



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

11 September 2019

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 SEPTEMBER 2019** at **10:15 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: GARDEN GROUND OF WITCHWOOD, CORRAN ESPLANADE, OBAN, PA34 5AQ (REF: 19/0004/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 30)
 - (b) Comments from Interested Parties (Pages 31 - 44)
 - (c) Comments from Applicant (Pages 45 - 48)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Audrey Forrest
Councillor Richard Trail

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100146361-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Building Design Studio"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iain Angus"/>	Building Name:	<input type="text" value="Inveresregan House"/>
Last Name: *	<input type="text" value="MacDonald"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07766394079"/>	Address 1 (Street): *	<input type="text" value="Ardchattan"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Argyll"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oban"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="PA37 1RG"/>
Email Address: *	<input type="text" value="inveresregan8@gmail.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="GLENRIGH COTTAGE"/>
First Name: *	<input type="text" value="Gilbert"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mackechnie"/>	Address 1 (Street): *	<input type="text" value="CORRAN ESPLANADE"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="OBAN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA34 5AQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WITCHWOOD"/>
Address 2:	<input type="text" value="CORRAN ESPLANADE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="OBAN"/>
Post Code:	<input type="text" value="PA34 5AQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="730880"/>	Easting	<input type="text" value="185447"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

SITE FOR THE ERECTION OF A DWELLING HOUSE AT GARDEN GROUND OF WITCHWOOD CORRAN ESPLANADE
OBAN ARGYLL PA34 5AQ

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I have attached a copy of my design statement which demonstrates the spacial inconsistencies within the LDP (2015). This inconsistency looks like it was brought about without any regard for the natural and built surrounding environs, as the boundary between settlement and sensitive countryside extend right into an area of protected wood now under the care and protection of the Woodland Trust as of February 2019, within which a presumption in favour of development now exists. Surely a mistake.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

design statement 98 site plan with LDP Overlay 98 Site plan with Triangular site overlay 99 site and location plan with LDP overlay 99 site and location with OS overlay.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/02652/PPP

What date was the application submitted to the planning authority? *

11/12/2018

What date was the decision issued by the planning authority? *

04/07/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Iain Angus MacDonald

Declaration Date: 04/08/2019

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BUILDING DESIGN STUDIO

Inveresregan House

Ardchattan

Argyll

PA37 1RG

07766394079

DESIGN STATEMENT

PROPOSED HOUSE AT LAND NORTH EAST
OF WITCHWOOD PA34 5AQ 18/02652/PPP

MR GILBERT MACKECHNIE

MARCH 2019

Background

Following a formal negative response (see below) to a planning submission (18/00697/PPP this report has been prepared with a view to justifying the development of the proposed house at that site in terms of the LDP and policies contained therein.

I refer to the above application currently with the Planning Service for consideration.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is situated within the Countryside Zone where Policy LDP DM 1 only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building development basis. This policy further states that, should an exceptional case be demonstrated, development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

The site subject of your enquiry does not represent an opportunity for infill, rounding off, redevelopment or change of use as required by the terms of the above policy instead represents an inappropriate form of tandem development with no details of an exceptional case having been demonstrated. Furthermore it is considered that the open nature of the site contributes positively to the setting and amenity of the existing dwellinghouse 'Witchwood' and should be retained as such.

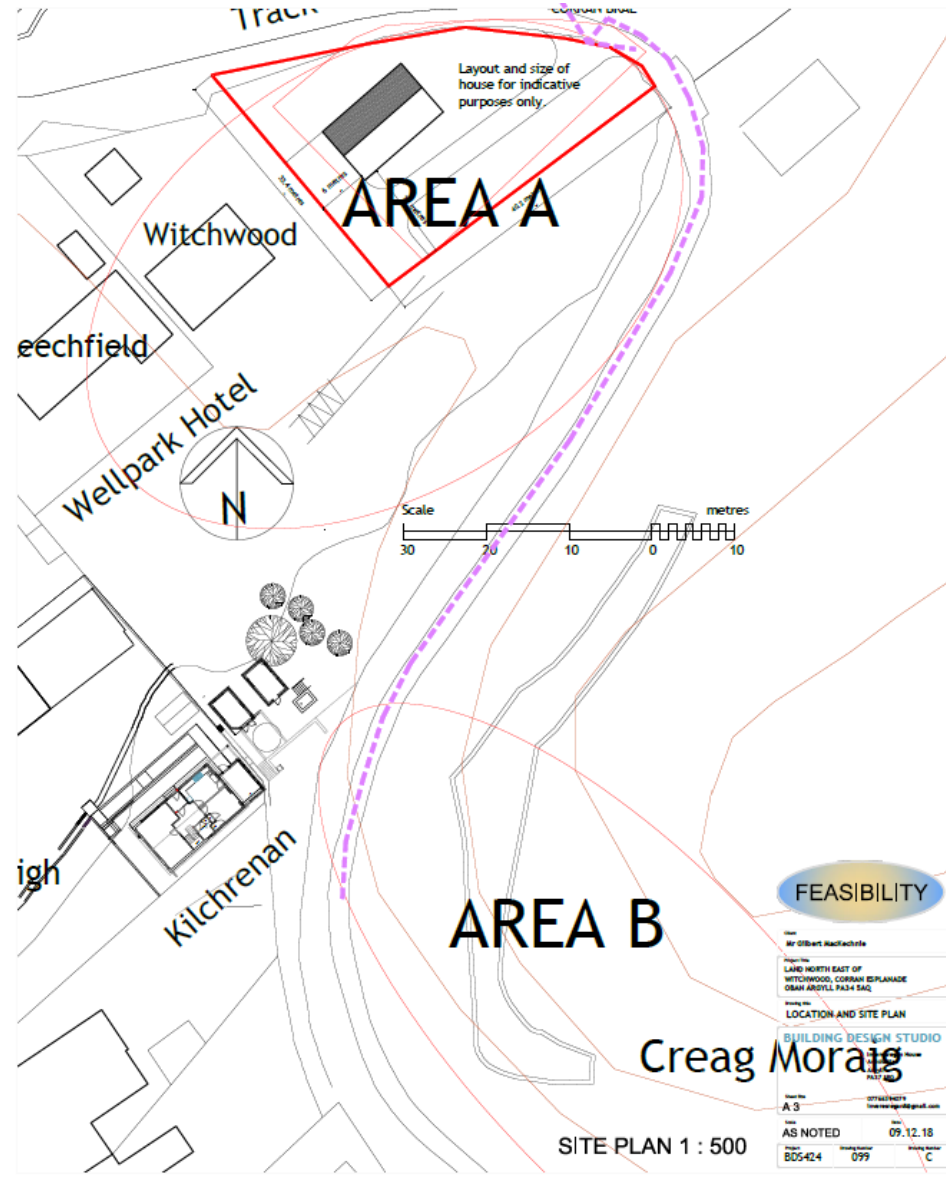
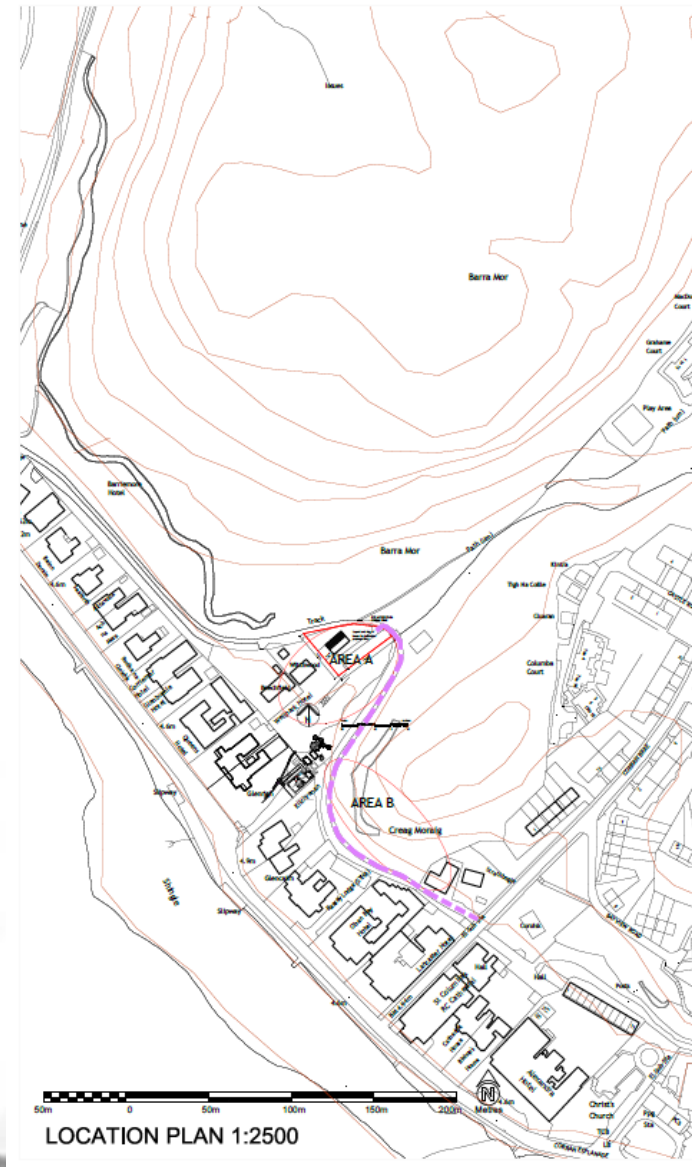
In light of the above, I must advise that development of the site with a dwellinghouse would be contrary to the terms of current LDP policy and the Planning Service is unable to support the application. I would therefore advise you to withdraw the application otherwise it will be recommended for refusal under delegated powers for the reasons set out above.

