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Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
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6 September 2013

**ARGYLL AND BUTE LOCAL REVIEW BODY - RECONVENED MEETING FRIDAY 13
SEPTEMBER 2013 AT 11.15 AM, CONNELL VILLAGE HALL, OBAN, ARGYLL**

I enclose herewith further written submissions that were requested by the Argyll and Bute Local Review Body at their meeting on 4 June 2013.

Douglas Hendry
Executive Director – Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF BLARCREEN HOUSE, ARGYLL AND BUTE (ALSO KNOWN AS KENNACRAIG)**
 - (d) Further Written Submission from the Planning Authority (Pages 1 - 4)
 - (e) Further Written Submission from the Applicant (Pages 5 - 8)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville
Councillor Richard Trail

Councillor Sandy Taylor

Contact: Shona Marshall Tel: 01546 604407

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**CONDITIONS AND REASONS RELATIVE TO APPLICATION 13/00123/PPP
RECOMMENDED IN RESPONSE TO THE REQUEST OF THE LOCAL REVIEW BODY IN
TERMS OF CONSIDERATION OF REVIEW 13/0008/LRB:**

1. Plans and particulars of the matters specified in conditions 3, 4, 6, 7, 8, and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Except as may be amended by the conditions attached to this planning permission in principle, this permission is granted in accordance with the details specified on the application form dated 21st January 2013 pertaining to application ref. 13/00123/PPP and the approved drawing numbers 1 of 3, 2 of 3 and 3 of 3.

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

3. Pursuant to Condition 1 – plans, sections and elevations of the proposed house shall be submitted and must incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006
- ii) Local vernacular design
- iii) Maximum of 1¾ storey building
- iv) Rectangular footprint with traditional gable ends
- v) External building span not exceeding 7.0 metres
- vi) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate
- vii) External walls predominantly finished in natural stone, masonry render, or a mixture of both
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, furthermore, these shall demonstrate that the building has been sited so far as practicable to fit with the natural contours of the site and maximise the use of existing landscape features to provide a suitable context for the development; and
- ix) Window openings with a vertical emphasis.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and in order to integrate the proposed dwellinghouse with its surrounds.

4. Pursuant to Condition 1 – a scheme of boundary treatment, surface treatment and landscaping shall be submitted including details of:

- i) Location, design and materials of proposed walls, fences and gates
- ii) Surface treatment of proposed means of access and hardstanding areas
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels; and
- iv) Proposed hard and soft landscaping works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. All existing trees and shrubs within the application site as identified by the red line, shall not be lopped, topped, felled, lifted or removed without the prior written consent of the Planning Authority.

Reason: Retention of the existing trees and shrubs will ensure that the proposed dwellinghouse will conform with the landscape character of the immediately surrounding area which is situated directly adjacent to Kennacraig and Esragan Burn Site of Special Scientific Interest which is designated for its woodland features of interest and within an area listed on the Ancient Woodland Inventory.

6. Pursuant to Condition 1 – plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development shall be submitted, incorporating:
 - i) Construction of the junction with the B845 public road serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004 rev a. with visibility splays measuring 2.4 metres by 53.0 metres to the north west and 2.4 metres by 75 metres to the south east from the centre line of the junction.
 - ii) The provision of parking and turning in accordance with the requirements of Policy LP TRAN 6 and Appendix C of the 'Argyll and Bute Local Plan' 2009.

No walls, hedges, fences etc will be permitted within 2.4 metres from the channel line of the B845 public road.

Prior to work starting on site, the approved scheme of works in respect of junction layout 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 junction/carriageway. The final wearing surface on the access shall be completed prior to the initial occupation of the house hereby approved and the visibility splays shall be maintained clear of all obstructions thereafter in perpetuity.

The approved parking and turning layout shall be implemented in full 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 interests of road safety.

