DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee

Local Member - Councillor D C Currie
Date of Validity - 4th April 2005
Committee Date - 7th February 2006

26th January 2006

Reference Number: 05/00701/DET
Applicants Name: Dr R Kronenburg
Application Type: Detailed
Application Description: Erection of a Dwellinghouse
Location: Land North West of Rockbank, Tighnabruaich

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of a three storey dwellinghouse on land to the north west of the property known as Rockbank, Tighnabruaich
- Formation of vehicular access onto existing private road (Grove Brae), incorporating turning and passing space

Other Specified Operations

- Connection to public water supply and public sewerage system

(B) RECOMMENDATION

It is recommended that planning permission be Granted subject to the standard condition and reason and the following conditions and reasons together with a 'note to the applicant' set out overleaf.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The site is located within the village of Tighnabruaich where, under Policy POL HO 8 of the Cowal Local Plan 1993, there is a presumption in favour of residential development, particularly where it takes the form of infill, rounding off or redevelopment. The application site represents an acceptable infill site.

Policy POL HO 12 of the Cowal Local Plan 1993 requires that, in certain 'back road' locations, further development will only be acceptable if improvements are made to the existing road network. In this case, the applicant proposes a passing place within the application site and the Area Roads Manager has recommended approval on this basis.

No significant servicing or infrastructure issues have been identified and it is considered that the proposal would not affect to a significantly adverse degree adjoining properties nor would it adversely affect the setting of Listed Buildings in the general vicinity.

On the basis of the foregoing, the proposal is considered to be acceptable.

Angus J Gilmour
Head of Planning Services

Case Officer: S. Gove 01369-70-8603
Area Team Leader: D Eaglesham 01369-70-8608

Angus J Gilmour
In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985.

CONDITIONS AND REASONS RELATIVE TO APPLICATION 05/00701/DET

2. The access, parking and turning arrangements identified on the Site Plan included in Drawing Number 0501/03B shall be formed and capable of use prior to the commencement of works on the dwellinghouse and shall, thereafter, be maintained in perpetuity unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

3. Unless the prior written consent of the Planning Authority is obtained for variation, the dwellinghouse shall be constructed and the landscaping undertaken in accordance with the details approved in Drawing Number 0501/03B received on 25th January 2006.

Reason: In the interests of the privacy and amenity of adjoining dwellinghouses and for the avoidance of doubt.

4. Unless the prior written consent of the Planning Authority is obtained for variation, the dwellinghouse hereby permitted shall have a white wet dash render external wall finish, a natural slate roof covering and natural stained timber windows.

Reason: In the interests of visual amenity in order to incorporate traditional materials into the construction of the dwellinghouse.

5. Prior to the cladding of any part of the dwelling with cedar boarding, details of the boarding (including a sample) shall be made available for the on-site inspection and subsequent approval of the Planning Authority. The boarding shall be installed in accordance with the approved details unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity and no such details having been submitted.

6. Notwithstanding the provisions of Article 3 and Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no window or other opening shall be installed in the west-facing elevation of the dwelling without the prior written consent of the Council as Planning Authority.

Reason: In order to prevent the inclusion of window and other openings in the specified elevation, which could significantly undermine the privacy and amenity of the adjoining dwellinghouse known as 'The Moorings'.

7. No development shall commence until details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Water. The scheme shall either identify connection into the public sewer (if deemed acceptable by Scottish Water in terms of 'before' and 'after' flow rates) or shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in Planning Advice Note 61 and shall provide details of surface water run-off; measures to slow down run-off; methods of treatments; forms of on-site storage; and its release into the system.

Unless the prior written consent of the Planning Authority is obtained for variation, the scheme shall be constructed in accordance with the approved details and shall be implemented prior to the first occupation of the dwellinghouse hereby approved.

Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off to surrounding areas.

8. Prior to the commencement of any works, a preliminary contaminated land assessment, carried out by a competent person, shall be submitted to the Planning Authority. The assessment should be sufficient, given the past use(s) of the site, to demonstrate the likely presence or absence of contaminants and their nature and make recommendations for further investigation if needed to quantify any hazards posed, unless consent or variation is obtained in writing from the Planning Authority.

Reason: In the interests of public health and amenity as previous site uses (including the quarrying of stones and ores) may have resulted in contamination.

