

**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**

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**Reference No:** 16/01331/PP  
**Planning Hierarchy:** Local  
**Applicant:** Kanok Bose  
**Proposal:** Erection of dwellinghouse with integral garage/domestic workshop, raised paved terrace, installation of sewage treatment plant, formation of vehicular access, parking and turning area and footpath to shore.  
**Site Address:** Land south of the Galley of Lorne Inn, Ardfern

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse with integral double garage;
- Ground remodelling involving raised paved terrace on a stone batter;
- Installation of sewage treatment plant with discharge to coastal waters;
- Formation of vehicular access, parking and turning area;
- Formation of footpath to shore.

**(ii) Other specified operations**

- Connection to public water supply.
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**(B) RECOMMENDATION:**

It is recommended planning permission be refused for the reasons set out in this report.

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**(C) CONSULTATIONS:**

**Area Roads Engineer** – No objections subject to conditions requiring parking for 3 vehicles and provision of a refuse collection point adjacent to the public road.

**SEPA** – Object on grounds of lack of information in relation to waste water drainage. Currently two CAR authorisations for discharge into Loch Craignish are consented by SEPA, in relation to the Galley of Lorne Inn and a variety of residential units. Before considering whether it would be possible to allow a new CAR authorisation,

'loading' information in relation to the population equivalents is required. It is pointed out that that a proliferation of sewage treatment arrangements may impact on effluent quality standards. SEPA have indicated that it could review this position upon receipt of further information from the applicant/agent, but despite this being requested it has not been supplied.

In relation to risk of flooding, parts of the site are in an area of a medium likelihood flood event/extent as defined in the SEPA Flood Map. SEPA note that the specified Finished Floor Level (FFL) of 5.02 is significantly above the 1 in 200 year coastal flood level of 4.07m AOD. No objections are raised by SEPA in relation to flood risk, subject to the advice being obtained from the Flood Prevention Authority in terms of appropriate freeboard, emergency access, and post development run off.

**Flood Prevention Authority** (Council's consultant Flooding Engineers) – unless a specific Flood Risk Assessment report is produced by the applicant which is able to confirm otherwise, the applicant's proposed Finished Floor Level of 5.02m AOD should be raised by 0.02m to 5.04m AOD to take account of climate change, wave action and freeboard.

**Scottish Water** – No response. (Previously in the case of an application for 2 dwellings which was refused in 2013 no objections were raised).

**Building Standards** - in relation to securing standards for Strathclyde Fire Brigade. The normal regulatory requirements is to have available a 3.7m wide access capable of a 14 tonne axle weight to be within 45 metres of any dwelling which if restricted by any gate is to be a minimum of 3.5m wide. Whilst the planned driveway within the site widens from 2.6 to 3.7 metres, currently as noted on the drawings there is an entry restriction from the hotel car park of 2.6m across a civil 3 tonne axle restriction over the hotel car park. These matters would be considered at the time of an application for a Building Warrant rather than at planning stage, and in view of the potential physical and legal difficulties, the consideration of any such Warrant would be dependent upon the outcome of discussions between Building Standards and Strathclyde Fire Service at that time.

**Scottish Fire and Rescue** - No response.

**Environmental Health Officer** – unnecessary advice provided re private water supply, in that water is to be secured by means of a connection to the public supply.

**Craignish Community Council** – at its meeting on the 01.06.2016 unanimously voted to object to this application asking that it be refused, commenting that whilst the proposal is for one house, not two, and of a different design, all of the Reasons for Refusal cited in respect of application 12/02429/PP are again relevant to this case, specifically noting that :

- The proposal would be overlooked from the Galley of Lorne Inn, a community hub, where an appreciation of the views of Loch Craignish arise and which are, otherwise not attainable from the centre of the village;
- The development would impinge upon the setting of the listed Galley of Lorne Inn;
- The relationship between the inn and its coastal setting would be devalued affecting a loss of amenity, and since its setting would be affected it would have a consequence upon the operation of the inns business;
- The intrusive nature of normal external clutter associated with a dwellinghouse as well as domestic activity having a further adverse consequence upon the

amenity currently offered at the inn's public spaces (function/dining room and accompanying function space open deck);

- The reverse issue in that congregating persons on the inn's function space open deck would cause a privacy issue and group noise amenity problem for the residents of the proposed dwelling;
- The nuisance of traffic having to pass close by the hotel manager's accommodation.

