

Reference Number: 08/02133/REM
Applicants Name: Mr and Mrs Harrison
Application Type: Approval of Reserved Matters
Application Description: Erection of Dwellinghouse and Detached Garage and Formation of Vehicular Access
Location: Balmory Hall, Balmory Road, Ascog, Isle of Bute

(A) THE APPLICATION

(i) Development Requiring Planning Permission

- Erection of Dwellinghouse
- Erection of Detached Garage
- Formation of new vehicular access
- Installation of private sewerage system

(ii) Other Specified Works

- Connection to public water main
-

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

For the purposes of the Bute Local Plan 1990, the site is within the Countryside Safeguarding Zone where, under Policy POL HO 1, there is a presumption against new residential development.

For the purposes of the Argyll and Bute Local Plan (Post Inquiry Modifications) 2008, the site is within a Rural Opportunity Area and within an Area of Panoramic Quality. In these particular circumstances, and given the conclusions of the Local Plan Public Local Inquiry last year, the site is presently considered to be within '*Sensitive Countryside*' until such time as a landscape capacity study has been undertaken.

Notwithstanding all of the above, the site has the benefit of Outline Planning Permission (ref: 07/02143/OUT) granted on 7th April 2008. As the present application seeks approval of Reserved Matters, the principle of residential development on the site is not in question, however, the proposal must be considered in relation to the conditions attached to the Outline Planning Permission.

The application proposes the erection of a dwellinghouse with a 'Huf Haus' design. This style of dwelling, by virtue of its scale and design, is not considered to be sympathetic to its surroundings and is not considered to be in accordance with the design of dwellinghouse specified in Condition 4 of the Outline Planning Permission. On the basis of the foregoing, the application cannot be approved.

(ii) Representations:

One letter of support submitted.

(iii) Consideration of the Need for a PAN 41 Hearing:

As only one representation has been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure from the Development Plan.

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

No.

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

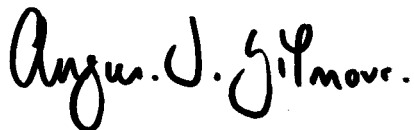
No.

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

There is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
9 June 2009

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/02133/REM

1. The proposed dwellinghouse would not conform to Condition 4 of the Outline Planning Permission (ref: 07/02143/OUT), which specifically requires the following:

Any details pursuant to Condition 1(a) above shall show a house of local traditional design and finish and shall incorporate the following elements:

- (i) *The dwellinghouse shall be single storey or one and a half storey in size.*
- (ii) *The window openings shall have a strong vertical emphasis.*
- (iii) *The walls shall be finished in a wet dash render/smooth coursed cement render/natural stone.*
- (iv) *The roof shall be symmetrically pitched to at least 37 degrees and shall be finished in natural slate.*
- (v) *The building shall be of a general rectangular shape and gable ended and its footprint shall not exceed 80 square metres.*

As a factual statement, the dwellinghouse does not conform to the terms of the condition by reason of the following:

- a) It contains three levels of accommodation (including a basement) and will have a visible height of two storeys;
- b) There are large expanses of glazing with a horizontal rather than vertical emphasis;
- c) The use of an unspecified white render;
- d) The roof pitches are all below thirty degrees and the roof covering would be an interlocking grey tile;
- e) The building would have a cruciform shape and would have a footprint of 154 square metres.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/02133/REM

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

This is not applicable as the principle of a dwellinghouse on the site has already been established in April 2008.

(ii) SITE HISTORY

Outline Planning Permission (ref: 07/02143/OUT) granted on 7th April 2008 for the erection of a dwellinghouse on the subject site. A copy of the report that was considered by the April 2008 Bute and Cowal Area Committee is attached as Appendix A.

Application (ref: 09/00483/VARCON) to remove condition 4 of the above Outline Planning Permission in terms of the design of the dwellinghouse is currently being processed. A report on this application is also before Members for consideration at this committee.

(iii) CONSULTATIONS

SEPA (letter dated 29th December 2008)

No objections.

Scottish Water (letter dated 9th January 2009)

No public sewer in the vicinity. Water treatment works currently has capacity to serve proposed development.

