

STATEMENT IN SUPPORT OF THE REQUEST FOR A REVIEW OF
THE DECISION TO REFUSE THE APPLICATION FOR PLANNING
PERMISSION IN PRINCIPLE FOR THE ERECTION OF A
DWELLINGHOUSE AND INSTALLATION OF A SEPTIC TANK ON
LAND SOUTH WEST OF ALDER HOUSE, KILMICHAEL,
GLASSARY.

ARGYLL AND BUTE COUNCIL REFERENCE 12/02588/PPP.

R T HUTTON PLANNING CONSULTANT
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1.0 Background to the Appeal.

1.1 In November 2012 Mr and Mrs Duncan Campbell applied for planning permission in principle for the erection of a new house on land they own immediately adjacent to Alder House, on a site approximately 300 metres south of the village of Bridgend. The site extends to 4400 square metres and rises from north to south, with an increase of approximately 10 metres over the site. The site has been colonised by self seeded trees following the clear felling of the area when the earlier commercial forestry had been harvested.

1.2 The applicants submitted their application with an understanding of the Development Plan policies which apply in this area, and with the local knowledge of other houses which have been approved in the locality. They were therefore very disappointed when advised that their application was being refused. They believe that the first two reasons given for this decision result from a very negative interpretation of the quoted policies without reference to the aims behind these policies, and the third reason relates to an issue which could easily have been resolved had the planning case officer chosen to do so. It is for these reasons that Mr and Mrs Campbell now request that the decision to refuse their application for permission in principle be considered by the Council's Local Review Body, and they request that the information contained within this report be considered in support of their case to have their application approved.

2.0 The Application Proposal.

2.1 The application site occupies a position above the A816 road close to the village of Bridgend. The site was, some years ago, planted for commercial woodland, but this was harvested and the site has since been left to return to a natural state of course grassland and self seeded trees which in themselves have no great amenity value. However, it is appreciated that these trees do have a benefit in the wider landscape, and it is the intention that the trees on the periphery of the site will be retained in order to ensure that the development does not detract from this.

2.2 Immediately adjacent to the east of the site is a relatively new property known as Alder House. It is clear that the trees which occupied this site were clear felled to allow for construction of the house and its access. It is proposed that the existing access to this property would be used by Mr and Mrs Campbell to gain entry to their site, and this has the major benefit of allowing retention of all the trees along the frontage of

their site, thus avoiding the need for the extent of tree felling which took place at Alder house. Access to the application site would simply involve taking a spur off the driveway within the present curtilage of Alder House.

2.3 Whilst the application was submitted to establish the principle of a new house being built on this site, it was thought that providing an indication of the scale and type of house envisaged would be helpful in assessing the proposal. It is proposed that the house would be located in the middle of the site, thus minimising the loss of trees on the periphery. This is also the area with fewest trees. The house would be single storey and would have a floor level similar to that of Alder House. By keeping the level of the house down, and with the rising land behind, this will ensure that the building will never be seen against the skyline. In fact there will be no direct view of the property, and it will only be seen through trees.

2.4 It is intended that the new house would have a scale similar to a traditional cottage, and would have a roof pitch of around 40 degrees which again reflects that of a traditional property. The roof would be clad in slates, and the walls finished with a white render, again reflecting the local vernacular style. The applicants would however wish to apply a contemporary approach to the detailed aspects of the design in order to incorporate modern energy efficiency technology.

2.5 Drainage from the site would utilise a septic tank arrangement for the foul sewage, with the discharge connected to the outfall from the tank for Alder House. It is understood that such an arrangement is acceptable to SEPA. Surface water run off from the site would be minimised by the use of permeable surfaces, and the water from the house roof would be connected into the pipe which takes the surface water from Alder House.

3.0 The reasons for refusal and the applicants' comments on these.

3.1 The planning application was refused with three reasons given for that decision. These are:

1. The proposal does not provide for an appropriate “infill”, “rounding-off” or “redevelopment” within the designated “sensitive countryside” and in the absence of a valid claim of locational/operational need, is contrary to the provisions of policies STRAT DC 5 of the Argyll and Bute Structure Plan 2002 and LP HOU 1 of the adopted Argyll and Bute Local Plan 2009.

