

# Public Document Pack

**Argyll and Bute Council**  
**Comhairle Earra Ghaidheal agus Bhoid**

**Corporate Services**  
**Director: Nigel Stewart**



22 Hill Street, Dunoon, Argyll, PA23 7AP  
Tel: 01369 707130 Fax: 01369 705948

9 December 2008

## NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **QUEENS HALL, DUNOON** on **TUESDAY, 16 DECEMBER 2008** at **2:00 PM**, which you are requested to attend.

Nigel Stewart  
Director of Corporate Services

## BUSINESS

### 1. APOLOGIES

### 2. DECLARATIONS OF INTEREST

### 3. MINUTES

- (a) Minute of Area Committee of 2nd December 2008 (Pages 1 - 6)

### 4. CORPORATE SERVICES

- (a) Cowal Way (Pages 7 - 18)
- (b) Capital Receipts (Pages 19 - 36)

### 5. DEVELOPMENT SERVICES

- (a) Planning Application 08/00607/DET, J McNaughton, Site 1 Land 250 Metres south of Salthouse, Colintraive (Pages 37 - 46)
- (b) Planning Application 08/00611/DET, J McNaughton, Site 2 land 250 metres south of salthouse, colintraive (Pages 47 - 58)

## BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre  
Councillor Alister McAlister

Councillor Bruce Marshall (Chair)  
Councillor Alex McNaughton

Councillor James McQueen  
Councillor Ron Simon  
Councillor Dick Walsh

Councillor Len Scoullar (Vice-Chair)  
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEEN'S HALL,  
DUNOON  
on TUESDAY, 2 DECEMBER 2008**

**Present:** Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	Councillor I Strong
Councillor J McQueen	Councillor J R Walsh

**Attending:** Shirley MacLeod, Area Corporate Services Manager  
David Eaglesham, Area Team Leader Development Control

Chief Inspector Mosley, Strathclyde Police

Anne Craig, Cowal Way  
Col. Jim McLuckie, Cowal Way

**1. APOLOGIES**

None

The Chairman ruled, and the Committee agreed, in terms of Standing Order 3.2.2 that a report by the Area Corporate Services Manager in regard to the Area Committee Cycle for 2009 to be dealt with at item 5 (d) of the agenda, be taken as a matter of urgency.

**2. DECLARATIONS OF INTEREST**

Councillor A McNaughton declared a non financial interest in items 7c and d by reason of personal knowledge of the applicant.

**3. MINUTES**

**(a) MINUTE OF AREA COMMITTEE OF 4TH NOVEMBER 2008**

The Minute of the Area Committee of 4<sup>th</sup> November 2008 was approved as a correct record.

**4. COWAL WAY - PRESENTATION BY ANNE CRAIG & JIM MCLUCKIE**

Members heard an informative presentation on the Cowal Way from Anne Craig and Jim McLuckie and the Area Corporate Services Manager advised that the Core Path consultation was being discussed in Glendaruel Hall.

Decision

The Committee agreed:-

- i. Jim McLuckie would provide the Area Corporate Services Manager with a report on the funding and support required for the Cowal Way.
- ii. A report would come to a Special Area Committee on the 16<sup>th</sup> December 2008 on setting up a Partnership with the Cowal Way and on a possible recommendation to the Executive Committee on adding the Cowal Way into the budget process.

## **5. CORPORATE SERVICES**

### **(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE**

The Committee heard an update from the Area Corporate Services Manager and Councillor Walsh on the Gourock/Dunoon Ferry Service.

#### Decision

The Committee noted the detail provided on this matter.

### **(b) DUNOON NOTICE BOARDS**

Members heard from the Area Corporate Services Manager on the request made by the Dunoon and Cowal Marketing Group to utilise the Council owned Notice Boards in Dunoon town centre.

#### Decision

The Committee agreed to instruct the Estates Service to draw up a suitable lease arrangement with the group.

(Reference: Report by the Area Corporate Services Manager dated 13<sup>th</sup> November 2008 – submitted)

### **(c) BUTE & COWAL AREA PLAN**

Members heard from the Area Corporate Services Manager on the Draft Area Plan outlining the proposed area delivery priorities and campaign issues for the Bute and Cowal Area Committee for 2009 -2012.

Members wished their appreciation for the hard work from the Area Corporate Services Manager and staff in producing the Area Plan to be recorded in the minutes.

#### Decision

The Committee:-

- i. Approved the draft Bute and Cowal Area Plan.
- ii. Agreed that the draft Area Plan will be subject to a period of consultation prior to approval by Council in February 2009 as part of the Council's budget setting process.

(Reference: Report by the Area Corporate Services Manager - tabled)

(d) **AREA COMMITTEE MEETING CYCLE**

Members heard from the Area Corporate Services Manager on the proposed cycle of meetings for the Bute and Cowal Area Committee from January 2009 until December 2009.

Decision

The Committee agreed the outlined cycle of Area Committee meetings as detailed.

(Reference: Report by the Area Corporate Services Manager dated 1<sup>st</sup> December 2008 – tabled)

**6. PUBLIC AND COUNCILLOR QUESTION TIME**

Anne Gabriel, Association of Community Councils, asked the Committee about the Community Council's Constitution being suspended and the consultation process and received advice from the Area Corporate Services Manager and Councillor Walsh.

Chief Inspector Mosley gave an update to the Committee, and Members asked questions on the wooden barriers, crime in Dunoon, speeding and underage drinking. Chief Inspector Mosley advised Members that one of the traffic cars now had Automatic Number Plate Recognition equipment and that advised the Drink Driving campaign will be starting imminently, paying particular attention to the morning after dangers.

**7. DEVELOPMENT SERVICES**

(a) **OUTLINE PLANNING APPLICATION 08/01077/OUT, MR ROBERT MCSEVENY, LAND TO THE REAR OF PORTVASGO, CROMLECH ROAD, SANDBANK**

Motion

While I agree that there are no examples of backland development in the immediate vicinity, such development is found elsewhere in Sandbank, so the proposal is not inconsistent with the wider settlement pattern. There is ample width to the west of Portvasgo to provide an improved shared access to the proposed plot without compromising the residential amenity of Portvasgo. I therefore consider that the proposal complies with paragraphs 11.1 to 11.3 of Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan and therefore with Policy LP HOU 1 of the Plan, The adjacent storage use has not given rise to any complaints and is not a "bad neighbour" use as defined in Schedule 7 of the Town & Country Planning (General Development Procedure) (Scotland) Order 1992. Furthermore the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 only allows, without planning permission, the change of use of such premises to Class 4 Business use

which by definition is a use which can be carried out in any residential area without detriment to the amenity of that area. Policy LP BAD 2 is therefore irrelevant.

The indicative siting of the dwelling within a 0.17ha plot shows some 15m separation from the site boundary so the development need not prejudice the development of adjoining land. This aspect can be considered in more detail at reserved matters stage.

I therefore move that the application is of a minor nature and that it be approved as being in accordance with Council policy subject to the standard outline conditions and conditions recommended by the Area Roads Manager.

Proposed: Councillor A McNaughton  
Seconded: Councillor R Simon

#### Decision

The Committee unanimously agreed that the planning application be approved subject to the standard conditions and reasons by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 24<sup>th</sup> November 2008 and 26<sup>th</sup> September 2008 – submitted)

- (b) **PLANNING APPLICATION 08/01421/DET, D M RENTALS, GARDEN GROUND OF 58 MCARTHUR STREET, DUNOON**

#### Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Reports by the Head of Planning Services dated 24<sup>th</sup> November 2008 and 27<sup>th</sup> October 2008 – submitted)

- (c) **PLANNING APPLICATION 08/00607/DET, J MCNAUGHTON, SITE 1 LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE**

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

#### Decision

The application be continued to the January Area Committee to allow Members an informal site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 28<sup>th</sup> November 2008 – tabled)

(d) **PLANNING APPLICATION 08/00611/DET, J MCNAUGHTON, SITE 2 LAND 250 METRES SOUTH OF SALTHOUSE, COLINTRAIVE**

Councillor A McNaughton, having declared a non financial interest in this item, left the meeting and took no part in the discussion of this matter.

