

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

17/0004/LRB

**Amendment to condition 5 part (i) of planning permission ref 17/00079/PPP
(Requirement for surfacing of existing private access in hot bituminous
material, minimum depth 100mm, to a point 12.5m south west of the vehicular
entrance to Railway Cottages), Site for the erection of dwellinghouse,
Lettershuna Croft 1, Appin.**

25th of July 2017

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr David Craig ("the appellant").

Planning permission 17/00079/PP for the erection of a dwellinghouse, land at Lettershuna Croft 1 ("the appeal site") was granted subject to conditions under delegated powers on 11th of May 2017.

Condition number 5 part (i) of this grant of planning permission has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is situated on ground which is set alongside the Strath of Appin and is set on the southern side of the A828. The site is an area of rough pasture which is set back from the roadside and set against forested hills to the north. The site lies in close proximity to the Settlement boundary of Portnacraish which is a dispersed Settlement which is closely associated with the Trunk Road. The Strath of Appin is a river valley that is wide and shallow. The River Allt Loin Rhuadh runs through the village of Appin to the south east of Portnacraish into Loch Laich to the west.

The site is significantly backdropped and contained and it has been considered that it presents an opportunity for the siting of a modest dwellinghouse in connection with the bareland croft subject conditions with regards to planting of native trees shrubs to the eastern and southern boundaries of the site to reduce visibility of the development in longer distance views from the south, and retention of tree/shrub cover on the northern and western boundaries.

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 Acts, regard is to be had to the development plan, 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 material considerations asserted by the appellant are sufficient to warrant an amendment of condition 5 part (i) of planning permission ref 17/00079/PP which was attached on request of the Roads Engineer in the interests of road safety and in accordance with SG LDP TRAN 4 of the Argyll and Bute Local Development Plan Supplementary Guidance. SG LDP TRAN 4 requires the provision of commensurate improvements when an existing

private access regime is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic.

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 medium 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 part (i) of condition 5 c is far too onerous and not proportionate for the erection of a croft house on a private road. The appellant has obtained a quotation for the proposed surfacing works as required by part (i) of Condition 5 from D & K Lafferty & Company Ltd. The cost that has been quoted is £17700 plus VAT @ 20%.

The appellant contends that the usual condition for a private road recommends the first 5 metres to asphalted and passing places provided. This access road does not require passing places as the road is wide enough to allow cars to pass without the need for passing places.

The appellant states that 'The road is also used by Argyll and Bute Council to access a depot used by the Roads Department'.

The appellant requests that part (i) of condition 5 be substituted with a less onerous upgrade.

Comment:

The Area Roads Engineer was consulted and raised no objections subject to planning conditions with regard to the provision of:

- Commensurate improvements to the existing private access. The surfacing of the existing private access in hot bituminous material, minimum depth 100mm, to a point 12.5m south west of the vehicular entrance to Railway Cottages. The provision of a turning head to Figure 18 of the Council's Roads Development Guide to be constructed at Railway Cottages with surfacing as per access road.

SG LDP TRAN 4 part (D) sets out a requirement for the provision of commensurate improvements where a site is served by an existing private access regime which is

considered to be of such a poor standard as to be unsuitable for additional vehicular traffic

This policy concludes that where an existing private access regime is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic and is not capable of commensurate improvements then the proposals will be resisted by the Planning Authority unless the private access regime is brought up to full adoptable public road standard as directed in the Council's Road Development Guide.

The Area Roads Engineer has assessed the proposed development against this policy and has deemed that the specific improvements as specified by part (i) of condition 5 of planning permission ref 17/00079/PP are wholly practical and proportionate to the nature and scale of development proposed.

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, it is considered that the proposed development has been appropriately assessed against the provisions of SG LDP TRAN 4 as part of the Area Roads Engineers Assessment. The specific improvements as specified by condition part (i) of condition 5 of planning permission ref 17/00079/PP are wholly practical and proportionate to the nature and scale of development proposed.

