

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: 23/01502/PP
Planning Hierarchy: Local Application
Applicant: Mrs Joanna Peach
Proposal: Erection of dwellinghouse and formation of new vehicular access
Site Address: Land Between Lagarie Lodge And Lagarie House
Torwoodhill Road Rhu Argyll And Bute

DECISION ROUTE

Committee Decision under Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse and formation of new vehicular access

(ii) Other specified operations

- n/a
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **granted** subject to the conditions and reasons appended to this report.

(C) CONSULTATIONS:

Scottish Water - 30.08.2023 – No objection however Scottish Water have noted; *There is currently sufficient capacity in the Blairlinnans Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. This proposed development will be serviced by Rhu Sep Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

Roads Helensburgh And Lomond - 14.09.2023 – No objection subject to conditions

Marina Curran-Colthart - Local Biodiversity Officer – 29.11.2023 & 30.11.2023 - Firstly, request an updated tree survey including mitigation and replacement planting scheme. Secondly, request a potential bat roost assessment. Lastly, note that a condition should be added to any approval requiring a bird and red squirrel survey prior to works commencing on site.

Built Heritage Conservation Officer – 23.11.2023 – No objection (see detailed comments with assessment below)

Historic Environment Scotland - 05.09.2023 – No objections

(D) HISTORY:

C6986

Conversion of Lagarie house from children's home to from 4 flats, including the erection of 4 detached dwellinghouses to the West of the Lagarie house. *Note: During determination the proposal for 4 dwellinghouses was reduced to 3 dwellinghouses.*
24.05.1983 (application approved)

C6994

Erection of 2 detached dwellinghouses North-West of Lagarie house.
28.06.1983 (application approved)

C8400

Outline planning permission for the erection of a 2 storey detached dwellinghouse with double integral garage to the East of Lagarie House.
07.04.1989 (application refused)

P/PPA/SH/137

Appeal of planning refusal reference C8400.
05.02.1990 (appeal dismissed)

11/00528/PP

Erection of 5 flats and car ports
07.11.2011 (application withdrawn)

19/02162/PP

Erection of 2 dwellinghouses and garages
14.02.2020 (application withdrawn)

20/01382/PP

Erection of dwellinghouse with integral garage and formation of new vehicular access
16.08.2023 (application withdrawn)

20/01383/LIB

Formation of new vehicular access through the existing stone wall
16.08.2023 (application withdrawn)

23/01503/LIB

Formation of new vehicular access through the existing stone wall
Pending

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert
28.09.2023

Expiry Date:

(F) REPRESENTATIONS:

(i) Representations received from:

Objection

Jim Crawford Garden Cottage Lagarie Torwoodhill Road Rhu Helensburgh
21.09.2023 & 29.09.2023 & 10.10.2023 & 11.10.2023 & 02.02.2024 & 14.03.2024
& 17.03.2024 & 03.04.2024 & 02.05.2024

Irene Crawford Garden Cottage Lagarie Torwoodhill Road Rhu Helensburgh
21.09.2023

Scott Buchanan Flat 3 Lagarie House Torwoodhill Road Rhu 20.09.2023

Mrs Moira Burke Lagarie Lodge Torwoodhill Road Rhu Helensburgh Argyll And
Bute 08.10.2023

Dr James Edwin Crawford Kildalloig Dhorlin Wheatleywell lane Chester Le Street
DH2 3LD 09.10.2023 & 10.10.2023

Krystina Crawford 736 Crow Road, Anniesland, Glasgow, G13 1NF 09.10.2023 &
10.10.2023

Duncan McGuire Flat 4 Lagarie House Torwoodhill Road Rhu 20.09.2023

Andrew Patterson 4/4 14 Norval Street Glasgow G11 7RX 06.10.2023

Peter Cassidy Auchenlea Lodge Torwoodhill Road Rhu Helensburgh 10.10.2023

James Windebank 19 West Montrose Street Helensburgh G84 9PF 12.10.2023

Sandra McGuire 4 Lagarie House Torwoodhill Road Rhu Helensburgh 19.09.2023
& 20.09.2023

Miss Kim Burke Lagarie Lodge Torwoodhill Road Rhu Helensburgh 07.10.2023

Kenneth Mangion Tombrake Farm Steadings Balfron G63 0qr 08.10.2023

Ann McKechnie Flat 1 Lagarie House Torwoodhill Road Rhu 20.09.2023

Georgina Cassidy Auchenlea Lodge Torwoodhill Road Rhu Helensburgh
10.10.2023

Sarah Mok 8 Simpson Loan, Flat 16 Edinburgh EH3 9GS 09.10.2023

Russell Burke Lagarie Lodge Torwoodhill Road Rhu Helensburgh Argyll And Bute
09.10.2023

Peter Eastwood 8 Charlotte Court Charlotte Street Helensburgh G84 7DF
03.10.2023

Jill Eastwood 8 Charlotte Court Charlotte Street Helensburgh G84 7DF
03.10.2023

Ronald McKechnie 1 Lagarie House Torwoodhill Road Rhu Helensburgh
20.09.2023

Maureen Buchanan Flat 3 Lagarie House Torwoodhill Road Rhu 20.09.2023

M Edwards Lagarie Cottage Torwoodhill Road Rhu Helensburgh 05.10.2023

Irene Edwards Lagarie Cottage Torwoodhill Road Rhu Helensburgh 05.10.2023

Kerry Gould Tummel Cottage Cumberland Road Rhu Helensburgh Argyll And
Bute 28.01.2024

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

Concern in regards to the tree removal as the site forms part of a TPO area.

Comment; please see assessment below.

Concern about potential impacts on birds.

Comment: the biodiversity officer has been consulted on the proposals and has requested that a survey for birds and red squirrel is conducted prior to works starting on site.

Concern that newts, frogs and hedgehogs that may live in the grass will be disturbed.