I look forward to hearing how you wish to proceed with the matter.

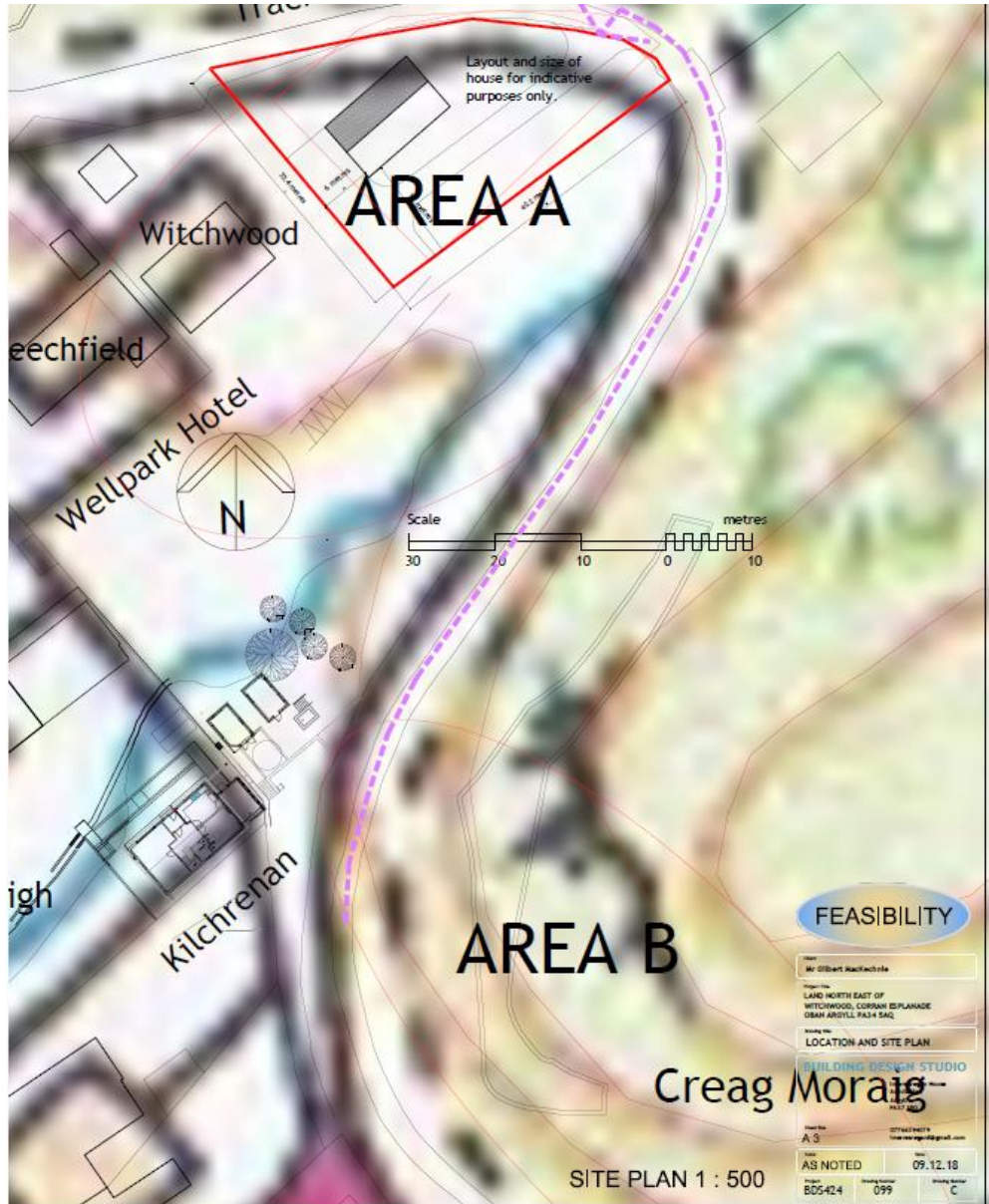
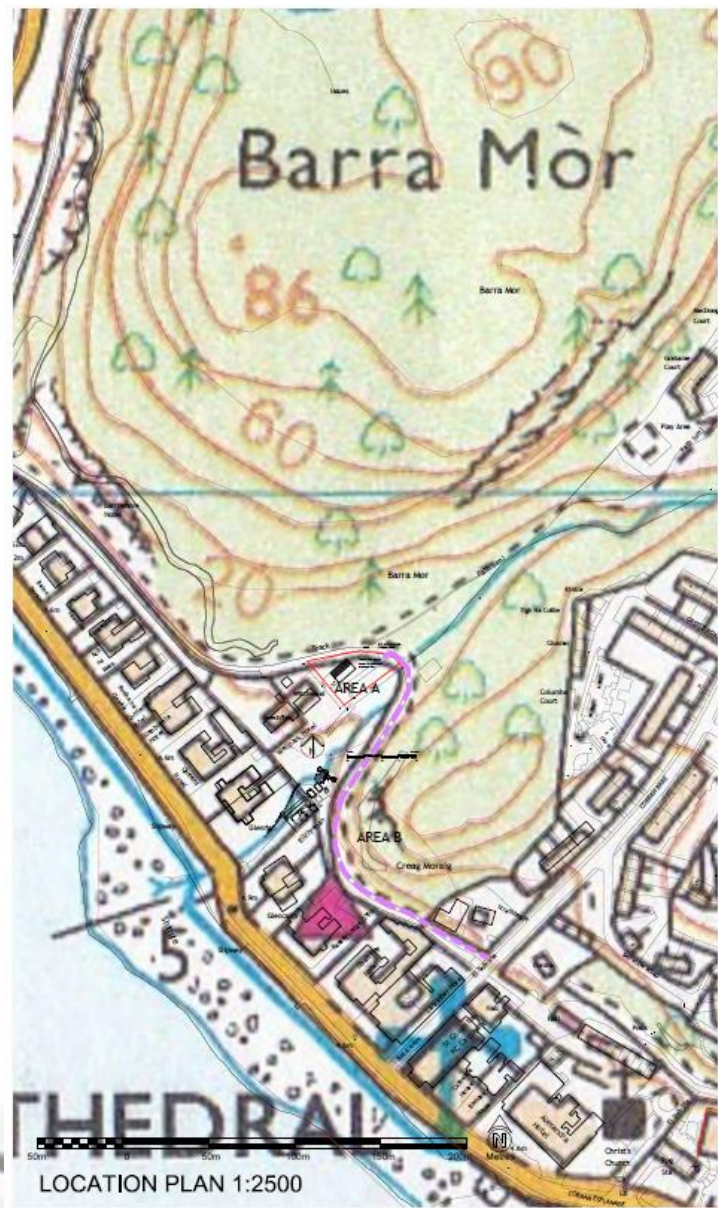
Kind regards