The Community Council additionally mention that since 2013, the Local Development Plan of 2015 has been adopted and that the proposal would be contrary to policies SGLDP ENV 14 and 16(a).

Furthermore they note that the proposal would contravene the Craignish Community Plan which rejects any development on the shore side of the road citing: *'the scenic quality of the coastal fringe and its setting is locally highly valued. Foreshore and marine development should be for local community use and small scale. The protection of the lagoon from development ... should be strengthened.'*

In closing the Community Council say (as they did at the time of the previous application) that:

*'the Galley of Lorne is at the centre of the community and plays an important part in the life of the area. It is important to the economy of Craignish, providing employment and bringing in tourists. Its success has a knock-on effect in the area, and many other businesses benefit from visitors staying at the Galley. The owners are working hard to develop the business and promote the Galley as a venue for weddings and functions. Its beautiful dining room, with panoramic views across the lagoon, is key to this. This development would destroy that business'*

They conclude by stating their opinion that this land is totally unsuitable for housing and ought to be preserved as open space for all time.

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**(D) HISTORY:**

05/01483/DET – Consolidation and extension of existing access track – approved (05.09.2005)

06/02537DET Erection of 2 dwelling houses and installation of septic tank – refused (18.01.2008)

12/00821/PP Erection of 2 dwelling houses with attached garages, installation of sewage treatment plant and formation of vehicular access – withdrawn (30.10.2012)

12/02429/PP Erection of 2 dwellinghouses, installation of sewage treatment plant and formation of vehicular access, parking and turning involving ground engineering works – refused (23.08.2013)

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**(E) PUBLICITY:**

Newspaper advertisement and Site Notice in relation to development affecting the setting of a Listed Building: Period for representations expired on 24.06.2012

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**(F) REPRESENTATIONS:**

**Representations received from:**

Numerous letters/emails of objection have been received from both local people and visitors, the latter expressing that they were attracted to this particular area because of its scenic value and facilities and valued the view across this site to the loch. No letters of support have been received.

The full list of third party objectors is appended to this report. These objectors (currently just over 240) represent some 200 households and the Craignish Community Company. Over 30 of these households are from the Craignish local area and the balance from visitors to the locality from other parts of Argyll, the country and world. All immediate neighbours – from the proprietor of the Galley of Lorne Inn (Andrew Stanton), the owner of Eider and Teal Cottages (Keith Punler) and the owner of the nearby dwelling Watermill (Dr. Roger Weber) – have objected.

A summary of the objections received is produced below and Members can access all of them in detail at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Cllr. Philand is amongst those who have written to object to the application.

Given that the recommendation is to refuse and that most of what is expressed by the public is endorsed by officers, no further comment upon what may be valid opinion is expressed below, other than to draw attention to irrelevant considerations.

**Summary of issues raised:**

- Ward Councillor Douglas Philand's objection states :

I record my objection to the proposed development associating myself with the concerns raised by the Community Council and the Community Company and in particular the agreed Local Plan.

- Points raised by Craignish Community Company (C3) :

- a) One of the major selling points of the Galley of Lorne Inn is the view from the function room down the loch – this development, affecting the view, would adversely affect the business with consequential knock on effects for the economy of the village.
- b) In 2013, under the Right to buy legislation, C3 successfully registered an interest in all of the land, as owned by the applicant, in front of the inn toward the shore citing the land as a preferred potential site for publically accessible open space and that no further building should occur on it.
- c) It is in conflict with the Craignish Community Plan

- Points raised by Andrew Stanton, the Proprietor of the Galley of Lorne Inn :

Members are advised that this detailed 15 page objection can be seen in full as doc no. 21426427 on 16/01331/PP at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk) In essence the 2 page concluding section of the objection centres the case upon:

- i) the importance of the views to Craignish Loch and backdrop of hills from the public areas of the hotel – specifically the dining/function room with its floor to ceiling panorama screen glazing, the alfresco dining deck, and some of the hotels bedrooms. These views are cited as being importance to the past growth and current survival of the business which has had to adapt to more dependence upon the food and accommodation side of the business;
- ii) The economic relationship of this business with others in the Craignish peninsula and the adverse consequences upon the fragile local economy if this development were allowed to proceed;
- iii) Allowing any prospect of one dwelling on the shoreward side of the hotel would lead to precedent and ultimate infilling of the remaining undeveloped area between Eider Cottage and Watermell;