Area Roads Manager (report dated 26th January 2009)

No objections subject to conditions regarding sightlines and parking/turning.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 60 and as a Potential Departure from the Development Plan (closing date 9th January 2009). One letter of support has been received from David and Jessica Herriot of Balmory Cottage, Ascog (letter dated 26th March 2009).

(v) APPLICANT'S SUPPORTING INFORMATION

A supporting statement (letter dated 28th November 2008) has been submitted by the agent, Philip Andrews, whilst two letters (dated 2nd February and 27th February 2009) have also been received from Seamus Lalor Associates.

The information can be summarised as follows:

- The dwellinghouse is not significantly larger than the approved scheme in its footprint. It is considered that the dwelling would not be obtrusive and would have limited visual impact in the context of the character of the landscape or on the countryside in general terms. The development also ensures protection of trees within the site and also the adjacent Listed Building;

- The dwellinghouse provides a bold and original dwelling where there are few buildings of innovative contemporary architectural design. It demonstrates considerable benefit in the use of sustainable and energy efficient resources in the whole concept from off-site manufacture, minimal time disruption on site and highly efficient resource usage and low-energy requirements employing advanced and sustainable techniques;
- It is contended that the large parcel of land which is the subject of the application is clearly outwith the policies of Balmory Hall, where there is already a traditional lodge building at the entrance to the policies. This, together with Balmory Hall, has been retained and fully restored at considerable expense by the applicants, without public financial assistance and at a time when both properties were in danger of becoming derelict;
- The proposed contemporary dwellinghouse will reflect the existing pattern of low density development in the area and will not be visible to the general public. It is not inter-visible with the nearby Balmory Hall (a Listed Building) due to the topographical and landscape character of the area;
- This application is similar to the plans which are the subject of the Outline Planning Permission. It was noted that, when the Area Committee was debating the Outline application, Members specifically considered, discussed and endorsed the innovative, contemporary and sustainable nature of the indicative design that was prepared by architects on behalf of the applicants. It was, therefore, with some surprise that the applicants noted that a condition had been imposed by officers requiring the construction of a small house of vernacular style. The reason given for imposing the condition ("*in the interests of visual amenity*") is considered to be vague and indefensible. The Outline application was approved in the full knowledge of the proposed house design and the submitted design was not specifically restricted as part of this consent;
- No matter what the Department's opinion is of the design merits of a 'Huf Haus', this site legally has the benefit of planning permission for a 'Huf Haus' style of dwelling and, in this regard, the applicants have sought to develop that style by introducing a vertical emphasis on a cruciform plan. It is contended that innovative designs and new ideas should be celebrated and allowed to proceed on appropriate sites. This site is one of those rare few sites where such an expression can be made without detriment to any of the Council's conservation, landscape and design policies.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/02133/REM

PLANNING, LAND USE AND POLICY ASSESSMENT

A. Procedural Matters

One of the issues raised by this application is the nature of the development that was approved at the time of the Outline Planning Permission (ref: 07/02143/OUT) being issued in April 2008 and it is considered necessary to address this issue first.

As stated in Section (v) of the previous part of this report, it is contended on behalf of the applicants that they have Outline Planning Permission for a 'Huf Haus'-style dwelling on the basis that this information was put forward at the time of the Outline application being submitted and Members considered this information at their deliberations on the application.

From this Department's perspective, the agent specified in his letter accompanying the Outline application that the plans were submitted "*to indicate the indicative design of the proposed house*". These plans included a location plan and site plan (not showing the position of any dwelling); an aerial photograph of the site; photographs of an existing 'Huf Haus' dwelling in an unspecified location; and floor plan/sectional plans of a 'Huf Haus' for a property in Surrey.

The application was discussed at the April 2008 Bute and Cowal Area Committee where Members considered the Head of Planning's report together with a powerpoint presentation that included the photographs of a typical 'Huf Haus' submitted by the applicant. Of significant importance is Point B of Appendix B contained within the Head of Planning's report on application 07/02143/OUT, which acknowledges that indicative design proposals were submitted but which clearly advises:

"as an Outline application, the details of the siting and design are reserved for subsequent approval and the acceptability of the eventual siting and design proposals and landscaping proposals will be interdependent. However, the settlement pattern here derives from the setting of Grade A Listed Balmory Hall and subservient buildings of traditional design. To accord with this character, it is considered that any development of the application site should take the form of a traditional lodge building".

