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12th March 2007

**Reference Number:** 06/00006/OUT  
**Applicants Name:** Innellan Golf Club  
**Application Type:** Outline  
**Application Description:** Erection of dwellinghouse and formation of vehicular access and passing place  
**Location:** Innellan Golf Club, Knockamillie Road, Innellan, Argyll ,

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#### **(A) THE APPLICATION**

##### **Development Requiring Express Planning Permission.**

- erection of dwellinghouse (no details but indicative footprint of one and a half storey or bungalow);
- formation of new vehicular access with provision of passing place;
- provision of two car parking spaces and turning area.

##### **Other Specified Operations**

- connections to existing public water main and public sewer.

#### **(B) RECOMMENDATION**

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

#### **(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

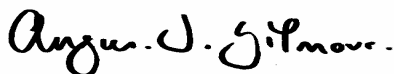
This outline application is for the erection of a dwellinghouse on part of Innellan Golf Club, Knockamillie Road, Innellan. The application site is located on the western undeveloped side of Knockamillie Road adjacent to the first tee. Only an indicative footprint of a dwellinghouse (which could be either a one and a half storey dwelling or a bungalow) is provided at this stage, where a passing place would also be provided adjacent to Knockamillie Road. This private unadopted road serves Innellan Golf Course and several dwellinghouses on the eastern part of Knockamillie Road and is considered to be substandard by being narrow, lacking sufficient passing places, poor surface and drainage and sightlines, in addition to junction capacity issues with Wyndham Road.

Development in this part of Knockamillie Road is almost entirely confined to the eastern side with the exception of the former clubhouse building immediately south of the application site. Development on the western side of Knockamillie Terrace has been largely discouraged either through existing adopted policy zonings and specific policies in the Cowal Local Plan (Policy RUR 1) which is now reinforced in the Argyll and Bute Modified Finalised Draft Local Plan June 2006 as Countryside Around Settlement.

In terms of Countryside Around Settlement (CAS), the development cannot be regarded as 'infill' or "rounding-off". Additionally, the proposal would result in an extension of the established settlement boundary.

The proposal is also considered to be contrary to Policy TRAN 4 (D) of the Finalised Draft Local Plan, where insufficient commensurate improvements can be made to both the private Knockamillie Road and its junction with Wyndham Road. It is considered that Knockamillie Road has now reached capacity where any future increase in traffic will require extensive and costly improvements to the junction and private road. The department, however, considers that the provision of a single passing place does not in itself justify the erection of a further dwellinghouse which is not only contrary to the settlement pattern but would establish a dangerous precedent by encouraging further dwellinghouses with no major improvements to either Knockamillie Road or its junction with Wyndham Road.

The proposal does not comply with the terms of the Development Plan and there are no material considerations which would allow the Development Plan to be laid aside. Refusal of outline planning permission is therefore justified.



Angus J Gilmour, Head of Planning Services

**Case Officer:** B. Close 01369-70-8604  
**Area Team Leader** D. Eaglesham 01369-70-8608

## REASONS FOR REFUSAL RELATIVE TO APPLICATION 06/00006/DET

1. Having regard to the location of the application site on the western undeveloped side of Knockamillie Road outwith the established settlement of Innellan within an area zoned Countryside Around Settlement (CAS), the siting of the proposed dwellinghouse in isolation to existing surrounding established residential buildings would not complement but be at variance with the existing settlement character. The siting of a dwellinghouse in such a location would result in development that would be out of context and visually detrimental within the immediate surroundings and to the Central and East Cowal Local Scenic Area.

Development within the CAS in this instance would be inconsistent with the settlement plan that comprises only the new golf clubhouse and the former golf clubhouse on this undeveloped side of Knockamillie Road. The proposed development could not be regarded as infill or rounding off since the potential for development between the new and former clubhouses would not be subordinate to these existing buildings and there is no substantial natural feature which could be described as terminating the development. The development would also result in an unacceptable extension of the established settlement boundary.

