NOTICE OF MEETING

A meeting of the OBAN LORN & THE ISLES AREA COMMITTEE will be held in the MCCAIG SUITE, CORRAN HALLS, OBAN on TUESDAY, 24 MARCH 2009 at 10:30 AM, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. PROCEDURE

3. TSL CONSTRUCTION LTD: LAND NORTH OF CLACHANDUBH HOUSE, BALVICAR, ISLE OF SEIL
   (a) 08/01305/DET & 08/01306/DET: Erection of dwellings and access drive
   (Pages 3 - 34)

OBAN, LORN & THE ISLES AREA COMMITTEE

Councillor Gordon Chalmers  Councillor Mary-Jean Devon
Councillor Donald Macdonald  Councillor Duncan MacIntyre (Chair)
Councillor Neil Mackay        Councillor Roderick McCuish
Councillor Donald McIntosh (Vice-Chair)
Councillor Elaine Robertson

Contact: Jane Gillies - 01631 567901
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PROCEDURE NOTE

PAN 41 HEARING

1. On any occasion when the Council decides that a PAN 41 discretionary hearing is required.

2. The Committee Clerk will thereafter notify the applicant, all representees and objectors of the Council's decision to hold a discretionary hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not.

3. The Committee Clerk will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.

4. At the hearing the Director of Development Services staff will present their recommendations to the Committee on how the matter should be disposed of.

5. The applicants will be given an opportunity to present their case for approval of the proposal and shall include in their submission any relevant points made by representees supporting the application.

6. The consultees, supporters and objectors (see notes 1 and 2), will be given the opportunity to state their case to the Council.

7. All parties to the proceedings i.e. the applicant, the Director of Development Services, the consultees, the supporters and objectors shall be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Committee shall be able to extend the time for a presentation by any of the parties to the hearing at their sole discretion.

8. Statutory consultees (including Community Councils) should be invited to attend the meeting to provide a verbal presentation on their written submissions to the Committee, if they so wish.

9. The Members of the Committee only will then be given the opportunity to put questions to the Director of Development Services’ representative, the applicant, the consultees, the supporters and the objectors.
10. At the conclusion of the question session the Director of Development Services' representative, the applicant, any consultees present and each of the supporters and the objectors will be given an opportunity to comment and sum up on any particular information given by any other party after they had made their original submission, with the Director of Development Services' representative first then the applicant, then the consultees, and then each of the supporters, and then each of the objectors as may be, in turn. The Committee will then debate the merits of the case and shall reach a decision on the planning application. No new information can be introduced at this stage.

11. A summary of the proceedings of the Committee in regard to this hearing will be recorded by the Committee Services Officer.

12. If it appears to the Chairman that any of the parties to the hearing is speaking for an excessive length of time he will invite them to conclude their presentation forthwith.

NOTE

(1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.

(2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.

(3) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

   The Applicant - not more than half an hour.
   The Consultees - not more than half an hour.
   The Supporters - not more than half an hour.
   The Objectors - not more than half an hour.

(4) The purpose of the meeting is to ensure that all relevant information is before the Committee and this is usually best achieved when people with similar views co-operate in making their submissions.

(5) Everyone properly qualified, as a representee on the application report who wishes to be given an opportunity to speak will be given such opportunity.
Reference Number: 08/01305/DET
Applicants Name: TSL Contractors
Application Type: Detailed Planning Permission
Application Description: Erection of 1 dwelling house and access
Location: Land North of Clachandubh House, Balvicar

(A)  THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 1 dwelling house
- Formation of vehicular access

(ii) Other specified operations.

- Connection to public water supply
- Connection to public sewer

(B)  RECOMMENDATION

Having due regard to the Development Plan and all other material considerations it is recommended that full planning permission be granted as a minor departure subject to:

i) The conditions and reasons attached and.

ii) A joint Hearing in association with application 08/01305/DET (As there has been a substantial body of representations).

iii) As a justified departure to the Local Plan

(C)  SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In terms of the adopted Lorn local Plan (2nd Alteration) 1993, the application site is located within a ‘Sensitive Settlement’ where Policy HO22 will apply. This policy states that the Council will restrict new housing development on Greenfield sites in the ‘sensitive settlements’ and will only grant permission in exceptional circumstances where an overriding locational or operational need has been put forward and it has been deemed essential for the applicant to have a house within this sensitive area.

In this instance, the proposal is considered to be contrary to the provisions of POL HO22.

According to the Modified Finalised Draft Argyll & Bute Local Plan 2006 the application site is located within Balvicar Bay “Settlement Zone”. This allocation establishes a presumption in favour of development provided it is of an appropriate size and scale.

In light of this it can be seen that the proposed development is consistent with the provisions of STRAT DC 1 of the “Argyll & Bute Structure Plan 2002” and with policy HOU1 of the Modified Finalised Draft Argyll & Bute Local Plan 2006.
The current settlement boundary of Balvicar and the provisions of policy HOU1 have not been contested as part of the Local Plan public consultation process; therefore this policy may be accorded significant weight.

This proposal can therefore be considered as a justifiable departure from adopted local plan policy.

(ii) Representations:

Ten letters of representation and 3 e-mails have been received regarding the proposal, full details of which can be found in Appendix A of this report. It should be noted that the letters of objection variously relate to this proposal and to a concurrent proposal for 6 dwellings to the South West of Clachandubh House but it is considered prudent to discuss all objection as both applications are not differentiated in the majority of the representations received.