Mr. Stanton furthermore holds the view that the development would as a consequence:

- iv) See the demise of a category C listed building (the Galley of Lorne Inn);
- v) Have an adverse effect on the fabric of the local community;
- vi) Bring about a further level of unemployment;
- vii) Conflict with the values and aims of the Craignish Community Plan;
- viii) Conflict with the Development Plan policies that underpin the historic environment *Comment: His numeric policy references relate to a former development plan, but the policy position remains generally the same;*
- ix) Suffer from a legal burden over a right of access in terms of width and axle weight through the hotel's car park;
- x) Lead to privacy and amenity issues between hotel and dwelling and vice versa;
- xi) Cause waste water drainage issues; noting that amongst other matters that the reason for the 3 tonne axle weight burden upon the right of access is to protect the waste drainage pipe from the neighbouring Primrose Cottage;
- xii) Be problematical for the floodplain.

Finally, he asks:

- xiii) Should the Committee be inclined to support the case, no such decision be made without holding a public hearing given the magnitude of public opposition to the development.

- Additional points raised by the owner of neighbouring land to the east and the holiday letting units Eider and Teal :

- i) The proposal being a one and a half/two storey dwellinghouse to be developed upon a proposed raised platform will mean it will be many metres higher than Eider cottage, dominating it and leading to loss of

amenity within the property and its grounds, taking no cognisance of the rural nature of the surrounds. The proposed floor level will additionally be higher than that of neighbouring Teal cottage to its disadvantage. The proposal represents an over-development of the site.

- ii) The proposal would be prejudicial to the development of a consented (*although now lapsed*) modest residential unit 10/00709/PP, the proposed access potentially affecting the root system of trees benefiting this neighbouring land.
- Additional points raised by the owner of Watermell, a dwelling some distance to the west :
  - i) Within the deeds of Watermell there is a clause that prevents the construction of any structure on the land south of the Galley of Lorne.

*Comment: this private matter could only be pursued as a civil matter by the owner of Watermell - its effect having arisen as a consequence of all of the land having been in a single ownership at one time.*

- Points raised by most objectors:
  - i) The proposed house could not be closer to the Galley of Lorne Inn nor its position more damaging to the nature of its business – both residents in the hotel and alfresco diners looking straight into the building;
  - ii) The inn supports local employment and continually attracts new tourists. Its restaurant/function room is at the heart of what it has to offer and is the key to its commercial survival via dining and the hosting of wedding receptions;
  - iii) In time, if this development were allowed, the inn would no longer be viable leaving the village without a hub and the only restaurant and bar within walking distance of one of the largest marinas on the west coast of Scotland;
  - iv) The consequences to other businesses in the village such as the local shop, marina and other tourist activities could be catastrophic destroying the fabric of the community in due course. There is a symbiotic relationship between all businesses in the village;
  - v) A secondary fear that if this application is consented, it may be followed by a second application for a second house which would envelop the inn;
  - vi) The Galley of Lorne Inn under various guises dates back to 1680. It is a listed building which historically has always had unspoilt views from its grounds.
- Remaining points raised by objectors:
  - i) The dwelling is over-development, inappropriate in size, as well as proximity;
  - ii) The dwelling would overshadow and be dominant from the inn;
  - iii) Returning visits to the hotel are because of the views obtained and this, this development would have a consequence upon the prospects of return visits;
  - iv) The proposal is out of character given the quality of the areas natural beauty;
  - v) Past applications which were less intrusive have been rejected, so this

- should also be refused;
- vi) The access is through the hotel car park, restricting parking spaces, and close to the hotel manager's front door affecting amenity;
  - vii) Insufficient on-site parking for such a large dwelling;
  - viii) Flood risk issues;
  - ix) Given SEPA's current objection/position, a serious concern is raised over drainage issues and the threat to the quality of the lagoon waters as used by wildlife and kayakers;
  - x) Wildlife would be threatened and would leave – otters and osprey cited;
  - xi) Proposed materials (wood cladding and render) totally inappropriate given its proximity to a listed building;
  - xii) Because of access constraints delivery vehicles would be forced to offload on the public B8002 road, causing disruption within the local community;
  - xiii) No disabled access shown;
  - xiv) The pedestrian access to the shore line of compacted hardcore could form the basis for a further access and the prospect for further development.