Accordingly, such a development in this location would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposed development would be contrary to Policies STRAT SI 1 'Sustainable Development'; STRAT DC2 'Development Within The Countryside Around Settlements'; and STRAT HO1 'Housing – 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policy RUR 1 'Landscape Quality' of the Cowal Local Plan 1993 (Adopted 1995); and to Policies LP ENV1 'Development Impact on the General Environment', LP ENV 19 – 'Development Setting, Layout and Design' and LP HOU1 – 'General Housing Development' of the Argyll and Bute Modified Finalised Draft Local Plan 2006, all of which presume against the nature of the development proposed.
2. The proposed dwellinghouse by reason of its location and siting would result in an increase of vehicle movements on the already sub-standard unadopted Knockamillie Road. The proposals do not provide for any significant improvements to this unadopted private road leading to the Golf Club. This road is narrow, lacks sufficient passing places and is poorly surfaced and drained in parts. The proposed development, in the absence of commensurate improvements to this sub-standard road, would exacerbate the existing situation and is therefore contrary to Policy LP TRAN 4 of the Argyll and Bute Modified Finalised Draft Local Plan which requires continuous improvement for private access regimes which should be 'fit for purpose'. The proposal would accordingly be contrary to Policy HO12b 'Back Roads Development' and Policy TR3 – Road Traffic Management Measures of the Cowal Local Plan 1993 (Adopted 1995) and policy LP TRAN 4 of the Argyll and Bute Modified Finalised Draft Local Plan all of which presume against the nature of the development proposed.

## A. OTHER MATERIAL CONSIDERATIONS

### (i) Site History

The dwellinghouse to the south of the application site was the original golf clubhouse until a new facility was erected (ref. 93/00285/DET, granted 5<sup>th</sup> May 1993). An application (ref. 96/00151/COU) to change the use of the former clubhouse building to form a dwellinghouse with garage was granted on 2<sup>nd</sup> May 1996.

An application (ref. 03/02136/DET) to re-locate the first tee some 40 metres forward of the existing tee was granted on 14<sup>th</sup> January 2004.

A similar outline application by Innellan Golf Club (ref. 05/01068/OUT) for the erection of a dwellinghouse without a passing place was withdrawn on 24<sup>th</sup> January 2006.

An application to erect three dwellinghouses (ref. 05/01510/DET) on a larger site to the south of the application site on the western side of Knockamillie Road was withdrawn on 24<sup>th</sup> November 2006 due to policy concerns, settlement character and capacity of Knockamillie Road.

### (ii) Consultations

**Area Roads Manager** (response dated 18<sup>th</sup> July 2006): No objections subject to conditions regarding sightlines, access, gradient, car parking and turning and advisory notes regarding surface water drainage and road opening permit.

Roads however note that for any further dwellinghouses proposed off Knockamillie Road "*due to the restricted geometry and sightlines at the junction of Knockamillie Road and Wyndham Road, any future increase in traffic will require extensive and costly improvements to the junction and the private road*".

**Scottish Water** (response dated 4<sup>th</sup> August 2006) : No objection subject to advisory comments.

**Statutory Plans** (response dated 29<sup>th</sup> June 2006): Site is located within Countryside Around Settlement where no representations have been received in relation to the Finalised Draft of the Argyll and Bute Local Plan. Proposal however cannot be regarded as infill or rounding-off as the application site sits on the edge of the settlement boundary where approval would establish a precedent for additional development off the private access on the open ground leading up to the golf club and further uncoordinated and sporadic development on the edge of the settlement elsewhere in Innellan.

**Scottish Environment Protection Agency** (response dated 27<sup>th</sup> June 2006): No objections in principle subject to advisory comments regarding foul drainage and surface water drainage.

**SSE Power Distribution** (response received 23<sup>rd</sup> June 2006): Proposed development is in close proximity to a 33kv overhead power line. No objection based on no building works taking place within 8 metres of the overhead line.

### (iii) Publicity and Representations

Under Article 9 neighbour and '*Potential departure*' advertisement (expiry date 10<sup>th</sup> February 2006), notification procedures, two letters of objection have been received from Mr. Euan Macdonald, Tower Bank, Knockamillie Terrace, Innellan (letter dated 28<sup>th</sup> January 2006) and Mr. David Mansfield 412-534 Sauchiehall Street, Glasgow (letter dated 10<sup>th</sup> February 2006). The concerns raised can be summarised as follows:

- *The owner of land at Knockamillie Reservoir claims that he has access rights across the application site to gain access to his land for maintenance and as a registered small holding for livestock*

**Comment :** Ownership of the site and potential access rights are considered to be civil matters.

- *Recent applications for development off Knockamillie Road are wholly contrary to an earlier statement or minute from the Council that no further development would be permitted after the dwellinghouse within the golf course.*

**Comment:** Notwithstanding any previous alleged discussions, this application requires to be determined against current and emerging policy.