Decision

The application be continued to the January Area Committee to allow Members an informal site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 28<sup>th</sup> November 2008 – tabled)

(e) **PLANNING APPLICATION 08/00751/DET, RWC DEVELOPMENTS, R RWAKISHASHSA & D CUNNINGHAM, LAND NORTH WEST OF HAUGHTON HOUSE, DUNOON**

Decision

The planning application be approved subject to conditions contained in the report by the Head of Planning Services.

(Reference: Reports by the Head of Planning Services dated 28<sup>th</sup> November 2008 – tabled)

(f) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted Delegated Development Control and Building Control Decisions made since the last meeting.

**8. EXEMPT ITEMS**

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

(a) **ENFORCEMENT REPORTS**

Decision

Enforcement Reports: -

08/00079/ENFOTH – no further action  
08/00099/ENFOTH – agreed

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**ARGYLL AND BUTE COUNCIL  
DEVELOPMENT SERVICES**16 December 2008

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**THE COWAL WAY – REQUEST FOR SUPPORT FROM ARGYLL & BUTE  
COUNCIL**

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**1. SUMMARY**

- 1.1** Colintrave & Glendaruel Community Council are requesting that the Council recognises the importance of the Cowal Way which links Portavardie with Inveruglas on Loch Lomond to the economy of the Cowal Peninsula. See Maps in Appendix 1.
- 1.2** The Community Council is also seeking funding to ensure the future of the route.

**2. RECOMMENDATIONS**

- 2.1** That the Committee recognises the value of the Cowal Way to the people and economy of the Cowal Peninsula and the need to protect and promote this asset.
- 2.2** Welcomes the inclusion of the entire length of the Cowal Way in the proposed Core Paths Network, and supports this during the forthcoming public consultation.
- 2.3** Supports the establishment of a group or body to manage the Cowal Way drawing representation from all 5 Community Council Areas through which it passes, Council Officers, Elected Members, and Agencies including SNH, FCS and AIE.
- 2.4** Provides the Cowal Way with £10,000 from the Access Budget to allow the Colintrave and Glendaruel Community Council to begin raising the £48,000 required to make urgent repairs to the path. The Access Team will also support the Community Council in making bids to potential funders including the Scottish Rural Development Programme.
- 2.5** Support the proposal by the Access Team to install a suitable counter on the Cowal Way to establish the level of current use to justify continued investment in the route. In addition to call upon local business to collect numbers of users and assist in quantifying the value of the route to the local economy.

- 2.6 Members call on Development Services to work with partner agencies to develop a strategic approach towards local communities managing the three existing long distance routes in Argyll. There is also a need to identify the potential for new routes on land and water across the area and support their delivery.

### 3. BACKGROUND

- 3.1 Scottish National Heritage is currently consulting on a Paths Policy which states that the 1,400 km of long distance routes should be valued because they;
- *“allow people, particularly those of limited experience, to plan and undertake challenging adventures*
  - *provide economic tourism benefits to the communities and businesses through which they pass*
  - *offer opportunities for healthy activity holidays and short breaks*
  - *help to improve awareness of the natural heritage and history of the areas through which they pass”*

- 3.2 In the same document the following statements are made;  
*“SNH believes that there are opportunities to refresh and further develop the network of long distance routes in Scotland. Improving the identity, quality, accessibility and use of the network will require the following action by SNH and others:*
- *Raise awareness of existing routes through mapping the network*
  - *promotion of common factors identified by research as critical to the success of long distance routes, and consensus sought on criteria for inclusion within a branded network;*
  - *the promotion and marketing of routes should be improved through collaboration between the key agencies, and opportunities for route branding and a popular network name should be investigated;*
  - *All routes should be further improved as required to improve quality and participation levels and to introduce facilities for multi-use where this is feasible;*
- New route developments should be led by local partnerships which reflect the expected economic, tourism and other benefits. SNH may contribute to feasibility study and establishment costs, but will not fund ongoing management costs; and Assess options for and implementing a kite-marking system to help drive up standards and quality of experience and to help prioritise new route developments.”*

**3.3** Argyll & Bute has a number of established Long distance routes;

- The Cowal Way 47 miles
- The West Island Way 29 miles
- The Kintyre Way 87 miles
- West Highland Way (part) 26 miles

See Maps in Appendix 1.

These routes are all linked with the Cowal Way and there is potential to encourage visitors to walk more than one path during their visit, or to return to walk the paths in future.

In addition the National Cycle Network extends to 140 miles in Argyll & Bute and encourages many cyclists to visit the area.

At present two long distance routes are in development. The proposed 29 mile long Three Lochs Way will link to the Cowal Way at Arrochar and the West Highland Way at both ends. A second proposed path will link Tyndrum and Oban. In addition there is the potential for long distance paths on Mull and elsewhere, as well as Canoe Trails along the coast and Loch Awe.

**3.4** The Cowal Way was first established by Colintrave and Glendaruel Community Council with Lottery Funding in 2000. It links Portavardie, Tighnabruaich, Glendaruel, Clachan Strachur, Lochgoilhead, and Ardgartan close to Arrochar.

**3.5** The Colintrave and Glendaruel Community Council have argued that there is a need for the Council and other agencies to take a more strategic approach towards the marketing, management and maintenance of the Cowal Way. Similar issues have been raised by those responsible for the existing and proposed long distance routes in Argyll & Bute. Planning Services are currently proposing to convene a meeting of all the community groups and agencies with an interest in long distance paths in Argyll to develop a strategic approach to ensure all of the routes meet the standard that is being developed by SNH.

- 3.6** There is currently no counter on the path however it is likely that over 1,000 people a year walk the entire route, with many times more people walking parts of the route close to settlements. The first guide to the route has sold over 5,000 copies. With the publication of a new guide book in 2009 usage is likely to increase. The economic impact should not be underestimated. The Southern Upland Way was believed in 2004 to generate between £40 and £50 per visitor per day for a wide range of local businesses. It is interesting to note that four fifths of walkers on that route relied upon B&B or hotel accommodation as opposed to camping and over half of users were aged 45 to 65.
- 3.7** The establishment of long distance routes can take many years as it takes time for awareness of the route to grow. Since at present there no precise figures for the use of the Cowal Way the Access Team are proposing to install a single counter on the route to establish the level of use to justify continued support for the Cowal Way. The £2,000 cost of installing the counter will be met from the Access Budget.

#### **4. CONCLUSION**

- 4.1** The Cowal Way requires support from Argyll & Bute Council if it is to continue to be an asset for the people and economy of the Cowal Peninsula and meet the new standard being developed by Scottish Natural Heritage. There is a need to ensure that better data on the level of use is gathered

**5. IMPLICATIONS**

<b>Policy:</b>	None
<b>Financial:</b>	£12,000 from the existing Access Budget
<b>Personnel:</b>	None
<b>Equal Opportunity:</b>	The Path is available for use by individuals of all abilities and the proposed works will improve accessibility for some less mobile individuals.

For further information contact: Jolyon Gritten  
Access Manager  
Planning Services