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

Planning Advice Note 41 recommends that Planning Authorities give consideration to holding a local hearing where it is proposed to grant planning permission contrary to the Development Plan. As there has been a substantial level of representations to this proposal it is considered that a hearing is necessary in this instance.

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

With regards to the provisions of the outgoing Lorn Local Plan (Second Alteration) 1993, the application site is situated within “sensitive settlement” wherein the provisions of Policy HO22 state that permission will only be given for houses on Greenfield sites in exceptions cases where the applicant has demonstrated an overriding locational or operational need to be in the area. In light of this, and given that there is no locational or operational need for the development to be located in this area, it is considered that the proposal is contrary to adopted planning policy.

However the approved Argyll and Bute Structure Plan 2002 Policy STRAT DC1 gives support to the general principle of ‘small scale’ development within small towns and Villages.

The emerging Argyll & Bute Local Plan contains the most up to date expression of planning policy and identifies the site as being within the settlement zone of Balvicar - Seil and recognises Balvicar - Seil as a ‘Small Town or Village’ in accordance with Structure Plan policy DC1 above and where policy HOU1 will apply. This allocation clearly establishes a presumption in favour of development subject to siting, design and scale. Given there are no outstanding objections to the current settlement boundary of Balvicar-Seil or to the provisions of policy HOU1, the emerging plan, can be considered a material consideration in the determination of this application.

(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.
Not required

(viii) Has a sustainability Checklist Been Submitted:
Yes

Angus J Gilmour
Head of Planning
"[Click here to enter date]"

Author: Andrew Swain – 01631 567 977 Date: 18/02/09
Reviewing Officer: Ian McIntyre – 01631 567 951 Date:

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: 08/01305/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

   **Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:

   (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.

   (b) The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years or planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

   **Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

3. In order to eliminate the potential for light nuisance and glare beyond the boundary of the site, all external lighting provided for the site shall be of the minimum required and shall be so positioned, controlled and shrouded so as to prevent spillage of the light and glare beyond the site boundary. Guidance issued by the Institution of Lighting Engineers shall be followed in this respect.

   **Reason:** To avoid light pollution

4. Prior to the commencement of development details of the access shall be submitted to and approved in writing by the Planning Authority this shall show the vehicular access at the junction with the public road constructed in accordance with Argyll & Bute Council Roads Services Drawing Number NA/32/05/2a. No walls, hedges, fences etc will be permitted or to be greater than 1.05metres above road level within the first 2.4metres from the channel line. Shrubbery to be cleared and maintained.

   **Reason:** In the interest of road safety, in order to ensure that the proposed house is served by a safe means of vehicular access.
5: The type and colour of materials to be used in the development shall be as specified on the approved drawing number 2008/028-07 unless the prior written approval of the planning authority is obtained for other materials.

Reason: In order to integrate the development into its surroundings.

6: Notwithstanding the provisions of Article 3 and Class 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwelling house hereby permitted without planning permission being granted on an application made to the Planning Authority.

Reason: In order to prevent excessive residential intrusion into an area of principally open countryside.

INFORMATIVES:

The Scottish Environment Protection Agency (SEPA) has advised as follows:

Local SEPA Office: 2 Smithy Lane, Lochgilphead PA31 8TA : 01546 602876

The Water Environment (Controlled Activities)(Scotland) Regulations 2005 (as amended) (CAR)

Foul Drainage
For private foul drainage systems discharging to land or the water environment a CAR authorisation (registration or licence) from SEPA will be required. A leaflet explaining how to apply for authorisation is available from SEPA’s website at www.sepa.org.uk/pdf/publications/wfd/spetic_tanks.pdf or from the local SEPA office.

Surface Water Drainage
As the risk of pollution from surface water drainage from small scale residential developments, or to non-sensitive coastal waters, is low, SEPA does not regulate such discharges through CAR provided a satisfactory scheme is proposed.

If the applicant ensures compliance with General Building Rules (GBRs) 10 and 11 of the CAR regulations, for both the construction phase and the final surface water scheme, then it is not necessary to contact SEPA for authorisation.

The GBRs can be found on page 9 of the CAR Practical Guide – available at www.sepa.org.uk/pdf/regimes/car_practical_guide.pdf or in the local SEPA office.
SEPA has produced a leaflet as a useful Dos and Don’t’s guide on SuDS, with a further explanation on the legal requirements. This is available from SEPA’s website at www.sepa.org.uk/pdf/publications/suds_leaflet.pdf or from the local SEPA office.

Technical guidance on SuDS techniques and good practice is available within the SuDS Manual (C697) published by Construction Industry Research and Information Association (CIRClIA). This new publication can be downloaded from CIRClIA’s website at www.ciria.org/downloads.htm

SEPA encourages waste minimisation and reuse/recycling whenever possible, and the proper disposal of waste when necessary.

SEPA has published a range of Pollution Prevention Guidance Notes, including PPG6 ‘Working at Construction and Demolition Sites’ – available from SEPA’s website at www.sepa.org.uk/pdf/guidance/ppg/ppg06.pdf or from the local SEPA office. Although these guidelines are geared more towards the construction and demolition industry, the guidance on proper disposal of waste and pollution prevention measures is relevant to all developments.

Useful information and advice on waste minimisation can be found on SEPA’s website (found at www.sepa.org.uk/wastemin/index.htm) or from the local SEPA office. There is also a link to key partners in the SEPA Waste Minimisation Programme on the website.

