

**Argyll and Bute Council
Development and Economic Growth**

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/00678/PPP

Planning Hierarchy: Local Application

Applicant: Mr Robert MacIntyre

Proposal: Site for the erection of dwellinghouse

(D)

Objection

Donald Mackay Frolic Shore Road Ardpeaton Helensburgh Argyll And Bute

Anne M Prentice Craigeaton Shore Road Peaton Helensburgh 15.06.2022

Carol Anne Calder Bloomfield Shore Road Cove Helensburgh Argyll And Bute
17.06.2022

Alasdair Reynolds Stanley Lodge North Shore Road Ardpeaton Helensburgh Argyll
And Bute 19.06.2022

Tracey Quine Broompark Shore Road Cove Helensburgh Argyll And Bute 25.07.2022

Unknown Shore Road Peaton Cove 25.07.2022

Sarah Frod 1 Myrtle Park Shore Road Cove Helensburgh Argyll And Bute

Arthur Redpath Rocklee Shore Road Cove Helensburgh Argyll And Bute

the bio-diversity officer was re-consulted and has requested further info which can be conditioned.

Concern about the potential impacts on trees

Comment; *As above*

Concern that the proposed development will affect the neighbouring properties views

Comment; *this is noted however, this is not a material planning consideration*

Note that this development would be the only shore side development within the settlement

Comment; *please see full assessment below*

Concern about the proposed location of the access as this is on a blind bend

Comment; *The council's roads officer has been consulted and has recommended certain conditions in the interests of roads safety*

Concern the proposal with create a precedent;

Comment; *this is noted however, each application is accessed on its own merits*

Concern about flooding as the site is located within an area shown as high risk on the SEPA floor risk maps

Comment; *SEPA have been consulted on the proposals and have noted that they have no objection subject to conditions*

Concern that the proposals will affect daylight to neighbouring properties

Comment; *this is noted however, it is considered that the distance between neighbouring properties is such that daylight via[)JTJTJETBT/F6 11.25 Tf1 0 0 1 151.63.6 Tm 0*

Comment; *this is noted however, a full assessment has been taken in regards to the proposals including a site visit therefore, the authority are well aware of the parameters of the site and any issues*

(G) SUPPORTING INFORMATION

- i) Environmental**

LDP STRAT 1 Sustainable Development
LDP DM 1 Development within the Development Management Zones
LDP 3 Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 Supporting the Sustainable Development of our Coastal Zone
LDP 9 Development Setting, Layout and Design
LDP 11 Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 Landscape

General Housing Development

SG LDP HOU 1 General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) Provision of Waste Storage & Collection Facilities within New Development

Addressing Climate Change

SG LDP SERV 7 Flooding and Land Erosion Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 4 New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 Vehicle Parking Provision

Coastal Development

SG LDP CST 1 Coastal Development

- (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 3/2013.**

Third Party Representations

Consultation Responses

Planning History

[ABC Technical Note Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non

(P)(i) Key Constraints/Designations Affected by the Development: N/A

(P)(ii) Soils

[Agricultural Land Classification:](#)

Unclassified Land

[Peatland/Carbon Rich Soils Classification:](#)

N/A

The proposed site is located on the seaward side of the main road (B833) opposite an existing dwelling known as Ruanda. It is noted that all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary.

The proposal does not accord with the above policies that seeks to conserve and enhance the natural and built environment and the landscape character.

Summary relating to impacts on natural environment

The proposal has been assessed against NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV of LDP2 relating to conserving and enhancing biodiversity. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.

Summary relating to impacts on woodland

The proposal has been assessed against NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 7

(S)

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. 22/00678/PPP

1. LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposal includes an area of settlement zone and countryside zone, the proposal does not constitute an appropriate site within the settlement zone, because it does not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposed access to the development is located within the countryside zone and therefore does not accord with part E of LDP DM1. In addition, it would not be supported by LDP2 Policy 01 in relation to settlement areas and Policy 02 out with settlement areas which is a material consideration. In relation to Policy 01 Settlement Areas, development will normally be acceptable where it is an appropriate scale and fit for the size of settlement in which it is proposed and respects the character and appearance of the surrounding townscape. In this regard the proposal does not constitute an appropriate site within the settlement zone, because the proposal does not relate to the established settlement pattern at Coulport/Letter, and results in the development of a section of natural foreshore in a village where built development is located exclusively on the landward side of the road. Regarding Policy 02, the proposal would not constitute as infill, rounding off, redevelopment or located on a previously developed site and is therefore not generally supported. Policy 02 further notes that development adjacent to, but out with settlement boundaries which are delineated in the proposals maps will not constitute infill, rounding off or redevelopment.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area.

As the proposed development fails to pay regard to the established settlement pattern in this location it is also considered to be contrary to NPF4 Policy 14. Furthermore, based on the above the proposals would also be contrary to the provisions of Policy LDP 9 and the Supplementary Guidance Sustainable Siting and Design Principles (paras 4.1 and 4.2) and proposed LDP policies 05, 08 & 10 which are a material consideration.