Fiona

SITE AND LOCATION PLAN



SITE AND LOCATION PLAN



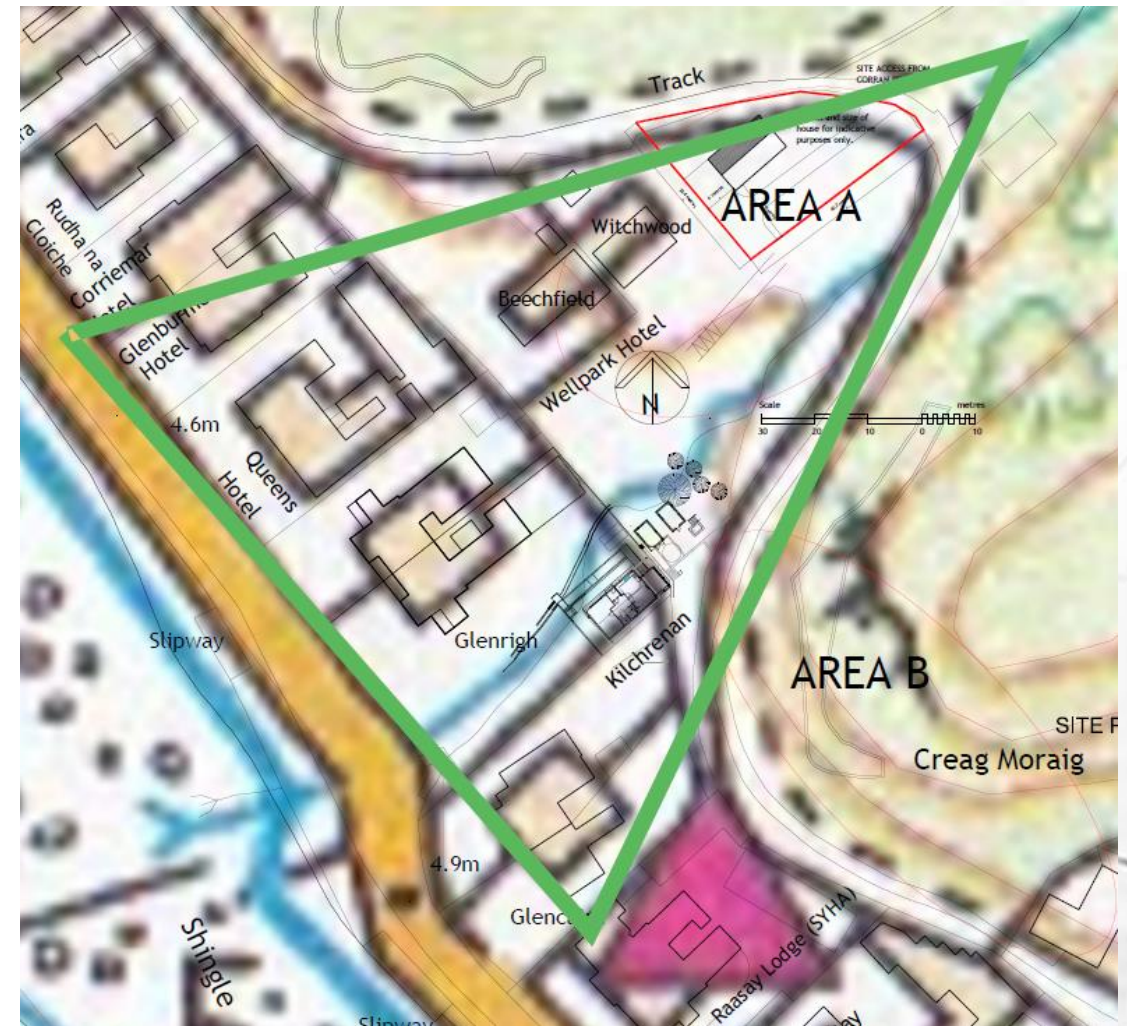
SITE DESCRIPTION

The site is located visually in what is effectively the extended garden ground of the house Witchwood, although not within the legal curtilage.

THE GREEN ZONE SETTLEMENT TRIANGLE

In planning terms it can clearly be seen as a visual extension of the triangular built environs linking back through from “Witchwood” through “Beechwood” to the classical and listed buildings on the Esplanade being the Queens Hotel, the Wellpark Hotel and the Glenrigh Hotel.

To the rear and north of the cycle track a mature woodland owned by Dunollie Etstaes, has been taken into the care of the Woodland Trust for a peppercorn rent to ensure its ongoing sustainability under a 99 year lease.



SITE DESCRIPTION

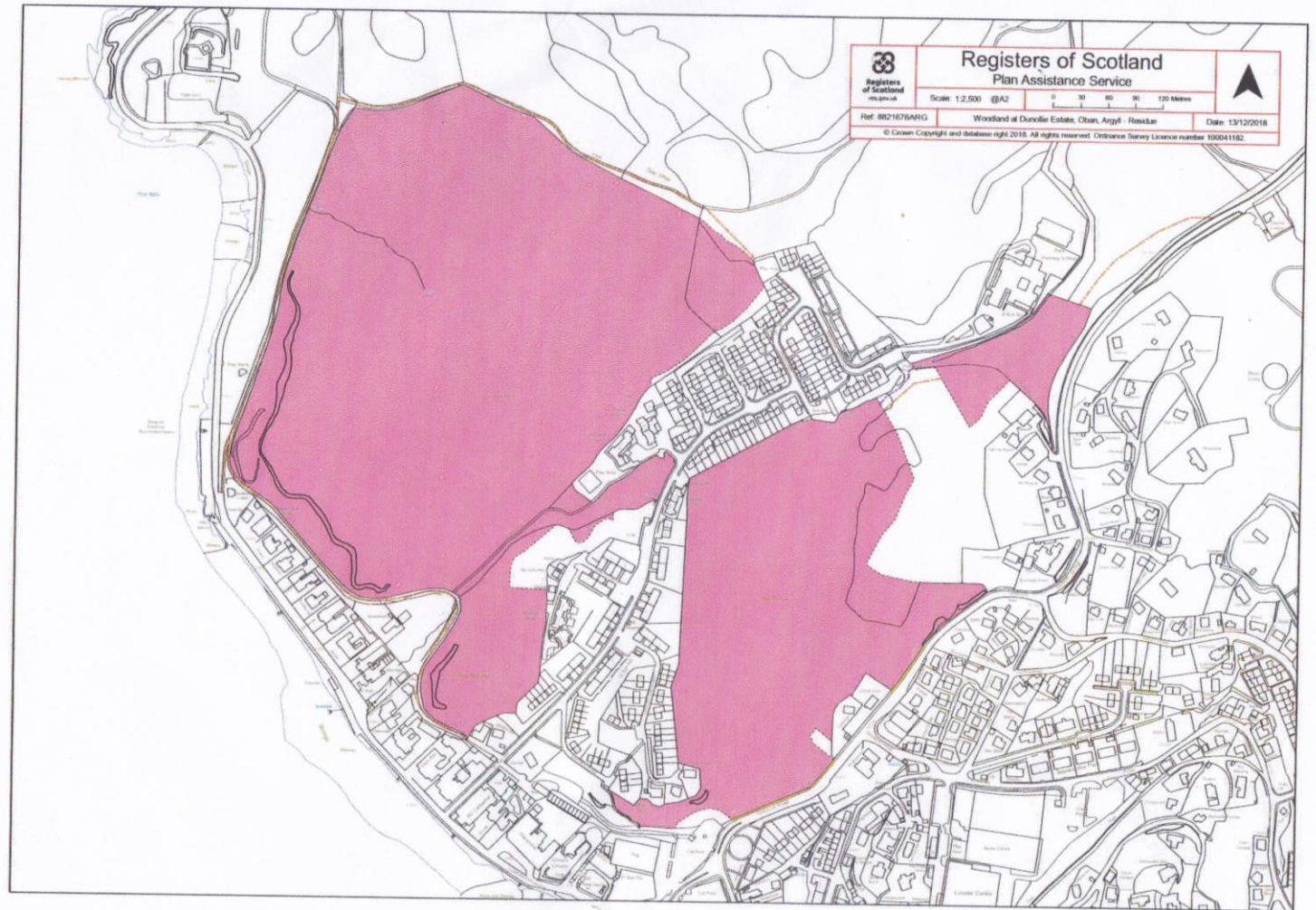
THE WOODLAND OF DUNOLLIE ESTATE

This is now under the care of the woodland Trust as from February 2019. The area of pink refers.

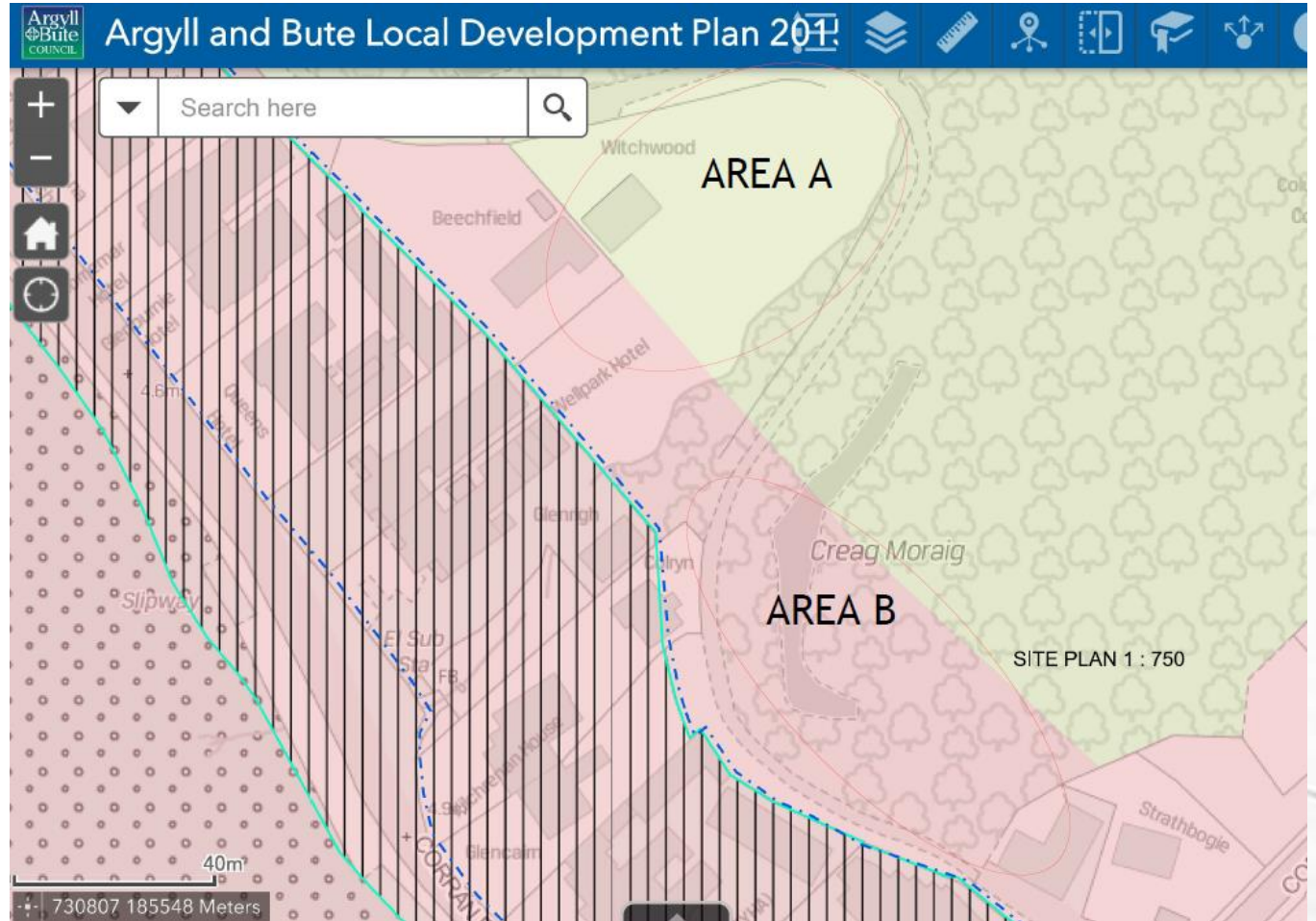
If you consider area A and area B on the plans above you can see an inconsistency in terms of what is countryside and what is settlement.