The outcome of the above comments was the recommendation by the Department that the design of the dwellinghouse should accord with certain parameters (as contained in Condition 4) and all of the conditions recommended by the Head of Planning were endorsed by Members at the Area Committee.

In light of the above, the Department is satisfied that the information submitted with the application was duly acknowledged in the report, the indicative type of dwelling was not endorsed and Condition 4 was attached requiring a specific type of dwellinghouse.

B. Reserved Matters Application

The Outline Planning Permission (ref: 07/02143/OUT) contained eight conditions, the first three of which are standard in nature – a description of the reserved matters, the timescale of the reserved matters to be submitted and the date by which the development should be commenced.

The other five conditions and how they affect this application are addressed below:

Condition 4

Any details pursuant to Condition 1(a) above shall show a house of local traditional design and finish and shall incorporate the following elements:

- (iii) *The dwellinghouse shall be single storey or one and a half storey in size.*
- (ii) *The window openings shall have a strong vertical emphasis.*
- (iv) *The walls shall be finished in a wet dash render/smooth coursed cement render/natural stone.*
- (v) *The roof shall be symmetrically pitched to at least 37 degrees and shall be finished in natural slate.*
- (v) *The building shall be of a general rectangular shape and gable ended and its footprint shall not exceed 80 square metres.*

Reason: *In the interest of visual amenity.*

The application as submitted does not factually meet the terms of this condition as follows:

- f) It contains three levels of accommodation (including a basement) and will have a visible height of two storeys;
- g) There are large expanses of glazing with a horizontal rather than vertical emphasis;
- h) The use of an unspecified white render;
- i) The roof pitches are all below thirty degrees and the roof covering would be an interlocking grey tile;
- j) The building would have a cruciform shape and would have a footprint of 154 square metres.

It is considered that this is the most important condition pertaining to the proposal in that the application proposes a dwellinghouse that is very significantly different from that which was originally envisaged by the Council.

Condition 5

The details submitted pursuant to Condition 1 above shall include a turning area and parking provision for 2 cars within the curtilage of the proposed dwellinghouse and the parking and turning facilities shall be provided prior to the occupation of the dwellinghouse.

Reason: *In the interests of road safety.*

The details submitted with the application conform to the requirements of this condition.

Condition 6

The details submitted pursuant to Condition 1 above shall include details of new planting proposals, with details of ground preparation, species, nursery stock size in terms of British Standards and density of planting.

Reason: *The proposed development and its location require landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be contrary to the provisions of Policy POL RUR 1 of the Bute Local Plan.*

The submitted Site Plan shows the trees within the site and the position of the dwelling, garage, access and foul drainage arrangements. New planting has, however, not been shown. This is not considered to be a serious omission and the Department considers that this could be rectified in a relatively straightforward manner should the dwellinghouse itself be of an acceptable scale, mass and design.

Condition 7

The details submitted pursuant to Condition 1 above shall include details of trees shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and re-spreading procedures.

Reason: *The proposed development and its location require landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be contrary to the provisions of Policy POL RUR 1 of the Bute Local Plan.*

As stated above, the submitted Site Plan shows the trees within the site and the position of the dwelling, garage, access and foul drainage arrangements. The specific location of the trees, etc to be removed and the other details requested are not clearly provided. This is not considered to be a serious omission and the Department considers that this could be rectified in a relatively straightforward manner should the dwellinghouse itself be of an acceptable scale, mass and design.

Condition 8

No trees within the application site shall be lopped, topped or felled or uprooted without the prior written consent of the Planning Authority.

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

This condition does not require any details to be submitted.

C. Scale, Mass and Design of Dwellinghouse

As stated in the foregoing section, the design of the proposed dwellinghouse is considered to be the most significant issue in respect of the current application. At the time of the original Outline application, the Department considered, having regard to the settlement pattern in this part of Ascog which is characterised by Balmory Hall (Category 'A' Listed Building) and the subservient buildings of traditional design, that it was necessary to stipulate in Condition 4 the type of dwelling to be built at this site, as detailed in the report on the application that is attached as Appendix A.