2. Policy 9 of NPF4 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies within the adopted LDP (as explained in point 1), then the proposal is also contrary to Policy 9 of NPF4.
3. It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Proposed LDP2 Policy 73 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.
4. The proposal would be contrary to NPF4 Policy 6 part b) which notes that proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regard to potentially fragmenting woodland habitats, the preliminary ecological appraisal has noted the site has good connectivity to further Ancient Woodland Inventory and to the Local Nature Conservation Site at Peaton Glen. Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to

have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

5. NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. In addition, policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling house fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1. Furthermore, as this proposal

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00678/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A Settlement Strategy

strategy policies, as explained above, then the proposal is also contrary to Policy 9 of NPF4.

Therefore, in conclusion the proposal is not supported in principle and does not meet LDP DM1 or NPF 4 Policy 9.

B. Location and Nature of Proposed Development

The proposed site is located on the seaward side of the main road opposite an existing dwelling known as Ruanda. The site is located between the main road (B833) to the east and the shoreline of Loch Long immediately to the west. The site slopes from east to west (from the road to the shoreline) gradually getting steeper towards the shoreline. The site is overgrown greenfield and contains mature aged broadleaved woodland with areas of wet woodland within it.

As explained above, all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. As noted above this would be contrary to LDP DM1, LDP2 01 & 02 and NPF4 Policy 9.

The site boundary edged red as shown on the site plan including the proposed access measures approximately 650sqm. Limited information has been given on the proposed design of the dwellinghouse as this is a PPP application, however, within the applicants supporting statement they have noted; *Materials will be used to minimise any visual impact of the buildings where possible. The development of the site would have a 'soft touch' approach in terms of clearing the site....the proposed design will be a maximum of one storey and a half modern house. It will be a very high-quality bespoke design which will integrate fully into its environment / rural setting. The view from the road should not change as the natural screening will remain.*

Whilst an indicative position for the dwellinghouse has been shown, the purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 14 seeks to encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle. NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. The proposed development fails to pay regard to the established settlement pattern in this location and is considered to be contrary to NPF4 Policy 14.

Policy LDP3 states that a development will not be supported where it (B) does not protect, conserve, or where possible enhance; (i) the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design, and; (C) does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale and design.

Policy LDP 9 notes that development setting, layout and design proposals are required to be sited and positioned so as to pay regard to the context within which it is located, and to effectively integrate with the urban, suburban or countryside setting. Further guidance on this is given in the Supplementary Guidance Sustainable Siting and Design Principles, paras 4.1 and 4.2 are particularly relevant where new development must be compatible with and consolidate the existing settlement, and reflect traditional building pattern and built form. As the proposal would be the only

development on the coastal side of the road at Coulport/Letter, it would not accord

woodland with areas of wet woodland within it. The site contains mature oak (*Quercus robur*), sycamore (*Acer pseudoplatanus*) ash (*Fraxinus excelsior*), birch (*Betula* sp.) and alder (*Alnus* sp.) as well as willow (*Salix caprea*), elder (*Sambucus nigra*), hazel (*Corylus avellana*) and rowan (*Sorbus* subg. *Sorbus*). The mature trees are of good ecological value and the site has been classed as being of good condition within the UKHabs condition sheet. It should be noted that a tree survey has not been undertaken so trees have not been individually tagged and identified and assessed in terms of health condition. Additionally there is no plan that identifies the trees to be removed.

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees, this policy also notes under part b) that development proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regards to potentially fragmenting woodland habitats the preliminary ecological appraisal has noted the site has good connectivity to further AWIs and to the LNCS Peaton Glen.

Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits.

in perpetuity. Off street parking for 3no. Cars will be formed and creation of level access to the house and comply with Scottish Technical Standards, as well as turning within the overall site. In respect of the above the local roads area manager has been consulted on the proposals and had noted that they have no objection subject to conditions. It is however worth flagging that roads have requested visibility splays of 160 x 2.4 x 1.05 metres in both directions not the shorter 136 x 2.4 x 1.05 metres in both directions that the applicants say they can achieve. Roads have also included conditions relating to the access / driveway widths and gradients, drainage, surfacing, parking and turning that would be required in this location. The proposal is therefore considered to be consistent with LDP 11, SG LDP TRAN 4, TRAN 6 and Proposed LDP Policies 36, 39 and 40. It is also worth noting in terms of NPF4 Policies 13 & 15 which relate to sustainable transport and local living and 20 minute neighbourhoods for which this proposal has been assessed against as well as the proposed LDP2 Policy 32 which relates to active travel. It is considered that the proposed development would meet these policies as it is considered that the proposal is small scale and would not result in the requirement to upgrade the existing infrastructure. It is also noted that two bus stops are located within walking distance to the proposal which link up with local facilities 14 minutes away and that these facilities could also be accessed via a 14-minute cycle which is considered appropriate for living within a rural area.