Area a clearly within settlement and area b clearly with in countryside and contrary to the terms of the current LDP.

Dunollie Estate is keen to sell the land to the applicant to generate further income to enhance the sustainability of the Estate.



LDP MAP



LOCAL DEVELOPMENT PLAN

Under the policy LDP DM1 (as noted below), you can see from the previous slide that the designation of countryside has been inaccurately assigned without due regard for the existing built environment, the natural and physical environment and without any recognition of the contours and gradients of the adjoining environs.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is situated within the Countryside Zone where Policy LDP DM 1 only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building development basis. This policy further states that, should an exceptional case be demonstrated, development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

Whilst it is noted that the property “Beechwood” lies within settlement in terms of the LDP, the fact that approval has been granted previously to “Witchwood”, assigned currently to fall within countryside according to the LDP, sets a precedent that opens the site to a third and final development opportunity that would satisfy “infill and rounding off” as set out under countryside policies.

The extension of settlement well into Dunollie Woods, (see area B), suggests that the designation was carried out as a straight line desktop exercise rather than by proper on-site evaluation which would have addressed the inaccuracies referred to in para 1 above.

LOCAL DEVELOPMENT PLAN

A secondary response from the planning authority suggests there is no capacity within the existing open space to absorb further development and that development of what is effectively garden ground of “Witchwood” would adversely affect the setting and amenity of the existing dwelling house.

However, if you consider reversing that logic, and accepting that there is ample space for the provision of private and public space within the development site, again within the constraints of the green zone “settlement” triangle, see page 5 above, then in a straight forward settlement situation the presumption for development would be undoubtedly favourable.

The site subject of your enquiry does not represent an opportunity for infill, rounding off, redevelopment or change of use as required by the terms of the above policy instead represents an inappropriate form of tandem development with no details of an exceptional case having been demonstrated. Furthermore it is considered that the open nature of the site contributes positively to the setting and amenity of the existing dwellinghouse 'Witchwood' and should be retained as such.

Design Statement : Overview

The three broad strategic approaches to the design of new urban infill development.

Option 1; Contemporary 'Landmark' development

Design of a high architectural quality which is essentially of a different architectural 'style' to the buildings surrounding it

The development of new buildings of quality can help to redefine areas of character in a positive way. Sensitive contemporary design can often better meet the needs of the 21st century for light, services and "presence" than design based on the simple repetition of traditional buildings. Designing a development from this strategic starting point allows the building to be designed functionally from first principles. A high quality design can enhance and improve its setting and the lives of those that use it. A good design should demonstrably tackle any inherent functional conflicts associated with the context or with following the more traditional construction approach.

Option 2; Contemporary 'Integrated' Development

Design which more obviously is based on the architecture of the buildings adjacent

Not all buildings require to make an individual statement of their 'presence' in a settlement. In many cases it is appropriate that new development should quietly integrate into its setting in order to contribute best to a Sense of Place. The design of such developments should be based on the sensitive integration of scale, plot relationship, materials and any key construction details into the proposals as demonstrated in the pattern and construction of buildings within the development setting.

In this approach sensitive interpretation of the essential qualities of the existing context can allow for an appropriate re-interpretation of some of the architectural elements within the composition of the new development.

Option 3 Traditional Design

Some designers may choose to develop proposals entirely based on the traditional architecture of their setting. This approach may be particularly appropriate in sites that are very sensitive historically and where the construction of buildings is particularly important to the community's history.

In this case it is highly important that the development is authentic in its design and construction and that the tradition of local construction is understood and utilised. This will require the use of experienced conservation architects and craftsmen.

Design Statement : Overview

CHECKLIST

Action checklists; small scale development

- 1** **Establish a PATTERN FOR THE DEVELOPMENT** - The site layout or siting of the building should be based on a considered response to the development pattern of settlements and buildings in the immediate area.
LEARN FROM THE PAST - AVOID the worst features of some new developments such as linear ribbon development (road frontage sites), mounding, developments which intrude on the skyline and inappropriate groupings.
CONSIDER a contemporary interpretation of the traditional approach using contours for shelter and grounding buildings in the landscape.
- 2** **Consider the LANDSCAPE AND BUILT SETTING** - New development must be carefully considered in the context of its setting. The natural landscape and features of Argyll and Bute will often be the most dominant visual feature and development must appear appropriate for its setting. Most buildings need to be well integrated into the landscape. To achieve this, retain as much as possible of the existing landscape and boundaries within a site or consider renewing or replacing existing planting with appropriate species. Consider the prominence of a proposed development, either-
MINIMISE IMPACT ON LANDSCAPE SETTING by integrating sensitive, low-key, cohesive development within its surroundings or **INTRODUCE HIGH QUALITY** through the design of exemplar contemporary landmark buildings
- 3** **Design for LONG TERM SUSTAINABILITY** - take account of the need for shelter (natural and built features and wind direction) and utilise solar gain and natural ventilation. Site buildings to allow for future extensions such as garages or outbuildings. Plan buildings and design layouts taking account of security. Housing types and size should be appropriate for their plot. Design-out opportunities for overlooking by good planning - not simply by setting buildings apart from each other.
- 4** **Design for ACCESSIBILITY** - think about access issues at the earliest possible stage of site development. Refer to relevant publications to ensure that plan dimensions are suitable for all (eg. **Lifetime Homes; Joseph Rowntree Foundation, Housing for Varying Needs Guidelines; Communities Scotland; RIBA Guidance Notes for the Disability Discrimination Act**)
- 5** **Consider a SUSTAINABLE DESIGN FOR INFRASTRUCTURE, ACCESS, PARKING AND SERVICING** - Consult early with service providers to ensure that design proposals can realistically accommodate their requirements, and with the Roads Department to establish access requirements can be complied with and if necessary check dimensions; use simple, contemporary entrance treatments. Ensure adequate parking can be provided without dominating the proposals.
Provide a suitably screened location for storage of fuel and waste; provide facilities for recycling.
Use lighting which is appropriate for its rural location and which minimises light pollution.
Consider the use of a sustainable sewerage treatment system and recycling rainwater.
Consider the use of renewable energy systems such as wood fuel, solar energy, wind and water power
- 6** **Consider the MASSING, PROPORTION AND SCALE of the house or development** - Scale buildings to suit landscape and house type; larger buildings need bigger sites. Simple, well proportioned building forms based on a narrow plan are often appropriate in the rural landscape. Most large houses require to be designed as a series of elements in terms of massing. Minimise the extent of unused and undesigned underbuilding.
- 7** **Consider MATERIALS AND CONSTRUCTION DETAILS** - take account of the building's location when choosing materials; many materials and details are less appropriate for exposed locations. Consider the use of locally appropriate, traditional colours. Avoid 'artificial' decorative features which are not related to the context, locally appropriate tradition or the buildings function. Where the site is prominent - unless design is of the highest quality, use a more traditional choice of materials so that the development is sensitive. Where site is less visible - a more individual approach can be taken.

Design Statement : the building on site

The design solution seeks to utilize the existing built environment to reflect a more urban approach in acknowledging the existing linear development by keeping the development to the back of the green triangle zone and setting up and reflecting the existing rectangular and linear patterns.

