

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 No: 10/00490/PP
Planning Hierarchy: Local Application
Applicant: Mr Mark Newall
Proposal: Formation of private access track
Site Address: Rowaleyn, Glenarn Road, Rhu

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of access track

(ii) Other specified operations

- None

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons stated overleaf.

(C) HISTORY:

06/01131/DET – Erection of garage – Permitted 07.07.2006

06/02093/DET – Conversion of stores and extension – Permitted 03.01.2007

(D) CONSULTATIONS:

Historic Scotland	26.10.2010 & 24.06.2010	No objections
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(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 18.06.2010)

(F) REPRESENTATIONS:

16 letters of objection have been received from 12 individuals:

Michael and Sue Thornley, Glenarn, Glenarn Road, Rhu, Helensburgh (letters dated 11/06/2010, 07/07/2010, 01/10/2010 & 15/11/2010)

Michael Hyde (on behalf of Clive Neame), The Mews 11B Abercromby Street, Helensburgh (letter dated 01/07/2010)

Kathleen Murray, 7 The Birches, Shandon (letter dated 06/07/2010)

Alison Allighan, The Glasite Meeting House, 33 Barony Street, Edinburgh (letter dated 30/06/2010 & 21/07/2010)

Mr John. M Hammond, The Three Chimneys, Cockey Moor Road, Starling Bury, Lancashire (letter dated 01/07/2010)

Dr David Rae, 6 Granton Road, Edinburgh (letter dated 07/07/2010)

Gillian Barclay, Carbeth House, Torwoodhill Road, Rhu (email dated 28/06/2010)

Kenneth Cox, Glendoick, Perth (letter dated 22/06/2010)

David Menzies, Upton, 15 Queen Street, Helensburgh (letter dated 02/07/2010)

Andrew Nisbet, Ty Rhiw, Station Road, Rhu (email dated 29/06/2010)

Sir Peter Hutchinson, Brioch, Kippen, Stirlingshire (letter dated 27/06/2010)

Mrs MJC Thornley, The Lawn House, Glenarn Road, Rhu (letter received 05/07/2010)

(i) Summary of issues raised

a) We (Glenarn Gardens) were not neighbour notified.

Comment: This has subsequently been carried out.

b) Historic Scotland should be consulted on any proposals that may affect a property included in the Schedule of Designed Landscapes and Gardens

Comment: Historic Scotland has been consulted

- c) The promap used shows an area of mixed woodland between Glenarn and the proposed site. This would indicate a suitable buffer, but this is not the case.

Comment: See assessment below.

- d) The engineer's plans have been inaccurately interpreted by the applicant.

Comment: Amended plans have been received to clarify the extent of the works proposed.

- e) The application is for a 'private access track' that it is indicated will serve 'plots'. These have not got permission nor have been applied for therefore these are enabling works for a project that has not yet been established or permission given and therefore should be rejected on this basis.

Comment: Each application is judged on its own merits against development plan policies and other material considerations. Assessment of the application cannot include the merits of suggested future proposals which may or may not follow.

- f) This part of Rhu Conservation Area remains largely intact in its original Victorian layout and should be protected from development.

Comment: See assessment below.

- g) If the view is taken that housing development should be allowed, then this should not compromise or intrude on Glenarn.

Comment: This is an application for an access track only. Should a future application for other development be submitted, that would be assessed on its merits at that time.

- h) I am concerned that an environmental impact assessment has not been carried out.

Comment: Regulations do not require this scale of development to be the subject of an environmental assessment.

- i) A track of this nature will require drainage. Has this been considered?

Comment: The Area Roads Engineer has advised that should the development be approved, improved drainage would be required.

- j) Glenarn Road is narrow and already serves a number of properties. If the new access track is used to serve additional houses, Glenarn Road would become busier and more noisy to the detriment of the residents:

Comment: This is an application for an access track only. Should a future application for other development be submitted, that would be assessed on its merits at that time, including assessment by the roads engineers. .

- k) There are a band of mature trees on the western and northern boundary of Rowaleyn which form an important barrier and shelter and are an important

part of the natural environment and disruption to these areas would surely be contrary to Local Plan Policies.

Comment: See assessment below.

- l) The proposed private access track leaves the existing driveway via an excavated cutting in excess of 12 metres wide and 2 metres deep. It would remain cut into the rising ground until a point where it leaves the curtilage of the listed building. The visual impact of engineering operations at this scale will be significant and particularly harmful to the setting of Invergare.

Comment: See assessment below.