(Continued Overleaf)
9. Where the preliminary investigation has concluded that contamination is present and may pose a hazard to the development, a secondary assessment, carried out by a competent person, shall be submitted to the Planning Authority prior to the commencement of any site works. The assessment should seek to define any risks to the development posed by contamination, and make recommendations as to the requirement for any actions necessary to render the site suitable for the proposed use. The recommendations shall be agreed in writing by the Planning Authority, in consultation with the Public Protection Service, prior to the commencement of any site works.

Reason: In the interests of public health and amenity as previous site uses (including the quarrying of stones and ores) may have resulted in contamination.

10. Where the secondary investigation has indicated that action is necessary to render the site suitable for the proposed development, a remediation plan shall be devised by a competent person and submitted to and approved by the Planning Authority, in consultation with the Public Protection Service, prior to the commencement of any site works. The plan should include details of the methodology that will be employed to demonstrate that the site will be rendered suitable for the proposed use.

Reason: In the interests of public health and amenity.

11. The remediation works shall be carried out as detailed within the approved Site Remediation Plan, unless otherwise agreed in writing with the Planning Authority, in consultation with the Public Protection Service. Upon completion of remediation works, a completion certificate shall be submitted to the Planning Authority by a competent person, certifying that the works identified within the remediation plan have been carried out in accordance with the plan.

Reason: In the interests of public health and amenity.

NOTES TO APPLICANT

Water/Sewerage

The applicant is advised by Scottish Water that they must make a separate application to Scottish Water for permission to connect to the public wastewater system and/or water network at the appropriate time. It is important to note that the granting of Planning Consent does not necessarily guarantee a connection to Scottish Water’s assets.

Private Road

The applicant is aware that representations have been received in respect of the impact of the erection of a dwelling on the private road that serves the site, particularly during the construction period. The Department would ask that the applicant take cognisance of the comments made in his letter of 25th May 2005, particularly in relation to the methodologies that might be used in the construction of the development i.e. type of vehicles to be used; recording of road condition prior to commencement of works; and agreement on possible repairs to road upon completion of development.
APPENDIX RELATIVE TO 05/00701/DET

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

There is none relevant to this proposal.

(ii) Consultations

Scottish Water (Letter dated 27th April 2005)

“The applicant must make a separate application to Scottish Water for permission to connect to the public wastewater system and/or water network at the appropriate time. It is important to note that the granting of Planning Consent does not necessarily guarantee a connection to Scottish Water’s assets.”

West of Scotland Archaeology Service (Letter dated 6th May 2005)

No known archaeological issue is raised by the application.

Public Protection (Memo dated 12th May 2005)

Historic mapping shows that this location was used for the quarrying of stones and ores and such activities may have resulted in the site being potentially contaminated. Recommend that conditions are attached to address the possible contamination issue.

Area Roads Manager (E-mail dated 25th May 2005)

Recommend that the application be deferred until more information can be gathered.

Verbal confirmation received on 12th January 2006 that the proposed passing place to be provided within the development site would be an improvement commensurate with the scale of development.

(iii) Publicity and Representations

The proposal has been advertised under Section 60 and as a Potential Departure (closing date 13th May 2005). 13 letters of objection have been received from the following:

Brian Gilfillan, Clayworth, Nottinghamshire (letter dated 11th April 2005)
Rosemary Winter-Scott, Tighnabruaich (letters dated 25th April and 9th May 2005 and e-mail dated 31st May 2005)
Nigel Sim, Tighnabruaich (letter dated 8th May 2005 and e-mails dated 2nd May and 16th May 2005)
Alistair Gordon, Tighnabruaich (letter dated 9th May 2005)
Clive Bunting, Tighnabruaich (letter dated 9th May 2005)
Carmel O’Shea, Tighnabruaich (letter dated 10th May 2005)
Mrs I Leman, Tighnabruaich (letter dated 10th May 2005)
T Edgar Torbet, Tighnabruaich (letter dated 10th May 2005)
Charles Jamieson, Tighnabruaich (letter dated 11th May 2005)

2 letters of non-objection have been received from the following:

Brian Gilfillan, Clayworth, Nottinghamshire (letter dated 20th June 2005)
Alan Sharp, Tighnabruaich (letter dated 17th August 2005).

The points raised can be summarised as follows:

i. Concern is expressed regarding the potential for surface water from the site to run onto other properties in the vicinity.
Comment: This issue will be addressed in the ‘Assessment’ section below.

ii. Concern is expressed that the proposed dwelling would be out of character in the context of other properties in the vicinity.