2. The proposed development would occupy a prominent, elevated location which would not only erode the existing settlement pattern to the south of Bridgend village but would significantly diminish the quality of an existing deciduous woodland, both of these factors resulting in a significant adverse impact upon key landscape features of the Knapdale National Scenic Area and is accordingly contrary to the provisions of policies STRAT DC 8 of the Argyll and Bute Structure Plan 2002 and LP ENV 7, LP ENV 8 and LP ENV 19 of the adopted Argyll and Bute Local Plan 2009.

3. The red edge boundary of the proposed development does not include the existing point of access with the public C class road where the applicant intends to gain access to the site. To this extent, access improvements to overcome highway safety concerns relating to the intensification of the traffic cannot be conditioned. In the absence of a Section 75 legal agreement and land being outwith the applicants control the access would be contrary to the provisions of policy LP TRAN 4 of the adopted Argyll and Bute Local Plan 2009. The access to overcome highway safety issues would need to be upgraded to the Council's Highway Drawing standard SD/08/006 Rev. a.

3.2 It is now proposed to address each of these in turn in order to demonstrate why the applicants believe that their application can be approved without breaching the quoted Development Plan policies.

3.3 Reason for refusal 1.

3.3.1 This reason is concerned with policy STRAT DC 5 of the Structure Plan and LP HOU 1 of the Local Plan. The Structure Plan policy is headed "Development within sensitive countryside", and in relation to small scale development states:

"Within Sensitive Countryside encouragement shall only be given to small scale infill, rounding -off, redevelopment and change of use of building development or to single dwelling houses on bareland crofts of single additional dwelling houses on individual crofts subject to consistency with STRAT AC 1 C)"

What is particularly significant in the wording of this policy relative to this review is that it is written in positive terms, listing the forms of development which will be encouraged. Unlike many development management policies it does not state a definite presumption against

development, thus giving scope to decision makers to consider proposals against a wider environmental agenda. In this respect it is then worth considering the text in paragraph 4.10 of the Structure Plan which relates specifically to policy STRAT DC 4. It is a well established principle of planning law that the aims of a policy as well as its detailed wording should be considered when assessing development proposals.

3.3.2 Paragraph 4.10 explains that sensitivities within the “sensitive countryside” zone can vary considerably, and that it does not have a general capacity to successfully absorb development in the open countryside, and it lists those incidences where this can be achieved. It is therefore clear that the aim of this policy is to ensure that any new development within the sensitive countryside zone does not adversely impact upon the landscape quality of then area.

3,3.3 The Local Plan policy LP HOU 1 is headed “General Housing Development”, and the accompanying text explains that this policy sets out general presumptions in favour or against different scales and circumstances of housing within the 8 development control zones. The policy itself explains that in sensitive countryside there is a presumption against small-scale housing in open/undeveloped areas, though the accompanying text does clarify that in sensitive countryside there is a presumption in favour of “small scale housing developments in close proximity to existing buildings in infill, rounding off changes of use of buildings and redevelopment sites”. The proximity of Alder House clearly mean that the site is in close proximity to an existing building, and as explained above, the proposed house will have minimal impact on the landscape.

3.4 Reason for refusal 2.

3.4.1 The second reason for refusal makes a number of specific points relating to the physical characteristics of the site, and it is on the basis of these that the quoted policies are breached. The applicants disagree with the planning case officer’s assessment of the site’s physical character, specifically his view that:

The development would occupy a prominent, elevated position.

Development of the site would erode the settlement pattern south of Bridgend.

The new house would significantly diminish the quality of the existing deciduous woodland.

On the basis of these 3 factors, the planning officer concludes that the

proposed development breaches a number of policies. The applicants now wish to show why these 3 factors are not accurate.