Comment: the biodiversity officer has been consulted on the proposals and has requested that a survey for birds and red squirrel is conducted prior to works starting on site and that a potential bat roost assessment is undertaken prior to determining the application, they have not requested additional info or suggested conditions in terms of the above.

Concern that the proposals would not be in keeping with the neighbouring listed building and would affect its setting.

Comment; please see assessment below.

Concern about forming a new access through a listed wall.

Comment; please see assessment below

Concern that the new access will impede the existing access for Torwoodhill Road.

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

Concern in regards to the safety of the proposed access.

Comment; as above

Note that the present owners of the proposals site have not been maintaining the land.

Comment; this is not a material planning consideration

Note that the application site is part of the neighbouring properties curtilage.

Comment; the application site no longer forms part of the neighbouring properties curtilage

Concern that the removal of trees or bushes would create greater traffic noise for neighbouring properties.

Comment; this is noted however this is considered to be minimal.

Concern that the proposal represents overdevelopment of the site.

Comment; please see assessment below.

Note that the application site was formerly the garden grounds of the neighbouring listed building and should not be developed.

Comment; please see assessment below.

Note that the submitted drawings do not show the extent of tree / bush removal.

Comment; the submitted drawings are in line with the updated tree survey.

Note that the applicants have not submitted an assessment on the impact on the setting of the neighbouring listed building which is a policy requirement.

Comment; the applicants have addressed this within their submitted design and access statement and please see assessment below,

Concern that the proposals will have a negative effect on the conservation area.

Comment; please see assessment below

Note that the applicant has a right of access from the private road from the rear and would use this as additional access.

Comment; The applicants have shared right of access over this private road, however, the proposed development of the site requires certain roads conditions, and these cannot be achieved via the existing shared access as the applicants do not have full control over the land hence why a new private access is proposed from the A814. The recommended roads conditions are that the new access shall be installed prior to construction of the dwellinghouse. As the site is within a Conservation Area, then creation of an additional access from the private road would require further approval.

Concern that the proposals could affect bats.

Comment; the applicants have submitted a potential bat roost assessment as requested by the bio-diversity officer. This assessment concludes 'having regard to the distribution of species, habitat, potential roost features, suitability and importance of any of these signs of bat activity the risk of bat roosts or bats being disturbed is negligible or low and roosting can reasonably be ruled out'.

Concern that the proposed development could overshadow neighbouring properties.

Comment; please see assessment below.

Note that a previous application for a single dwelling on the proposal site was refused in 1989 and also refused at the subsequent appeal in 1990 and therefore this application should also be refused.

Comment; this is noted however, it is confirmed that the previous decision simply confirms that the principle of development was determined to be unacceptable having regard to the detail of the proposal, development plan policy and circumstances at the point in time that the appeal decision was made. A substantial period of time has elapsed since the appeal decision and within this time the relevant development plan and other relevant policy considerations have been superseded by subsequent iterations of the Local Development Plan and National Policy and Guidance and accordingly it is necessary for any decision on the current application to be assessed against these revised provisions and in relation to the current circumstances of the site and its surrounds.

Concern that the approval of such a development will set a precedent.

Comment; each application is accessed on its own merits.

Concern about the removal of the mature rhododendron hedge.

Comment; rhododendron ponticum is an invasive species and the removal of this would benefit the biodiversity on the site.

Note that no boundary treatments have been shown on the submitted drawings.

Comment; this is noted and a detailed scheme of landscaping to include boundary treatments will be conditioned.

Note that application reference 11/00528/PP for the same site was drafted by the council as a refusal but was withdrawn.

Comment; this is noted, however, the scheme as per this application differs significantly as it was for the erection of 5 flats.

Concern that the following have not been submitted; environment statement, flood risk assessment, drainage impact assessment, proposed SUDS layout, contaminated land survey, habitat survey or transport assessment.

Comment; the required surveys as per the statutory consultees have been submitted and no further surveys are required prior to determining the application. A detailed SUDS scheme will be conditioned.

Concern that Scottish water have raised issues in regards to drainage.

Comment; Scottish water have raised no objection to the proposals.

Concern in terms of flooding issues and drainage on the site.

Comment; the site is not within an area of flood risk, in terms of SUDS a condition will be added in this regard.

Concern in regards to bins.

Comment; a designated bin area has been shown on the plans.

Concern in regards to bluebells on the site.

Comment; the bio-diversity officer was consulted on the proposals and requested certain surveys prior to determination as well as recommendation of a condition requesting bird and red squirrel surveys, they have not requested further info in terms of bluebells.

Note that the historical approval for other development on 'Lagarie estate' had a condition on it that noted no access should be taken from the main road.

Comment; each application is accessed on its own merits.

Note that the sightline drawings submitted are incorrect and do not meet guidance and are also contradictory to previous advice on historical applications.

Comment; roads have been consulted on the proposals and have noted no objection subject to conditions.

Concern that a tree which is noted down as to be retained impedes on the sightlines required.

Comment; roads have been consulted on the proposals and have noted no objection subject to conditions, in regards to the specific tree in roads have noted; "whilst the pedestrian visibility splay offered/illustrated within proposed site plan L(9)2D, details a pedestrian visibility splay of 20m distance/length. It should be noted that roads only require a minimum pedestrian visibility splay of 2.4m x 2.4m x 0.9m measured from the heel of the footway at all driveways. With this in mind, roads are satisfied that the minimum pedestrian visibility splay of 2.4m x 2.4m x 0.9m can be achieved were the tree to be retained.

Note that the submitted tree survey is 4 years old.

Comment; an updated tree survey has been submitted.

Note that trees have been planted on the site historically to from screening.

Comment; please see assessment below.

Note that the submitted potential bat roost assessment was not undertaken at the correct time of year.

