

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoìd

Customer Services
Executive Director: Douglas Hendry



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13 April 2012

SUPPLEMENTARY AGENDA PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENCE COMMITTEE – WEDNESDAY 18 APRIL 2012 AT 10.30 AM

I enclose herewith supplementary report no 1 in respect of item 10 of the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 10. MRS P MACKAY: SITE FOR THE ERECTION OF 2 DWELLINGHOUSES: LAND WEST OF LOCHVIEW, ARDFERN (REF: 11/02560/PPP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 4)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Roderick McCuish
Councillor James McQueen

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Alex McNaughton

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**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/02560/PPP
Planning Hierarchy: Local
Applicant: Mrs P. MacKay
Proposal: Site for erection of two dwellinghouses
Site Address: Land West of Lochview, Ardfern

SUPPLEMENTARY REPORT NO. 1

1. BACKGROUND

This application was continued from the last meeting in order to afford the applicants opportunity to prepare an amended illustrative layout in an attempt to overcome some of the policy impediments to the proposal, and to allow Members an opportunity to give consideration as to whether an amended Area Capacity Evaluation (ACE) should be brought forward as justification for any prospective motion in support of the development.

2. ADDITIONAL INFORMATION

Discussion of the application at the last meeting concluded that there were two impediments to the approval of this proposal. Firstly, the application site was not wholly contained within the Rural Opportunity Area established by the adopted local plan (as modified by the approved Landscape Capacity Study), and secondly, that it was not consistent with the conclusions of the ACE prepared by officers, given that the number of dwellings proposed exceeded the capacity of the area to absorb additional development without giving rise to an uncharacteristically closely spaced group of buildings, and without intruding on key views worthy of protection.

The encroachment of the development, as originally proposed, beyond the confines of the Rural Opportunity Area (ROA) into the adjacent Countryside Around Settlement (CAS) zone could not satisfy the constraints imposed by Policy STRAT DC 2 insofar as there has not been a justifiable locational/operational need advanced by the applicants in support of the dwellings proposed. In recognition of this, the applicants have prepared an amended illustrative site layout giving due cognisance to the presence of the ROA boundary. This now shows the dwelling footprint and access arrangements for Plot 1 being contained wholly within the ROA, but would necessitate associated garden ground encroaching into the CAS. In the event of an approval, the applicants have indicated that they would be willing to accept a condition preventing any outbuildings or structures of significance being located within that part of the curtilage which lies within CAS, in order to sustain the openness of that area.

Plot 2 remains generally as before alongside the existing dwelling Lochview, but it has been set back from the front elevation of that property by some 3 metres to 5 metres in an attempt to lessen its impact on the skyline relative to the presence of that property when viewed from the road along the coast.

The amended plan has confirmed that it would be possible to contain both dwellings, and their access arrangements within the confines of the ROA. In the light of the suggested amended positioning of those dwellings, it is then necessary to revisit the conclusions of the original ACE and to form a view as to whether the current proposals are any more acceptable than those which failed to secure officers' support on the basis of the conclusions of the original ACE assessment.

The ACE concluded that firstly, two dwellings would exceed the development capacity of the area around Corranmor, as it would result in too tight a cluster of buildings which would run counter to the conclusions of the Council's Landscape Capacity Study, and secondly, that two dwellings would intrude inappropriately into the key views of Loch Craignish which are currently available from the footpath passing the site. The amended plans retain two proposed dwellings, and these being confined to a reduced area would intrude, or indeed overlap, in views over the site towards the loch. With that in mind, the revised proposals do not overcome the shortcomings identified in the ACE assessment.

The consequence of the amended illustrative layout is that it is sufficient to overcome recommended reason for refusal No. 1 in the main report (encroachment of development beyond the Rural Opportunity Area boundary), insofar as appropriate conditions could render any enclosure of garden ground outwith the ROA as *de minimus*. However, the retention of two dwellings and their repositioning as suggested does not overcome recommended reason for refusal No. 2, which is founded around the conclusions of the Council's Landscape Study and the findings of the ACE prepared subsequently by officers. That concludes that two dwellings would exceed the capacity of the area to absorb development successfully, would compromise the loose cluster at Corranmor by giving rise to an uncharacteristic close spacing of buildings and would detract from the Area of Panoramic Quality by compromising key views available across the application site over Loch Craignish.

3. RECOMMENDATION

It is recommended that:

- i) The Area Capacity Evaluation (ACE) appended to the main report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character; and
- ii) This application for planning permission in principle be refused for the reason appended to this report:

Author of Report: Richard Kerr

Date: 12th April 2012

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION NUMBER 11/02560/PP

1. The majority of the application site is located within an area of land identified in the Council's Mid Argyll and Inveraray Landscape Capacity Study where the capacity for additional development is limited. The current proposal exceeds the recommendations in the Council's Landscape Capacity Study in respect of the identified capacity of the landscape to absorb additional development satisfactorily. Whilst the Area Capacity Evaluation undertaken in response to this application does identify some additional limited capacity for development beyond the recommendations of the Council's Landscape Study, its conclusions would not support development of the form and location which is currently proposed. In this respect it is considered that the current proposal by virtue of its location and proximity to existing built development, and its position within the wider landscape setting, would not only give rise to an over development of the existing loose cluster of development in the countryside when viewed cumulatively with extant planning permissions, but would also intrude prominently and incongruously upon key views into and out of the site. The proposal is consequently considered to give rise to a significant adverse impact upon the key landscape characteristics of the Knapdale/Melfort Area of Panoramic Quality, and as such, is contrary to the provisions of policy STRAT DC 8 of the Argyll and Bute Structure Plan 2002 and LP ENV 10 and LP HOU 1 of the Argyll and Bute Local Plan 2009.

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