- m) What is proposed could be potentially damaging to Glenarn Gardens

Comment: Historic Scotland has been consulted and has no objections to the application with regards to the Gardens. The owners of Glenarn Gardens are concerned that the plans submitted to Historic Scotland were inaccurate and do not show the full extent of the works. The application is recommended for refusal for other reasons and as such it was not felt appropriate to request further information from the applicant.

- n) The new information is still inadequate and does not show the extent to which Glenarn Gardens will be affected.

Comment: The new information submitted did not include all of the information requested. However, it did contain enough information in order to make a judgement on the effect it would have on the setting of Invergare and the Conservation Area which are the principal reasons for refusal.

- o) There are major drainage problems on Glenarn Road and this will exacerbate the problem.

Comment: The Area Roads Engineer is aware of this and has advised that should the development be approved, improved drainage would be required.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** No
 - (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

(i) **Is a Section 75 agreement required:** No

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

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC8 – Landscape and Development Control
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 7 – Impact on Tree/Woodland
LP ENV 11 – Development Impact on Historic Gardens and Designed Landscapes
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

Appendix A – Sustainable Siting and Design Principles

(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 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for the erection of an access track at Rowaleyn, Rhu. Rowaleyn is a modern dwellinghouse within the Rhu Conservation Area. It sits to the north-east of Invergare, a Category B listed building. Both houses sit within large grounds which are linked to each other.

There is currently a shared access which runs immediately to the rear of Invergare and provides access to Rowaleyn. The proposal would divert this access from running to the rear of Invergare and provide a separate access to Rowaleyn. The existing access to Invergare and Rowaleyn would still be shared for the first 120 metres and the proposed road would then be diverted behind the existing access taking the form of almost an S shape, sweeping around the grounds to link to Rowaleyn and then up further to an area which the applicant considers could eventually service two potential building plots (for which planning permission has not been sought).

The proposed access would be 3 metres wide with a one metre grass verge on either side. Located along the length would be 3 passing places. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest because of the grading and land take of the embankment works.

The grounds of Invergare are vast and contain many mature trees, shrubs and hedging which contribute positively to the character of the conservation area and are important to the setting of the listed building. In order to make way for this access, a large number of trees, shrubs and hedging would be lost. As a consequence of the route required to secure reasonable gradients, the engineering works necessary to achieve the cut and fill required and the associated cutting and embankment works, along with the tree felling and vegetation clearance required, it is considered that the proposal is unacceptable. It would be a visually intrusive and discordant feature within the landscape and would have a detrimental impact on the setting of the Listed Building and the character and appearance of the Conservation Area.

Since the application has been lodged, the applicants have provided plans of a potentially alternative route, which might be more acceptable as it would not entail the loss of as many trees and shrubs. However, as this would be an alternative application site it could not be entertained by way of an amendment to the current application and would require a new submission. The applicant does not wish to withdraw the current application, and as such, it must be determined on the basis of the originally submitted scheme.

It is therefore considered that the proposed access is contrary to Policies STRAT DC9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and it is recommended that planning permission be refused.

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

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

As per recommended grounds of refusal set out below

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

N/A

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

Author of Report: Stephanie Glen

Date: 25/11/2010

Reviewing Officer: Howard Young

Date: 25/11/2010

Angus Gilmour
Head of Planning & Regulatory Services

GROUNDS OF REFUSAL RELATIVE TO APPLICATION 10/00490/PP

- 1 The proposed access track will cut through the grounds of Invergare, a Category B Listed Building within Rhu Outstanding Conservation Area. The main setting of Invergare lies in its view on the approach up the existing access road to the house and the well kept gardens to its north and east. The gardens are an important part of the setting of Invergare and contribute to the wider Conservation Area. The proposed access road would be 3 metres wide with 3 passing places and a one metre grass verge on either side. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result, the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest, because of the grading and land take of the embankment works. The extent of the works required would involve significant tree felling and vegetation clearance.

As a consequence of the route required to secure reasonable gradients, the engineering works necessary to achieve the cut and fill required and the associated cutting and embankment works, along with the tree felling and vegetation clearance involved, the development would constitute a visually intrusive and discordant feature within the landscape, which would have a detrimental impact on the setting of the Listed Building and the character and appearance of the Rhu Conservation Area. The proposal is therefore contrary to Policy STRAT DC 9 of the 'Argyll & Bute Structure Plan' and Policies LP ENV 13(a) and LP ENV 14 of the 'Argyll and Bute Local Plan', all of which seek to protect the Historic Environment. In particular, Policy LP ENV 13(a) seeks to protect Listed Buildings and their settings, Policy STRAT DC9 states that development that damage or undermine the historic environment will be resisted and Policy LP ENV 14 presumes against development that does not preserve or enhance the character and appearance of a Conservation Area.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/02/2010 and the refused drawing reference numbers 001 B and A001.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00490/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is within the settlement boundary of Rhu, as defined by the adopted Local Plan. It is also within the Rhu outstanding Conservation Area and part of the site is within the curtilage of Invergare, a Category B Listed Building. The site is also adjacent to Glenarn Gardens, which is included on Historic Scotland's Inventory of Gardens and Designed Landscapes.