Comment; please note that potential roost assessments can be undertaken at any time of the year

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---------------------------------------------------------------------------------------------------|-----|
| (i) Environmental Impact Assessment Report: | No |
| (ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A Design or Design/Access statement: | Yes |

D&A statement covers the following topics; Application Details, Background, Site Description, Site History, Setting, Impact, Boundary Wall, Sitting & Orientation, Building Form, Accessibility, Materials & Sustainability and Landscaping. The D&A statement concludes the following; *We trust that these revised proposals show that full cognisance has been taken of the comments and concerns raised by both council officials and adjoining neighbour's. We have strived to ensure*

that the revised design accords with adopted Council Policy and is reflective of the style and built form which is evident in Rhu. Whilst there is always likely to be a reluctance by some, to accept change this proposal can also benefit Rhu and the wider community by providing a quality family dwelling located in a mature substantial plot. This particular site has now developed and changed over the last 40+ years since the adjacent Lagarie House was sub-divided into flats. This change means that it can be clearly demonstrated that development of this site as the revised proposal can be achieved without detracting in any way the setting or importance of the Grade B listed Lagarie House or the Grade A Ardencahle Hotel.

(iv) Sustainability Checklists

TN06 Sustainability Checklist	Yes
TN07 Sustainable Buildings Checklist	Yes

(v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes

Bat Scoping Survey (Julian A Morris, Jan 2024)

The nature of the survey was to undertake a preliminary character assessment to ascertain whether the site has potential to support roosting and/or foraging bats and identify the species of bat and any trees and their potential for roost feature and signs of bat use. The survey was carried out on 30th January 2024. The stone wall was checked for cavities or unbound rubble interiors and no signs of this was found. All trees were checked for holes, cavities and hollows and no sign of potential roost features were identified on any of the trees.

Tree Survey Report (Julian A Morris, Feb 2024)

The survey was undertaken on 31st January 2024. Each tree over 75mm diameter on site was recorded. Around 50 trees on and around the site were recorded, measured and categorised individually. The survey did not identify the presence of individual veteran or ancient trees on or around the site. Root protection areas were identified for all the trees.

(H) PLANNING OBLIGATIONS

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.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 11 – Energy

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 16 – Listed Buildings

Policy 17 – Conservation Areas

Connected Places

Policy 34 – Electric Vehicle Charging Points

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 39 – Construction Standards for Private Accesses

Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

(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)
- TN06 Sustainability Technical Note and Checklist (Oct. 2023)
- TN07 Sustainable Buildings Technical Note and Checklist (Oct. 2023)
- ABC Housing Needs and Demand Assessment
- ABC Housing Emergency Statement
- SEPA Standing Guidance for Development Management (Dec. 2022)
- Historic Environment Scotland - HEPS
- Historic Environment Scotland – Managing Change in The Historic Environment - various

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Does the Council have an interest in the site:	No
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(N)	Requirement for a pre-determination hearing:	No
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Please note that officers are not recommending a pre-determination hearing as it is considered that there would be no added value in this as all material planning considerations have been taken into account within this report including; consultee responses, third party representations and planning history etc.

(O)(i) Key Constraints/Designations Affected by the Development:

Conservation Area

Listed Buildings

Tree Preservation Order

(O)(ii) Soils

[Agricultural Land Classification:](#)

Built Up Area

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

N/A

Peat Depth Classification: N/A

Does the development relate to croft land? No

Would the development restrict access to croft or better quality agricultural land? N/A

Would the development result in fragmentation of croft / better quality agricultural land? N/A

(O)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes

Does the proposal include any replacement or compensatory planting? Yes

(O)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Greenfield

ABC LDP2 Settlement Strategy Settlement Area

ABC LDP2 Allocations/PDAs/AFAs etc: N/A

(P) Summary assessment and summary of determining issues and material considerations

The proposed development relates to the erection of a 4 bed detached dwellinghouse and formation of new vehicular access.

The site is located within the settlement area of Rhu as identified in the adopted Argyll and Bute Local Development Plan (LDP2) wherein Policy 01 (Settlement Areas) notes that development will normally be acceptable on a non-brownfield site where, the proposal is considered acceptable in relation to the overall land supply, it is compatible with surrounding uses, it is of 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 terms of density, scale, massing, design, external finishes and access arrangements.

The proposal lies within the Rhu Conservation Area and the residential property adjacent to the West, "Lagarie House" which is a Category "B" listed building. Additionally, within the vicinity is the Category "A" listed "Ardencaple Hotel". As such, the impact of the proposed development on the historic environment is a determining factor. In addition, the proposed development has been assessed more generally with regard to siting, scale, massing form, and detailed design in relation to the aim of respecting and reflecting the visual character of the existing built development patter; and protecting local residential amenity.

The site is covered by an area Tree Preservation Order (TPO), however, the site is not located within or in proximity to any nature conservation sites, nor does it lie within NatureScot Ancient Woodland Inventory. However, any impact upon the natural environment in relation to biodiversity and impact on trees/woodland falls to be assessed in connection with the proposal.

The proposal has also been assessed with regard to the satisfactory provision of services infrastructure provision.

A fully detailed assessment with reference to the above determining factors, and all other material considerations, including planning history and material planning issues raised by third party representations (not addressed above) are set out in the Appendix A to this report.