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |       |   |      |
|-------|---|------|
| (i)   | <b>Environmental Statement:</b>   | No   |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No   |
| (iii) | <b>A design or design/access statement:</b>   | No   |
| (iv)  | <b>A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | None |

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** Not applicable

**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

**(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  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 4 – Supporting the Sustainable Development of our Coastal Zone  
LDP 5 – Supporting the Sustainable Growth of our Economy  
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 to the Argyll and Bute Local Development Plan (March 2016)

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 16(a) – Impact on Listed Buildings  
SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision  
SG LDP COM 2 – Community Plans and New/Extended Crofting Townships  
SG LDP DEP – Departures from the Local Development Plan  
SG LDP Sustainable – Sustainable Siting and Design Principles  
SG LDP BAD 2 – Bad Neighbour Development in Reverse  
SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 3 – Drainage Impact Assessment  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development  
SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework  
SG LDP TRAN 1 – Access to the Outdoors  
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision

**(ii) 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.**

- Scottish Planning Policy
- Third Party representations

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**(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**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**



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- (O) Requirement for a hearing (PAN41 or other):** On the basis that the recommendation is to refuse, which is in line with the significant weight of public opposition, provided Members are minded to accept the recommendation there is no requirement to hold a hearing given the absence of any representations in support.

However, if Members are minded to give support to the application then it would be appropriate to hold a hearing given the weight of opposition.

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

Whilst the site lies within the 'settlement' boundary defined in the adopted Local Development Plan, the principal issues which caused the Council to reject the development of this land in 2008 and 2013 have not been overcome and almost identical reasons to refuse this proposal remain. The main issue remains the importance of preserving the valued and publically beneficial open aspect over this land as a 'key environmental feature' in the village of Ardfern. Its lack of development secures key public views across the Loch Craignish and its foreshore in a village which, despite its proximity, suffers from a lack of publically available aspects over the loch. These concerns are recognised not only as important by officers and the Community Council, but also by the significant number of persons, both local residents and visitors, who have raised objection to the development.

By virtue of its significance in terms of the setting of the listed 'Galley of Lorne Inn', which is an important focus for the community and a local tourism asset, this particular area of land is a valued component of the landscape setting of the village, and it has amenity value in terms of the public views it affords. The proposal is contrary to the Local Development Plan settlement strategy insofar as it does not present an appropriate development opportunity in relation to the layout and function of its surroundings, nor in terms of its adverse impact upon the setting of the listed inn.

Material changes in circumstance from those reasons that precluded development of this land in 2013 are the closer positioning of the proposed building to the inn, and its alternative design, neither of which increase the acceptability of the development. Also since the last decision, the Local Development Plan 2015 has been adopted and Supplementary Guidance policy SG LDP COM 2 – 'Community Plans' now gives further weight to the materiality of the Craignish Community Plan, which the Council has accepted. Neither of these important material considerations lend any support to the development of this site.

The proximity of the proposed dwelling to the external areas associated with the function accommodation at the Galley of Lorne Inn poses potentially adverse consequences both for the operation of that business and for residents of the dwelling, by means of the introduction of a sensitive use which could be disturbed, particularly at unsocial hours, by the an established business which, when operating legitimately, might nonetheless prompting complaint on residential amenity grounds. Such conflict, where it can be reasonably anticipated, is to be avoided by the effect of LDP SG BAD 2, which is not satisfied in this case.

Additionally the agent/applicant has failed, following request, to provide the required

waste water management information, in terms of details/specifications/loadings required for further assessment by SEPA in relation to its concerns over potential pollution of coastal waters. Accordingly, in the absence of any reassurance in this regard, SEPA has objected to the application on the grounds of inadequate information.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

Not applicable

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

Not applicable

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

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**Author of Report:** Derek Hay **Date:** 20.07.2016