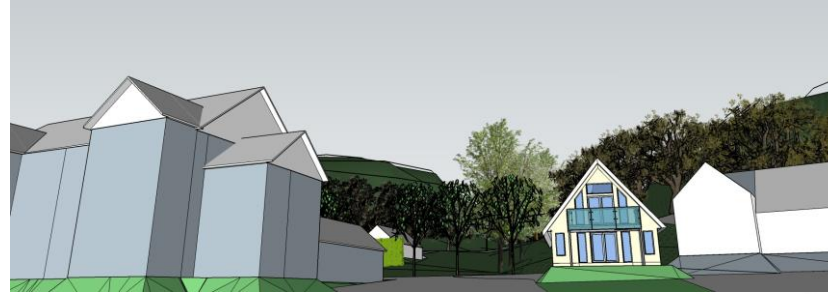
This will minimize the visual impact when approaching from the south by the cycle track and separate the two distinct land forms of settlement and wooded hillside, the separation line being the cycle track and which should also be the LDP zone separation line.

This will align the public spaces of each property whilst affording reasonable private space to the south of the adjoining property and to the north of the proposed property.

The design of the building will incorporate contemporary materials, dark stained larch cladding with stone/render detailing, windows and doors will be coloured sympathetic to the natural landscape. The form of the building will reflect traditional design as a contemporary solution.

The positioning of glazing will maximize solar gain and heat retention to back up air force heat recovery whole house heating.

IMAGES 1



IMAGES 2





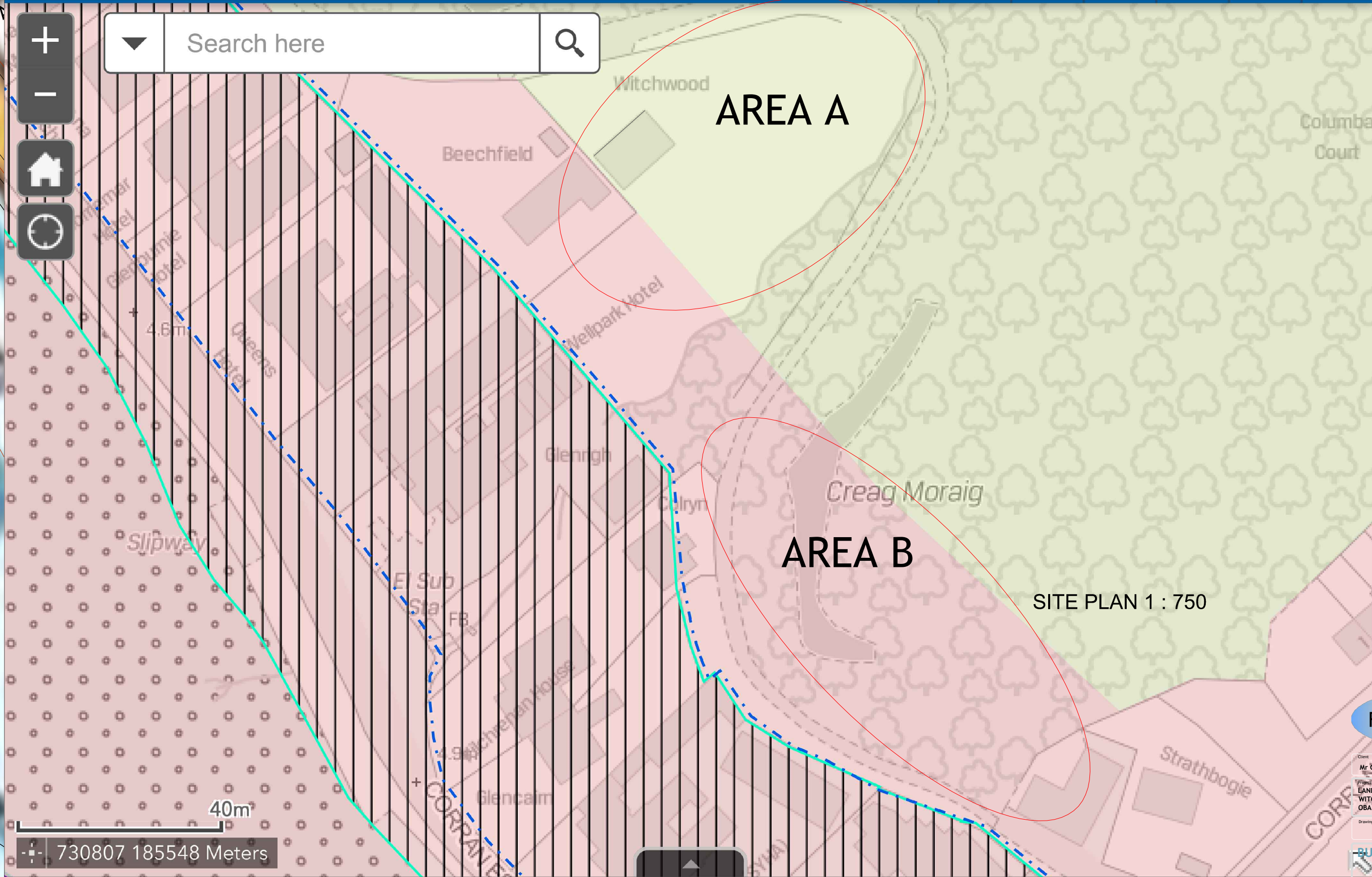
Argyll and Bute Local Development Plan 2018



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Search here

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LOCATION PLAN 1:2500

FEASIBILITY

Client	Mr Gilbert MacKechnie
Project Name	LAND-NORTH EAST OF WITCHWOOD, CORRAN ESPLANADE OBAN ARGYLL PA34 5AQ
Drawing Title	LDP SITE PLAN
Building Design Studio	Inveresregan House Ardchattan Argyll PA37 1RG
Sheet Size	A3
AS NOTED	09.12.18
BDS424	098

