

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference Number: 08/00607/DET
Applicants Name: John McNaughton
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.
Location: Site 1, Land 200 metres South of Salthouse, Colintraive, Argyll.

SUPPLEMENTARY REPORT No. 1

1. INTRODUCTION

The Bute and Cowal Area Committee at their meeting on 13 January 2009 considered the attached report but recommended to the (then) Protective Services and Licensing (PSL) Committee that this application be approved.

The PSL Committee at their meeting on 18 February 2009 resolved that the application be continued until the completion of a landscape capacity study.

Subsequently, the Argyll & Bute Local Plan was formally adopted on 9 August 2009.

2. ASSESSMENT

A 'Landscape Capacity Study for Bute & Cowal', prepared by Gillespies, was approved by the Bute & Cowal Area Committee on 7 December 2010. Consequently, reason for refusal 4 of my original report (absence of landscape capacity study) no longer applies.

The Landscape Study shows the application site within an '*area with potential to accommodate development*' within Rural Opportunity Area CB27, a linear area stretching for over 1km along the eastern shore of Loch Riddon, west of the A886. On this basis, it may be concluded that in landscape terms there is capacity for 'small scale' development within this particular Rural Opportunity Area consistent with Policy LP HOU 1. Therefore, reason 1 (conflict with STRAT DC 5 and in turn LP HOU 1) of my original report no longer applies.

Remaining recommended reasons for refusal 2 and 3 relate to the design and siting of the building and the extent to which it should reasonably be assimilated into its landscape setting. These matters were considered to be acceptable by the Bute & Cowal Area Committee in its expression of support for the proposal in January 2009. However the PSL Committee did not adjudicate this matter and continued the application in February 2009 pending the outcome of the impending Landscape Capacity Study.

Notwithstanding that the application site has been identified within an '*area with potential to accommodate development*', there remain concerns regarding the scale, footprint and design of the proposed dwellinghouse and access road. Consequently reasons 2 and 3

of my original report still stand, but require updating to reflect subsequent changes to the status of local and national policies.

Under the circumstances, it is considered that the proposal remains unacceptable.

3. RECOMMENDATION

That the application be refused for the attached reasons.

Author: David Eaglesham 01369 708608

Reviewing Officer: Richard Kerr 01546 604845

Angus Gilmour
Head of Planning

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET

1. Given the topography of the site and its location within the Kyles of Bute National Scenic Area, the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' and STRAT DC 8 '*Landscape & Development Control*' of the 'Argyll & Bute Structure Plan' 2002, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the 'Argyll & Bute Local Plan' (2009). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Argyll & Bute Local Plan (2009) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy (2010) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).

**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal
Date of Validity - 12th March 2008
Committee Date - 2nd December 2008

Reference Number: 08/00607/DET
Applicants Name: John McNaughton
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Location: Site 1, Land 200 metres South of Salthouse, Colintraive, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

(ii) Other specified operations

- Connection to public water main
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(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

With regards to the adopted Cowal Local Plan, the principal policy assessment relates to Policy RUR 1 and HO 10, as this application site lies within the Kyles of Bute National Scenic Area. It is considered that the proposal will have an adverse environmental impact (both landscape and visual) on the National Scenic Area, by virtue of it being contrary to the existing settlement pattern, introducing a new use in the open countryside that is important to separating the nodes of development which make up the defined settlement pattern along the B866 and which prevent unacceptable ribbon development. The proposed development is contrary to the provisions of Policies RUR 1 and HO 10 of the adopted Cowal Local Plan.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and visual impact of the area. The proposal is, therefore, contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

(ii) Representations:

No letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

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

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
28 November 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 25th November 2008
Date: 25th November 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET

3. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
4. Given the topography of the site and its location with the Kyles of Bute National Scenic Area, combined with the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track, results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies POL RUR 1 '*Landscape Quality*' and POL HO 10 '*Housing Development in the Countryside*' of the Cowal Local Plan 1993, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
5. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
6. Approval of this application is considered premature until the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll and Bute Local Plan 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00607/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' restricts small scale development to infill and rounding off sites, redevelopment and change of use of existing buildings.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development within NSA's which has an adverse wider landscape or coastscape impact.

Cowal Local Plan 1993

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development in the Countryside*' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

National Guidance

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

(ii) SITE HISTORY

Planning application 05/01663/OUT for the erection of two dwellinghouses was withdrawn on 7 July 2006. Southern end of application site lies within this current application site

There is an associated planning application 08/00611/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate south of this site.

(iii) CONSULTATIONS

SEPA (letters dated 16th April and 17th June 2008): No objection subject to condition.

Scottish Natural Heritage (letter dated 22nd May 2008): Objection

Area Roads Manager (memo dated 17th April 2008): No objection subject to conditions.

Scottish Water (letter dated 7th April 2008): No objection.

(iv) PUBLICITY AND REPRESENTATIONS

No letters of representation have been received. The applicant has submitted a design statement received 12th March 2008. The points raised are detailed below:

The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.

The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.

The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.

It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform. Given the elevated site topography and position of the proposed dwellinghouse and associated access track, it is considered that there is an unacceptable landscape (environmental) impact, while the proposal does not relate to the surrounding built form. As such the proposal is contrary to the adopted local plan policy.

The proposal is contrary to Policy POL HO 10 of the adopted Cowal Local Plan 1993.

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside'.

In terms of Structure Plan Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the approved Structure Plan and emerging Local Plan.

The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Local Plan.

B. Location, Nature and Design of Proposed Development

This application is for the erection of a large single one and a half storey dwelling house. The building will boast two dormer window features and incorporate the use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature. This results in a dwellinghouse which boasts elements of meaningful design. However, owing to excessive size, massing and scale of the proposed dwellinghouse it is considered that the overall design of the proposal is not acceptable.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated

position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Furthermore, while there is not considered to be any privacy or overlooking concerns associated with this proposal it is considered that the topography of the site dictates that the proposed dwellinghouse will lack meaningful garden ground and external amenity space.

The proposal is therefore considered to be contrary to policy LP ENV 19 and Appendix A of the Post Inquiry Modified Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Natural Environment

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

As raised in the previous section of this report the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that has an unacceptable landscapes impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabruaich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage have raised an objection to this application on adverse landscape impact grounds on its own merits as well as in combination with the proposed dwellinghouse located to the south of this site (08/00611/DET), see associated report elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and, given the aforementioned, it is considered that this proposal will have a significant adverse wider landscape impact.

The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan, Policy POL RUR 1 of the Cowal Local Plan and Policy LP ENV 9 of the Post Inquiry Modified Local Plan.

D. Landscape Character

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep Ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Local Plan.

F. Infrastructure

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Local Plan & Policy POL PU 3 of the Cowal Local Plan.

G. Other Scottish Executive Advice

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

H. CONCLUSION

The impact of this proposal, of inappropriate design and siting, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.