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

APPENDIX 1

Argyll and Bute Council
Development & Infrastructure Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/00079/PPP
Planning Hierarchy: Local
Applicant: Mr David Craig
Proposal: Site for the erection of a dwellinghouse
Site Address: Lettershuna Croft 1, Appin

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
 - Installation of septic tank and soakaway
 - Provision of private water supply
 - Utilisation of existing private access track
-

(B) RECOMMENDATION:

That planning permission be granted subject to the conditions and reasons appended to this report.

(C) CONSULTATIONS:

Area Roads Oban	19.01.2017	No objection subject to conditions.
Transport Scotland	01.02.2017	No objections subject to condition
SEPA	26.01.2017	No objections consult Flood Risk Assessor

Crofting Commission	09.02.2017	General guidance,
Core Paths		No response
WOSAS	26.01.2017	No objection subject to condition
Scottish Water		No response
Flood Risk Assessor	02.03.2017	No objection subject to condition
Animal Welfare Officer		Consulted in error

(D) HISTORY:

16/01718/PPP

Site for the erection of dwellinghouse, withdrawn 24.01.2017.

(E) PUBLICITY:

ADVERT TYPE: Regulation 20 Advert Local Application
EXPIRY DATE: 23.02.2017.

(F) REPRESENTATIONS:

(i) Representations received from:

None received

(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 |

- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (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' (Adopted March 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 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ACE 1 – Area Capacity Evaluation
SG LDP ENV 14 – Landscape
SG LDP ENV 12- - Development Impact on National Scenic Areas (NSA)s
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (ie. drainage)
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development

SG LDP TRAN 4 – New and Existing, Public Roads and 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 (SPP)
- Supporting Design Statement
- Supporting Croft Development Plan
- SNH Landscape Character Assessment Argyll and the Clyde 1996

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(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

This is a proposal seeking planning permission in principle for the erection of a dwellinghouse at site on Lettershuna Croft 1, Appin.

In the adopted Argyll and Bute Council Local Development Plan, the application site is shown within the Countryside Zone wherein Policy LDP DM 1 gives encouragement to sustainable forms of 'small scale' development on appropriate infill, rounding-off and redevelopment sites and change of use of existing buildings. Where a specific operational/locational need is accepted, proposals will be subject to an Area Capacity Evaluation (ACE) in accordance with SG LDP ACE 1 – Area Capacity Evaluation to determine whether it is acceptable in terms of landscape impact. SG LDP HOU 1 recognises that a balance needs to be struck between supporting limited amounts of housing on crofts that will benefit both individual crofters and the wider crofting community whilst discouraging the break up of croft land assets and speculative development that would be detrimental to the

environment. Accordingly new housing on bareland crofts is generally supported but only if this accords with an ACE.

A Croft Development Plan has been submitted in support of the proposed development. The croft has not been actively worked in recent years and so it will require considerable management and financial input to be returned to full productivity. This Plan outlines the proposed crofting activities which are to create three small fields on the croft and to improve the existing permanent grassland on the croft. In year one it is proposed to erect a small general-purpose shed to provide storage for feeding and machinery, a workshop and as winter housing for livestock. This building will require service provision including water, electricity and an access track. The other major investment in the first year will be to erect internal fences to effectively create three small fields on the croft.

In the second year the development focus will turn to improving the existing permanent grassland on the croft. All the ditches and drains on the croft will be reinstated ensuring that outlets are satisfactory. After a suitable period to allow the land to dry out the good quality improved land will be regenerated and surface reseeded. This will allow the applicant to maximise the stock carrying capacity of this croft.

In the third year a small flock of free-range hens will be established on the croft to commence small scale free range egg production. In the first instance eggs produced will be for home use with any surplus sold locally. In addition, the eggs will potentially be retailed in the local village shop.

The applicant aspires to establish a pony trekking business on the croft. Any proposed pony trekking business and associated works would require the benefit of planning permission.

It is considered that the croft development plan submitted demonstrates a suitable claim of locational need for the siting of a dwellinghouse at the site to serve the croft.

The Crofting Commission has been consulted and has raised no objections to the proposed development. The Crofting Commission has advised that they will consider the proposals in detail at the decrofting stage.