Having regard to all material considerations it is considered that the proposal is acceptable.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

No departure

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

Author of Report: Emma Jane **Date:** 07.05.2024

Reviewing Officer: Kirsty Sweeney **Date:** 07.05.2024

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01502/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 05.08.2023; , supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 15	A	22.08.2023
Existing Site Plan	2 of 15	A	22.08.2023
Existing Site Cross Section and Photos - Sheet 1 of 2	3 of 15	-	01.08.2023
Existing Site Cross Section and Photos - Sheet 2 of 2	4 of 15	-	01.08.2023
Proposed Site Plan	5 of 15	B	29.02.2024
Proposed Site Cross Sections	6 of 15	-	01.08.2023
Proposed Site Cross Section, Access Wall Elevation and Layout Plan	7 of 15	A	23.08.2023
Proposed Sightline Plan	8 of 15	D	22.08.2023
Proposed Elevations and Sections	9 of 15	-	01.08.2023
Proposed Floor/Roof Plans	10 of 15	-	01.08.2023
Planning Design and Access Statement	11 of 15	-	01.08.2023
Tree Survey Report	12 of 15	A	28.02.2024
Bat Scoping Survey Report	13 of 15	-	28.02.2024
Sustainability checklist	14 of 15	-	12.03.2024
Sustainable buildings checklist	15 of 15	-	12.03.2024

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. **Sustainable Urban Drainage** – Notwithstanding Condition 1, details of a sustainable urban drainage system compliant with the guidance set out in CIRIA's SuDS Manual C753 must be submitted to and approved in writing by the planning authority prior to construction. The surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure adequate surface water drainage is implemented to prevent flooding elsewhere.

3. **Landscape and Biodiversity Enhancement** - Notwithstanding Condition 1, No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include:

- proposed finished site levels or contours;
- hard surfacing materials;
- details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification – these shall include compensatory planting for the trees already identified as to be removed as part of the development;
- details of measures to enhance biodiversity within the site;
- location and design, including materials, of walls, fences and gates;
- programme for completion and subsequent on-going maintenance.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of biodiversity and the natural environment.

4. **External Materials** - Notwithstanding Condition 1, Prior to work starting on site samples of the proposed materials to be used for the external finishes of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.

5. **Sustainable Design** – Notwithstanding Condition 1, Prior to the commencement of development, details of the on-site micro renewable energy to provide heat or electricity to the property and details of the use of the final materials – including details of any re-cycled materials or local sourced materials and their embodied energy for each materials, shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the approved micro renewables and materials must be used in the development hereby approved.

Reason: In order to ensure compliance with LDP2 Policy 09 and to ensure the building is being as energy efficient as possible in order to respond to climate change.

6. **Electric Vehicle Charging** – Notwithstanding Condition 1, Prior to the commencement of development, details of the provision of electric vehicle charge points shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charge points must be available for use in the development hereby approved.

Reason: In order to ensure compliance with LDP2 Policy 34.

7. **Quality homes** – Notwithstanding Condition 1, no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

8. **Trees** – Notwithstanding Condition 1, All retained trees on site shall be protected at all times during construction in accordance with the British Standard; BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).

Reason: The landscape features to be protected are important to the appearance and character of the site and the surrounding area and are required to successfully integrate the proposal with its surroundings.

9. **Potential sources of nuisance** – Notwithstanding Condition 1, Prior to work starting on site identification and assessment of all potential sources of nuisance, including noise/ vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the demolition / construction process should be undertaken by the applicant and submitted to and approved by the Planning Authority. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site.

For all potential sources of nuisance the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Reason: In order to avoid sources of nuisance in the interest of amenity.

10. **Scottish Water** – Notwithstanding Condition 1, Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply and waste water sewage network.

Reason: In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.

11. **Parking and Turning** – The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

12. **PP - Junction with public road:**

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/005 Rev. B (as laid out on approved drawings L(9)2D and L(9)4B) and visibility splays of 2.4m metres to point X by 75.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

13. **Bird and Red Squirrel Survey** - Notwithstanding Condition 1, Prior to work starting on site a pre-commencement survey for the presence of birds and red squirrels on site; shall be carried out by an appropriately qualified person at the optimum time of year and submitted to and approved by the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: *In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.*

ADDITIONAL NOTES TO APPLICANT

- N/A

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/01502/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

1.1. The site is located within the settlement area of Rhu as identified in the adopted Argyll and Bute Local Development Plan (LDP2) wherein Policy 01 (Settlement Areas) notes that development will normally be acceptable on a non-brownfield site where the proposal is considered acceptable in relation to the overall land supply for the proposed use, and it is compatible with surrounding uses including but not exclusively; providing access, service areas, infrastructure for existing, proposed or potential future development, and it is of 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 terms of density, scale, massing, design, external finishes and access arrangements; and lastly that it complies with all relevant LDP2 policies.

1.2. LDP2 Policy 66 (New Residential development on non–allocated housing sites within Settlement Areas) requires that new buildings will only be permitted where:

- a) the layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area;
- b) it does not affect the privacy and amenity of existing and proposed properties;
- c) the site provides a suitable residential environment;
- d) it provides appropriate private and public open space and;
- e) an appropriate standard of access to and parking for vehicles associated with the development is provided, it does not result in the loss of any existing parking spaces, and that traffic generated as a result of the development is capable of being accommodated within the capacity of the existing road network surrounding the development;
- f) it is not detrimental to the overall housing land supply of the LDP2.

The proposals must also demonstrate that they meet the tests laid down in National Planning Framework 4 Policy 16 (Quality homes) criterion f).

1.3. NPF4 Policy 16 (f) supports new homes on land not allocated for housing where the proposal is supported by an agreed timescale for build-out, it is otherwise consistent with the plan spatial strategy and other relevant policies including local living and the proposal is for smaller scale opportunity within an existing settlement.

1.4. NPF4 Policy 1 (Tackling the climate and nature crises) requires that significant weight be given the global climate and nature crises when considering new development. Policy 2 (Climate mitigation and adaptation) seeks to encourage, promote and facilitate development that minimises emissions and adapts to impacts on climate change. NPF 4 Policy 5 (Soils) aims to protect locally, regionally, national and internationally valued soils.