Any proposals for reuse or recycling of materials, such as soils from other sites, may require to be registered with SEPA under a Waste Management Exemption. For further details the applicant should make contact with a member of the Environmental Protection & Improvement team in the local SEPA office.
APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01305/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

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

Argyll and Bute Structure Plan’ 2002:

STRAT DC1 – Supports the general principle of ‘medium scale’ development within the Settlement of Balvicar on appropriate infill, rounding off and redevelopment sites.

‘Lorn Local Plan (2nd Alteration)’ 1993:

POL HO22 – Restricts new housing development on Greenfield sites in ‘Sensitive Settlements’ such as Balvicar

‘Argyll and Bute Local Plan’ (Modified Finalised Draft) 2006:

Policy LP ENV1 – Sets out the criteria against which all applications will require to be assessed.

LP ENV 2 – Development Impact on Biodiversity. Proposals that incorporate existing site interests within the design wherever possible will be encouraged. Applications with significant adverse impacts will be refused unless the developer proves that specific criteria are met.

Policy ENV19 – Sets out the requirements in respect of setting, layout and design of a proposed development.

Policy LP HOU 1 – Establishes a presumption in favour of small-medium scale housing development within the small towns and villages of Argyll and Bute.

Policy LP TRAN4 – Sets out the requirements for development in respect of new and existing public roads and private access regimes.

Policy LP SERV 2 - Sets out the requirements for development in respect of Sustainable Drainage Systems (SuDs)

Policy LP SERV 9 – Sets out the requirements for development at risk of flooding

(ii) SITE HISTORY

None relevant but it should be noted that there is a concurrent planning application (08/01306/DET) for 6 dwelling houses to SW of Clachandubh House by the same applicant.

(iii) CONSULTATIONS

Area Roads Manager
Report dated 07/08/08 – advises no objection to the proposal subject to conditions.
Scottish Water  
Letter dated 05/08/08 – advise no objection to the proposal, however does provide some advisory notes for the developer.

West of Scotland Archaeology Service  
Letter dated 01/09/08 – advises no substantive archaeological issues raised by the proposal.

Scottish Environment Protection Agency  
Letter dated 13/01/09 – advise no objection to the proposed development on flood risk grounds.

Flood Alleviation Officer  
Letter dated 11/12/08 questioned finished floor levels and attenuation storage.

Seil Community Council  
Letter dated 18/08/08 – no objection to proposal but make several observations on the proposal relative to traffic safety on junction, appropriate landscaping, connection to new sewer, non intrusive lighting, suitable external finishing materials and condition of B844.

The Community Council object specifically to this single house on the basis that it is not affordable and the development of 6 dwellings (application reference 08/01306/DET) removes enough wetland and this application site should be retained in order to maintain an open outlook.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal has been advertised as a Potential Departure from the Development Plan, closing date 04/09/08. Thirteen representations have been received.

It should be noted that the letters of representation variously relate to this proposal and to a concurrent proposal for 6 dwellings to the South West of Clachandubh House but it is considered prudent to discuss all objection as both applications are not differentiated in the majority of the representations received.

Ruth Morris & Christopher Odling, 61 Ellenabeich, Easdale, Isle of Seil (25/08/08)
Richard Wesley, 1 Kilbrandon Cottages, Balvicar, Isle of Seil Email (02/08/08)
Andy and Marjie Thornton, 1 Cnoc Beag, Balvicar, Isle of Seil (17/08/08)
Ian Rodger, 5 Cnoc Beag, Balvicar, Isle of Seil (undated)
Professor Edwin Mickley Chance, Balvicar House, Balvicar, Isle of Seil (24/08/08)
LM Wilson, Balvicar House, Balvicar, Isle of Seil (24/08/08)
Mary McCallum, 3 Balvicar, Isle of Seil (e-mail 26/08/08)
Carl Farmer, Flat 7, Polfearn House, Taynuilt (e-mail 03/09/08)
Martin Hadlington, An Fhuaran, Clachan Seil (e-mail 04/09/08)
John Sedgwick, Dunmarrock House, Balvicar, Isle of Seil (25/08/08)
Jon and Mairi Leyne, Clachandubh Farmhouse, Balvicar, Isle of Seil (28/08/08)
Mrs H. R. Ruck, An Tigh, Balvicar, Isle of Seil (22/07/08)
Mrs A.Putman-Bevis, Braefort Farm, Balvicar, Isle of Seil (12/09/08)

The points raised can be summarised as follows.

- The proposal is contrary to the Post Inquiry Modified Argyll and Bute Local Plan.

  Comment: The area is identified as being within the settlement zone within which there is a general presumption in favour of development which will visually integrate with the landscape and will be consistent with the local settlement pattern.

- The site is on the outskirts of the settlement of Balvicar and will adversely alter the rural aspect of this area of Seil.
Comment: The Post Inquiry Modified Argyll and Bute Local Plan identifies this area as being within the settlement zone of Balvicar.

- The site encroaches onto land designated as Countryside Around Settlement, contrary to planning policy.

Comment: The Post Inquiry Modified Argyll and Bute Local Plan identifies the majority of this area as being within the settlement zone of Balvicar, a small area on the north western extremity of the red lined application site goes beyond the settlement boundary, this extends to a rectangular area of 7m by 45m approximately, the area in question however is utilised for open space and it is not considered that this is material.

- The proposed sites are inappropriate groupings and ribbon development and therefore are contrary to guidance contained in the Argyll and Bute Sustainable Design Guide.

Comment: The Council’s Sustainable Design Guide recognises that many small settlements are characterised by groupings on road junctions which this application seeks to replicate. Short terraces of single storey dormered dwellings are to be found elsewhere within Balvicar and elsewhere on Seil and Easdale. The simple design with render and slate finish closely replicates the local vernacular.