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LOCATION PLAN 1:2500

SITE PLAN 1 : 750

FEASIBILITY

Client:
Mr Gilbert MacKechnie

Project Title:
LAND NORTH EAST OF
WITCHWOOD, CORRAN ESPLANADE
OBAN ARGYLL PA34 5AQ

Drawing Title:
LDP SITE PLAN

Sheet Size:
A3

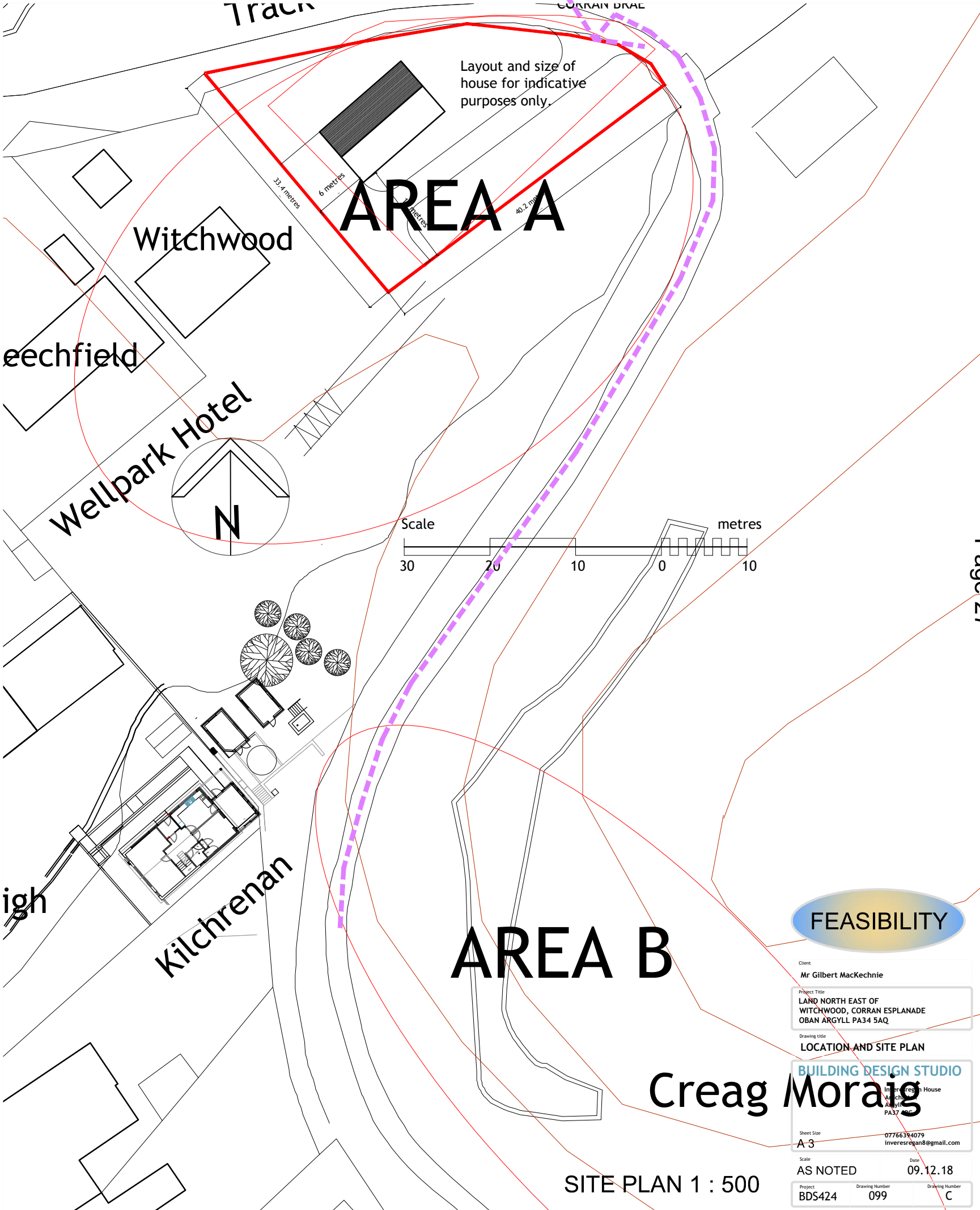
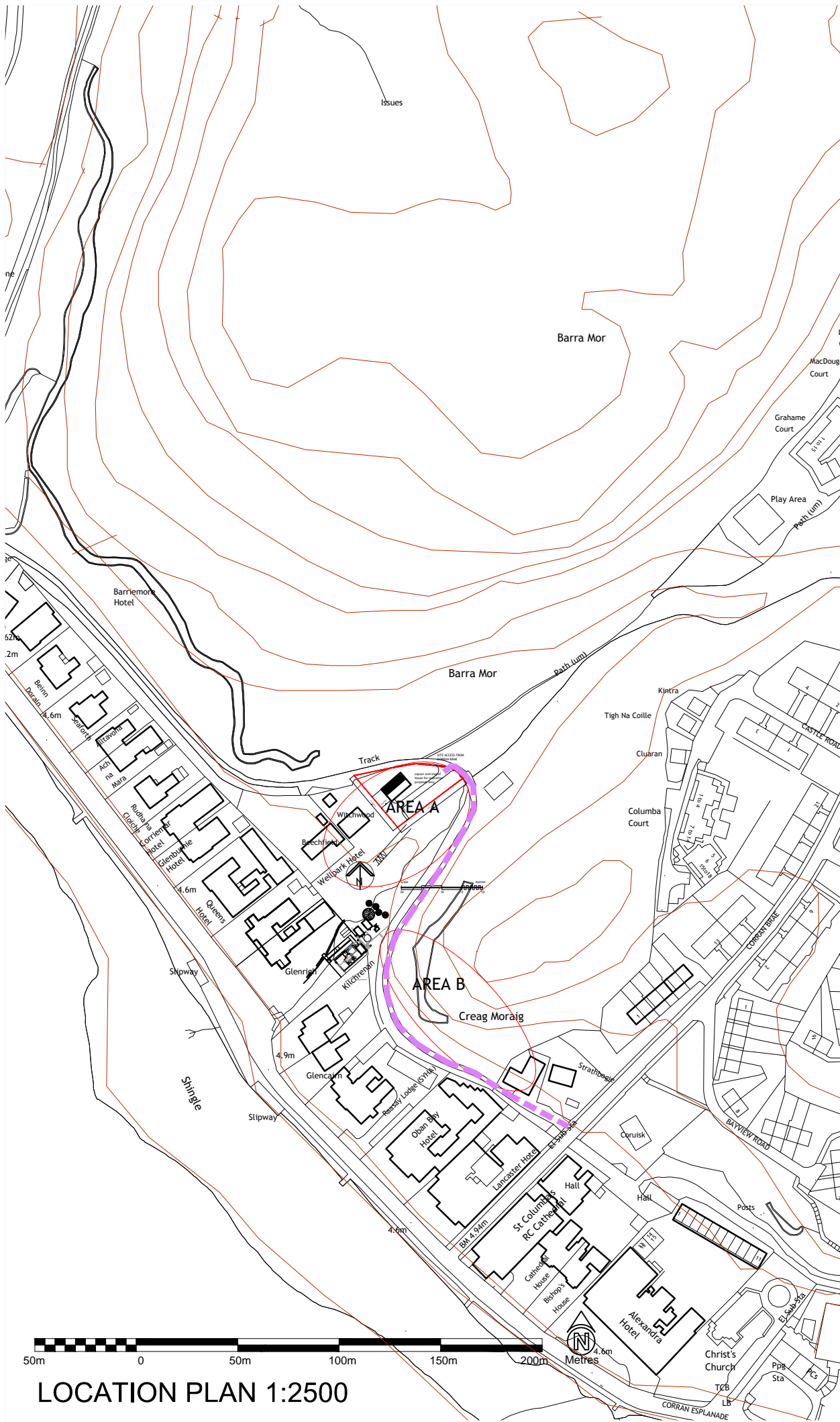
Project Number:
07766394075
inveresregan@gmail.com

Date:
09.12.18

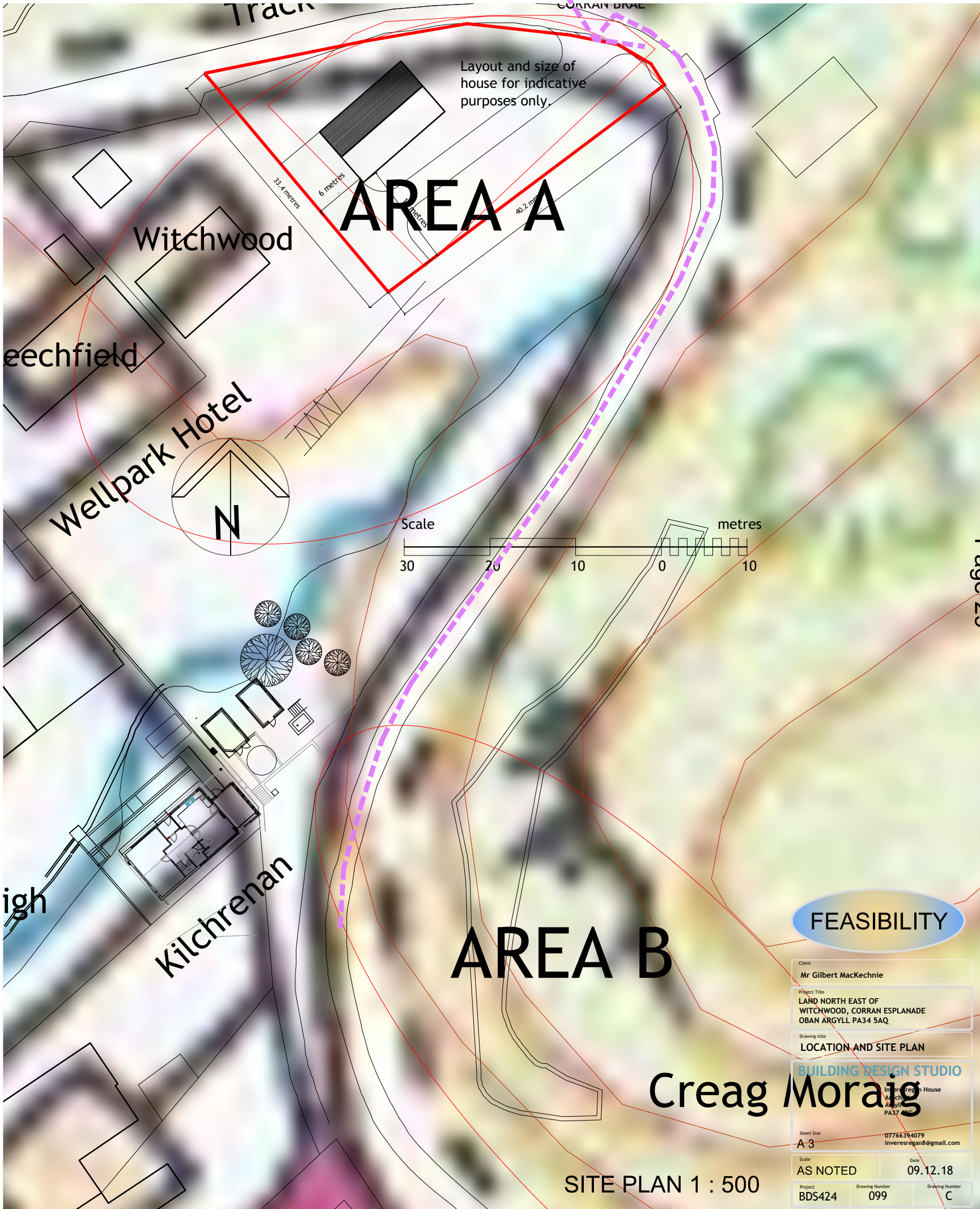
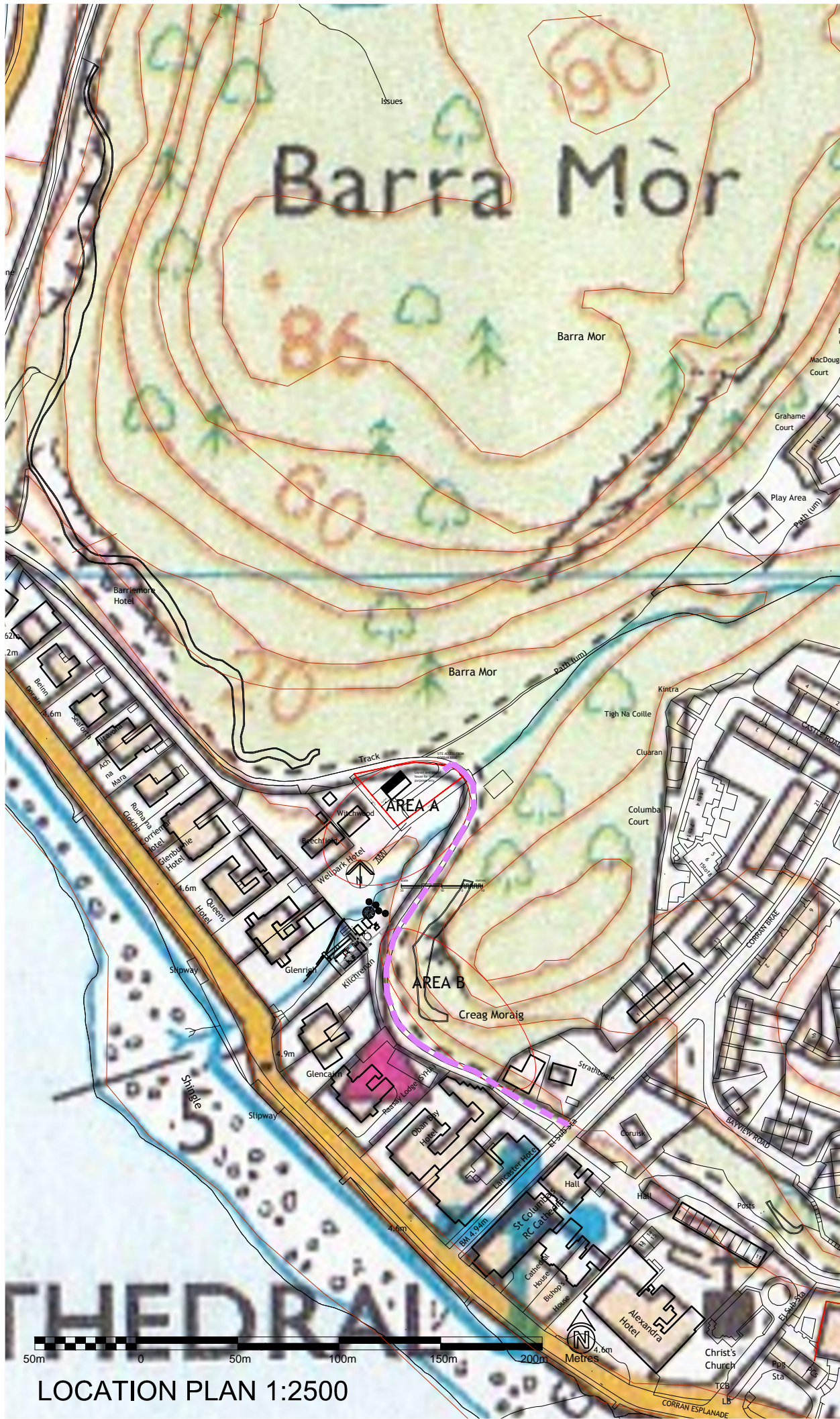
AS NOTED