The current application proposes the erection of a two-storey dwelling with an additional basement level. It will be approximately 15 metres wide by 15 metres deep and will be in the shape of a cruciform. The maximum ridge height will be 7.52 at two-storey height and 10.52 metres where the basement element is exposed. Also proposed is a detached garage, to be located approximately 18.5 metres to the northwest of the dwelling. This will be of a flat-roofed design and will have a maximum height of just less than 2.8 metres.

The principle of a dwellinghouse on the site has been established by the extant Outline Planning Permission (ref: 07/02143/OUT) and the current proposal to have a single dwellinghouse set within large grounds is the manner in which the Department would have expected development to take place. However, the dwellinghouse as submitted is considered to be excessive in scale (two storeys with a basement); to have a profusion of glazing with a horizontal emphasis; to have shallow roof pitches and a modern roof covering (interlocking tiles); to have an inappropriate cruciform shape; and to be overly large in terms of building footprint. Members should note that, if an application had been submitted for a 'Huf Haus' style of dwelling, this application would have attracted a recommendation of refusal although the principle of a dwelling on the site would have been accepted.

For the reasons given in the foregoing paragraph, the proposal as submitted would neither conform to the design criteria set down in the original Outline Planning Permission nor would it represent a dwelling that would be appropriate in this particular area, as assessed and agreed at the Outline Planning application stage.

D. The Way Forward

In terms of achieving a solution to this matter, three alternatives have been discussed with the applicants and their advisors. These are as follows:

- a) To submit an application for Reserved Matters that fully conforms to all of the eight conditions attached to the original Outline Planning Permission. Such a course of action would receive the support of this Department;
- b) To submit an application for Detailed Planning Permission for a dwellinghouse that did not conform to the conditions of the Outline Planning Permission. Such an application would be dealt with entirely on its own merits but may be contentious given that the principle of residential development on the site would have to be revisited and this might not be straightforward given the changes to the designation of the site following from last year's Local Plan Public Local Inquiry. Essentially, the site is located within an area covered by the moratorium on dwellings in '*Rural Opportunity Areas*' that are also within National Scenic Areas and Areas of Panoramic Quality;
- c) To submit an application to vary or remove the condition regarding the design of the dwellinghouse. It is this option that the applicants have chosen to follow and a report on this application (ref: 09/00483/VARCON) is also before Members for consideration at this Committee.

E. CONCLUSION

The application site has the benefit of Outline Planning Permission (ref: 07/02143/OUT) granted on 7th April 2008. As the present application seeks approval of Reserved Matters, the principle of residential development on the site is not in question, however, the proposal must be considered in relation to the conditions attached to the Outline Planning Permission.

The application proposes the erection of a dwellinghouse with a 'Huf Haus' design. This style of dwelling, by virtue of its scale and design, is not considered to be sympathetic to its surroundings and is not considered to be in accordance with the design of dwellinghouse specified in Condition 4 of the Outline Planning Permission. It would, therefore, be contrary to the parent consent.

The determining issue in respect of this application is straightforward, namely whether the reserved matters application meets the requirements of Condition 4 of Outline Planning Permission 07/02143/OUT and, if not, it cannot be approved. Factually, the proposed design does not meet the requirements of the condition of the Outline Planning Permission and, therefore, it can only be refused.

APPENDIX A

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
COWAL AND BUTE AREA COMMITTEE

Ward Number - 8 Isle of Bute
Date of Validity - 8 November 2007
Committee Date - 1 April 2008

Reference Number: 07/02143/OUT
Applicants Name: Mr & Mrs Harrison
Application Type: Application for outline planning permission
Application Description: Erection of dwellinghouse
Location: Balmory Hall, Ascog

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse (details of siting, design and finishes and landscaping reserved);
- Installation of septic tank and reed bed system (details reserved).

(ii) Other specified operations.

- Upgrading of existing private access road
-

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that outline planning permission **be granted** as a 'minor departure' from the provisions of the Development Plan subject to the conditions and reasons attached.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Most of the application site is located within the Bute Local Plan (adopted 1991) Settlement Inset Map for Craigmore and Ascog, in a Countryside Safeguarding Zone where Policy POL HO 3 provides that small scale residential development will not generally be permitted. In this respect the proposal is considered to be contrary to the provisions of POL HO 3.