**Reviewing Officer:** Richard Kerr **Date:** 22.07.2016

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 16/01331/PP

1. The application relates to coastal land within a settlement boundary subject to Policy LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 and to housing policies LDP 8 and SG LDP HOU 1 and landscape/environmental policies LDP 3 and SG LDP ENV 13. Collectively, these require that development within settlements should respect the landscape/townscape character and amenity of the surrounding area, with LDP 3 (C) and (E) requiring in particular that the established character and built environment assets should be respected in the siting and design of new development. The land proposed to be developed is, in this context, an important piece of open land regarded as a 'key environmental feature' which would be seriously damaged by the proposed development, contrary to the provisions of the aforementioned policies. The development would be overlooked by the Galley of Lorne Inn which forms the community hub of the village and is valued by residents and visitors for the opportunity it presents for the appreciation of views of Loch Craignish, which are not otherwise attainable from within the centre of the village. The development, by reason of its location, siting, domineering form, and incongruity with its surroundings, fails to maintain the established character of the settlement, or the local distinctiveness of its landscape setting, and it would seriously impinge upon a key environmental feature which is worthy of protection, by virtue of its value in terms of the publically available views of Loch Craignish and its foreshore which it affords. Accordingly, the proposal does not amount to 'an appropriate site' in terms of the effect of Policy LDP DM1 (C) of the 'Argyll and Bute Local Development Plan' 2015.
2. The application proposes development in a shoreward location within the village between the public road and Loch Craignish. Such development is contrary to the provisions of the Craignish Community Plan as accepted by the Council and endorsed by the effect of Supplementary Guidance SG LDP COM 2 of the 'Argyll and Bute Local Development Plan' 2015, which affords the community plan the status of policy as a material planning consideration in decision-making.
3. The application proposes the development of a detached dwellinghouse with an elevated floor level, which in order to address currently known flood risk, would require a Finished Floor Level 0.2m higher than that shown in the submission so as to meet safeguarding recommended by the Flood Prevention Authority. The elevated floor level in combination with the diminishing existing ground levels toward the foreshore and the scale of the building, would give rise to an incongruous built form, both in relation to its immediate surroundings and in the context of smaller scale development found which predominates in other in shoreward locations within the village. The proposal would introduce a form of development which, along with the associated trappings of residential occupation, which would impinge on the setting of the listed Galley of Lorne Inn and the amenity value of an otherwise undeveloped section of the coast, which is particularly valued within the village. The development as a consequence fails to reflect the character of its surroundings and fails to maintain valued public views of the local landscape, contrary to Policies LDP 3, LDP 9 and SG LDP Sustainable of the 'Argyll and Bute Local Development Plan' 2015.
4. The development proposed, by reason of its location design and appearance would impinge upon the setting of the adjacent Galley of Lorne Inn which is a building listed as being of architectural or historic importance, and which benefits from the relationship which it enjoys with the adjacent loch-side. This open shoreward land and the associated reed-bed along the foreshore, constitutes a valuable open area providing relief to the built-up core of the village, affording publically available views of the loch and contributing to the landscape setting of the settlement as a whole and that of the Galley of Lorne in particular. The relationship between the inn and its

coastal setting would be devalued by the introduction of intervening development of the proximity and scale proposed, both in visual terms and in terms of the value which the setting of the building contributes to its operation as a hotel and function venue. The development would consequently be contrary to Policies LDP STRAT 1 and LDP 3 and in particular SG LDP ENV 16a of the 'Argyll and Bute Local Development Plan' 2015.

5. The development would bring about adverse amenity consequences for the occupiers of both existing and proposed buildings in terms of visual and potential disturbance issues during the legitimate occupation and use of either property, by virtue of access being taken to the development in close proximity to the manager's accommodation for the Galley of Lorne Inn, and in terms of potential disturbance to the occupiers of the dwelling from functions and outdoor activity associated with the Inn. Additionally, this property would be overbearing in scale in close proximity to the small holiday letting unit known as 'Eider', to the detriment of its amenity as a holiday letting unit. The proposal therefore fails to satisfy policies LDP ENV 9 of the 'Argyll and Bute Local Development Plan' 2015 and SG LDP BAD 2.
6. The applicant has failed to provide sufficient information for SEPA, in its capacity as a consultee to the planning process, to be satisfied that intended waste water disposal arrangements are satisfactory, and therefore there remains uncertainty as to whether proposed development, in combination with existing developments discharging to coastal waters, might pose an unacceptable risk to the receiving water environment. In the absence of information providing sufficient reassurance in this regard, the proposal is regarded as being contrary to Policy LDP 10 and SG LDP SERV 1 of the 'Argyll and Bute Local Development Plan' 2015.