- *The proposal is in breach of Policy HO12b where Knockamillie Road and the junction with Wyndham Road have now reached saturation. Any further development will only exacerbate the situation on the unadopted, poorly surfaced, poor visibility and geometry and poorly drained private road. Recent applications resulting in approximately seven new dwelling units have all been approved with no apparent improvements to Knockamillie Road or its junction with Wyndham Road.*

**Comment:** Recent applications have been assessed against Policy HO12b where commensurate improvements were the subject of conditions in respect of drainage, road widening and passing places. A recent application referred to for three houses was withdrawn while a recently approved scheme for Knockamillie Farmhouse related to the redevelopment of a former attached bothy building. The only new build schemes were Burnside and a dwellinghouse built within the grounds of the golf course but on the eastern side of Knockamillie Road within the settlement boundary of the Argyll and Bute Finalised Draft Local Plan June 2006. Policy TRAN 4 of this plan seeks commensurate improvements, which in this case would include such measures as road widening, surfacing, drainage, intervisible passing places and improvements to the junction with the public Wyndham Road in respect of width and visibility splays. Refer to assessment below.

## B. POLICY OVERVIEW

**(i) SCOTTISH PLANNING POLICY:** The following Scottish Planning Policy documents are applicable:

**SPP 3: Planning for Housing**

**SPP 15: Planning for Rural Development**

However, this advice is substantially incorporated in the Council's adopted and emerging Development Plan policies.

**(ii) Argyll and Bute Structure Plan 2002:** The following policies are applicable:

STRAT SI 1 Sustainable development

- h) conserve the built environment and avoid significant adverse impacts on built heritage resources;
- i) respect the landscape character of an area and the setting and character of settlements.

STRAT DC2 Development Within The Countryside Around Settlements

A) Within the Countryside Around Settlements encouragement shall be given to development which accords with the settlement plan for the area and includes appropriate small scale infill, rounding-off and redevelopment sites;

B) Developments which do not accord with this policy are those outwith Category A above and development which will erode the setting of settlements.

STRAT HO1 – Housing – Development Control Policy

c) Outwith formally allocated housing sites, appropriate forms and scales of housing infill, rounding-off, redevelopment is encouraged within the settlements and the countryside where it is consistent with STRATDC-10.

The proposal is considered to be contrary to policies STRAT SI, STRAT DC2 and STRAT HO1

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

**(iii) Cowal Local Plan 1993 (adopted 1995)**

In the Cowal Local Plan 1993, the application site is located in countryside outwith the settlement boundary of Innellan covered specifically by Policy POL RUR 1 and requires to be assessed against the following policies:

The application site is situated within the Central and East Cowal Local Scenic Area as defined by POL RUR 1: Landscape Quality, under Areas of Local Landscape Significance where the Council will resist prominent or sporadic development which would have an adverse landscape impact. The policy states that there is a presumption against development which would have an adverse landscape impact except where it is demonstrated that there is justification for the development in terms of its environmental impact; locational/operational need; economic benefit and infrastructure and servicing implications.

Policy HO12B 'Back Roads Development' recognises that residential development has taken place along a number of substandard back roads (including Knockamillie Road) which are narrow, twisting and have substandard surfaces, gradients and junctions with main roads. The majority of these back roads are unadopted and in a very poor state of repair. In the case of Knockamillie Road, as improvement is either impracticable or undesirable, the Council will not support new development off these roads.

Policy TR3 – Road Traffic Management Measures identifies numerous private back roads in poor condition and specifically mentions that Innellan unadopted back roads (including Knockamillie Road) are seriously substandard, as is their access from the main roads (in this case the junction with Wyndham Road).

Since no locational or operational need has been demonstrated, the proposal is contrary to POL RUR 1 and also contrary to policies HO12B and TR3.

#### **(iv) Argyll and Bute Modified Finalised Draft Local Plan (June 2006)**

In the Argyll and Bute Modified Finalised Draft Local Plan, the application site is located outwith the small town and village settlement of Innellan within an area zoned Countryside Around Settlement (CAS). The following policies are applicable:

##### **Policy LP ENV1 - Development Impact on the General Environment**

Development is of a form, location and scale consistent with Structure Plan Policies STRAT DC1 to 6 and should protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Considerations include location and nature of the proposed development, land use, layout, design, external appearance and landscaping in addition to current Government guidance, other policies in the Argyll and Bute Structure and Local Plan.