Telephone 01546 604 314

**LIST OF BACKGROUND PAPERS:**

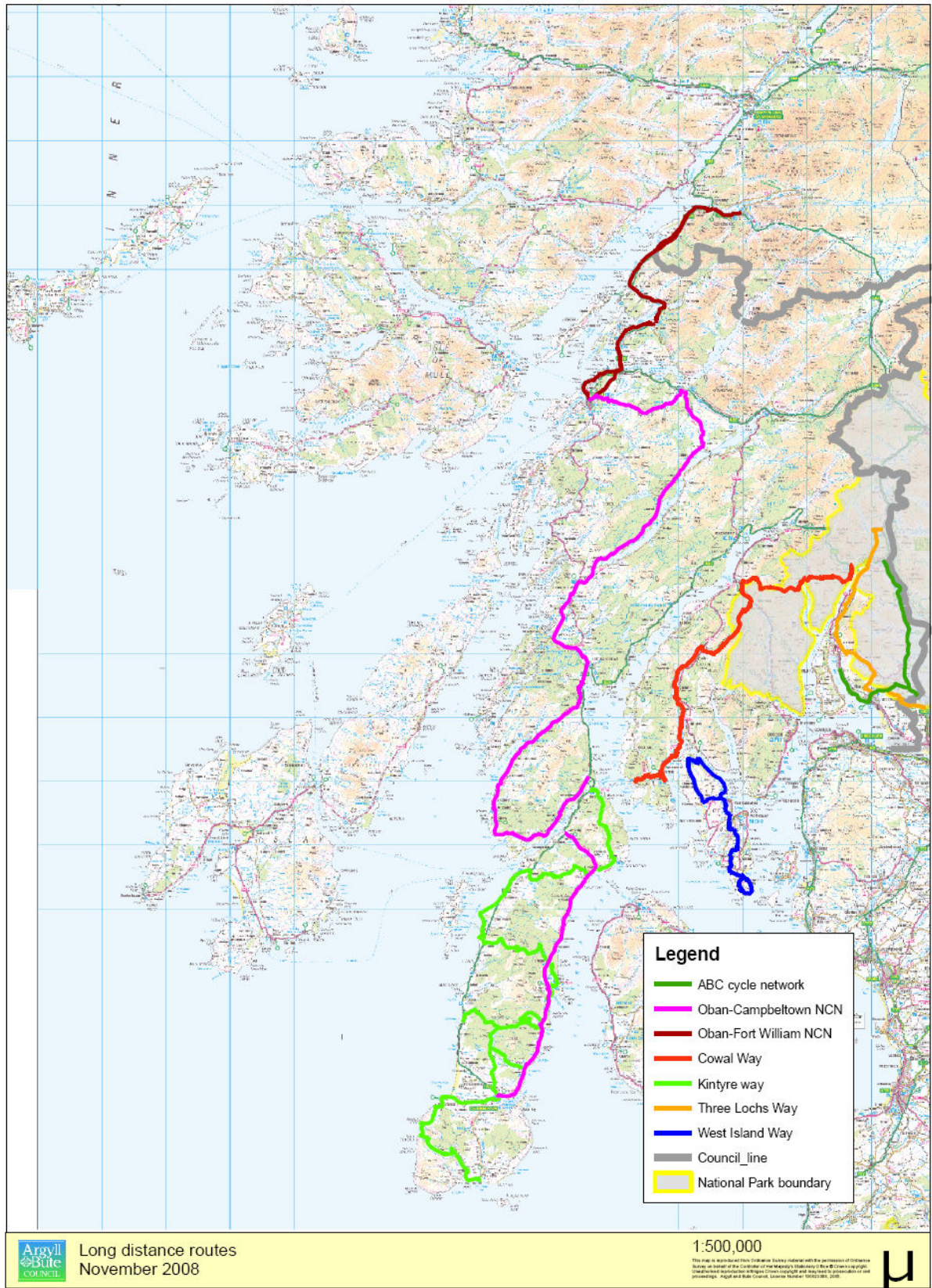
Colintraive & Glendaruel Community Council – The Cowal Way  
December 2008.

Southern Upland Way User Survey 2004  
<http://www.sup.org.uk/docs/SUW%20SUMMARY%20DOC.pdf>

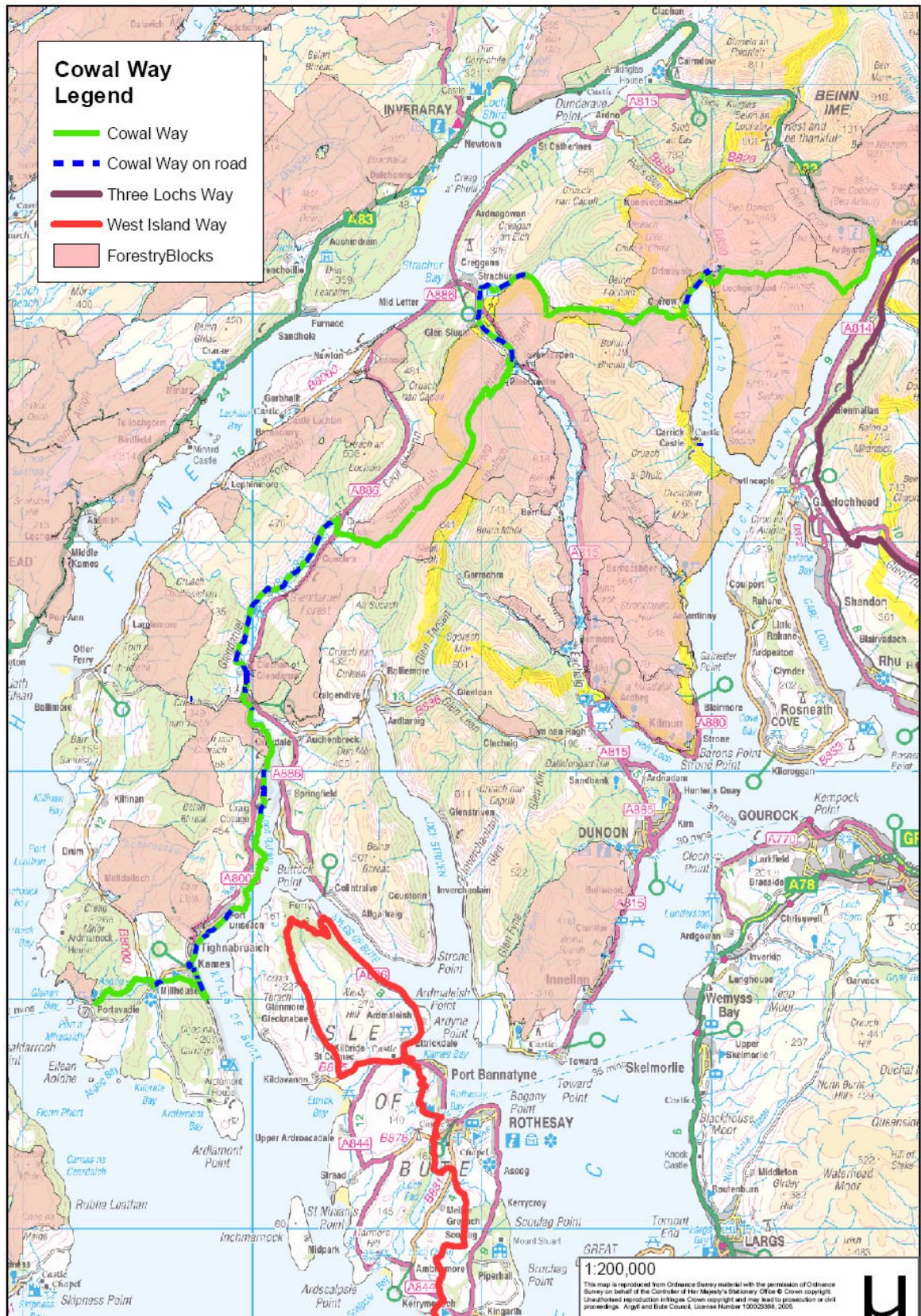
Scottish Natural Heritage  
Draft Paths Policy circulated by email November 2008.

# Appendix 1

## Existing Long Distance Routes in Argyll & Bute



Cowal Way



**Note:** Extensive sections of the route use minor public roads or forestry roads where maintenance is carried out by Argyll & Bute Council and the Forestry Commission respectively.

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**COLINTRAIVE AND GLENDARUEL COMMUNITY COUNCIL**

**The Cowal Way**

**1. Summary**

This report outlines the case for the Cowal Way to be recognised as a valuable A&B asset which now needs to be managed and maintained as such. It sets out the case for the retention and upgrading of the Way and asks for Council assistance both financially and in kind.

**2. Recommendation**

That the committee:

- a) recognises the Cowal Way as a major tourism asset.
- b) accepts that the Cowal Way should be included in the A&B Core Paths Network in its entirety.
- c) agrees that a management structure should be put in place to oversee the future of the Way.
- d) accepts that financial assistance for the management and maintenance of the Way will be required and that any such funding request should be included in the A&B budget considerations. For 2009 this will amount to an initial figure of £48000 with an annual figure thereafter of £10000.

**3. Background**

The Cowal Way is a long distance footpath which runs from Portavadie in the southwest of the peninsula, to Inveruglas on Loch Lomond. It was established initially as a Millennium project by Colintraive and Glendaruel Community Council (Colglen). As a deliberate policy the Way was routed entirely on:

Public highway (35% - 32km)  
Forestry Commission road and hill path (60% - 55km)  
Public footpath (5% -4.5km).