#### **NOTE TO APPLICANT**

The application relates to the details contained within the application form dated 05.05.2016 and the stamped refused drawings referenced 1 to 3 of 3 as received/validated on 18.05.2016.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 16/01331/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The site falls within the 'settlement' boundary of Ardfern (listed as a small town/village) as defined within the adopted 'Argyll and Bute Local Development Plan' 2015. The relevant settlement policy for such an area is LDP DM1 which, in terms of housing, is linked to policies LDP 8 and SG LDP HOU 1. Whilst Policy LDP DM1 is capable of lending support for to development of this scale within a settlement, it only does so on what are described as 'appropriate' sites; i.e. subject to capacity and assessment against the effect of other policies in the plan.

The site is in the centre of Ardfern and occupies part of a field flowing into reedbed on the borders of a sea lagoon forming part of Loch Craignish. For reasons expressed within later sections of this assessment, this location is not considered to be an appropriate parcel of land for built development consistent with the above mentioned policies.

In addition to considering this proposal in terms of settlement strategy, it is also necessary to have regard to the Area of Panoramic Quality designation which applies to the wider area via Policy LDP 3 linked to and SG LDP ENV 13. Whilst not preventing development, this combination of policies does guard against development judged to pose a significant adverse impact upon the landscape setting of settlements, by way of inappropriate scale, location and design.

This parcel of land is particularly valued as the only open area within the village adjacent to the loch which enables an appreciation of the landscape transition between loch, its associated reedbed and the built form of the village. As such it should be regarded as a 'key environmental feature' which if lost or damaged through development would have a notable adverse impact upon the landscape setting of the village, as protected by the aforementioned policies. It should be noted that this landscape feature is not simply of benefit as seen from the land but also as seen from the loch, the lagoon being navigable by canoes and small craft. The value of the area to residents and visitors alike is reflected in the body of objection received to the application.

The owner of the Galley of Lorne Inn and many of the objectors have been critical of the impact of the development on the setting of the listed inn, which is clearly regarded as a valuable asset to the village and a focal point for the community and community events. Whilst it is generally accepted principle in planning that a development cannot be refused because of its impact upon someone's view, there are cases such as this where public vantage points become worthy of protection. The government in SPP comments on the relationship between private and public interests and points out that planning control is exercised in the public interest rather than to protect the interests of one person or one business against another. The issue in this case is therefore whether the existing use of land and its associated amenity value ought to be safeguarded in the public interest.

In this particular instance, views extend from the public space (function-dining room and the alfresco deck and lawns) of the hotel across the application site and neighbouring associated field/reedbeds to the foreshore, sea loch and the panoramic hill landscape beyond. The land and the views available across it contribute to the setting of the listed Galley of Lorne building, and as the proprietor and third parties

point out, these are of value to its operation as a business, which in part is dependent upon its relationship with the loch and its landscape setting. Indeed the premises have been altered and extended in recent years in a manner specifically designed to take advantage of its unspoilt outlook. Previous proposals for the development of land between the Galley of Lorne and the foreshore for two houses have been refused on two occasions by Committee, and this proposal does not overcome the shortcomings which led to those decisions. Indeed, the current location is one which reduces separation between the proposed building and the inn.

As a consequence of all the above the proposal is inconsistent with the Council's Settlement Strategy.

## **B. Location, Nature and Design of Proposed Development**

Having concluded that any residential development of the land would fail to accord with the Council's Settlement Strategy, it is further necessary to consider the detailed aspects of this particular proposal. Adopted Local Development Plan policies LDP 9 and 'SG LDP Sustainable' sets out criteria to be met in relation to the setting, layout and design of development.

The application proposes the development of a single large dwelling within an open undeveloped area on the shoreward side of the Galley of Lorne Inn and in close proximity to it. This land is low lying, and gradually falls away to an area of natural reed-bed fringing Loch Craignish. To the west of this open land, there is one dwelling, 'Watermill', which has been a source of past criticism in the village, in view of its prominence and height relative to its surroundings. On the opposite, eastern side of the site, there is the scattered group of 9 small detached properties originally built as holiday lets, the closest unit of which is very small and known as 'Eider'. All the units close to the shore within this neighbouring development are very small scale thereby not dominating any landscape view.