7. Pursuant to Condition 1 - an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development shall be submitted.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

8. Pursuant to Condition 1 – details of the proposed means of private foul drainage to serve the development shall be submitted including the location, capacity and outfall arrangements for the proposed private drainage system.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

9. Pursuant to Condition 1 – full details of the means of surface water drainage shall be submitted. Such details as are approved shall be operational prior to the development being brought into use and shall be maintained as such thereafter in perpetuity.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

10. No development shall commence on-site or is hereby authorised until the existing ruinous structure identified as Kennacraig within the landholding has been razed to the ground and permanently removed from the landholding, except where demolition materials are used in the construction of the house hereby approved in principle.

Reason: To ensure that the existing redevelopment opportunity which exists at Kennacraig is removed in perpetuity which shall then ensure that the applicant can only erect 1 dwellinghouse within the area of land within the same ownership as identified by Plan 2 of 3 (Drawing No. STR12030/01).

NOTE TO APPLICANT

- This permission constitutes Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of any development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act. Application(s) must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the construction of a junction with the B845 public road. The access must be constructed and drained to ensure that no surface water is discharged onto the B845 public road.
- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.



Date: 02 July 2013
Our Ref: A1311/Landscape Capacity Matters

Committee Services
Kilmory
Lochgilphead
PA31 8RT

Dear Sirs

**SITE FOR ERECTION OF A DWELLINGHOUSE AT LAND EAST OF BLARCREEN HOUSE,
BONAWE, ARGYLL AND BUTE
(PLANNING APPLICATION REFERENCE NUMBER: 13/00123/PPP)**

I refer to the above application for planning permission in principle, which was recently refused and is currently at a Local Review.

VLM Landscape Design Ltd has been appointed by Mrs E. Struthers to undertake an independent and objective appraisal of the Landscape Capacity Study for Argyll and Bute, produced by Gillespies, with specific regard to the area identified as 'Lorn – LN22 Inveresragan' (Lorn & The Inner Isles Landscape Capacity Study, February 2010). The application site and extended land holding within ownership of Mrs E. Struthers are wholly located within this area.

The following appraisal and commentary has been undertaken by Victoria Mack, a chartered Landscape Architect with over thirteen years of professional experience, on behalf of VLM Landscape Design Ltd.

The Inner Isles Landscape Capacity Study

Gillespies were commissioned by Argyll and Bute Council to produce a Landscape Capacity Study for the entire Argyll and Bute administrative area. The main aim and objective of the study was to identify the landscape capacity for development within Rural Opportunity Areas (ROAs) identified in the adopted Local Plan and which are located within National Scenic Areas (NSA) or Areas of Panoramic Quality (APQ).

The Lorn & The Inner Isles Landscape Capacity Study (L&TIILCS) forms one in a series of documents produced in 2009 and 2010 by Gillespies. As identified in the L&TIILCS, the application site and extended land holding is wholly located within site 22, 'Lorn - LN22 Inveresragan', and the assessment is located on pages 46 and 47 of the document. This site forms one of 81 sites identified within the Study Area for the Lorn and Inner Isles. (Refer to the Site Reference Map on page 6, L&TIILCS)

In accordance with the methodology of the study, the assessment of each site has been graphically illustrated followed by a brief written appraisal. The figure on Page 46 of the L&TIILCS identifies "Areas with potential to accommodate development, subject to criteria, without damaging the landscape character of the area" (coloured orange); "Areas where development is generally unacceptable and would have an adverse impact upon the landscape character of the area" (coloured red); and, "Key viewpoints" (coloured blue). The application site and extended land holding are assessed to be areas where development is generally unacceptable. The southern part of the extended land holding, in the vicinity of the ruins of Kennacraig, is also included within a key viewpoint.

On page 47, the findings of the landscape capacity for LN22 are detailed as follows:

“Areas with potential to absorb development (Orange Areas)

- *There is potential to accommodate 1 or 2 houses in the low lying land between the road and the river. This should be discreetly sited and associated with existing tree groups.*

Areas not recommended for development (Red Areas)

- *The open fields in the centre of the ROA and the low lying improved pastures around Blarcreen should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape;*
- *The steep scrubland on the west of the ROA should not be developed, as extensive earthworks would have to be undertaken to create level platforms for developments, which would in turn adversely affect the landscape character of the hillside;*
- *The river setting should not be further compromised by development to maintain the attractive landscape qualities;*
- *Important views south to Loch Etive should not be compromised.”*

Landscape and Visual Appraisal

Following a detailed site assessment of the application site, its immediate and wider context, it is considered that the application site has been incorrectly labelled as an “*area not recommended for development*”.