Since its inception it has been managed by a small steering group of Colglen volunteers. Initial funding was received via the Lottery Fund and this enabled the steering group to finance signing, waymarking and some path maintenance. A Cowal Way guide was produced in map and book form and the original 5000 copies have all been sold.

Proceeds from the sales have enabled further maintenance to be carried out and to part finance a new guidebook.

The Way has existed for eight years, is well established and now appears on Ordnance Survey maps as a named long distance footpath.

#### **4. Communities and Economy**

The Cowal Way is now an important link in Scotland's major long distance footpaths. It Links the Kintyre Way from Tarbert on Loch Fyne to The West Highland Way on Loch Lomond. In doing so it also links the Cowal communities of:

Portavadie  
Millhouse  
Kames/Tighnabruaich  
Glendaruel  
Glenbranter/Strachur  
Lochgoilhead  
Ardgartan/ Arrochar

In each of these communities 5-10 existing businesses have benefited from the Way. These cover all facets of the tourism industry from accommodation and catering to transport, retail and visitor centres. Visit Scotland aims to position Scotland as a major walking destination and walking tourism is expected to increase dramatically. Already one company is arranging at least 50 guided Cowal Way walks a year. The potential for growth is excellent.

#### **5. Marketing, Management and Maintenance**

For the potential of the Cowal Way to be realised, three issues need to be addressed.

##### **Marketing**

The current steering group has undertaken to relaunch the marketing of the Way.

A new guidebook is to be published incorporating updates and minor amendments to the route. A new publisher has been contracted with a wider distribution and marketing network including North America and Europe.

Cowalfest are to include the Way in all their future promotions. The annual Cowal Way Day in Glendaruel will be reestablished. A new dedicated web site is to be established with appropriate links. Funding is already in place for all of this and any future reprints of the guide book will be at the expense of the publisher.

## **Management**

The whole route is in Argyll. Every section is within the areas covered by the Core Path Network of either A&BC or the National Park. Other interested bodies include Forestry Commission, A&IE and Visit Scotland. None of the Community Councils linked by the Way has the funding or wherewithal to manage the route.

The steering group feels that the Way has reached a level of success such that the whole route should now become the responsibility of a higher body.

## **Maintenance**

Maintenance of the route has to be considered under the headings of the three types of ownership:

public highway ,

forestry road and hill path

public footpath/right of way.

Of these, A&BC are responsible for the first through Operational Services and no real difficulties are envisaged. The FC has provided an excellent support service throughout the period for all their responsibilities and have upgraded and improved wherever necessary. Public footpaths are however a cause for concern. By definition they are rights of way over any land and though open to the public they are rarely maintained. The popularity of the Way is now causing a problem on these sections, with increased use resulting in erosion and bog. Even short sections can be off putting. Whilst landowners and managers can be encouraged to help, the underlying difficulty is finance. Only 5% of the Way is in this category and of this only small sections are affected, often only 10-20metres at a time.

### **6. Requirement/costs**

Managers of other long distance footpaths estimate a cost of £30 to £50 per metre to upgrade bad sections. The extent of the problem on the Cowal Way is such that a total of only about 500 metres on open land needs to be done, at the lower of these prices, with about 600 metres over more difficult woodland, at the higher cost .These translate in to costs of about £15000 and £30000 respectively. With renewal for signage and waymarking at £3000 a total of £48000 would enable a remarkable improvement in the Walk experience to be achieved.

An annual figure of £10000 would enable the standard to be maintained and allow for future improvements.

**7. Conclusion**

The Cowal Way cannot continue to be administered in its present guise. In order to cope with its current success and to maximize its potential, it needs to be managed and maintained to a national standard. For this to happen, expertise and financial support are required urgently.

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**ARGYLL & BUTE COUNCIL****BUTE AND COWAL  
AREA COMMITTEE****16<sup>th</sup> December 2008**

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**CAPITAL RECEIPTS**

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**1. SUMMARY**

- 1.1 Further to previous reports in regard to the Area Capital Receipt Fund a request has been made to the fund, the details of which follow.

**2. RECOMMENDATION**

- 2.1 That Members consider the current application for Capital Receipt expenditure.

**3. BACKGROUND**

- 3.1 Capital receipt monies can be used to fund expenditure in accordance with the revised criteria agreed by the Executive Committee on 20 March 2008. Area Committees must use funds in a way that contributes to the Corporate Plan and Statement of Intent. Funding can be used as a contribution to projects in either the revenue or capital budget.

Where funding is being used for a capital project then the criteria for capital expenditure are as follows:

- The expenditure must result in the creation of an asset owned by the Council.
- The expenditure must be in respect of an asset already owned by the council and must:
  - significantly increase the value of the asset.
  - Extend the useful life of the asset.
  - Enhance the operating capability of the asset.

It is noted that the general intention is for capital receipts to be used within the year of allocation, and the reason why officers are asked for input in these allocations is to try and ensure monies are allocated where the project has a good chance of delivery within the current financial year. That being said, sums not spent can be carried forward into the next financial year if required.

- 3.2 A balance of £14,740 remains for allocation to Bute from 2008/09 monies, and a balance of £32,500 remains for allocation to Cowal.

- 3.3 Application has been received from Fyne Homes for £3000 capital receipt funding to acquire and retain the Rothesay town bell which has been removed from the former Council Chambers. The community will be asked how they want the bell to be displayed to maximise it's accessibility and benefit to the town of this important piece of Rothesay's heritage. Retention of the bell would fit with the priority detailed in the Bute and Cowal Area Strategy to restore and maintain civic pride in our population centres.
- 3.4 Support for this application would be from the Rothesay allocation of monies, and if agreed would leave a balance of £11,740 for future allocation.

**4. IMPLICATIONS**

Policy	The application is in line with the Bute and Cowal Area Strategy
Financial	If the project is supported then £11,740 would still be available for distribution in Bute in 2008/09.
Personnel	None
Equal Opportunities	None
Legal	None
Community	Supporting Events and community assets.

Shirley MacLeod  
Bute and Cowal Area Corporate Services Manager  
5<sup>th</sup> December 2008

## **AREA CAPITAL RECEIPT FUND**

- **ONE OFF ASSISTANCE FOR STRATEGIC EVENTS**
- **ONE OFF ASSISTANCE FOR STRATEGIC COMMUNITY ASSETS**



## Argyll and Bute Council

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Welcome to the Argyll and Bute Council Grant Application Pack for the Area Capital Receipt Fund. This application is available from Area Corporate Service Managers (See page 2 for contact details). This pack covers grants from the Area Capital Receipt Funds which can be made on a one off basis to strategic events and community assets which contribute to the Council's Corporate Plan, Statement of Intent or Area Strategies.

### **Introduction**

This pack has been designed to make it as simple as possible for you to apply for a grant from Argyll and Bute Council. It will ascertain whether your organisation passes the grant criteria in order to submit an application.

It should be noted that this Fund is used primarily as a source of funding for capital spend on Council assets and as such it is likely that Council assets will take priority. The amount available through Area Capital Receipt Funds changes from year to year and there is no prescribed timescales for awards to be made. Individual Area Committees may decide to take applications at any time. Prospective applicants are asked to make contact with the Area Corporate Services Manager, **before completing this form**, to find out whether funds are still available within the annual fund and to discuss timescales and eligibility.

### **Criteria for grants**

Please read the criteria carefully and, if appropriate, complete the form and submit it to the relevant Area Corporate Services Manager who will acknowledge its receipt and where possible give guidance on timescale for consideration. Once your completed application has been received it will be passed to the appropriate person for assessment.

### **Assessment of applications**

All applications for financial assistance require to be assessed by the Council's officers to ensure that they meet the criteria for grant assistance. To help your application to be dealt with as quickly as possible please make sure you supply **all** information required (a checklist is provided for you on page 18).

Once the officer has assessed the application, which may involve contacting or visiting you for more details, they will either:-

1. Submit the application to the appropriate Council Committee for consideration.  
**Please note that Council Officers do not make decisions on the granting of funds**, or
2. Write to inform you that the application does not meet the criteria, and return all your material.

