

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: 09/00574/DET

Planning Hierarchy: Local

Applicant: Mr D Clark

Proposal: Formation of vehicular access and erection of gates (retrospective)

Site Address: Ardoch Coach House, Ardoch

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

- (i) Formation of vehicular access to classified road and erection of gates (retrospective)
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(B) RECOMMENDATION:

It is recommended that planning permission be refused.

(C) CONSULTATIONS:

Council's Roads Engineer (memo received 26 May 2009): Recommended refusal on grounds of road safety due to insufficient visibility splays.

Cardross Community Council (14.7.09) object as the criteria for sight lines would not be met.

(D) PUBLICITY:

Advert Type: Section 60 Setting of a Listed Building (21)
Expiry Date: 20.6.2009

(E) REPRESENTATIONS:

Prof Thomas MacKay (letter received: 23 May 2009):
Ardoch House, Cardross

1. The new vehicle access would be unsafe and confusing for drivers. The property already has an access and if a vehicle tried to turn into the new access they would project onto the main road causing more accidents on an already busy road.

Comment: See my assessment

2. The access and gates do not reflect the traditional 18th Century style of the wall.

Comment: See my assessment.

(F) 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

(G) PLANNING OBLIGATIONS

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

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

STRAT DC9 – Historic Environment and Development Control- Promotes the protection, conservation, enhancement and positive management of the historic environment.

‘Argyll and Bute Local Plan’

Policy LP ENV 13(a) - This policy seeks to ensure that any works affecting listed buildings or their setting are sympathetic to the building and maintain or enhances its character and that they conform to Historic Scotland’s Memorandum of Guidance on Listed Buildings and Conservation Areas (1998).

Policy LP ENV 13(b) – This policy seeks that demolition of listed buildings will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made to keep it.

Policy LP TRAN 4- This policy relates to new and existing, public roads and private access regimes.

(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.

Scottish Historic Environment Policy (Historic Scotland 2009)

Scottish Planning Policy 2010

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

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

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

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

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

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

Retrospective planning permission is sought for the formation of a vehicular access to the A814 and erection of gates within an opening formed in the boundary wall at Ardoch Coach House, Ardoch. The boundary wall, which is a Category B listed building, includes the wall around Ardoch House, and the Coach House. It is a rubble wall with harl-pointing, ashlar slabcoping and has ashlar gatepiers with stop-chamfered arrises and pyramidal caps.

The retrospective application follows a car accident where part of the Category B listed wall at the Ardoch Coach House was destroyed. Whilst it is acknowledged that the accident was not the responsibility of the applicant, unauthorised work, including partial demolition, was carried out prior to submitting the application. The stone was retained and incorporated in the formation of a new access with gate pillars and gates. The gate is approximately 6m in width. The owner of the property does not want to use the gates as an access as there is currently a steep drop behind the gates. However, if permission was allowed there would be no reason why a future owner could not carry out works without requiring planning permission in order to be able to use the access by vehicle. Therefore, the application requires to be assessed in terms of both road safety and the impact the alterations have had on the architectural and historic character of the wall.

The access is located within a 60MPH section of the A814 Dumbarton – Helensburgh road. The Roads engineers have assessed the 85% speed at this location to be 50MPH where visibility splays of 4.5m by 120.0m would be required in both directions. The engineer's on site assessment indicates that visibility splays of 2.4m x 30.0m are available which is well below the standard required given traffic speeds at this location.

The improvements required to meet the necessary visibility requirements would involve land outwith the applicant's control and would also involve further undesirable alterations to the listed wall. Consequently, the proposal is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point without third party land and without substantial alteration to the boundary wall to afford the required visibility. Whilst it might be possible, by condition to require measures to prevent any vehicular access being taken in the future (by requiring permanent bollards in front of the gates for example), notwithstanding road safety considerations, the formation of the opening in the wall of itself is considered inappropriate in that it disrupts the continuity of the historic wall.

The introduction of an opening within this wall disrupts its flow which has a distinctive and traditional style. The opening with its associated gate pillars and gates is visually discordant and has an adverse impact on the character and appearance of the wall. The development has resulted in the loss of historic fabric, has degraded the integrity of the wall and has introduced a feature which fails to respect the traditional architectural and historic character of the area. As such it is contrary to Policy STRAT DC9 of the approved Structure Plan, Policy LP ENV13a and LP ENV13b of the Argyll and Bute Local Plan and advice given in 'Scottish Historic Environment Policy'

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

(Q) Reasons why planning permission or a Planning Permission in Principle should be granted

N/A

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

N/A

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

Author of Report: Morag Jardine

Date: 26/10/2010

Reviewing Officer: Howard Young

Date: 22/12/2010

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 09/00574/DET

1. The access is located within a 60MPH section of the A814 Dumbarton – Helensburgh road where the Council's Roads Engineers have assessed the 85% speed to be 50MPH in circumstances where Council standards would require visibility splays of 4.5m by 120.0m to be available in both directions. On site assessment indicates that visibility splays of only 2.4m x 30.0m are available, which is well below the standard required given traffic speeds at this location. The improvements required to meet the necessary visibility requirements would involve land outwith the applicant's control and would also involve further undesirable alterations to the detriment of the continuity and historic integrity of the listed boundary wall. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point without third party land and without substantial alteration to the boundary wall to afford the required visibility
2. The introduction of an opening within this listed boundary wall and the installation of gates disrupts its flow which has a traditional style. This is visually discordant and has an adverse impact on the character and appearance of the wall. The development has resulted in the loss of historic fabric, has degraded the integrity of the wall and has introduced a feature which fails to respect the traditional architectural and historic character of the area. As such it is contrary to Policy STRAT DC9 of the approved 'Argyll and Bute Structure Plan', Policy LP ENV13a and LP ENV13b of the 'Argyll and Bute Local Plan' and advice given in 'Scottish Historic Environment Policy' (Historic Scotland 2009).