This proposal seeks to locate one large dwelling in the same general area of open ground refused for two dwellings previously in 2008 and again in 2013. Those dwellings were intended to be low impact dwellings being contoured over with turf as seen from the hotel (2008 decision) and by being no higher than 4.5 metres from the ground level (closest to the hotel) to highest part of a curved roof (2013 decision); both in an attempt to limit their impact upon their sensitive surroundings. In each case the Committee refused them as per officer recommendation because of their adverse visual impact and inappropriate relationship with their surroundings. In comparison, the current proposal whilst only for one dwelling is for a much more substantial dwellinghouse with an integral garage/domestic workshop, which is positioned much closer to the hotel, its function room and its alfresco deck, than the closest of the dwellings for which permission was previously sought.

The current proposal is for a one and three quarter storey high dwellinghouse, with an eaves height of 3.4 metres and a ridge of 6.2 metres in that part closest to the hotel. In being situated on rising ground closer to the hotel than in the previous case, the floor level of the building rises by one metre relative to that considered in 2013, adding both proximity and dominance to this building over the previously rejected proposals. At the more southerly position the proposed dwelling would have – level with proposed ground floor – an external elevated paved terrace, which would require a significant 1.6m high basecourse to be constructed with facing natural stone built to a slight batter, contributing further to the imposing mass of the development. This battered feature itself has a significant extent, 15 metres wide extending 4.2 metres toward the shore

from the SW/SE corners of the dwellinghouse. Being positioned towards the reedbed foreshore it would be intrusive and incongruous in this natural environment.

The proposed property would be gabled, with two significant cathedral style windows addressing the sea loch, and it would have a significant rear facing wing projecting toward the hotel, placing the development only 7 metres from the deck of the hotel and 16.5 metres from the rear face of the hotel building. This presents a full glazed screen function room/dining area window overlooking the loch, which appears particularly valued by the proprietor and customers alike as an asset to the role of premises as a dining and function venue. This more substantial building would be located 14 metres closer to the hotel than closest of the proposed two dwellings previously refused. It would be seen at relatively close quarters from the hotel's function room/ deck and its northern facing bedrooms, where it would constitute an intrusive element in what are currently open and uninterrupted views out from the hotel. Additionally, this large scale building positioned some 20 – 33 metres from the neighbouring small holiday letting buildings of Eider and Teal would appear imposing from their locations, particularly due to the contrast in scale between them.

Whilst the proposal benefits architecturally from some detailing in terms of natural slate roofing with buff skews, the bulk of the building and its raised paved terrace is a serious issue. Other detailed aspects like the proposed 6.5 metre high external gable mounted stainless steel flue pipe would be visually damaging. It should be noted that the Flood Prevention Authority would require a lifting of the proposed FFL by a further 0.2 metre from that proposed, which would intensify the dominance and adverse effects of this development.

As such the development is entirely inappropriate for this open landscape, with its Area of Panoramic Quality designation, and its unacceptable relationship with existing buildings. As such it conflicts with the relevant policies LDP 3 as linked to policy SG LDP ENV 13.

Finally should the proposal be permitted, it is pointed out by some of the objectors that this would lead to the prospect of further infill development proposals within this area, by diminution of the current separation between buildings, in which case it would become increasingly difficult to maintain the openness of this area as key environmental feature which benefits the landscape setting of Ardfern.

### **C. Impact on the Local Economy**

Many objectors and the hotelier have suggested that the development would impinge on the setting of the hotel to an extent that the business would be prejudiced with potential knock on consequences for the attractiveness of Ardfern as a destination. Whilst it is not the role of the Planning Authority to act in a protective manner over an existing business, it needs to be responsible for ensuring that any planning decisions it makes do not adversely affect the local economy. In this case, the success of the local economy within Ardfern benefits from a clear relationship between the Ardfern Marina and the Galley of Lorn Inn and both are drivers in increasing the value of many of the other businesses in the locality (shop/café/bed and breakfast establishments/tourist enterprises). The hotel benefits from views over Loch Craignish and the premises have been purposely extended and specifically laid out by previous owners to take advantage of the aspect over the loch (the application site and the land were both in hotel ownership at one time but the land was sold off separately in the past by a previous vendor of the hotel).