**PLEASE NOTE THAT ONLY FULLY COMPLETED APPLICATION FORMS CAN BE PROCESSED.**

**Please make sure you complete the form in black ink.**

**The application and guidelines can be emailed to your organisation.**



**LIST OF CONTACTS****Area Corporate Services Managers**

Bute and Cowal	<b>Shirley MacLeod</b> <a href="mailto:Shirley.macleod@argyll-bute.gov.uk">Shirley.macleod@argyll-bute.gov.uk</a> 22 Hill Street Dunoon PA23 7AP	01369 704374
Oban, Lorn & the Isles	<b>Ken MacDonald</b> <a href="mailto:Kenneth.macdonald@argyll-bute.gov.uk">Kenneth.macdonald@argyll-bute.gov.uk</a> Lorn House Albany Street Oban PA34 4AR	01631 567901
Helensburgh & Lomond	<b>Lynn Smillie</b> <a href="mailto:Lynn.smillie@argyll-bute.gov.uk">Lynn.smillie@argyll-bute.gov.uk</a> Scotcourt House 45 West Princes Street Helensburgh G84 8PB	01436 658822
Mid Argyll, Kintyre & the Islands	<b>Alison Younger</b> <a href="mailto:Alison.younger@argyll-bute.gov.uk">Alison.younger@argyll-bute.gov.uk</a> Dalriada House Lochnell Street Lochgilphead PA31 8ST	01546 604558

## **CRITERIA FOR GRANT APPLICATIONS**

### **General - The following criteria apply to all applications for financial assistance from the Council:**

1. Applications must clearly demonstrate the strategic link of the event / asset to the Corporate Plan, Statement of Intent, or Area Strategy (see Pages 5, 6).
2. Only applications submitted by properly constituted organisations operating on a non-profit making basis will be considered.
3. The Council will have to be satisfied that the organisation has the necessary expertise and resources to deliver the project / event.
4. Applications should demonstrate their fund-raising activity or evidence of contribution to the delivery of the project / event in kind or in cash.
5. Applicants will normally only receive up to 50% of their total funding costs for any activities.
6. Applications will not be accepted in respect of proposals on which work has already started, or in aid of expenditure that applicants have already committed themselves to or paid, unless there are exceptional circumstances.
7. Applications will only be considered if they include a copy of an organisation's most recent audited or approved accounts, or financial projection in the case of a new organisation. Accounts can only be approved by someone independent of the organisation submitting the application. This person's name and address must be supplied.
8. Applications will only be considered if they include a statement showing how much the organisation has in **all** bank or other accounts. A Council officer will assess this statement. If an organisation has significant balances a full justification for their existence, and a statement detailing why they cannot be used for the purposes for which grant assistance is being sought, should be provided.
9. Applicants must be able to demonstrate that membership of their organisation is open to all members of the community and that it does not unfairly discriminate against anyone on the grounds of race, gender, creed, ethnic origin, sexual orientation, age or disability.
10. Grants will not be provided for any activity, which is designed to promote or oppose the view on any question of political activity, which is identifiable as the view of one political party and not of another.
11. Organisations are obliged to disclose details of any sponsorship agreements that they make.
12. Applications should demonstrate that services to be provided are consistent with, and will further, stated policies and priorities of the Council.
13. Where applicable in dealing with children under 18, vulnerable individuals or groups, organisations must be registered with CRBS and have all appropriate policies in place and meet all legal obligations.
14. All organisations receiving funding must credit Argyll and Bute Council by displaying the A&B logo on all publicity material (posters, leaflets, programmes, press releases, invitations) and produce details of what form this will take on application.
15. On completion of the project / event, a report and financial statement must be submitted. Those receiving grants will be required to keep full and complete records/receipts throughout the project. Organisations should give an honest appraisal of the successes, failures and uptake of the project / event.

**Community Asset - The following criteria apply to all applications for financial assistance for one off support towards a community asset:**

1. Premises, land or equipment in respect of which a grant is given should either be in the ownership of the applicant or secured by lease for a period of not less than 21 years.
2. A business case must be submitted which covers:
  - Estimate of capital costs and explanation of how this has been calculated e.g. by an architect
  - Sustainability of asset including any ongoing revenue / maintenance costs
  - Statement of funding identifying that which is secured and being considered
  - How the assets will be managed during construction and in the future
3. Payment will normally be made in phases as the project progresses and copies of any statutory permissions (e.g. Planning permission, Building Warrant) must be provided prior to any release of funds.

**Strategic Event - The following criteria apply to all applications for financial assistance for one off support towards a strategic event:**

1. Funding for strategic events is strictly of a one-off nature.
2. The total event cost must be no less than £12,000 of which the Council can contribute no more than 50%.
3. An income / expenditure projection is required to be submitted.

**Pictorial reps of Corporate plan and relevant area Strategy to be included in next 2 pages.**

# Argyll and Bute Council

## Area Capital Receipt Fund



### Application Form

Ref

#### Information Regarding your Organisation

Please make sure you refer to the guidance notes provided in the general and specific criteria of this pack while you complete this form. Please complete the form clearly in black ink or type.

<b>Q1 Help us direct your application to the right person</b>		
What Area Of Argyll And Bute Is Your Application For? (Please tick)	Bute and Cowal	
Which Of The Council Grant Schemes Are You Applying To? (Please Tick)		
STRATEGIC EVENT <input type="checkbox"/>	COMMUNITY ASSET <input checked="" type="checkbox"/>	
<b>Q2 Tell us about your organisation</b>		
Name of the organisation	Fyne Homes Ltd.	
If the name on your constitution is different to the name given above please write it here.		
<b>Name of main contact in the organisation. (To whom correspondence will be sent)</b>		
Title	First Name	Surname
Mr	Alan	MacDougal
Position Within Organisation	Director	
Address For Correspondence	Fyne Homes Ltd. 81 Victoria Street	
Postal Town <a href="#">Rothesay</a>	Full Post Code <a href="#">PA20 0AP</a>	
Daytime Telephone: <a href="#">01700 504668</a>	Evening Telephone:	
E-Mail Address <a href="mailto:amacdougal@fynehomes.co.uk">amacdougal@fynehomes.co.uk</a>		
<b>Special Requirements</b>		
Text Phone <input type="checkbox"/>	Sign Language <input type="checkbox"/>	Other Language <input type="checkbox"/>
Any Other Special Requirements	None	
How long has the organisation been established and providing a service:	29 years	

**Q3** If you are a branch of a larger organisation or a member of an umbrella body, please tell us which one.

N/A

**Q4** What type of group are you? You do not have to be a registered charity to apply for a grant. If you are we require your charity number

Not a recognised charity <input type="checkbox"/>	Awaiting charitable recognition <input type="checkbox"/>
Charity recognised by OSCR in Scotland	Charity Number <a href="#">SC009152</a>
Charity recognised in England and Wales	Charity Number
If your organisation works with children under 8 years of age, are you registered Care Commission?	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/>

**Q5** When was your organisation established?

Month	Year	<a href="#">More than 5 years ago</a>
-------	------	---------------------------------------

**Q6** What are the main activities of the organisation

Fyne Homes provide affordable housing for rent or shared equity through a programme of new build or rehabilitation agreed with Argyll and Bute Council through the Local Housing Strategy. These houses are then managed and maintained by the RSL. The RSL provides houses to those in housing need identified in the Common Housing Register (CHR). The RSL is also involved with the Council in Area Regeneration assisting in improving the living environment.

**Q7** How many people overall with benefit from this grant and in what way?

[All of the population of Bute](#)

**Q8** How many people are involved in running your organisation?

Members	<a href="#">194</a>	Paid Staff	<a href="#">49</a>	Paid Staff		Volunteers	<a href="#">15</a>
		Full Time		Part Time			

**Q9** How do people join your organisation?

Membership is open to anyone over 18 (or if a tenant of the RSL ,16) who supports the aims of the organisation. Membership is by purchasing a £1 share which limits the members liability.

