

R T HUTTON

PLANNING CONSULTANT

The Malt Kiln
2 Factors Brae
Limekilns
Fife KY11 3HG
01383 872000
0788 1097659

hutton874@btinternet.com

Our ref: 12/24/RTH
Your ref:13/0005/LRB

Ms Fiona McCallum,
Customer Services,
Argyll and Bute Council,
Kilmory,
Lochgilphead,
Argyll.

9th August 2013.

Dear Ms McCallum,

**Local Review Body: Land south west of Alder House, Kilmichael,
Glassary, Lochgilphead.**

I refer to our previous correspondence in connection with the above, and in particular to your pro forma dated 10th July in which you advised that the Council planning officer had been asked to provide an area capacity evaluation. I can advise that I was provided with a copy of this study on 30th July, and should now like to submit my comments and the concerns of my clients, and trust that these will be conveyed to members of the Local Review Body.

The single sheet report from the Head of Planning states that the Local Review Body deferred their review of this case and asked for the Area Capacity Evaluation to be carried out. I am advised by my clients, who attended the meeting of the LRB on 26th June, that this is not in fact the case. Members of the LRB resolved that they wished to support the application for review, and it was an officer of the Council who advised that in order to provide justification for this decision, the Area Capacity Evaluation should be carried out. From the single sheet report from the Head of Planning it is clear that his report does not provide the justification requested. The planning officer who prepared this report has taken the opportunity to provide further information to justify **his** decision on the application. This was not the remit given by the LRB. It is also worth noting that in his report, the planning officer does point out that this request for an area capacity evaluation does not accord with the purpose of such reports, and is “not in compliance with the normal rules”.

The study submitted by the planning officer is both subjective and factually incorrect on a number of points. Of particular concern, and fundamental to the capacity study, is an incorrect understanding of the applicants’ proposal. It has been made clear from the outset of this planning application that it is the intention to avoid the clear felling that took place to accommodate Alder House, and to retain trees on the periphery of the site in order to avoid the visual impact envisaged by the planning officer. However, he has chosen to ignore this and treat the proposal as one which will result in the loss of all the trees on site. On the basis of such evaluation he clearly considers that the proposed new house would

have the same “scarring effect” as Alder house immediately adjacent to the application site. The applicants have, through their design thoughts for the site, sought to avoid such a visual impact. It is for this reason that the peripheral tree planting on the site will be retained, and the access taken from that which serves Alder House in order to avoid the need to break the tree planting on the north side of the site which is important in the views of the site when travelling south on the A816.

It is stressed in the capacity study that the “islands” of woodland are an important landscape feature in this area of common landscape character. When the application proposal is assessed on the basis of clear felling of the site, it is clear why the planning officer expresses concern. However, when the assessment is made on the basis of a house set within this island of trees where the peripheral specimens are retained, the results are different. On this basis we would suggest that there is capacity to accommodate this single house without having any significant impact on the landscape character.

Whilst the Area Capacity Evaluation submitted by the planning officer is written in a way which attempts to suggest that it is an objective assessment of the situation, clearly any study of this kind involves a substantial subjective judgement. When such a judgement is based on a false assumption concerning the nature of the application, its results cannot be given any great weight in the overall assessment of the planning application.

In addition to the misrepresentation of the proposal and subjective nature of the capacity evaluation, there are 3 factually incorrect statements in the report.

Forest Lodge was not “carved out of the landscape” but was built on a field, as was the new build adjacent. The trees around Forest Lodge were planted later.

The woodland within the application site is not ancient woodland, but in an area which was clear felled a few years ago. What is now on site is mainly the result of natural regeneration.

When planning permission was granted for Alder House there was no “express understanding” with the applicant that the rest of the woodland would be retained.

When the LRB met to consider this planning application following their visit to the site on 26th June, they indicated their wish to approve the application and were advised that such a decision would need to be justified. The planning officer has clearly not been able to assist members of the LRB in this regard. That being the case we would like to assist in suggesting a justification for such a decision, and would refer members of the Local Review Body to the concluding paragraphs of our original submission to them. In that we explained that the only reason for refusing the application was based upon its visual impact on the landscape, and when relevant policies and the aims behind them were examined, there is no policy reason why the application should be refused if it is considered that the visual impact will be acceptable. We believe that, with selective felling within this group of trees, the new house can be accommodated in a way which will have no significant adverse impact on the landscape, and so can be approved.

With regard to the concerns regarding access issues, I can confirm that my clients and the owners of Alder House have no difficulty in entering into a legal agreement with the Council to ensure that the necessary works are carried out at the appropriate time. We hope that this information will assist the members in their final decision on this review.

Yours sincerely,

R T Hutton BSc(Hons) MRTPI