Comment: This issue will be addressed in the ‘Assessment’ section below.

iii. Concern is expressed that the proposed dwelling would adversely affect the daylight into the adjoining property (‘The Moorings’).

Comment: The proposed dwelling would be positioned almost 7 metres from the nearest wall of ‘The Moorings’ that contains windows. Given this distance, it is not considered that the proposal would reduce daylighting into the adjacent property to a significantly adverse degree.

iv. Concern is expressed that the proposed pedestrian bridge would be out of character, unsightly and would adversely affect the privacy of the adjoining property (‘The Moorings’).

Comment: This issue will be addressed in the ‘Assessment’ section below.

v. Concern is expressed that the windows on the west-facing elevation of the proposed dwelling would adversely affect the privacy of the adjoining property (‘The Moorings’).

Comment: This issue will be addressed in the ‘Assessment’ section below.

vi. Concern is expressed regarding the proposed connection to the mains sewerage system. No permission would be given from the owner of ‘The Moorings’ to cross land for this purpose.

Comment: This issue will be addressed in the ‘Assessment’ section below.

vii. Concern is expressed if works are required to the electricity pylon in the corner of the site.

Comment: This is essentially a matter that requires to be discussed between the developer and Scottish and Southern Energy.

viii. Concern is expressed that the proposal would damage the unadopted road (‘Grove Brae’) during the construction of the dwelling. This road is narrow with sharp corners and is maintained by its frontagers to a standard necessary to gain access to the properties that it serves. There are sub-surface sewage drains that could also be damaged.

Comment: This issue will be addressed in the ‘Assessment’ section below.

ix. Concern is expressed that construction traffic would damage the boundary wall (which also acts as a retaining wall) at the property known as ‘The Moorings’.

Comment: This issue will be addressed in the ‘Assessment’ section below.

x. Assurance is sought from the Council that any damage to the road or retaining wall would be repaired and made good at no cost to the owners of the properties.

Comment: This issue will be addressed in the ‘Assessment’ section below.

xi. During construction works, continued access must be maintained to all properties served by Grove Brae.

Comment: This issue will be addressed in the ‘Assessment’ section below.

xii. The owners of the two flats within the property known as ‘Rockbank’ have no objections in principle to the revised plans for waste and surface water disposal as proposed by the applicant in May 2005.

Comment: This is noted.
B. POLICY OVERVIEW

Argyll & Bute Structure Plan

STRAT DC 1 of the Argyll and Bute Structure Plan 2002 encourages, within the small towns and villages (such as Tighnabruaich), the development of up to and including medium scale development (between 1 and 30 dwellings) on appropriate infill, rounding-off and redevelopment sites.

Cowal Local Plan

The site is located within Tighnabruaich where, under Policy POL HO 8 of the Cowal Local Plan 1993, infill, rounding off and redevelopment related to the existing built form will be encouraged. Proposals that do not relate to the existing built form will be assessed for servicing and environmental implications and those considered to have an adverse visual or environmental impact will normally be resisted.

Policy POL HO 12 identifies Tighnabruaich as one where there are substandard back roads that are unadopted and have a variety of deficiencies (including width, geometry, surfacing and gradients). The application site would be served from one such back road (Grove Brae). Policy PO HO 12 advocates support for further development only “if the roads infrastructure has been improved to a standard to accommodate it.”

C. ASSESSMENT

In terms of the settlement pattern of this part of Tighnabruaich, the site would represent an acceptable infill development directly adjacent to an existing dwelling and on a road that serves other dwellings in relatively close proximity. In this sense, the proposal accords with STRAT DC 1 of the Structure Plan 2002 and with the general principles of POL HO 8 of the Cowal Local Plan 1993. There are, however, certain issues that have arisen during the processing of the application, as follows:

Scale and Design of Dwelling

The proposed dwelling would provide three floors of accommodation with pitched roof, white cement render wall finish, natural slate roof covering and timber/ metal fenestration. Based upon information submitted by the applicant, the base of the dwelling would be lower than that of the adjacent dwelling (“The Moorings”) so that the ridge of the roof would not be so significantly higher as to dominate the adjacent building.

In design terms, the proposal should be seen in the context of ‘The Moorings’, which has a relatively modern design (non-symmetrical roof; concrete roof tiles; a variety of fenestration; and balconies). Whilst the finishes of the proposed dwelling are slightly more traditional, the development would not appear incongruous.

Two Listed Buildings (former Church and the existing Manse) are located on Shore Road below the site. However, these buildings are sufficiently far away that their setting would not be impacted upon significantly.