**Q10** Does your organisation have any identified training needs?

No

**Q11 How would you describe the people your group works with?**

Please tick the appropriate box to indicate the age of your beneficiaries

- 0 - 14 years       15 - 29 years  
 30 - 44 years       45 - 59 years  
 60 - 74 years       75 and over

Please tick the appropriate box to indicate the sex of your beneficiaries

- Male       Female       Both

Are any of your beneficiaries disabled?

- Yes       No

What are your beneficiaries ethnic group(s)?

**A White**

- Scottish       Other British       Irish

Any other White background please specify

**B Mixed**

Any Mixed background please specify

**C**  Eastern European

**D Asian, Asian Scottish or Asian British**

Indian       Pakistani

Bangladeshi       Chinese

Any other Asian background please write in

**E Black, Black Scottish or Black British**

Caribbean       African

Any other Black background please write in

**F Other Ethnic background**

Any other background please write in

**Q 12**

**Please make a concise statement of why your grant is needed and the direct contribution it will make to the Council's Corporate Plan, Statement of Intent or Area Strategy.**

To acquire the Rothesay Town Bell which is being removed from the former Council Chambers as part of the ongoing relocation work. The community will be asked how they want the bell to be displayed to maximise its accessibility and benefit to the town of this important piece of Rothesay's heritage.

This links directly to the Bute and Cowal Area Priority to restore and maintain Civic Pride in our population centres as detailed in the Bute and Cowal Area Plan.



## POLICY AND PROTECTION SECTION

*(This section should be completed by all organisations applying for a grant)*

<b>Q13</b>	<b>Do you work with children under 18 years of age or vulnerable adults</b>
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If no go to Question 17)
<b>Q14</b>	<b>Are you registered with the Central Registration Bureau for Scotland (CRBS)</b>
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	<b>Please supply the Registration No:</b>

## FINANCE SECTION


<b>Q15</b>	<b>Tell us how much money you need in order to fund the project you are applying for and give us a breakdown.</b> Please provide evidence of the need for this service / project / activity. (Include staffing costs.)		
	<b>Item / Activity</b>		<b>Amount</b>
	Purchase of bell, removal from former Council Chambers Tower Transport To storage yard.		£3,000
<b>A</b>	<b>Total</b>		£3,000
<b>B</b>	<b>How much of this total are you funding from your group resources?</b>		
<b>C</b>	<b>How much is coming from other agencies</b>		
	<b>TOTAL AMOUNT REQUESTED IN THIS APPLICATION</b> (This Equals A-B+C and should be no more that 50% of the total (A) and no less than £6000)		£3,000
<b>Q16</b>	<b>Tell us about any other grant or current applications you have made to Argyll and Bute Council within the past 5 years</b>		
	Grant Scheme	Description / Amount	Year
	Strategic Housing Fund	£400k	2008
			Successful
			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

Q17 Are you applying to any other funders for what you have described in this application?		
Grant Scheme	Description / Amount	Successful
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>


Q18 As this funding is of a one off nature, if this project is intended to extend beyond the grant period, how do you intend funding the project after this time?	
N/A	

Q19 Tell us your bank details where payment would be made to.	
Account name of group	Fyne Homes Limited
Bank / Building Society name	Bank of Scotland
Bank / Building Society address	36/42 Montague Street Rothesay Isle of Bute PA20 0BT
Sort code <small>6 digits</small> 80-18-53	Account Number <small>8 digits</small> 06002513
Building Society roll number (if applicable)	
Who from your group is authorised to sign cheques?	
Name Alan McDougall	Position Director
Name Colin Renfrew	Position Depute Director
Name Sharon Cole	Position Finance Manager
If your Treasurer is not one of the authorised signatories, please give the Treasurers name	
n/a	

<b>Q20</b>	<b>Give information relating to your most recent annual accounts. Before completing this section make sure you have read and understood the Councils general criteria.</b>
Account year ending	31 <sup>st</sup> March
Name and address of auditor	Scott-Moncreiff 25 Bothwell Street GLASGOW G2 6NL
Total (gross) income	4,539,791
Minus total expenditure	4,449,128
Equals surplus / deficit for the year	90,663
Savings (reserves, cash or investments)	3,588,214
Are your Savings / Reserves retained for another purpose (give details)	£2,105,675 designated repairs reserve. £22,000 pension reserve

<b>Q21</b>	<b>Your Signature.</b> Must be the main contact as stated in question 2
I confirm that to the best of my knowledge and belief, all replies given on this application are true and accurate. I understand that the supporting information may be requested at any stage of this application.	
Signature	 Date 8 <sup>th</sup> December 2008

### Declaration

<b>Q22</b>	<b>Additional Signatory (Your Chairperson, Vice Chair or Treasurer must sign below)</b>	
This must not be the main contact as mentioned in Q2 & Q26		
I confirm that I am authorised to sign this declaration on behalf of :	Insert name of group <b>Fyne Homes Ltd</b>	
To the best of my knowledge and belief all information provided in this application is true and accurate.	Post Held <b>Chair</b>	
Title <b>Mr</b>	First Name <b>John</b>	Surname <b>Pemble</b>
Address  <b>37 Hillside Road Campbeltown</b>		
Post Code <b>PA28 6NE</b>	Postal town <b>Campbeltown</b>	Argyll and Bute Area
Day time telephone <b>01586 553228</b>	Evening telephone <b>01586 553228</b>	
Chairman , Fyne Homes Ltd		
Signature	 Date 8 <sup>th</sup> December 2008	

**Assessment Contact Details.**

<b>Q23</b>	<b>An officer of Argyll and Bute Council may contact your organisation to arrange to make an assessment of your application. Please indicate below the person who should be contacted.</b>	
Name <a href="#">Alan McDougall</a>	Job Title <a href="#">Director</a>	
Visit Address <a href="#">81 Victoria Street</a> <a href="#">Rothesay PA20 0AP</a>	Day time Phone No. <a href="#">0845 6077117</a>  Evening Phone No.  Email <a href="mailto:amcdougall@fynehomes.co.uk">amcdougall@fynehomes.co.uk</a>	

**YOUR PERSONAL CHECKLIST**

**Items to Include with your application**

You will need to ensure that the following items, where relevant to your organisation, are returned with your form. If you do not include them there may be a delay in dealing with your application. Please tick the boxes to show that you have included each item with your application.

- Your group's constitution or other governance papers
- Your most recent accounts signed and dated by an auditor or someone external to your organisation (**Please include their name and address**), or if you are a new organisation a financial projection in case
- A current bank certificate/statement showing balances held in EVERY account
- If applying for grant assistance towards a **community asset**, a copy of your Business Case
- If applying for grant assistance towards an **event**, a copy of your projected income / expenditure for the event.

Please send your form to the appropriate Corporate Services Manager

You should receive an acknowledgement of receipt within five working days. If you do not, contact whomever you sent the form to.



Head Office: Kilmory, Lochgilphead, Argyll PA31 8RT

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**DEVELOPMENT SERVICES  
PLANNING APPLICATION REPORT  
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal  
Date of Validity - 12<sup>th</sup> March 2008  
Committee Date - 2<sup>nd</sup> December 2008

Reference Number: 08/00607/DET  
Applicants Name: John McNaughton  
Application Type: Detailed  
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.  
Location: Site 1, Land 200 metres South of Salthouse, Colintrave, Argyll.

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

**(ii) Other specified operations**

- Connection to public water main

**(B) RECOMMENDATION**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reasons set out overleaf.

**(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

**(i) Development Plan Context:**

With regards to the adopted Cowal Local Plan, the principal policy assessment relates to Policy RUR 1 and HO 10, as this application site lies within the Kyles of Bute National Scenic Area. It is considered that the proposal will have an adverse environmental impact (both landscape and visual) on the National Scenic Area, by virtue of it being contrary to the existing settlement pattern, introducing a new use in the open countryside that is important to separating the nodes of development which make up the defined settlement pattern along the B866 and which prevent unacceptable ribbon development. The proposed development is contrary to the provisions of Policies RUR 1 and HO 10 of the adopted Cowal Local Plan.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and visual impact of the area. The proposal is, therefore, contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

**(ii) Representations:**

No letters of representation have been received.

**(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:**

N/A

**(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.**

N/A

**(v) Is the Proposal a Schedule 1 or 2 EIA development:**

No.