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

19/0004/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR SITE FOR THE ERECTION
OF A DWELLINGHOUSE**

**GARDEN GROUND OF 'WITCHWOOD',
CORRAN ESPLANADE, OBAN**

14/08/19

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Gilbert Mackechnie ('the appellant').

Planning permission in principle 18/02652/PPP for a site for the erection of a dwellinghouse within the garden ground of 'Witchwood', Corran Esplanade, Oban ('the appeal site') was refused by the Planning Service under delegated powers on 04/07/19.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is situated adjacent to an area of established woodland of Dunollie Estate known locally as 'The Witches' which is a valued area of outdoor amenity space within the main town centre of Oban and which is now within the care of The Woodland Trust. The site is accessed via a shared access track which runs along the rear of the Corran Esplanade providing vehicular access to a number of properties before it becomes a pedestrian only track leading to Dunollie House.

The site is situated adjacent to two detached dwellinghouses, 'Beechwood' which is within the defined settlement of Oban and 'Witchwood' which is within the Countryside Zone (CZ) as defined in the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015. The site contains a number of mature trees along its boundary with the shared access track which are likely to be lost as a result of development of the site with a dwellinghouse.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the proposed site complies with the policies and guidance set out in the LDP.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant contends that the CZ designation has been inaccurately assigned without due regard to the existing built environment, the natural and physical environment and without any recognition of the contours and gradients of the adjoining environs.

Comment: It remains the view of the Planning Service, for the reasons set out in the Report of Handling appended to this submission, that the proposed site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the CZ as required by LDP policy and there has been no claim of an 'exceptional case' for the development based upon any locational or operational site requirement. It is considered that development of the site with a dwellinghouse would represent an inappropriate form of development within the CZ designation resulting in an unacceptable environmental impact introducing a form of inappropriate development into the CZ which would be detrimental to the character and appearance of the wider landscape contrary to the policy and guidance set out in the LDP.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, as set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposed site does not represent an appropriate opportunity for development with a dwellinghouse and would result in an unacceptable environmental impact by virtue of introducing a form of inappropriate development into the CZ detrimental to the character and appearance of the wider landscape.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council Development and Infrastructure

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/02652/PPP

Planning Hierarchy: Local Development

Applicant: Mr Gilbert MacKechnie

Proposal: Site for Erection of Dwellinghouse

Site Address: Garden Ground of Witchwood, Corran Esplanade, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Formation of vehicular access

(ii) Other specified operations

- Connection to public water network
 - Connection to public drainage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be **REFUSED** for the reasons appended to this report.

(C) HISTORY:

No history relevant to this particular site and no pre-application advice has been sought.

(D) CONSULTATIONS:

Area Roads Authority

Report dated 16/05/19 advising no objection subject to conditions regarding construction of access to shared use track and provision of an appropriate parking and turning area within the site.

Scottish Water

Letter dated 21/12/18 advising no objection to the proposed development but providing advisory comments regarding connection to their infrastructure.

Scottish Natural Heritage

E-mail dated 21/12/18 advising that the proposal does not meet their criteria for consultation.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures and Neighbour Notification procedures, overall closing date 31/01/19.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|--|--|-----------|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement:
Yes | |
| <p>A Design Statement has been submitted in support of the application which states that the Countryside Zone designation has been inaccurately assigned without due regard for the existing built environment, the natural and physical environment and without any recognition of the contours and gradients of the adjoining environs. The Design Statement concludes that the granting of planning permission for Witchwood, which has been built, sets a precedent that opens the site to a third and final development opportunity which would satisfy 'infill and rounding off' as set out in policy.</p> | | |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

(i)	Is a Section 75 obligation required:	No
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(l)	Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
(Countryside Zone)
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
 LDP 8 – Supporting the Strength of our Communities
 LDP 9 – Development Setting, Layout and Design
 LDP 10 – Maximising our Resources and Reducing our Consumption
 LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles
 SG LDP ENV 6 – Development Impact on Trees/Woodland
 SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
(North West Argyll (Coast) APQ)
 SG LDP ENV 14 – Landscape
 SG LDP HOU 1 – General Housing Development including Affordable Housing
 SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Consultee Responses

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing:	No

(P) Assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a dwellinghouse within the Garden Ground of Witchwood, Corran Esplanade, Oban.

In terms of the current adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is situated within the Countryside Zone (CZ) where Policy LDP DM 1 of the LDP is very restrictive only giving support to small scale development on an appropriate infill, rounding off, redevelopment or change of use of building development, subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities where they comply with other relevant policies with SG LDP HOU 1 limiting support to new housing within the CZ to an infill, rounding off and redevelopment basis.

The application site is also situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 which seek to resist development in, or adjacent to, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LDP 9 and SG 2 seek developers to site and position development so as to pay regard to the context within which it is located taking into account the location or sensitivity of the area with developments of poor quality or inappropriate layouts being resisted.

The application is seeking planning permission in principle (PPP) with no layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development, with the intention that if permission in principle were to be granted, matters of layout and design should be addressed by way of future application(s) for approval of matters specified in conditions.

The site is situated adjacent to an area of established woodland of Dunollie Estate known locally as 'The Witches' which is a valued area of outdoor amenity space within the main town centre of Oban and which is now within the care of The Woodland Trust. The site is accessed via a shared access track which runs along the rear of the Corran Esplanade providing vehicular access to a number of properties before it becomes a pedestrian only track leading to Dunollie House.

The site is situated adjacent to two detached dwellinghouses, 'Beechwood' which is within the defined settlement of Oban and 'Witchwood' which is within the CZ. The site contains a number of mature trees along its boundary with the shared access track which are likely to be lost as a result of development of the site with a dwellinghouse.

The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the CZ as required by Policy DM 1 above and there has been no claim of any 'exceptional case' for the development based upon any locational or operational site requirement. Furthermore, development of the site with a dwellinghouse would result in the loss of a valuable area of green space which contributes to the amenity of the wider landscape.