- The density and finishes of the development is out of character with the area and will result in suburbanisation of the countryside.

Comment: The Council’s Sustainable Design Guide recognises that many small settlements are characterised by groupings on road junctions which this application seeks to replicate. Short terraces of single storey dormered dwellings are to be found elsewhere within Balvicar and elsewhere on Seil and Easdale. The simple design with render and slate finish closely replicates the local vernacular.

- Road safety issues including increase in traffic, lack of pavements, condition of road and poor visibility.

Comment: The Area Roads Manager has raised no objections to the proposal subject to the imposition of conditions which include the provision of a pavement.

- The Reporters findings on the Draft Local Plan stated “we recognise that the implication to be drawn from the Council’s roads evidence is that there should be a moratorium on further development on Seil Island until the necessary improvements have been made to the B844.

Comment: The Area Roads Manager has raised no objections to the proposal subject to the imposition of conditions.

- Planning permission has been granted for other proposals in this area and it should be considered whether any further development should be granted until the full effects of the impact of the previous approvals have been assessed.

Comment: The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar.

- The site lies in an area which is notorious for its capacity to flood and therefore development of this site should be resisted.

Comment: SEPA has raised no objections to the proposed development on flood risk grounds.

- The proposal will have an adverse impact on flaura and fauna within this wetland area and is therefore contrary to the Council’s guidelines on biodiversity.
Comment: The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar which included prior consultation with SNH

- The economy of Seil relies heavily on the tourist industry and with the continued loss of scenic areas, this will result in a decrease in visitors and potentially the collapse of the local tourist industry.

Comment: The area is identified as being within the settlement zone within which there is a general presumption in favour of development which will visually integrate with the landscape and will be consistent with the local settlement pattern.

- Affordable housing on the Isle of Seil does not work; it often ends up on the open market and bought as second homes.

Comment: The proposal is not aimed at affordable housing although does fall within the lower end of the housing market furthermore the scale of the development falls outwith the scope of Local Plan Policies which would require affordable houses to be provided.
APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01306/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located on a site allocated as ‘settlement area’ on the outskirts of Balvicar on the Isle of Seil, where in terms of STRAT DC1 there is a presumption in favour of small - medium scale (1 -5 , 6 - 30) housing developments, which is supported by Policy LP HOU 1 of the Finalised Local Plan. As indicated in the summary of the determining issues and material considerations, the proposal is contrary to the Lorn Local Plan Policy HO22 - ‘Sensitive Settlements’ and therefore must be considered a minor departure to current adopted Policy.

As the current settlement boundary for Balvicar has not been objected to, a minor departure to the adopted Lorn Local Plan can be justified in terms of STRAT DC1 of the Structure Plan.

B. Location, Nature and Design of Proposed Development

The site lies to the south of Balvicar to the north of Clachandubh House lying generally to the north of the junction of the B844 and B8003. The proposal is in detail and comprises a single dwelling with closely replicates the existing Clachandubh House and following the same building line (front porch). Vehicular access is off the B844. The building is finished in white render and slate with simple vernacular design and small wall head dormers.

The proposal complies with Policy STRAT DC1 of the Structure Plan and LP ENV1 of the Finalised Local Plan.

C. Natural Environment

It is contended that the application site contains important flora and fauna within what is wetland area and is therefore contrary to the Council’s guidelines on biodiversity. The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar which included prior consultation with SNH

The proposal complies with Policy LP ENV2 of the Finalised Local Plan.

D. Landscape Character

Landscape assessment of Argyll and the Firth of Clyde, 1996 characterises the area as “Slate Islands” with undulating low moorland, open rocky moorland, with pockets of pasture on more fertile land near villages, vernacular building style is relatively small in size, and simple in architectural style, traditionally built in clusters, painted white and set back from the coast in sheltered sites.

It is considered that the proposal respects the established character of this area with simply designed and fenestrated dwelling will not impact negatively on the surrounding area.

The proposal complies with Policy LP ENV1 of the Finalised Local Plan.

E. Road Network, Parking and Associated Transport Matters.

The proposal includes the formation of an access. This has been subject to consultation with the Roads Department who have no objection to the proposal.
The proposal is consistent with Policies LP TRAN1 and LP TRAN4 of the Finalised Local Plan.

F. Infrastructure

The applicant illustrates that the site will be connected to the public sewer, currently under construction.

The proposal as submitted is consistent with Policies LP SERV1 and LP SERV2 of the Finalised Local Plan.

G. Flooding

The site is located to the west of the village of Balvicar close to where the B8003 meets the B844. The area proposed for development is generally flat and is raised above the surrounding land to the north and west and is bounded by the B844 to the south and east. There is a raised rocky outcrop to the west of the site. An existing residential property stands within the site towards the northern end, which will be incorporated into the new development.

A ditch runs through the low lying area west of the site to a pond north of the site, from there the ditch crosses under the road and flows to the sea. To the east of the site, towards the sea, there is a low wall sea defence with a small outlet to allow the ditch to flow into the sea.

The flood risk assessment submitted in support of the application states that the majority of the site lies above the 3.1m flood level, with only a small part of the northern portion encroaching into the flood plain. SPP7 states that properties must be protected from flooding up to the 0.5% probability event with a 600mm freeboard to finished floor levels. However it is acceptable for garden and parking areas to be below this level providing emergency access and egress is not compromised. The required 600mm freeboard can be achieved across the site by retaining existing levels or by slight land raising. All properties are located outwith the functional floodplain and only slight localised land raising is required to attain the required freeboard.

