appropriate standard of access. SG LDP TRAN 6 requires that adequate

provision is made for off-street car parking in accordance with approved parking standards (in this case – 3 no. parking spaces per house).

The site is served by a network of existing public adopted roads serving residential development. It is considered that the public road network has capacity to accommodate an intensification of residential traffic generated by 2 no. additional houses without detriment to road safety or congestion.

This is reflected by the consultation response from the Council's Area Roads Engineer who has no objections on highways grounds to the propose development subject to planning conditions relating to matters of technical design and provision of car parking in accordance with Council standards.

The Council's Parking Standards require 3 no. spaces for a house with more than three bedrooms. Integral garages are not taken into account. The proposed site plan drawing shows parking for 3 cars on the driveways at plots 2 and 3 but only two spaces for plot 1. However, the site is large enough to provide an additional space and this can be secured by means of a planning condition requiring submission and approval of further details.

As such, subject to these recommended planning conditions, it is considered that the propose development will have an appropriate standard to access without detriment to matters of road safety or congestion in accordance with the provisions of policy LDP 11 and SG LDP TRAN 4 and TRAN 6.

## **I. Infrastructure**

It is noted that a significant scale of ground engineering works has taken place on site prior to the submission of this application for planning permission. These works comprised excavation towards the upper rear of the site resulting in an exposed steep bank approximately 2.9 metres in height at its highest point. Material has been banked up to create a level plateau along the front to the site (adjacent to the rear boundaries of bungalows fronting Straid-a-cnoc). This bank is steep and rises to approximately 4.0 metres above pre-existing ground level at its highest point. Various ditches and flexible pipes are evident on site to manage surface water drainage.

Occupiers of nearby properties have raised strong concern regarding these works in relation to an increase of water run-off onto their property and onto the public road. Strong concern has also been expressed with regard to the banking of a significant amount of excavated material at a steep angle and significant height adjacent to and uphill of gardens and the potential for damage to adjoining property by reason of mud slide or collapse of the banked material.

It is again regrettable that significant land engineering operations have been implemented on this site prior to submission of an application for planning permission.

Notwithstanding the notes relating to drainage on the submitted application drawings, given the prevailing ground levels of the site in relation to nearby development; and the scale of proposed development including a significant increase in hard surfaced areas and the substantial alteration of the land form, it is considered that full design details of a specific drainage design are required in order to ensure that the proposed development is served by adequate drainage infrastructure in accordance with the provisions of policy LDP 10, SG LDP SERV 2 and SERV 7, in order to demonstrate that the proposed development will not result in flooding of nearby land.