B. Location, Nature and Design of Proposed Development

The application is for the erection of an access track at Rowaleyn, Rhu. Rowaleyn is a modern dwellinghouse within the Rhu Outstanding Conservation Area. It sits to the north-east of Invergare, a Category B listed building. Both houses sit within large grounds which are linked to each other.

There is currently a shared access which runs immediately to the rear of Invergare and provides access to Rowaleyn. The proposal would divert this access from running to the rear of Invergare and provide a separate access to Rowaleyn. The existing shared access to Invergare and Rowaleyn would be used for the first 180 metres and the road would then be diverted behind the existing access taking the form of almost an S shape, sweeping around the grounds to link to Rowaleyn and then up further to an area which the applicant considers could eventually service two building plots.

The access road would be 3 metres wide with a one metre grass verge on either side. Located along the length would be 3 passing places. Due to topography, the access is not able to follow the contours of the existing landscape, and as a result of the difference in levels between the existing ground and the gradients required to form the new access, it would be necessary to cut in to the ground at some locations and at others the access would sit higher than the existing land requiring the infill of material. The approximate differences would result in a change in levels at some points of approximately 1.5 metres higher than the existing ground level and at other points approximately 2 metres lower than the existing ground level. To cope with the changes in levels embankments would be required. As a result the overall width of the road would vary from 5 metres up to approximately 15 metres at its widest because of the grading and land take of the embankment works.

D. Built Environment

The site is within Rhu Outstanding Conservation Area and partly within the curtilage of Invergare, a Category B listed building. Invergare is set within spacious grounds and the existing access road sweeps uphill to Invergare which sits to the west of its curtilage, it then goes around the rear of Invergare and sweeps uphill again to Rowaleyn. The access to Rowaleyn is not visible from Invergare as it is hidden by mature screen planting. It is considered that the main setting of Invergare lies in its view on the approach up the existing access road, to the house and the well kept gardens to its north and east.

F, Impact on Trees

The grounds of Invergare are vast and contain many mature shrubs, trees and hedging which contribute positively to the character of the conservation area and are important to the setting of the listed building. Where the proposed track diverts from the existing access there is a dense area of shrubs and trees. In order to make way for this access a large number of these would be lost. The track would then swing round to again to tie in with the existing access. In doing this the mature boundary planting separating Invergare and Rowaleyn would be lost. It is considered that this loss of trees, shrubs and hedging will be damaging to the setting of the listed building and the character of the Conservation Area.

Under Regulation 24, following submission of the application a tree survey was requested. It was requested that this survey should include existing trees on site, those to be removed as well as any shrubs that are to be cleared and to include details of any planting that may be proposed. This information was not subsequently provided, and only a plan showing the trees which would remain was submitted. This makes it extremely hard to ascertain with certainty precisely how many trees would be lost. What is certain, is that a number at the beginning of the new road will be lost as well as the mature hedging, but there are also a number of trees at the boundary with Glenarn Gardens which may also be affected. These trees are particularly important since Glenarn Gardens is listed on Historic Scotland's Inventory of Gardens and Designed Landscapes and as such are important in providing a buffer between the development and the historic gardens. Notwithstanding the uncertainty as to numbers, it is evident that the proposal would entail a level of intrusion and a requirement for felling and clearance which would be materially harmful.

M. Conclusion.

It is considered that the proposed new access road would unacceptably detract from the setting of Invergare, a Category B Listed Building and the character and appearance of the Rhu Outstanding Conservation Area. The route of the road would involve removal of trees and mature planting that forms part of the setting for Invergare and constitutes an important feature of the Conservation Area. The engineering works that are required to be undertaken in order to form this access are extensive and intrusive and its width would form a scar on the landscape which would be unacceptable at this location. It is considered that the proposal is contrary to Policies STRAT DC9 of the 'Argyll and Bute Structure Plan' and Policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the 'Argyll and Bute Local Plan'. It is therefore recommended that planning permission be refused.