Review of the SEPA flood map shows that under the extreme flood event the B844 becomes flooded to the north and again to the west of the site, cutting off any access to the site from these directions. SPP7 states that emergency access and egress to the site must be maintained, this allows a maximum flood depth of 100mm on access roads to allow emergency vehicles to access the site. Although there would be no access via the B844 access to the south via the B8033 remains unaffected offering safe access and egress in the event of a flood.

The findings of the Flood Risk Assessment which has been subject to consultation with both SEPA and the Councils Flood Risk Manager, whilst the Council’s Flood Risk Manager raises question over the finished floor levels, these in fact exceed the minimum required and the issue of flood storage attenuation occasioned by land raising SEPA have confirmed that given possible flooding relates to coastal flooding and given the limited scale of land raising $140m^3$ no attenuation is required.
The proposal as submitted is consistent with Policy LP SERV 9 of the Finalised Local Plan

H. Conclusion.

This is development for a single house, and, whilst contrary to the adopted Policy HO22 ‘Sensitive Settlements’, the principal of the proposal can be justified as a departure to Policy given the unopposed provisions of Policy HOU1 and the unopposed settlement boundary of Balvicar.
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DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
OBAN LORN & ISLES AREA COMMITTEE

Ward Number - 5 Oban North & Lorn
Date of Validity - 25th July 2008
Committee Date - 4th March 2009

Reference Number: 08/01306/DET
Applicants Name: TSL Contractors
Application Type: Detailed Planning Permission
Application Description: Erection of 6 dwelling houses and access
Location: Land SW of Clachandubh House, Balvicar

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 6 dwelling houses
- Formation of vehicular access

(ii) Other specified operations.

- Connection to public water supply
- Connection to public sewer

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations it is recommended that full planning permission be granted as a minor departure from the Lorn Plan subject to:

i) The conditions and reasons attached and.

ii) A joint Hearing in association with application 08/01306/DET (As there has been a substantial body of representations).

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In terms of the adopted Lorn local Plan (2nd Alteration) 1993, the application site is located within a 'Sensitive Settlement' where Policy HO22 will apply. This policy states that the Council will restrict new housing development on Greenfield sites in the ‘sensitive settlements’ and will only grant permission in exceptional circumstances where an overriding locational or operational need has been put forward and it has been deemed essential for the applicant to have a house within this sensitive area.

In this instance, the proposal is considered to be contrary to the provisions of POL HO22.

According to the Modified Finalised Draft Argyll & Bute Local Plan 2006 the application site is located within Balvicar Bay “Settlement Zone”. This allocation establishes a presumption in favour of development provided it is of an appropriate size and scale.
In light of this it can be seen that the proposed development is consistent with the provisions of STRAT DC 1 of the “Argyll & Bute Structure Plan 2002” and with policy HOU1 of the Modified Finalised Draft Argyll & Bute Local Plan 2006.

The current settlement boundary of Balvicar and the provisions of policy HOU1 have not been contested as part of the Local Plan public consultation process; therefore this policy may be accorded significant weight in

This proposal can therefore be considered as a justifiable departure from adopted local plan policy.

(ii) Representations:

Ten letters of representation and 3 e-mails have been received regarding the proposal, full details of which can be found in Appendix A of this report. It should be noted that the letters of objection variously relate to this proposal and to a concurrent proposal for 1 dwelling to the north of Clachandubh House but it is considered prudent to discuss all objection as both applications are not differentiated in the majority of the representations received.

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

Planning Advice Note 41 recommends that Planning Authorities give consideration to holding a local hearing where it is proposed to grant planning permission contrary to the Development Plan. As there has been a substantial level of representations to this proposal it is considered that a hearing is necessary in this instance.

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

With regards to the provisions of the outgoing Lorn Local Plan (Second Alteration) 1993, the application site is situated within “sensitive settlement” wherein the provisions of Policy HO22 state that permission will only be given for houses on Greenfield sites in exceptions cases where the applicant has demonstrated an overriding locational or operational need to be in the area. In light of this, and given that there is no locational or operational need for the development to be located in this area, it is considered that the proposal is contrary to adopted planning policy.

However the approved Argyll and Bute Structure Plan 2002 Policy STRAT DC1 gives support to the general principle of ‘medium scale’ development within small towns and Villages. Medium scale development is defined in the Structure Plan as 6 – 30 dwelling units.

The emerging Argyll & Bute Local Plan contains the most up to date expression of planning policy and identifies the site as being within the settlement zone of Balvicar -Seil and recognises Balvicar - Seil as a ‘Small Town or Village’ in accordance with Structure Plan policy DC1 above and where policy HOU1 will apply. This allocation clearly establishes a presumption in favour of development subject to siting, design and scale. Given there are no outstanding objections to the current settlement boundary of Balvicar-Seil or to the provisions of policy HOU1, the emerging plan, can be considered a material consideration in the determination of this application.

(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.
Not required

(viii) Has a sustainability Checklist Been Submitted:
Yes

Angus J Gilmour
Head of Planning
"[Click here to enter date]"

Author: Andrew Swain - 01631 567 977 Date: 30/01/09
Reviewing Officer: Ian McIntyre - 01631 567 951 Date:

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: 08/01306/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:

   (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.

   (b) The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

   Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

3. In order to eliminate the potential for light nuisance and glare beyond the boundary of the site, all external lighting provided for the site shall be of the minimum required and shall be so positioned, controlled and shrouded so as to prevent spillage of the light and glare beyond the site boundary. Guidance issued by the Institution of Lighting Engineers shall be followed in this respect.