The application site is located within a Rural Opportunity Area as defined in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006 where Policy LP HOU 1 sets a presumption in favour of small scale residential development subject to ongoing capacity evaluation. The proposal is consistent with the provisions of STRAT DC 4 of the 'Argyll and Bute Structure Plan' 2002 and with Policy HOU 1 of the Finalised Local Plan.

(ii) Representations:

Two letters of representation received.

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

None required as there have been no objections to this proposal.

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

In the adopted Bute Local Plan, the site lies partly within a Countryside Safeguarding Zone so the proposal conflicts with POL HO 3. In this instance it is considered that the development plan position is outweighed by the Modified Finalised Argyll and Bute Local Plan and the need to assess the proposal in relation to physical features at the site and in particular the screening potential of existing woodland which could be enhanced through additional planting to ensure a development of low visual impact.

(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.

None required.

(viii) Has a Sustainability Checklist Been Submitted:

None required.

Angus J Gilmour
Head of Planning
25 March 2008

Author: Charles Tibbles 01369 708603
Reviewing Officer: David Eaglesham 01369 708608

Date: 17 March 2008
Date: 25 March 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

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 07/02143/OUT

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.
 - a. The siting, design and external appearance of the proposed development.
 - b. The landscaping of the site of the proposed development.
 - c. Details of the access arrangements.
 - d. Details of the proposed water supply and drainage arrangements.
2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.
3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reasons: (1), (2) and (3) to comply with Section 59 of the Town and Country Planning Scotland) Act 1997.

4. Any details pursuant to Condition 1(a) above shall show a house of local traditional design and finish and shall incorporate the following elements:
 - (iii) The dwellinghouse shall be single storey or one and a half storey in size.
 - (ii) The window openings shall have a strong vertical emphasis.
 - (v) The walls shall be finished in a wet dash render/smooth coursed cement render/natural stone.
 - (vi) The roof shall be symmetrically pitched to at least 37 degrees and shall be finished in natural slate.
 - (v) The building shall be of a general rectangular shape and gable ended and its footprint shall not exceed 80 square metres.

Reason: In the interest of visual amenity.

5. The details submitted pursuant to Condition 1 above shall include a turning area and parking provision for 2 cars within the curtilage of the proposed dwellinghouse and the parking and turning facilities shall be provided prior to the occupation of the dwellinghouse.

Reason: In the interests of road safety.

6. The details submitted pursuant to Condition 1 above shall include details of new planting proposals, with details of ground preparation, species, nursery stock size in terms of British Standards and density of planting.

Reason: The proposed development and its location require landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be contrary to the provisions of Policy POL RUR 1 of the Bute Local Plan.

7. The details submitted pursuant to Condition 1 above shall include details of trees shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and re-spreading procedures.

Reason: The proposed development and its location require landscaping to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be contrary to the provisions of Policy POL RUR 1 of the Bute Local Plan.

8. No trees within the application site shall be lopped, topped or felled or uprooted without the prior written consent of the Planning Authority.

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

INFORMATIVE RELATIVE TO APPLICATION: 07/02143/OUT

The planning authority should be further consulted on the detailed design of the building, including the intended materials, and the landscaping of the site prior to the submission of an application for approval of reserved matters.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/02143/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan approved 2002:

STRAT DC 4 (Development in Rural Opportunity Areas) encourages small scale developments on suitable sites which in terms of siting and design will visually integrate with the landscape and settlement pattern.

Bute Local Plan adopted 1991:

POL RUR 1 (Landscape Quality) seeks to maintain and where possible enhance the landscape quality of Bute and resists prominent or sporadic development which would have an adverse impact on the landscape and sets out criteria for assessing developments in the countryside including design, setting and scale of development, locational/ operational need, and economic benefit.

POL HO 3 (Countryside Safeguarding Zone) indicates that residential development will not generally be permitted in such areas.

Argyll and Bute Local Plan (Modified Finalised Draft) 2006

Policy LP ENV 19 – sets out requirements in respect of development setting, layout and design.

Policy LP HOU 1 – establishes a presumption in favour of small scale housing development within Rural Opportunity Areas

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**

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

Scottish Water (19.11.2007): No objections. No known public sewers in the vicinity.