1.5. The development is considered small-scale as it for the erection of one dwelling. It is located within an identified settlement with access to community facilities and public transport networks, consistent with NPF 4 Policy 15 (Local Living and 20 minute Neighbourhoods), and is compatible with the provisions of NPF 4 Policy 1 in terms of addressing the Climate Crisis in principle. The site is located within an established residential area and will not impact upon soil that has material value. It is recommended that any planning permission will be subject to a model planning condition.

1.6. On the above basis, it is considered that there is a general presumption in favour of the principle of this proposed development in terms of its location, nature and scale when assessed against the policy provisions relating to the LDP2 Settlement Strategy and relevant NPF 4 Policy.

2. Location, Nature and Design of Proposed Development

2.1. The application site measures approximately 3254sqm and is bounded to the North by the existing access to neighbouring Lagarie House, to the East by the boundary of Lagarie Lodge, to the West by the boundary of Lagarie House and to the South by an existing stone wall that separates the site from the A814. It is proposed to create the access to the site through this stone wall which is considered to be listed by way of curtilage listing relative to Lagarie House (category B listed), there is a separate listed building consent application for the alterations to this wall (reference; 23/01503/LIB). There is an established natural belt of trees and large shrubs along the South, East and West site boundaries separating it from the grounds of Lagarie House and the A814. To the Southern boundary of the site and also extending up the Western boundary there is a large rhododendron hedge. The site slopes gently upwards from South to North.

2.2. The application site formerly formed part of Lagarie House's curtilage and was part of the House's lawn. Lagarie House was however, subdivided into flats historically and its curtilage was divided into plots. 5no. Dwellinghouses have subsequently been built to the north and west of the Lagarie House as well as Lagarie Lodge which was built to the east. This plot is located in between Lagarie House, the original main house and Lagarie Lodge, an infill house built in the mid-1900's.

2.3. The proposed house is to be sited centrally within the plot from West to East and from South to North it is to be sited such that the front elevation is in line with the front elevation of both Lagarie House and Lagarie Lodge. The proposed access from the A814 will be formed through the existing stone wall on the Southern boundary and will be located centrally on this boundary, with driveway and parking in front of the proposed house. The proposed dwellinghouse will have 4 bedrooms with a footprint of approximately 245sqm and a maximum ridge height of 7 metres. It will be traditional in design to reflect the architectural character of the surrounding area. The proposed house is generally single storey massing with a 1 ½ storey element to the front with pitched roofs and dormers, this is in keeping with the surrounding properties. There are two projecting gable forms to the front and rear which will visually 'break up' the massing of the new building, a projecting gable element is also proposed to the front elevation, this will provide an attractive, well-considered form and 'animated' roofscape. A simple pallet of materials is proposed to respect the characteristics of the surrounding properties. This will include slate roofs, Ashlar feature stonework, wet dash render and timber double glazed sash and case windows (painted white). A projecting bay window is also proposed to the front elevation which will be capped in lead.

2.4. NPF4 Policy 14 (Design, quality and place) requires that development proposals be designed to improve the quality of an area; and, offers support to development that achieve the six qualities of Health; Pleasant; Connected; Distinctive; Sustainable; and, Adaptable. Development that is poorly designed, detrimental to the amenities of surrounding areas or inconsistent with the aforementioned six qualities will not be supported.

2.5. NPF Policy 14 is closely aligned with the provisions of LDP2 Policy 04 (Sustainable Development) which requires that developers to demonstrate certain sustainable development principles and also Policy 05 (Design and Placemaking) which requires developers to comply with certain placemaking criteria including; compatibility with surrounding land uses, make use of existing infrastructure, respect site topography, improve connectivity, incorporate green and blue infrastructure, adopting design that respects and complements its surroundings, siting and design should respond to the natural environment and the design should be sustainable in terms of materials and

construction and should consider future adaptability, and climate change mitigation measures.

- 2.6. LDP2 Policy 08 (Sustainable Siting) requires that development integrates into the landscape or existing built form to minimise detrimental effects on the environment, and the siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density; development should be carefully sited to avoid overshadowing or overlooking of itself or other properties; development should be positioned within the landscape to make the best use of solar gain, natural ventilation and shelter from the elements; development should be sited within easy access of existing infrastructure and services; and any ancillary development such as parking and turning areas, should be sensitively designed and sited. LDP2 Policy 09 (Sustainable Design) requires that development proposals demonstrate consideration of renewable energy and sustainable design & construction methods. LDP2 Policy 10 (Design: All Development) requires demonstration of an appropriate response to the development site and wider context, acknowledgement of the scale / massing of nearby buildings and use materials that are harmonious with the context.
- 2.7. Having regard to the built development pattern and densities of the local area, it is noted that there is a range of scale and design of houses, and whilst the overall pattern of built development is very spacious, there is a range of plot ratios. The ratio of built development to open curtilage in the case of this proposal is spacious in nature and reflects the plot ratio of the neighbouring Lagarie Lodge. The scale of the house is comparatively small and it is considered that the siting, form, massing and material finishes will respect and reflect the existing character of built development and compliment the visual character of the area in accordance with the relevant provisions of NPF4 and LDP2.
- 2.8. The proposed house will be screened from Lagarie House and Lagarie Lodge by existing natural boundary features and the planting of additional trees to the North will screen the proposals from Lagarie cottage, in conjunction with the relative orientation of windows and separation distances will mean that there will be no material loss of residential amenities to the occupiers of these properties by reason of overlooking. On this basis, Officers are satisfied that the proposed development will not have a material impact upon the residential amenities of nearby properties in accordance with the relevant provisions of NPF4 and LDP2.
- 2.9. In relation to sustainability, the application has included the submission of the Sustainability Checklist and the Sustainable Buildings Checklist in response to LDP2 Policy 09. The application responds to the sustainability criteria as follows:
- The site is located in accordance with the LDP2 settlement and spatial strategy;
 - It is well connected in terms of active travel and public transport routes;
 - It avoids high quality agricultural land and does not raise issues of flood risk or land erosion;
 - It maintains the quality of the historic environment;
 - Proposed siting has minimised groundworks including excavation and fill;
 - The house is designed to be adaptable for future needs and has dedicated home working provision;
 - The house is designed internally to have main habitable rooms in the elevations which benefit from maximum daylighting and solar gain.
- 2.10. As such, with regard to sustainable principles, it is accepted that the application is sustainably located. Whilst some principles of sustainable design and construction methods are not clearly set out, it is considered that further information can be obtained via condition (in this instance) to demonstrate clearly how sustainable principles are being incorporated into the design.