3.4.2 The position of the application site is elevated above the A816 road, but that in itself does not make the site prominent in the landscape. The site is a small part of a larger woodland which extends to the east of Alder House, and this woodland is seen against the rising land beyond. This natural landscaping and topography mean that the site cannot be described as occupying a prominent position. Also, as explained above, it is the intention to retain the trees on the periphery of the site such that the new house is afforded a mature landscape setting which will ensure it is not particularly visible.

3.4.3 The next point refers to the settlement pattern south of Bridgend village. As with the wider area in and around Bridgend, the settlement pattern is one of individual and 2/3 houses located throughout the landscape, some in prominent positions and others more discretely located. To build the house as proposed, immediately adjacent to Alder House, would not only respect the established settlement pattern, but in a way which would be discrete.

3.4.4 The third point in this second reason for refusal states that the proposed new house would significantly diminish the quality of the deciduous woodland. There are 3 points the applicants would wish to raise with respect to this point. Firstly, the woodland is not of significant quality as pointed out at paragraph 2.1 above. It is an area of self seeded trees, and when consulted previously on the planning application for Alder House, Scottish Natural Heritage confirmed that the trees were of no great value, and no objection to the current application has been raised by SNH.

3.4.5 The second point in relation to the trees is that those of most value in the wider landscape will be retained. The applicants would be more than happy to accept a condition of planning permission which requires that full details of all trees to be felled are supplied to the Council before works starts. Also, that a survey of all trees to be retained be undertaken, and any requirements for management works and replanting be undertaken as part of the development. Finally, having established a position where the best trees are retained, the applicants would accept a condition under the terms of which they must manage the trees in the longer term.

3.4.6 Woodland are living entities which without maintenance can

deteriorate. Under the arrangements outlined above the most important trees on the application site will be retained and managed, thus ensuring that their amenity value is retained for the long term. This is seen as a positive benefit which derives from this planning proposal.

3.4.7 The second reason for refusal lists a number of policies which it is contended would be contravened by the proposed house. However, this view is based upon the false assumption relating to the 3 points noted in paragraph 3.4.1 above. When it is shown that these are not factually correct, the policy issues fail and do not need further consideration.

3.5 The third reason for refusal

3.5.1 This reason is really a technical matter which can be easily resolved, as is explained in the delegated report. The Area Roads Engineer wishes to see improvements made to the access involving the road widened to 5.5 metres, provision of a service passing bay, and the road to be surfaced with a bound material. The delegated report states that, had the principle of the application been acceptable, the Council would have encouraged an amended application to include the land needed for the road works, or required a legal agreement.

3.5.2 It is a pity that the Council had not sought to resolve this matter during their consideration of the application. However, the applicants and the owner of Alder House are both prepared to sign a legal agreement relating to the required works, and we trust this gives members of the Local Review Body sufficient assurance to deal with the required road works in this way.

4.0 Conclusions.

4.1 Whilst there are 3 reasons given for the refusal of this planning application, it is apparent that the single key issue of real concern is the potential impact the proposed house would have on a sensitive landscape. The policies quoted in the first 2 reasons for refusal are all designed to ensure that new development does not impact significantly in an adverse way, and this is clear from either the wording of the policies or the text which accompanies them. The aims behind policies must be considered as well as the detailed wording in any assessment of a proposal.

4.2 Having established that there is no absolute policy presumption against the proposed new house, and that visual impact is the key issue, we have sought to demonstrate why the house will not have the adverse

effect as feared by the planning case officer. By retaining those trees which are most important in the landscape and by management and some new planting, the development will result in a long term improvement for this local area.

4.3 The concerns of the Area Roads Engineer can be addressed through a legal agreement which the applicants and the landowner are prepared to sign. This will ensure the required works are undertaken before the new house is occupied.

4.4 In light of all of the above, the applicants ask that the Local Review Body overturn the decision of the planning officer and grant planning permission in principle for the proposed new house. They are more than happy to accept conditions relating to trees and house design as described above, and to enter into a legal agreement to ensure works to the access road are carried out.