   Reason: To avoid light pollution.

4. The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Transportation and Property Department to the satisfaction of the Council as Planning Authority.

   Reason: In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

5. Development shall not begin until samples of materials to be used in construction of hard standings have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.
Reason: In order to integrate the development into its surroundings.

6: Notwithstanding the provisions of Article 3 and Class 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwelling house hereby permitted without planning permission being granted on an application made to the Planning Authority.

Reason: In order to prevent excessive residential intrusion into an area of principally open countryside.
INFORMATIVES:

The Scottish Environment Protection Agency (SEPA) has advised as follows:

Local SEPA Office: 2 Smityh Lane, Lochgilphead PA31 8TA : 01546 602876

The Water Environment (Controlled Activities)(Scotland) Regulations 2005 (as amended) (CAR)

Foul Drainage
For private foul drainage systems discharging to land or the water environment a CAR authorisation (registration or licence) from SEPA will be required. A leaflet explaining how to apply for authorisation is available from SEPA’s website at www.sepa.org.uk/pdf/publications/wfd/sptic_tanks.pdf or from the local SEPA office.

Surface Water Drainage
As the risk of pollution from surface water drainage from small scale residential developments, or to non-sensitive coastal waters, is low, SEPA does not regulate such discharges through CAR provided a satisfactory scheme is proposed.

If the applicant ensures compliance with General Building Rules (GBRs) 10 and 11 of the CAR regulations, for both the construction phase and the final surface water scheme, then it is not necessary to contact SEPA for authorisation.

The GBRs can be found on page 9 of the CAR Practical Guide – available at www.sepa.org.uk/pdf/regimes/car_practical_guide.pdf or in the local SEPA office.

SEPA has produced a leaflet as a useful Dos and Don’ts guide on SuDS, with a further explanation on the legal requirements. This is available from SEPA’s website at www.sepa.org.uk/pdf/publications/suds_leaflet.pdf or from the local SEPA office.

Technical guidance on SuDS techniques and good practice is available within the SuDS Manual (C597) published by Construction Industry Research and Information Association (CIRIA). This new publication can be downloaded from CIRIA’s website at www.cria.org/downloads.htm

SEPA encourages waste minimisation and reuse/recycling whenever possible, and the proper disposal of waste when necessary.

SEPA has published a range of Pollution Prevention Guidance Notes, including PPG6 ‘Working at Construction and Demolition Sites’ – available from SEPA’s website at www.sepa.org.uk/pdf/guidance/ppg/ppg06.pdf or from the local SEPA office. Although these guidelines are geared more towards the construction and demolition industry, the guidance on proper disposal of waste and pollution prevention measures is relevant to all developments.

Useful information and advice on waste minimisation can be found on SEPA’s website (found at www.sepa.org.uk/wastemin/index.htm ) or from the local SEPA office. There is also a link to key partners in the SEPA Waste Minimisation Programme on the website.

Any proposals for reuse or recycling of materials, such as soils from other sites, may require to be registered with SEPA under a Waste Management Exemption. For further details the applicant should make contact with a member of the Environmental Protection & Improvement team in the local SEPA office.
APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01306/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

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

Argyll and Bute Structure Plan’ 2002:

STRAT DC1 – Supports the general principle of ‘medium scale’ development within the Settlement of Balvicar on appropriate infill, rounding off and redevelopment sites.

‘Lorn Local Plan (2nd Alteration)’ 1993:

POL HO22 – Restricts new housing development on Greenfield sites in ‘Sensitive Settlements’ such as Balvicar

‘Argyll and Bute Local Plan’ (Modified Finalised Draft) 2006:

Policy LP ENV1 – Sets out the criteria against which all applications will require to be assessed.

Policy LP ENV 2 – Development Impact on Biodiversity. Proposals that incorporate existing site interests within the design wherever possible will be encouraged. Applications with significant adverse impacts will be refused unless the developer proves that specific criteria are met.

Policy ENV19 – Sets out the requirements in respect of setting, layout and design of a proposed development.

Policy LP HOU 1 – Establishes a presumption in favour of small-medium scale housing development within the small towns and villages of Argyll and Bute.

Policy LP TRAN4 – Sets out the requirements for development in respect of new and existing public roads and private access regimes.

Policy LP SERV 2 - Sets out the requirements for development in respect of Sustainable Drainage Systems (SuDs)

Policy LP SERV 9 – Sets out the requirements for development at risk of flooding

(ii) SITE HISTORY

None relevant but it should be noted that there is a concurrent planning application (08/01305/DET) for 1 dwelling house to NE of Clachandubh House by the same applicant.

(iii) CONSULTATIONS

Area Roads Manager
Report dated 07/08/08 – advises no objection to the proposal subject to conditions. It should be noted that the amended layout takes into account earlier comments from Roads.

**Scottish Water**
Letter dated 05/08/08 – advise no objection to the proposal, however does provide some advisory notes for the developer.

**West of Scotland Archaeology Service**
Letter dated 01/09/08 – advises no substantive archaeological issues raised by the proposal.

**Scottish Environment Protection Agency**
Letter dated 13/01/09 – advise no objection to the proposed development on flood risk grounds.

**Flood Alleviation Officer**
Letter dated 11/12/08 questioned finished floor levels and attenuation storage.

**Seil Community Council**
Letter dated 18/08/08 – no objection to proposal but make several observations on the proposal relative to traffic safety on junction, appropriate landscaping, connection to new sewer, non intrusive lighting, suitable external finishing materials and condition of B844.