3. Natural Environment

- 3.1. NPF4 Policy 3 (Biodiversity) generally seeks to protect biodiversity, reverse biodiversity loss and to deliver positive benefits from development that strengthens nature networks. Policy 3(c) requires that proposals for local development will include appropriate biodiversity measures proportionate to the scale and nature of the proposal. Policy 3(d) requires any potential adverse impacts on biodiversity/nature networks/natural environment to be minimised by planning and design. NPF 4 Policy 3 is generally aligned with LDP2 Policy 73 (Development Impact on Habitats, Species and Biodiversity), although NPF 4 Policy 3(c) goes beyond the LDP2 requirements in relation to current biodiversity interests of the site.
- 3.2. NPF 4 Policy 4 (Natural places) generally confirms that development that will have an unacceptable impact on the natural environment will not be supported. Outside of European, national and local designations, development is expected to meet the relevant statutory tests in terms of protected species legislation; and potential impacts must be fully considered prior to determination of planning applications. NPF 4 Policy 4 (insofar as it relates to the location, nature and scale of the current proposal) largely aligns with the provisions of LDP2 Policy 73.
- 3.3. LDP2 Policy 04 seeks to conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and heritage assets. LDP2 Policy 73 ensures that other legislation relating to biodiversity habitats are fully considered in relation to development proposals; and generally that development does not have an adverse impact on habitat or species, particularly in relation to habitat or species designated as being of European, national or local significance.
- 3.4. The site is not located within or in proximity to any nature conservation designation.
- 3.5. The Council's Local Biodiversity Officer has been consulted on the proposals and requested that an updated tree survey and a potential roost assessment (PRA –bats) is submitted prior to determination. The applicants have subsequently provided this additional information as requested. The bat survey concluded that there were no potential bat roots within the trees or the walls. The proposal will therefore have no adverse effect on a European Protected Species and meets the requirements of LDP2 Policy 73.
- 3.6. The Council's Local Biodiversity Officer also recommended that further surveys for birds and red squirrel are conditioned as part of any approval.
- 3.7. It is further recommended that any planning permission be subject to a condition requiring the submission of a detailed scheme of landscaping including; hard and soft landscaping as well as boundary treatments is submitted to and approved by the authority prior to works starting on site.

4. Built / Historic Environment

- 4.1. The application site forms part of the original grounds of a Category B listed building, "Lagarie House." Additionally, within the vicinity is Category A listed "Ardencaple Hotel" which is adjacent to Lagarie Lodge on the opposite side of Torwoodhill Road.
- 4.2. The site is located within the Rhu Conservation Area.
- 4.3. NPF4 Policy 7 (Historic assets and places) generally seeks to protect and enhance the historic environment, assets and places, and to enable positive change as a catalyst for the regeneration of places.
- 4.4. NPF4 Policy 7(a) requires that development proposals with a potentially significant impact on historic assets or places be accompanied by an assessment based on an understanding of the cultural significance of the asset and/or place. Development will only be supported where the character and appearance of the conservation area is

preserved or enhanced. It is noted that officers are satisfied that the proposals have met the policy requirements of NPF4 Policy 7(a) and have included an appropriate assessment within the submitted design and access statement.

- 4.5. NPF4 Policy 7(c) requires that development proposals affecting the setting of a listed building preserve its character, and its special architectural or historic interest. LDP2 Policy 16 (Listed Buildings) add to this that that development must be of the highest quality, and respect the original structure in terms of setting, scale, design, materials and proposed use.
- 4.6. NPF4 Policy 7(d) requires that development proposals in a conservation area will only be supported when the character or appearance of the conservation area is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, built form and layout; context and siting, quality of design and suitable materials. LDP2 Policy 17 (Conservation Areas) broadly reflects this.
- 4.7. The Council's Design and Conservation Officer was consulted on the proposals and has summarised; *"my position is that whilst the cumulative impact on the setting must be considered and that previous erosion of character does not necessarily mean that further erosion should be allowed, but that the understanding of the setting must be reconsidered based on the evolved situation to allow appropriate change consistent with planning policy. In this case I feel that the extensive subdivision to date has altered the setting to the point that Lagarie House is no longer understood and experienced as it once was. To clarify – I am referring to the cumulative effect of the dwellinghouses to the north and west as well as the lodge to the east and the mature trees. Of particular note in relation to this application is that Lagarie's former relationship with this proposed development plot (part of its lawn) has been significantly altered due to heavy planting. Therefore taking into account the houses to the north and west, and the lodge to the east as well as the development of mature trees, it must be accepted that the original setting of Lagarie no longer exists. I would argue in this case that what does remain of the setting in terms of the way in which Lagarie House is viewed and experienced is its prominence of architectural scale and style. [...] on the basis of the above and the conclusion that its setting can now be considered to simply be its architectural prominence within the wider built up conservation area, I do not think that appropriate development of this particular piece of garden ground will have a significant adverse impact on the evolved setting. Whilst setting can also include views to and from the house, such views are screened by the trees, and the proposal would not change this. [...] taking into account the national and local policies referred to at the start of this response, I do not see reason why something of suitable scale and design should not be sited here now. In terms of 20/01382/PP (previous application on the site which was withdrawn) I was not satisfied that the scale or design of the proposal was suitable for the site. The height has now been reduced to a similar height to adjacent Lagarie Lodge and I would consider this to be acceptable."*
- 4.8. Historic Environment Scotland were also consulted on the proposals in relation to the nearby category A listed Ardencaple Hotel (please note that Historic Environment Scotland do not advise on matters relating to category B or C listed properties and this is a matter for the councils design and conservation officer, which has been detailed above) and have noted that they do not have any comments to make in regards to this application.
- 4.9. Officers are satisfied that the proposed development, by reason of siting, scale, form and architectural style is of a sufficiently high standard and will preserve the character and appearance of this part of the Rhu Conservation Area and will not have an adverse impact on character of surrounding listed properties in accordance with NPF 4 Policy 7, LDP2 Policy 16, LDP2 Policy 17 and relevant HES guidance on development impact on historic assets.