**(vi) Does the Council have an interest in the site:**

No.

**(vii) Need and Reason for Notification to Scottish Ministers.**

No.

**(viii) Has a sustainability Checklist Been Submitted:**

No.

**Angus J Gilmour**  
**Head of Planning**  
28 November 2008

**Author:** John Irving  
**Reviewing Officer:** David Eaglesham

**Date:** 25<sup>th</sup> November 2008  
**Date:** 25<sup>th</sup> November 2008

**NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)**



**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00607/DET**

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Given the topography of the site and its location with the Kyles of Bute National Scenic Area, combined with the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track, results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies POL RUR 1 '*Landscape Quality*' and POL HO 10 '*Housing Development in the Countryside*' of the Cowal Local Plan 1993, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
3. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
4. Approval of this application is considered premature until the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll and Bute Local Plan 2008.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00607/DET**

**MATERIAL CONSIDERATIONS AND ADVICE**

**(i) POLICY OVERVIEW AND MATERIAL ADVICE**

**Argyll & Bute Structure Plan 2002**

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' restricts small scale development to infill and rounding off sites, redevelopment and change of use of existing buildings.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development within NSA's which has an adverse wider landscape or coastscape impact.

**Cowal Local Plan 1993**

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development*' in the Countryside' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

**Post Inquiry Modified Argyll and Bute Local Plan (November 2008)**

LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

**Note (i):** The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

**Note (ii):** The Full Policies are available to view on the Council's Web Site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

### **National Guidance**

Scottish Planning Policy 3 '*Planning for Housing*' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 '*Housing in the Countryside*' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

### **(ii) SITE HISTORY**

Planning application 05/01663/OUT for the erection of two dwellinghouses was withdrawn on 7 July 2006. Southern end of application site lies within this current application site

There is an associated planning application 08/00611/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate south of this site.

### **(iii) CONSULTATIONS**

**SEPA** (letters dated 16<sup>th</sup> April and 17<sup>th</sup> June 2008): No objection subject to condition.

**Scottish Natural Heritage** (letter dated 22<sup>nd</sup> May 2008): Objection

**Area Roads Manager** (memo dated 17<sup>th</sup> April 2008): No objection subject to conditions.

**Scottish Water** (letter dated 7<sup>th</sup> April 2008): No objection.

### **(iv) PUBLICITY AND REPRESENTATIONS**

No letters of representation have been received. The applicant has submitted a design statement received 12<sup>th</sup> March 2008. The points raised are detailed below:

*The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.*

*The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.*

*The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.*

*It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.*

**APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform. Given the elevated site topography and position of the proposed dwellinghouse and associated access track, it is considered that there is an unacceptable landscape (environmental) impact, while the proposal does not relate to the surrounding built form. As such the proposal is contrary to the adopted local plan policy.

**The proposal is contrary to Policy POL HO 10 of the adopted Cowal Local Plan 1993.**

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside'.

In terms of Structure Plan Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the approved Structure Plan and emerging Local Plan.

**The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Local Plan.**

**B. Location, Nature and Design of Proposed Development**

This application is for the erection of a large single one and a half storey dwelling house. The building will boast two dormer window features and incorporate the use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature. This results in a dwellinghouse which boasts elements of meaningful design. However, owing to excessive size, massing and scale of the proposed dwellinghouse it is considered that the overall design of the proposal is not acceptable.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated

position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Furthermore, while there is not considered to be any privacy or overlooking concerns associated with this proposal it is considered that the topography of the site dictates that the proposed dwellinghouse will lack meaningful garden ground and external amenity space.

**The proposal is therefore considered to be contrary to policy LP ENV 19 and Appendix A of the Post Inquiry Modified Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.**

## **C. Natural Environment**

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

As raised in the previous section of this report the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that has an unacceptable landscapes impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabraich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage have raised an objection to this application on adverse landscape impact grounds on its own merits as well as in combination with the proposed dwellinghouse located to the south of this site (08/00611/DET), see associated report elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and, given the aforementioned, it is considered that this proposal will have a significant adverse wider landscape impact.

**The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan, Policy POL RUR 1 of the Cowal Local Plan and Policy LP ENV 9 of the Post Inquiry Modified Local Plan.**

## **D. Landscape Character**

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep Ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

**E. Road Network, Parking and Associated Transport Matters.**

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

**The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Local Plan.**

**F. Infrastructure**

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

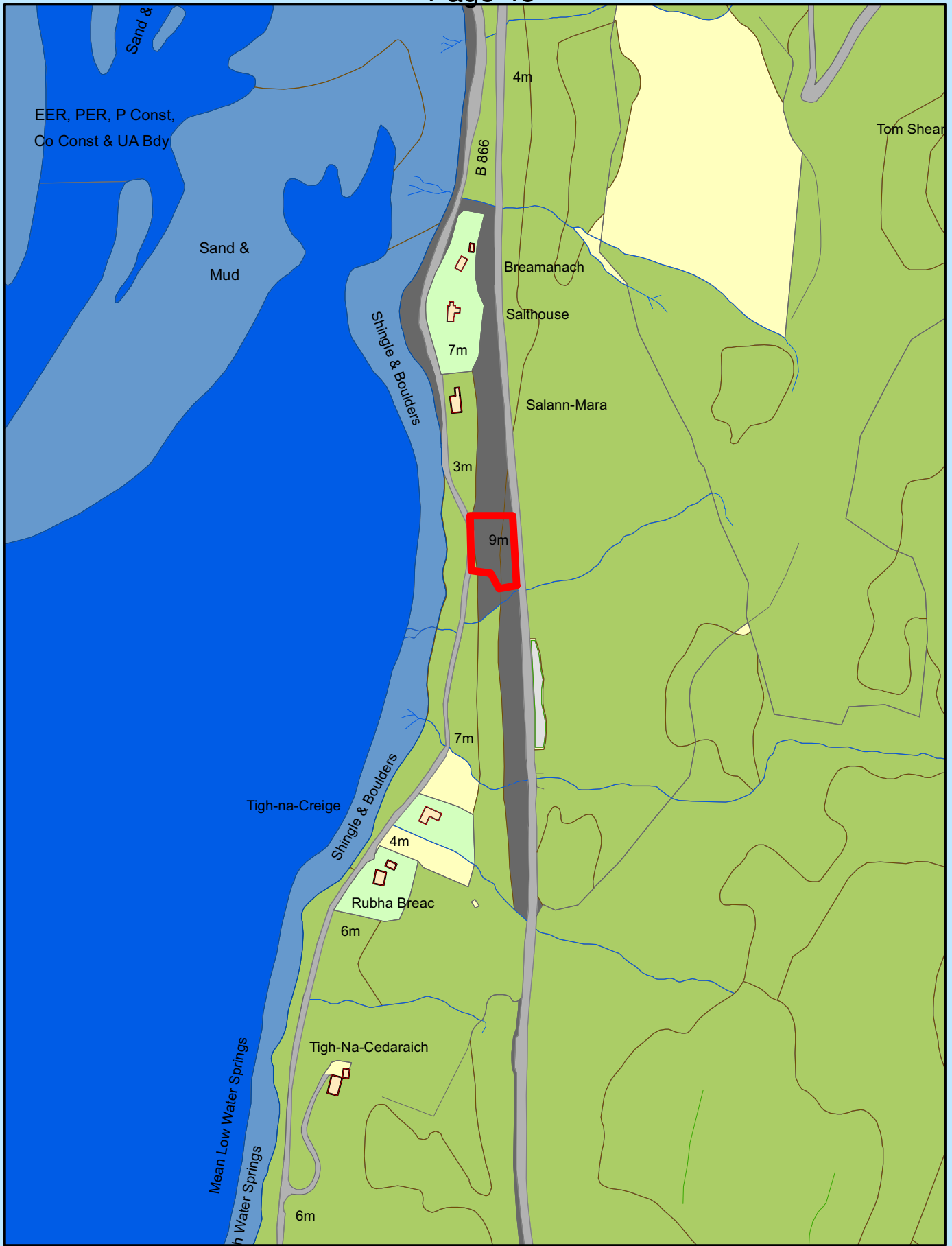
**The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Local Plan & Policy POL PU 3 of the Cowal Local Plan.**

**G. Other Scottish Executive Advice**

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

**CONCLUSION**

The impact of this proposal, of inappropriate design and siting, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.