##### **Policy LP ENV 19 - Development Setting, Layout and Design**

A high standard of appropriate design is expected in accordance with the Council's design principles. Development shall be sited and positioned to pay regard to the context within which it is located. Development layout and density shall effectively integrate with its countryside setting of the development.

##### **Policy LP HOU1 – General Housing Development**

Clause (A) says there is a general presumption of favour of housing except where listed in clause (B) and unless there is an unacceptable environmental, servicing or access impact. In relation to CAS, clause (B) says that there is a presumption against

- Large & medium scale development
- Small scale development in open/undeveloped areas

The Justification to the policy clarifies that;

- In the case of Countryside Around Settlement the presumption in favour or against are based largely on where the housing development will be consistent with and co-ordinated by the settlement pattern that covers this zone.
- This translates to support in principle for small scale development on infill, rounding-off, change of use and redevelopment sites, provided they do not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

Infill development is defined as, "*new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the development on either side of the site*". Rounding-off development is defined as, "*new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point*".

##### **Policy LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes**

Where a site is served by an existing private access and considered to be of such a poor standard the proposal may be considered unacceptable unless commensurate improvements are made. Where an existing private access regime is considered to be of such poor standard as to be unsuitable for additional vehicular traffic and is not capable of commensurate improvements, the proposals will be resisted by the Planning Authority unless the private access regime is brought up to a full adoptable public road standard as directed in the Council's Road Development Guide.

## **C. ASSESSMENT**

### **(i) Site and surrounding area**

This outline application entails the erection of a dwellinghouse on a 0.80 hectare site within the grounds of Innellan Golf Club, Knockamillie Road, Innellan. The application site is located on the western side of Knockamillie Road and currently comprises an area of overgrown ground to the rear and south of the first tee.

*(ii) The Proposal*

The proposal involves the erection of a detached dwellinghouse on land between the first tee and former clubhouse building. The outline application provides only an indicative footprint of a dwellinghouse which could be either one and a half storey or a bungalow. The building would be set back from Knockamillie Road where a new access would be formed into the central part of the site where a turning area and car parking space for two vehicles would be located. The application site incorporates a single passing place. Connections are to be made to the public water main and existing public sewer.

*(iii) Settlement Pattern*

Development in this part of Knockamillie Road is almost entirely confined to the developed eastern side of the private road where a tier of dwellings have their rear elevations facing west where some accesses and garages are located with their front elevations facing Knockamillie Terrace. The exceptions to this settlement pattern is a single storey modern building which was used as the Golf Clubhouse until a newer and larger facility was built uphill and north of the application site. Development on the western side of Knockamillie Terrace has been largely discouraged either through existing adopted policy zonings and specific policies in the Cowal Local Plan which are now reinforced in the Argyll and Bute Modified Finalised Draft Local Plan June 2006 as Countryside Around Settlement.

*(iv) Car Parking / Road Safety*

Whilst the Area Roads Manager has expressed no objections to the proposed dwellinghouse, it is noted that *“any future increase in traffic will require extensive and costly improvements to the junction and the private road”*. The department however considers that the provision of a single passing place does not in itself justify the erection of a further dwellinghouse which is not only contrary to the settlement pattern but would create a dangerous precedent by encouraging further dwellinghouses with no major improvements to either Knockamillie Road or its junction with Wyndham Road.

*(v) Conclusions*

The proposed dwellinghouse is contained with Countryside Around Settlement where the proposal cannot be regarded as ‘infill or rounding-off’ since the potential for development between the new and former clubhouses would not be subordinate to these existing buildings and there is no substantial natural feature which could be described as terminating the development. Approval would result in a development which would not represent an acceptable extension of the existing settlement pattern and result in a dwellinghouse in relatively open countryside. Notwithstanding the comments from the Area Roads Manager, approval of this application would establish a precedent for additional development off this particular section of Knockamillie Road and its junction with Wyndham Road.

It is considered that the proposal is contrary to Policies STRAT SI1, STRAT DC1 and STRAT HO1 of the Argyll and Bute Structure Plan, policies HO12B and TR3 of the Cowal Local Plan and policies LP ENV1, LP ENV19, LP HOU1 and LP TRAN 4 of the Argyll and Bute Modified Finalised Draft Local Plan, and does not justify the grant of planning permission.

The proposal does not comply with the terms of the Development Plan and there are no material considerations which would allow the Development Plan to be laid aside. Refusal of outline planning permission is therefore justified.