(iv) **PUBLICITY AND REPRESENTATIONS**

The proposal has been advertised as a Potential Departure from the Development Plan, closing date 04/09/08. Thirteen representations have been received.

It should be noted that the letters of objection variously relate to this proposal and to a concurrent proposal for 1 dwelling to the North of Clachandubh House but it is considered prudent to discuss all objection as both applications are not differentiated in the majority of the representations received.

Ruth Morris & Christopher Odling, 61 Ellenabeich, Easdale, Isle of Seil (25/03/08)
Richard Wesley, 1 Kilbrandon Cottages, Balvicar, Isle of Seil Email (02/08/08)
Andy and Marjie Thornton, 1 Cnoc Beag, Balvicar, Isle of Seil (17/08/08)
Ian Rodger, 5 Cnoc Beag, Balvicar, Isle of Seil (undated)
Professor Edwin Mickley Chance, Balvicar House, Balvicar, Isle of Seil (24/08/08)
LM Wilson, Balvicar House, Balvicar, Isle of Seil (24/08/08)
Mary McCaullum, 3 Balvicar, Isle of Seil (e-mail 26/08/08)
Carl Farmer, Flat 7, Polfearn House, Taynilit (e-mail 03/09/08)
Martin Hadlington, An Fhuanan, Clachan Seil (e-mail 04/09/08)
John Sedgwick, Dunmarrock House, Balvicar, Isle of Seil (25/08/08)
Jon and Mari Leyne, Clachandubh Farmhouse, Balvicar, Isle of Seil (28/08/08)
Mrs H. R. Ruck, An Tigh, Balvicar, Isle of Seil (22/07/08)
Mrs A. Putman-Bevis, Braefort Farm, Balvicar, Isle of Seil (12/09/08)

The points raised can be summarised as follows.

- The proposal is contrary to the Post Inquiry Modified Argyll and Bute Local Plan.
  
  **Comment:** The area is identified as being within the settlement zone within which there is a general presumption in favour of development which will visually integrate with the landscape and will be consistent with the local settlement pattern.

- The site is on the outskirts of the settlement of Balvicar and will adversely alter the rural aspect of this area of Seil.
  
  **Comment:** The Post Inquiry Modified Argyll and Bute Local Plan identifies this area as being within the settlement zone of Balvicar.
- The site encroaches onto land designated as Countryside Around Settlement, contrary to planning policy.

Comment: The Post Inquiry Modified Argyll and Bute Local Plan identifies the majority of this area as being within the settlement zone of Balvicar, a small area on the north western extremity of the red lined application site goes beyond the settlement boundary, this extends to a rectangular area of 7m by 45m approximately, the area in question however is utilised for open space and it is not considered that this is material.

- The proposed sites are inappropriate groupings and ribbon development and therefore are contrary to guidance contained in the Argyll and Bute Sustainable Design Guide.

Comment: The Councils Sustainable Design Guide recognises that many small settlements are characterised by groupings on road junctions which this application seeks to replicate. Short terraces of single storey dormered dwellings are to be found elsewhere within Balvicar and elsewhere on Seil and Easdale. The simple design with render and slate finish closely replicates the local vernacular.

- The density and finishes of the development is out of character with the area and will result in suburbanisation of the countryside.

Comment: The Councils Sustainable Design Guide recognises that many small settlements are characterised by groupings on road junctions which this application seeks to replicate. Short terraces of single storey dormered dwellings are to be found elsewhere within Balvicar and elsewhere on Seil and Easdale. The simple design with render and slate finish closely replicates the local vernacular.

- Road safety issues including increase in traffic, lack of pavements, condition of road and poor visibility.

Comment: The Area Roads Manager has raised no objections to the proposal subject to the imposition of conditions which include the provision of a pavement.

- The Reporters findings on the Draft Local Plan stated "we recognise that the implication to be drawn from the Council's roads evidence is that there should be a moratorium on further development on Seil Island until the necessary improvements have been made to the B844."

Comment: The Area Roads Manager has raised no objections to the proposal subject to the imposition of conditions.

- Planning permission has been granted for other proposals in this area and it should be considered whether any further development should be granted until the full effects of the impact of the previous approvals have been assessed.

Comment: The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar.

- The site lies in an area which is notorious for its capacity to flood and therefore development of this site should be resisted.

Comment: SEPA has raised no objections to the proposed development on flood risk grounds.

- The proposal will have an adverse impact on flora and fauna within this wetland area and is therefore contrary to the Council's guidelines on biodiversity.
Comment: The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar which included prior consultation with SNH

- The economy of Seil relies heavily on the tourist industry and with the continued loss of scenic areas, this will result in a decrease in visitors and potentially the collapse of the local tourist industry.

Comment: The area is identified as being within the settlement zone within which there is a general presumption in favour of development which will visually integrate with the landscape and will be consistent with the local settlement pattern.

- Affordable housing on the Isle of Seil does not work; it often ends up on the open market and bought as second homes.

Comment: The proposal is not aimed at affordable housing although does fall within the lower end of the housing market furthermore the scale of the development falls outwith the scope of Local Plan Policies which would require affordable houses to be provided.
APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01306/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located on a site allocated as ‘settlement area’ on the outskirts of Balvicar on the isle of Seil, where in terms of STRAT DC1 there is a presumption in favour of small - medium scale (1 - 5, 6 - 30) housing developments, which is supported by Policy LP HOU 1 of the Finalised Local Plan. As indicated in the summary of the determining issues and material considerations, the proposal is contrary to the Lorn Local Plan Policy HO22 - ‘Sensitive Settlements’ and therefore must be considered a minor departure to current adopted Policy.