Impact Upon Privacy of Adjacent Properties

Three windows were proposed on the west-facing elevation of the proposed dwelling, facing the east elevation of ‘The Moorings’, which contains windows of its own. Such windows would be approximately 7 metres apart with the potential for interlooking, particularly from the two upper windows (bedroom and kitchen) of the proposed dwelling. In this respect, the applicant has submitted amended drawings (received 25th January 2006), which show the removal of the three windows on the west-facing elevation.

Concern has also been expressed regarding the proposed pedestrian bridge that would link the parking area and the front door of the dwelling, and its potential impact upon the privacy of ‘The Moorings’. Due to its narrow width, this bridge will, from a practical perspective, only be used for walking across and is very unlikely to be used for standing or sitting upon. In this context, and given its distance from ‘The Moorings’...
(approximately 12 metres), it is not considered that it would affect the privacy of the existing property to a significantly adverse degree.

The proposed dwelling will be a sufficient distance from the rear of the properties that front onto Shore Road (approximately 38 metres to curtilage boundary) to avoid any overlooking or interlooking issues.

**Impact Upon Road Network**

This issue has, perhaps, generated the greatest concern from those who have objected to the proposal. Indeed, the condition of the road is such that Policy POL HO 12 of the Cowal Local Plan 1993 has identified this ‘back road’ as requiring improvements should further development be proposed.

The road that runs in front of the site which begins from Shore Road (at its junction near the flatted property known as ‘Oakfield’) is a private road and is not within the list of adopted roads. The road is surfaced, relatively narrow and with a dearth of passing places. The issue that this application raises from a planning perspective is the level of improvements that would be required commensurate with the scale of development.

In this regard, the application proposes a parking and turning arrangement that would facilitate an additional passing place along the frontage of the site on this private road. The Area Roads Manager shares the view that this would be of benefit to all users of the road and would be an improvement that would be commensurate with the scale of development i.e. the erection of a single dwellinghouse. Clearly, if further development was proposed off this road, further improvements would require to be examined at that time.

Many of the objectors have raised the issue of possible damage to the road and a boundary wall during construction works. The applicant (letter dated 25th May 2005) has advised that no substantial civil engineering works will be required; the method of construction will allow panels to be delivered to the site using relatively small vehicles; and he has suggested that an independent Schedule of Dilapidations could be made prior to building work commencing with a review upon completion and agreement over any repairs to be undertaken by the developer. Whilst the objectors’ concerns are understandable, this issue is essentially a civil matter over which the planning process has no jurisdiction. The Council has no control over who uses the private road leading to the site and it rests with the parties concerned as to the methodologies utilised to construct the dwellinghouse. It is perhaps heartening to note from the preceding paragraph that the applicant has identified these concerns himself and has given some thought as to how best to address them.

**Surface Water Drainage**

Concerns have been expressed that the application site is particularly wet and that the development will cause significant water run-off onto adjoining properties. Again, the applicant is aware of this issue and it is intended to attach a condition that requires details of surface water drainage to be submitted and approved prior to development commencing.

**Waste Water Drainage**

The applicant has indicated his intention to connect into the public sewerage system in Tighnabruaich. He has sent a copy of a ‘permit to connect to a public sewer’ dated 15th August 2005 that he has obtained from Scottish Water. Under Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Planning Permission is not required for the laying underground of sewers or pipes in relation to development under Section 3A of the Sewerage (Scotland) Act 1968. On this basis, whilst concern has been expressed and indications have been given that landowner’s permission may not be forthcoming, the logistics of connecting to the public sewerage system essentially rest with the applicant, Scottish Water and any other interested parties.

**Requirement for a Hearing**

Members may wish to give consideration to an ‘informal hearing’ given that 13 letters of representation have been received from 9 separate addresses. However, taking into account the development plan, the views of consultees and that suitable planning conditions can be imposed, the department would not recommend an ‘informal hearing’ in this particular instance.

D. **CONCLUSION**
The proposal represents an acceptable infill site in terms of Policy POL HO 8 of the Cowal Local Plan 1993 whilst under Policy POL HO 12 of the Local Plan, the applicant proposes a passing place within the application site and the Area Roads Manager has recommended approval on this basis. No significant servicing or infrastructure issues have been identified and it is considered that the proposal would not affect to a significantly adverse degree adjoining properties nor would it adversely affect the setting of Listed Buildings in the general vicinity.