5. Impact on Trees

- 5.1. The site was formerly part of Lagarie House's lawn, however the land surrounding Lagarie House has been subdivided and is now in separate ownership. There is an established natural belt of trees and large shrubs along the South, East and West site boundaries separating it from the grounds of Lagarie House, Lagarie Lodge and the A814. To the Southern boundary of the site and also extending up the Western boundary there is a large rhododendron hedge.
- 5.2. A tree survey has been undertaken of the site and its surrounds as summarised earlier in the report. The application originally noted that 9 trees were to be removed to accommodate the house but since receipt of the detailed tree survey, the application has been updated to omit one tree for removal. Therefore it is now proposed to remove the large rhododendron hedge and 8no. Trees to enable this development (as shown on the Proposed Site Plan), these are mainly located to the area where the new access and driveway/parking area is proposed. It is noted that the site is covered by an Area TPO which was established on the 23.08.1983. Trees planted after this date would not be covered by this TPO, however, as the site is also within a conservation area all existing trees (with over 75mm diameter measured at 1.5m in height above ground) are automatically protected. The Tree Survey Report submitted as part of this application has categorised the trees to be removed as; one category B tree (trees of moderate quality), 6 category C trees (trees of low quality) and one category U tree (trees unsuitable for retention). Trees will remain along the east and west boundaries to maintain the privacy of neighbouring properties, as side from 2no. Trees which will be removed on the west boundary. It is proposed that 9 new replacement native species trees will be planted in natural groupings to the north of the site to further protect privacy and to help the development to integrate into its surroundings. The replacement trees proposed are a mix of; birch, willow, hazel, oak, ash, alder and rowan. Lastly it is proposed to fully remove the substantial rhododendron hedge as this is a non-native invasive species this is considered acceptable.
- 5.3. In other respects, it is not considered that the individual trees to be removed are of high biodiversity value and that removal of the trees proposed will have an adverse impact on the ecological condition of the area, based on the Tree Survey and Officers inspection of the site, this is further supported by the additional planting of additional native species trees.
- 5.4. It is recommended that any planning permission be subject to a condition requiring the retained trees on site are protected during construction in accordance with the British Standard; BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).
- 5.5. On the above basis it is considered that the proposal is in accordance with the provisions of NPF4 Policy 6 (Forestry, woodland and trees) and LDP2 Policy 77 (Forestry, Woodland and Trees).

6. Road Network, Parking and Associated Transport Matters.

- 6.1. Access to the site is proposed directly from the A814. It is proposed to create the access to the site through the existing stone wall which bounds the frontage of the site, the new access will be located centrally on this frontage. The existing stone wall is considered to be listed by way of curtilage listing relative to Lagarie House (category B listed) and there is a separate listed building consent application for the alterations to this wall (reference; 23/01503/LIB).
- 6.2. From the access junction a private driveway will continue approximately 20m into the application site to a parking and turning area laid out in front of the proposed house. Three car parking spaces are identified on the application drawings as well as the location for the proposed waste storage facilities.

- 6.3. NPF4 Policy 13 (Sustainable transport) generally aims to encourage, promote and facilitate developments that prioritise alternative means of transport to car journeys and reduce the need to travel unsustainably. The requirement to submit a Transport Assessment is introduced for some developments however this relates to larger scale developments than the current proposal for a single house, this policy is largely aligned with LDP2 Policy 33 (Public Transport Infrastructure).
- 6.4. The elements of NPF 4 Policy 13 that are relative to the scale and nature of this development are largely aligned with the provisions of LDP2 policies 36 (New Private Accesses) & 39 (Construction Standards for Private Access), which relate to new private accesses and construction standards for private access.
- 6.5. The consultation response from Council Area Roads notes that roads have no objection to the proposed, subject to any approval being subject of planning conditions relating to; drainage being achieved within the site boundary, that no water shall discharge onto the public road (details of which shall be provided prior to works commencing on site) and that the access and associated visibility splays shall be completed in advance of construction of the dwellinghouse.
- 6.6. The submitted site layout drawing shows 3 no. car parking spaces and adequate turning space and notes that the new access is to be formed in accordance with Argyll and Bute roads drawing number SD 08/005 Rev B (driveway access across public footway). This drawing also notes that the new access road to be constructed as indicated with first 5m to be finished with tarmac and gradient not to exceed 5% with the balance of driveway to be less than 12.5% gradient. The submitted visibility splay drawing also shows the proposed visibility splays of a vehicular visibility splay of 75m x 2.4m x 1.05m in both directions measured from the edge of the carriageway and a pedestrian visibility splay of 20m x 2.4m x 1.05m in both directions measured from the rear of the footway.
- 6.7. On the above basis it is considered that the proposal is in accordance with the provisions of NPF4 Policy 13 and LDP2 Policies 36 & 39.