The Design Statement submitted in support of the application states that the CZ designation has been inaccurately assigned without due regard for the existing built environment, the natural and physical environment and without any recognition of the contours and gradients of the adjoining environs. The Design Statement concludes that the granting of planning permission for Witchwood, which has been built, sets a precedent that opens the site to a third and final development opportunity which would satisfy 'infill and rounding off' as set out in policy. The Planning Authority has considered the applicant's submitted Design Statement but do not agree with its findings. It is considered that development of the site with a dwellinghouse would represent an inappropriate form of development within the CZ designation resulting in an unacceptable environmental impact introducing a form of inappropriate development in to the CZ and wider APQ which would be detrimental to the character and appearance of the wider landscape contrary to the policy and guidance set out above.

With regard to infrastructure to serve the proposed development, the application proposes to utilise the existing shared access track spurring from the unclassified Corran Brae Road. In their response the Roads Authority advised that the existing access is adequate and raised no objection subject to conditions regarding the formation of the access into the site and provision of an appropriate parking and turning area within the site. Connection to the public water and drainage systems are proposed to which Scottish Water raised no objection but provided advisory comments regarding connection to their infrastructure. Whilst, with appropriate safeguarding conditions, this aspect of the proposal could be considered consistent with Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure developments are served by suitable water supply and drainage arrangements and have a safe means of vehicular access and appropriate parking provision within the site, this is not relevant as the principle of development on the site is not considered consistent with policy as detailed above.

Taking all of the above into consideration, it is considered that the development of the site with a dwellinghouse would result in an unacceptable landscape impact contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, SG LDP ENV 6, SG LDP ENV 13, SG LDP ENV 14 and SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 and it is recommended that the application be refused for the reasons appended to this report.

(Q)	Is the proposal consistent with the Development Plan:	No
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(R) Reasons why planning permission should be refused

See reasons for refusal below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No**

Author of Report: Fiona Scott **Date:** 25/06/19

Reviewing Officer: Tim Williams **Date:** 01/07/19

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 18/02652/PPP

1. The site the subject of this application lies within an area designated as 'Countryside Zone' within the adopted 'Argyll and Bute Local Development Plan' 2015 and is situated adjacent to an area of established woodland of Dunollie Estate known locally as 'The Witches' which is a valued area of outdoor amenity space within the main town centre of Oban.

The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there has been no claim of any 'exceptional case' for the development based upon any locational or operational site requirement.

The application site is also situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 of the adopted Local Development Plan, which seek to resist development in, or adjacent to, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

It is considered that the proposed development would introduce an inappropriate and additional built development into an area of sensitive landscape quality, recognised by its inclusion within a wider Area of Panoramic Landscape Quality (APQ), and will have an unacceptable and materially harmful impact upon the character and quality of the APQ and the wider landscape, contrary to the established settlement pattern.

Furthermore the proposed development would result in the loss of a number of mature specimen trees to the detriment of the amenity value of the site and its setting within the wider landscape contrary to the provisions of SG LDP ENV 6 which seeks to resist development which would have an adverse impact on trees.

The proposal is therefore considered to be contrary to the provisions of Policies STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, , SG LDP ENV 6, SG LDP ENV 13, SG LDP ENV 14 and SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **18/02652/PPP**

-
- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

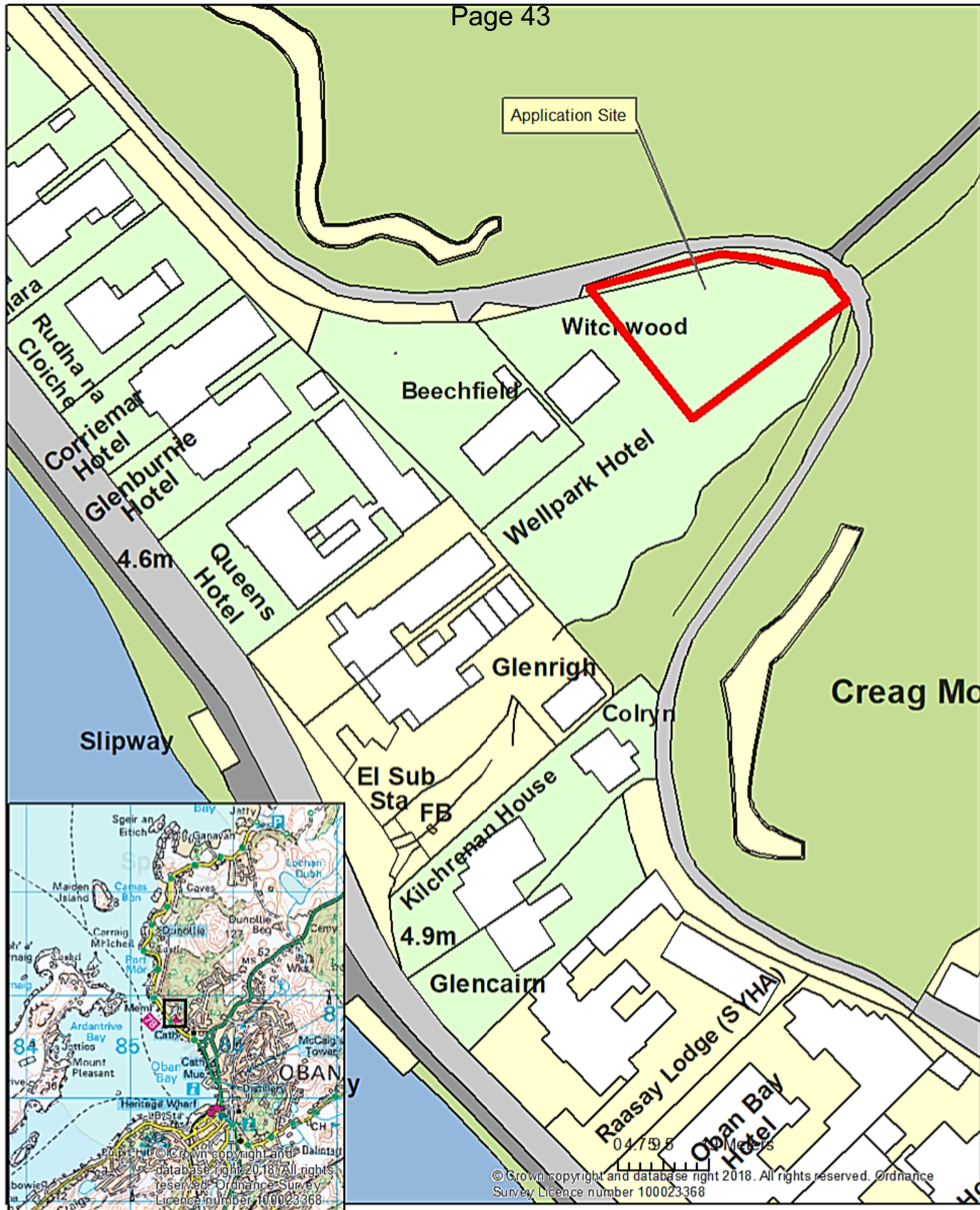
- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C)** The reason why planning permission in principle has been refused.

See reasons for refusal above.

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Location Plan Relative to Local Review Body: 19/0004/LRB



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Email from Applicant's Agent sent on 3 September 2019

Dear Fiona,

LRB 19/0004/LRB

I acknowledge your email of 21st August 2019, and notice of timescales re the above.

I note the planners response to my submission which simply reiterates the comments made in the planning report in relation to Local Development Plan which is made on the basis of, in my opinion, some serious errors in the allocation what is defined sensitive countryside and what is defined as settlement within the current adopted plan..

My complaint, if I could call it that, is that we now have a set of circumstances where we have an area of Open Countryside which is leased out to the Woodland Trust as a protected woodland and which a part of is actually designated settlement within the current adopted LDP, which by default is an indicator of a presumption in favour of development, whilst adjacently sits an open and built-upon area clearly, in my opinion, more aligned with settlement than sensitive countryside and an area that has previously had benefit of planning permission for a single dwelling under the infill and rounding off device. So why not one more?

Dunollie Estates are always keen to support local sustainability by offering sites for development where they present natural opportunities and at the same time generating much needed income to maintain the sustainability of their community assets.

I attach a letter of support from Mike Robertson who represents the interests of the Estate in this matter which i hope you will find of interest.

Kindest regards,

Iain

BUILDING DESIGN STUDIO

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Dunollie Estate

OBAN

10/09/19

Iain MacDonald Esq.,
Building Design Studio,
Invesregan House,
Ardchattan,
Argyll,
PA37 1RG.

Dear Mr MacDonald,

Site for erection of house, Witchwood, Oban. Ref 18/02652/PPP.

I refer to the building design statement that you are in the process of submitting to Planning Dept in relation to the above site, which is on Dunollie estate land.

I confirm that the whole of the woodland above the access road has been given, by way of a 99 year lease, to the national charity, The Woodland Trust. The plan of the woodland area is as shown on your statement. This would not have been known when the original guide lines for the Local Development Plan were drawn. The present situation is clearly an anomaly. The Woodland Trust lease strengthens the Councils ability to keep the area as Open Countryside. The single site left is a natural infill.

On behalf of Dunollie Estate I would support the case made in your Review Notice.

Yours sincerely,

Mike Robertson.

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