Area Roads Manager (4.3.2008): No objections subject to conditions. Reduced sightlines are acceptable due to geometry and layout of the carriageway. Parking and turning for two vehicles required within the development.

(iv) PUBLICITY AND REPRESENTATIONS

David and Jessica Herriot, *Balmory Cottage, Ascog* (letter received 12.12.2007): As the closest neighbours to the site they have no objections and are positively supportive of the proposal. Ronnie Falconer, *Hawkstone Lodge, Ascog* (e-mail received 26.11.2007): No objection subject to the building being centrally located within the site.

Comments: the siting of the building is reserved for subsequent approval. The site presents scope to site a building within an enhanced woodland setting to minimise its visibility from and visual impact upon surrounding areas.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Within the Bute Local Plan, most of the application site is located in a Countryside Safeguarding Zone where Policy POL HO 3 provides that small scale residential development will not generally be permitted. In this respect the proposal is considered to be contrary to the provisions of POL HO 3.

The site is located within a Rural Opportunity Area as defined in the Argyll and Bute Local Plan where Policy LP HOU 1 sets a presumption in favour of small scale residential development subject to ongoing capacity evaluation. An Area Capacity Evaluation has been carried out for the site from which there is considered to be capacity to accommodate a single dwelling within the wooded area. **Consequently, the proposal is considered consistent with the provisions of STRAT DC 4 of the Argyll and Bute Structure Plan 2002 and with Policy LP HOU 1 of the Finalised Local Plan.**

B. Location, Nature and Design of Proposed Development

Indicative design proposals have been presented with the application showing a contemporary design two and a half storey building. As an outline application, the details of siting and design are reserved for subsequent approval and the acceptability of the eventual siting and design proposals and landscaping proposals will be interdependent. However, the settlement pattern here derives from the setting of Grade A Listed Balmory Hall and subservient buildings of traditional design. To accord with this character, it is considered that any development of the application site should take the form of a traditional lodge building. **At this stage, it is considered that the site presents adequate scope to achieve a development with low visual impact and the site is of sufficient size to enable all of the criteria in Policy LP ENV 19 and Annex A to be fulfilled.**

C. Built Environment

The proposed development site is located to the south of the Grade A Listed Balmory Hall. The site presents scope to accommodate development in a screened woodland setting that will not impact upon the visual setting of the Listed Building.

It is therefore considered that the proposal is consistent with the provisions of Policy ENV 13(a) of the Finalised Local Plan

D. Impact on Woodland.

The development would be located in an existing area of woodland which is controlled by the applicants. The development of a single dwelling need not have a significant adverse impact upon the value of the existing woodland and the planning application presents an opportunity to secure additional planting and tree preservation. **Conditions are proposed to make adequate provision for tree preservation and planting consistent with the terms of Policy LP ENV 7.**

E. Landscape Character

Subject to appropriate landscaping conditions, it is considered that the development of a single dwelling house can be realised at the site consistent with the terms of Policy POL RUR 1 which seeks to maintain the landscape quality of Bute and sets out criteria for assessing development in the countryside. In this connection, the site presents adequate scope to absorb a development without unacceptable environmental impact and the need for the development arises from the successful operation of Balmory Hall as a holiday accommodation facility and the desire of the owners to have independent living accommodation. The development will have a positive economic benefit in facilitating additional tourism use within Balmory Hall.

An Area Capacity Evaluation has been undertaken for the locality and following from this it is considered that a dwellinghouse can be accommodated within the woodland area at the site without having any significant effect upon the landscape character of the locality.

F. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has raised no objection to this application subject to a number of conditions.

The proposal is therefore consistent with Policy LP TRAN 4 of the Finalised Plan.

G. Infrastructure

The proposed use of a septic tank with land soakaway is considered to be acceptable. Scottish Water confirms that the water treatment works has capacity.

The proposal is therefore consistent with Policy LP SERV 1 of the Finalised Plan.

CONCLUSION.

The proposed development is considered contrary to the adopted Local Plan as part of the site is within a Countryside Safeguarding Zone. Since the Modified Finalised Argyll and Bute Local Plan would support development at this location, it is considered that outline planning permission can appropriately be granted subject to conditions to safeguard and enhance the woodland character of the site.