That said, there is no convincing case that the development would necessarily prejudice the operation of the business to a point where its viability would be directly threatened by the development proposed. The business does however benefit from the value the land has to the public at large as a 'key environmental feature' and the protection of the site from development as such will have a knock-on benefit for the continued operation of the business on the current basis. The proposal would introduce a sensitive use which would be incompatible with the established use of the hotel, particularly the given the proximity of external areas associated with the function room, leading to the potential for complaint against otherwise legitimate activities, contrary to the protection afforded to existing uses against the introduction of incompatible sensitive uses by policy SG LDP BAD 2.

#### **D. Built Environment**

The Galley of Lorne Inn is a Grade C Listed Building. As the original inn has been much altered and extended, the historic element of the building has no direct relationship with the site. However, as development of the land would impinge on the relationship this loch-side inn has with Loch Craignish and as users of this building benefit from its dining/function room with its full glazed screen window in which its landscape context is appreciated (as has been the case over the years), it follows that some adverse impact on the setting of the listed building would arise. Although in other circumstances this might not on its own amount to a reason to refuse the development, taken in conjunction with the value which must be accorded to the land in terms of amenity and public views, then the setting of the building as a community focal point and a structure of historical interest would be compromised by the development proposed.

Accordingly the proposal is in conflict with the Local Development Plan protective policy LDP 3 as linked to policy SG LDP ENV 16(a).

#### **E. Road Network, Parking and Associated Transport Matters**

The development would need to take access across the Galley of Lorne Inn car park (over which there is an undisputed 2.6m wide private right of access to the application field with a civil weight restriction of 3.0 tonnes). The application includes the need to construct a private drive from the field gate to serve the dwellinghouse which would each be provided with two car parking spaces. The Area Roads Engineer accepts this arrangement provided three car parking spaces to serve a dwelling of this size, and this would be achievable in the available space.

It is noted that the proprietor of the hotel has indicated his intention to seek to ensure the compliance of any construction traffic / residential traffic across the hotel's car park in order to accord with the above mentioned private legal limitations. Any difficulties arising from such would be a private civil matter and any obstruction of the road by large vehicles as a consequence would be a police matter.

#### **F. Infrastructure**

The public water supply arrangement as proposed should be acceptable to Scottish Water, although in common with their current arrangements in relation to development management consultations they have not responded to this application and the prospective developer would need to contact them direct on the matter connection to the public supply.

The waste water drainage arrangements cannot be accepted at this point in time because of SEPA's objection. The consequences of this development upon coastal



waters have not being able to be assessed in the absence of current and proposed loading information. The proposal would appear to necessitate the cessation of the use of one septic tank, the development of another, and the retention of a third for the servicing of a number of properties (as currently occurs) together with the needs of this new dwellinghouse.

Whilst the lack of clarification remains, so does the concern of SEPA. In terms of insufficient information regarding waste water drainage, the proposal is therefore in conflict with policy LDP 10 as linked to SG LDP SERV 1.

## **G. Amenity Considerations**

The development has the potential to bring about problematical amenity issues in various ways. Firstly, the amenity of the public spaces of the Galley of Lorne Inn function/dining room and its accompanying function space open deck, could be reduced by the intrusive visual nature of normal external clutter associated with any dwellinghouse (normally able to be concealed but not so in this open context due to the topography of the site and neighbouring lands (e.g. cars/caravans/bin storage/washing etc), as well as by domestic activity (vehicle movements/vehicle repairs/lawn mowing/strimming etc.).

Secondly, the potential of functions (gatherings/wedding parties etc.) leading to people in numbers congregating on the open deck/lawns of the hotel, overlooking the new dwellinghouse, would in itself cause privacy issues and group noise to the diminution of the residential amenity of the new dwelling. If the proposal were consented these conflicts could be problematical to resolve.

Thirdly, the development would attract more vehicle movements to and from the site by way of an access immediately adjacent to the manager's accommodation for the hotel, which could prove a source of nuisance to the occupier.

For these various reasons it is considered that the development could bring about damaging and possibly irreconcilable amenity issues which would be best avoided through refusal of the proposal.

**APPENDIX C – RELATIVE TO APPLICATION NUMBER: 16/01339/DET**

**List of Objectors**

Name

Address

date O