As the current settlement boundary for Balvicar has not been objected to, a minor departure to the adopted Lorn Local Plan can be justified in terms of STRAT DC1 of the Structure Plan.

B. Location, Nature and Design of Proposed Development

The site lies to the south of Balvicar on the north west of the junction of the B844 and B8003. The land is generally flat. Notably the site is flanked to the west by the B844 to Ellenabeich and on the south by the B844 to Kilmiven. Beyond the junction is the B8003 Balvicar to Cuan road towards Achar. The area to the south west of B844 and north of the B8003 opposite the application site is also designated as settlement as is the area on the unclassified road towards Winterton.

The proposal is in detail and comprises 2 short terraces of 3 dwellings set back parallel to the roads. Vehicular access is off the section of road to Ellenabeich into a shared area to the rear of the dwellings. The first section of the access is to built to adoptable standard with a formal turning area with communal car parking. Both road frontages are to be upgraded with the provision of footpaths, to the rear of footpaths are to be defined by 1m high boundary walls. The terraces are each finished in render and slate with simple vernacular design and small dormers within the roof area. The area at the junction, between the 2 blocks will have communal landscaping.

It will however emphasis the built form at the junction which taken together with other settlement zonings around this junction will create a significant node of development. The form of this proposal with 2 low simple terraces set parallel to the roads will however reflect existing settlement patterns found throughout Argyll. The low terraces will be balanced against the existing Clachandubh house which is a large 13/4 tall white painted slate roofed building which will retain its dominance in the street scene.

The proposal complies with Policy STRAT DC1 of the Structure Plan and LP ENV1 of the Finalised Local Plan.

C. Natural Environment

It is contended that the application site contains important flora and fauna within what is wetland area and is therefore contrary to the Council’s guidelines on biodiversity. The proposal accords with emerging Local Plan which has designated the site as an extension to the settlement area of Balvicar which included prior consultation with SNH

The proposal complies with Policy LP ENV2 of the Finalised Local Plan
D. Landscape Character

Landscape assessment of Argyll and the Firth of Clyde, 1996 characterises the area as “Slate Islands” with undulating low moorland, open rocky moorland, with pockets of pasture on more fertile land near villages, vernacular building style is relatively small in size, and simple in architectural style, traditionally built in clusters, painted white and set back from the coast in sheltered sites.

It is considered that the proposal respects the established character of this area with low simply designed and fenestrated cottages will not impact negatively on the surrounding area.

*The proposal complies with Policy LP ENV1 of the Finalised Local Plan.*

E. Road Network, Parking and Associated Transport Matters.

The proposal includes the formation of an access to adoptable standards. This has been subject to consultation with the Roads Department who have no objection to the proposal.

*The proposal is consistent with Policies LP TRAN1 and LP TRAN4 of the Finalised Local Plan.*

F. Infrastructure

The applicant illustrates that the site will be connected the public sewer, currently under construction. The proposal also illustrates an acceptable SUDs scheme.

*The proposal as submitted is consistent with Policies LP SERV1 and LP SERV2 of the Finalised Local Plan.*

G. Flooding

The site is located to the west of the village of Balvicar where the B8003 meets the B844. The area proposed for development is generally flat and is raised above the surrounding land to the north and west and is bounded by the B844 to the south and east. There is a raised rocky outcrop to the west of the site. An existing residential property stands within the site towards the northern end, which will be incorporated into the new development.

A ditch runs through the low lying area west of the site to a pond north of the site, from there the ditch crosses under the road and flows to the sea. To the east of the site, towards the sea, there is a low wall sea defence with a small outlet to allow the ditch to flow into the sea.

The flood risk assessment submitted in support of the application states that the majority of the site lies above the 3.1m flood level, with only a small part of the northern portion encroaching into the flood plain. SPP7 states that properties must be protected from flooding up to the 0.5% probability event with a 600mm freeboard to finished floor levels. However it is acceptable for garden and parking areas to be below this level providing emergency access and egress is not compromised. The required 600mm freeboard can be achieved across the site by retaining existing levels or by slight land raising. All properties subject to this application are located outside the functional floodplain and only slight localised land raising is required to attain the required freeboard.
Review of the SEPA flood map shows that under the extreme flood event the B844 becomes flooded to the north and again to the west of the site, cutting off any access to the site from these directions. SPP7 states that emergency access and egress to the site must be maintained, this allows a maximum flood depth of 100mm on access roads to allow emergency vehicles to access the site. Although there would be no access via the B844 access to the south via the B5033 remains unaffected offering safe access and egress in the event of a flood.

The findings of the Flood Risk Assessment which has been subject to consultation with both SEPA and the Council’s Flood Risk Manager, whilst the Council’s Flood Risk Manager raises question over the finished floor levels, these in fact exceed the minimum required and given that this site is outwith the flood plain SEPA have expressed no objections to the proposal indicating that the site lies outwith the floodplain. Additional surface water attenuation measures have been submitted to augment the SUD’s scheme following comments from Council’s Flood Risk Manager.

*The proposal as submitted is consistent with Policy LP SERV 9 of the Finalised Local Plan*

H. Conclusion.

This is development of six dwelling houses, and, whilst contrary to the adopted Policy HO22 ‘Sensitive Settlements’, the principal of the proposal can be justified as a departure to Policy given the unopposed provisions of Policy HOU1 and the unopposed settlement boundary of Balvicar.
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