The broadly triangular application site comprises an area of rough grassland with some scattered areas of vegetation including mature and regenerating trees and scrub. The northern and eastern boundaries are defined by the B845 and a dry stone dyke whilst the northern boundary is further delineated by areas of scrub vegetation and several mature trees. On the other side of the B845, broadleaved woodland and understorey planting extend along the road corridor and up the steeply rising slopes of Beinn Mheadhonach, creating a strong sense of enclosure. The Blarcreen Burn and associated riparian vegetation also traverse the landscape at this location and extends to the south of the road to define the western fringes of the application site and the extended land holding. Blarcreen, a large 2 storey detached dwelling, and associated outbuildings are located on the western side of the burn corridor with the main dwelling orientated NW-SE to take advantage of the loch views, with the wooded River Esragan corridor defining the setting further to the west. To the immediate south of the application site and Blarcreen, a low lying area of improved pasture gently slopes towards Loch Etive and the lack of vegetation cover creates a sense of openness on the edge of the loch. In turn, this allows inter-visibility with the loch and wider context for receptors travelling along the B845 to the immediate south-east of the application site.

In assessing the characteristics of the site against the criteria for permitted development as described in the L&TILCS, it is considered that development of the application site is favourable. The application site does not form part of the open, pastoral land on the shore of the loch but rather, comprises an area of rough grassland with areas of mature vegetation where development could be “*discreetly sited with existing tree groups*”. Whilst it is acknowledged that the southern boundary of the application site is open, advanced planting including native hedgerow and tree species could be implemented which, once established, will form part of the woodland framework surrounding the site to the north, east and west. In addition, it is considered that through careful site planning, a single dwelling could be integrated into the application site where it would have a strong relationship with the existing building group of Blarcreen. Working with existing levels would negate the requirement for “*extensive earthworks*”. In this regard, through the implementation of a sensitive site planning and site-wide native planting strategy, it is considered

that development of the application site could enhance the landscape setting and quality of the immediate context, creating a more defined sense of structure. The proposed single dwelling development would not compromise the landscape qualities of the river setting further to the west nor impact upon views towards Loch Etive due to the site's close relationship with Blarcreen and the road corridor and its partly semi-enclosed character.

In line with the conclusions for the capacity of LN22 to absorb development, it is acknowledged that *“the open fields in the centre of the ROA and the low lying improved pastures around Blarcreen should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape.”* However, as described above, the application site does not form part of the open, pastoral land, but rather has characteristics similar to those found across the land further to the north which has been designated as an *“area with potential to absorb development”*. (Refer to the orange area on Page 46). In this regard, it is therefore strongly contended that the application site should also be designated as an *“area with potential to absorb development.”*

Summation

Overall, it is predicted that the potential effects on the landscape and visual resource will be Minor and no significant effects will arise from the proposed single dwelling on the panoramic views and special qualities of the designated area. Where local transitory views are available along the B845, they will be limited to filtered glimpses or framed views towards a new built form which will be seen within the context of an established building group. From the wider landscape on the southern side of Loch Etive, the proposed dwelling will be seen to respect the key characteristics of the landscape and be wholly consistent with the established rural settlement pattern, where small buildings group are scattered along the transitional landscape between the wooded steep slopes and the shoreline.

It is considered that the application site does have the capacity to absorb a small scale development where the proposals will be seen to effectively and logically round-off the existing Blarcreen building group. The proposed development is therefore **acceptable in terms of Policy P/DCZ4 and LP ENV 10.**

This appraisal reflects the findings of an assessment carried out by VLM Landscape Design Ltd. Should the reader wish to discuss or clarify any matter in relation to this appraisal, please do not hesitate to contact the undersigned.

Yours faithfully



Victoria Mack
Director of VLM Landscape Design Ltd

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