7. Infrastructure

- 7.1. Water supply and foul drainage is proposed to be by means of a connection to the existing Scottish Water network. The consultation response from Scottish Water does not indicate any issues with this, but advises that further investigation may be required upon submission of a Pre-Development Enquiry (PDE) by the applicant. On this basis, officers are satisfied in principle that there are no known constraints in respect of public water and sewage infrastructure.
- 7.2. The consultation response from Scottish Water specifically advises that a surface water connection into its combined drainage system will not be accepted. Therefore, any approval will be subject to a planning condition that the development incorporate a Sustainable Urban Drainage System (SuDS). SuDS to be designed and installed in accordance with the principles of the SuDS Manual (C753).
- 7.3. In terms of potential flood risk, the application site, is not overlain by any recorded areas at risk to coastal, fluvial or surface water flooding with reference to the SEPA Flood Map.
- 7.4. It is recommended that the provision of electric vehicle charge points as per LDP2 Policy 34 (Electric Vehicle Charging) is subject of a planning condition.
- 7.5. Subject to the above, it is considered that the proposal makes adequate provision for services infrastructure in accordance with the provisions of NPF4 Policies 18 (Infrastructure first), 20 (Blue and green infrastructure) & 22 (Flood risk and water management) and LDP2 Policies 06 (Green and Blue Infrastructure), 33 (Public Transport Infrastructure), 34 (Electric Vehicle Charging) & 61 (Sustainable Drainage Systems).

8. Planning history

- 8.1. The application site was formerly part of the garden ground of B listed Lagarie House. Lagarie House is dated 1901 and was designed by the noteworthy architect A N Paterson and is a 2 storey plus attic asymmetrical Arts and Crafts house. The property was a private residence until operating as a children's home from 1949 until 1982. From researching historical maps it appears that Lagarie Lodge was built in the 1950's. Lagarie House was initially listed in 1980 as a category C listed property however, since then the category of listing has been uplifted to category B. In 1983 planning consent was given for the change of use and sub-division of the property to form 4 flats. At this time planning consent was also given for the erection of 5 additional dwelling houses within the garden ground to the North-West & West of Lagarie House (application references; C6986 & C6994).
- 8.2. In 1989 there was an outline planning permission application for the erection of a detached 2 storey dwellinghouse with integral double garage on this application site (application reference; C8400). This application was refused and the decision was subsequently appealed. This appeal was dismissed in 1990 (appeal reference; P/PPA/SH/137).
- 8.3. There was a planning application for the site (reference; 11/00528/PP) submitted in 2011 by a different applicant for the erection of 5 flats and car ports, this application was withdrawn prior to determination.
- 8.4. The current applicants initially submitted a planning application for 2 houses with detached garages and a proposed access from Torwoodhill Road in 2019 (reference; 19/02162/PP). This application was withdrawn prior to determination due to concerns raised by the roads department in terms of the proposed access and also concerns raised by officers in regards to the proposal for 2 houses being overdevelopment of the site / not appropriate in terms of the settlement pattern in the area.
- 8.5. In 2020 the current applicants then submitted a further planning application (reference; 20/01382/PP) for a single dwelling with proposed access from the A814. At this time an accompanying listed building consent application was also submitted in relation to the formation of the vehicular access through the listed wall (reference; 20/01383/LIB). At this time officers had concerns in regards to the design and scale of the proposal in terms of its relationship to the site and surrounding residential area. Again this application along with the listed building consent application was withdrawn prior to determination.
- 8.6. It is noted that the planning history of the site is a material planning consideration, which has been taken into consideration and afforded weight in determining this application. In the case of the previous refusal, appeal and subsequent dismissal for outline planning permission for a single dwelling on the site, which has been noted by objectors. Officers have considered this and for the avoidance of doubt it is confirmed that the existence of a previous appeal decision, refusing planning permission, does not preclude a future planning application being submitted, nor does it prevent the Council as planning authority from determining the application. In the instance of this application a substantial period of time has elapsed since the appeal decision; within this time the relevant development plan and other relevant policy considerations have been superseded by subsequent iterations of the Local Development Plan and National Policy and Guidance and accordingly it is necessary for any decision on the current application to be assessed against these revised provisions and in relation to the current circumstances of the site and its surrounds.
- 8.7. At the time of the appeal dismissal the main reasons for refusal were that there remained a strong physical and historical relationship between the scale of Lagarie House and the extent of open ground between it and Lagarie Lodge and Lagarie Cottage and their conclusion was that a new house anywhere to the east of Lagarie House, no

matter what its design, would seriously alter the scale and relationship between Lagarie House and as such, would have a detrimental effect on the setting of the listed building. It was further noted that the erection of an additional house on the appeal site could be held to assist in either the preservation or enhancement of the character or appearance of Rhu conservation area was not accepted.

- 8.8. In response to this the Council's Design and Conservation Officer has concluded "*the understanding of the setting must be reconsidered based on the evolved situation to allow appropriate change consistent with planning policy. In this case I feel that the extensive subdivision to date has altered the setting to the point that Lagarie House is no longer understood and experienced as it once was. To clarify – I am referring to the cumulative effect of the dwellinghouses to the north and west as well as the lodge to the east and the mature trees. Of particular note in relation to this application is that Lagarie's former relationship with this proposed development plot (part of its lawn) has been significantly altered due to heavy planting. Therefore taking into account the houses to the north and west, and the lodge to the east as well as the development of mature trees, it must be accepted that the original setting of Lagarie no longer exists. I would argue in this case that what does remain of the setting in terms of the way in which Lagarie House is viewed and experienced is its prominence of architectural scale and style. [...] on the basis of the above and the conclusion that its setting can now be considered to simply be its architectural prominence within the wider built up conservation area, I do not think that appropriate development of this particular piece of garden ground will have a significant adverse impact on the evolved setting*".
- 8.9. On the basis of the above it is confirmed that having regard to all material considerations it is considered that the proposal is acceptable.