**COMMITTEE LOCATION PLAN  
RELEVANT TO PLANNING  
APPLICATION 08/00607/DET**

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Development Services, Argyll and Bute Council,  
Kilmory, Lochgilphead, Argyll, PA31 8RT

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**DEVELOPMENT SERVICES  
PLANNING APPLICATION REPORT  
BUTE & COWAL AREA COMMITTEE**

Ward Number - 6 Cowal  
Date of Validity - 12<sup>th</sup> March 2008  
Committee Date - 2<sup>nd</sup> December 2008

Reference Number: 08/00611/DET  
Applicants Name: John McNaughton  
Application Type: Detailed  
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.  
Location: Site 2, Land 250 metres South of Salthouse, Colintrave, Argyll.

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

**(ii) Other specified operations**

- Connection to public water main.

**(B) RECOMMENDATION**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reason set out overleaf.

**(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

**(i) Development Plan Context:**

Outline Planning Permission was granted in 2004 on this site for the erection of a dwellinghouse. This development proposal was considered to be consistent with Policy STRAT DC 4 of the Structure Plan and policies POL RUR 1 & POL HO 10 of the adopted Cowal Local Plan 1993. The principle of residential development on this site is therefore consistent with the adopted Cowal Local Plan 1993.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of each ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and

visual impact of the area. The proposal is therefore contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

While this development is consistent with the adopted Local Plan, this Plan is now out of date and the proposal is contrary to the Structure Plan and the emerging Local Plan which is at an advanced stage and represents the most recent policy interpretation of the Council. This is a significant material consideration.

**(ii) Representations:**

No letters of representation have been received.

**(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:**

N/A

**(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.**

N/A

**(v) Is the Proposal a Schedule 1 or 2 EIA development:**

No.

**(vi) Does the Council have an interest in the site:**

No.

**(vii) Need and Reason for Notification to Scottish Ministers.**

No.

**(viii) Has a sustainability Checklist Been Submitted:**

No.

**Angus J Gilmour**  
**Head of Planning**  
26<sup>th</sup> November 2008

**Author:** John Irving  
**Reviewing Officer:** David Eaglesham

**Date:** 25<sup>th</sup> November 2008  
**Date:** 25<sup>th</sup> November 2008

**NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 08/00611/DET**

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Approval of this application is considered premature until such time as the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll & Bute Modified Local Plan (November 2008).

**INFORMATIVE RELEVANT TO APPLICATION 08/00611/DET**

- i. The applicant is advised to contact the department upon completion of the landscape capacity study of this Rural Opportunity Area, once its findings have been considered and agreed by the Council. Only once this has been undertaken will the department be able to advise whether, in principle, residential development on this site is consistent with Development Plan policy.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00611/DET**

**MATERIAL CONSIDERATIONS AND ADVICE**

**(i) POLICY OVERVIEW AND MATERIAL ADVICE**

**Argyll & Bute Structure Plan 2002**

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' encourages small scale development to infill and rounding off sites, redevelopment and change of use of existing building.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development with NSA's which has an adverse wider landscape or coastscape impact.

**Cowal Local Plan 1993**

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development*' in the Countryside' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

**Post Inquiry Modified Argyll and Bute Local Plan (November 2008)**

Policy LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

**Note (i):** The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

**Note (ii):** The Full Policies are available to view on the Council's Web Site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

### **National Guidance**

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

### **(ii) SITE HISTORY**

Outline planning permission 04/01845/OUT granted on 4<sup>th</sup> November 2004 for the erection of a dwellinghouse. Now lapsed.

There is an associated planning application 08/00607/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate north of this site.

### **(iii) CONSULTATIONS**

**SEPA** (letters dated 16<sup>th</sup> April and 17<sup>th</sup> June 2008): No objection subject to condition.

**Scottish Natural Heritage** (letter dated 22<sup>nd</sup> May 2008): No objection subject to conditions.

**Area Roads Manager** (memo dated 17<sup>th</sup> April 2008): No objection subject to conditions.

**Scottish Water** (letter dated 8<sup>th</sup> April 2008): No objection.

### **(iv) PUBLICITY AND REPRESENTATIONS**

No letters of representation have been received.

The applicant has submitted a design statement received 12<sup>th</sup> March 2008. The points raised are detailed below:

*The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.*

*The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.*

*The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.*

*It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.*

The applicant has submitted a further letter dated 25<sup>th</sup> November 2008 which is summarised below:

*The outline planning permission was granted on 4<sup>th</sup> November 2004, which expired 3<sup>rd</sup> November 2007. We entered into pre-application discussions with the department on 24<sup>th</sup> August 2007 including a meeting on 9<sup>th</sup> October 2007. Further amended plans were submitted 14<sup>th</sup> November 2007 to address the concerns of the department. Further issues raised by the department.*

*Design of dwellings modified to take account of the departments comments and planning application submitted on 27<sup>th</sup> February 2008.*

*In view of the detailed consultation and submissions that started three months prior to the expiry of the outline planning permission and that have been on-going until the present time, we are of the opinion that this effectively was all part of the purification of the conditions attached to the outline consent and it is therefore totally unacceptable, if not incompetent, to be informed on 18<sup>th</sup> November 2008, that the outline consent has lapsed and will therefore have no bearing on the determination of the application.*

*Our client would have expected that in following recommended procedures in carrying out pre application consultation that he would have been alerted to the date of lapse of the outline consent.*

Comment:

- Pre application discussions with this department did not result in the submitted planning application(s) taking due consideration of the department's concerns.
- The submission of pre-application information and plans cannot purify conditions attached to the now expired outline planning permission. This can only be done through the submission of a 'reserved matters' planning application, prior to the expiry of the associated outline consent. In any event, the applicant submitted two 'detailed' planning applications.
- It is the applicant's responsibility to ensure that the outline planning permission does not expire and is renewed on time.

**APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

**The proposal is consistent with Policy POL HO 10 of the adopted Cowal Local Plan 1993.**

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations located within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside' designation.

In terms of Structure Plan, Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless, a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the adopted Structure Plan and emerging Local Plan.

**The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Argyll and Bute Local Plan.**

**B. Location, Nature and Design of Proposed Development**

This application is for the erection of a single one and a half storey dwelling house. The building has an extensive front elevation at approximately 20 metres wide. However, this elevation is well balanced and proportioned as a result of the three dormer window features. The use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature results in a dwellinghouse which boasts many elements of meaningful design. In design terms and with respect of the design of surrounding nearby properties, it is considered that this proposal is acceptable.

The topography of this site will require a significant amount of earth removal and cutting in but this will result in a dwellinghouse which respects the surrounding landform and, crucially, limits its wider landscape impact. The proposal presents no amenity, overlooking or privacy issues and subject to conditions relating to materials samples, landscaping, tree planting and surface treatments, it is considered that this proposal is acceptable.

**The proposal is therefore considered to be consistent with Policy LP ENV 19 and Appendix A of the Post Inquiry Modified Argyll and Bute Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.**

**C. Natural Environment**

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

The scale and position of this dwellinghouse limits the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabruaich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage has raised no objection to this application on its own merits but considers the cumulative effect of this dwellinghouse, in addition to the proposed dwellinghouse to the north of this site to present an adverse wider landscape impact. See associated report (08/00607/DET), elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and given the aforementioned it is considered that this proposal will have a significant adverse wider landscape impact.

**The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan and Policy LP ENV 9 of the Post Inquiry Modified Argyll and Bute Local Plan.**

**D. Landscape Character**

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

**E. Road Network, Parking and Associated Transport Matters.**

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**The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Argyll and Bute Local Plan.**



**F. Infrastructure**

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

**The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Argyll and Bute Local Plan & Policy POL PU 3 of the Cowal Local Plan.**

**G. Other Scottish Executive Advice**

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

**CONCLUSION**

The impact of this proposal, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.

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**COMMITTEE LOCATION PLAN  
RELEVANT TO PLANNING  
APPLICATION 08/00611/DET**

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