The demonstration of the locational need for the siting of a house on the croft therefore triggers off the requirement for the undertaking of an Area Capacity Evaluation (ACE) The purpose of the ACE is to establish the capacity of the wider countryside containing the application site to successfully absorb the scale of development proposed, in response to the need for the proposed croft house or other exceptional circumstances. It therefore involves an assessment of landscape sensitivity to the type and scale of development being proposed. The outcome of the ACE assessment will be a material consideration in decision-making.

An ACE has been completed for the site and full details can be found in Appendix B. This confirms the suitability of the development site in landscape terms.

The visual impact of the proposed dwellinghouses will be contained by the existing landform when viewed from the south and west. . The erection of a modest dwelling at this location would not appear prominent or incongruous within its local landscape setting. Within the wider context, the siting of a modest dwellinghouse would not appear out of keeping with the wider established rural settlement pattern in and around Portnacroish. The site is significantly backdropped and contained and it is considered that it presents an opportunity for the siting of a modest dwellinghouse in connection with the bareland croft. There are a number of buildings within this part of the compartment and it is considered that the proposed development could be viewed as part of this existing cluster of development when viewed from the south and west.

As the application is for permission in principle only, no detail of the proposed dwellinghouse has been submitted. A supporting site plan has been submitted which indicatively shows that the proposed house will be sited in the north western corner of the croft. A detailed design condition will be attached to the permission to ensure that the proposed dwellinghouse fits well within the landscape at the north western corner of the site. The proposed development will therefore accord with the provisions of LDP 9 of the Local Development Plan which aims to achieve high quality new development that respects the local environment and provides a sense of place.

The site lies within the Lynn of Lorn National Scenic Area. Policy LDP DM 3 and SG LDP ENV 12 of emerging Supplementary Guidance aim to provide landscapes of national importance with adequate protection against damaging development that would diminish their outstanding scenic value. It is considered that a modest dwellinghouse at the site would have no harmful impact upon the character and quality of the National Scenic Area.

It is proposed to install a septic tank with a soakaway within the application site. This raises no concerns and will be regulated by Building Standards who ensure that no pollution is created. It is proposed to connect to a private water supply. Environmental Health have raised no objections to the proposed development subject to a condition being attached to the grant of permission requiring the submission of a water appraisal in order to ensure that an adequate water supply is provided. The proposed development will therefore comply with SG LDP SERV 6.

Transport Scotland has been consulted and has raised no objections to the proposed development. The Area Roads Engineer has also been consulted and has raised no objections to the proposed development subject to conditions with regards to the provision of: access upgrade at junction with public road (existing private access to be surfaced in hot bituminous material, to a point 12.5m south west of the vehicular entrance to Railway Cottages with a turning head); adequate visibility splays; and parking and turning commensurate with the size of the proposed dwelling and the provision of a bin store at the turning head. .The proposal will therefore accord with

the provisions of policy LDP 11 of the Local Development Plan which requires all development proposals to have an appropriate standard of access.

SEPA has been consulted as part of the southern and eastern section of the croft is located within the coastal flood extent. SEPA has advised that the Council should consult the Flood Risk Assessor with regard to the appropriate levels of freeboard for the area. The Council's Flood Risk Assessor has been consulted and has raised no objections to the proposed development subject to a condition with regards to the proposed development having a Finished Floor Level (FFL) of 6m AOD or as otherwise to be determined by a site specific Flood Risk Assessment (FRA). The Flood Risk Assessor has advised that the site elevations range from over 10 metres above Ordnance Datum (mAOD) at the access track to below 5 mAOD at the proposed croft location. The croft is well contained within the landscape and is well backdropped. The proposed dwellinghouse will be sited in the north western corner of the site on the highest part of the croft and it is considered that the recommended FFL could be achieved without having any detrimental impact on the landscape. The proposal will therefore accord with the provisions of SG LDP SERV 7.

The site is archaeologically sensitive and WOSAS has been consulted. WOSAS has raised no objections to the proposed development. The proposed development would therefore accord with the provisions of LDP DM 3 of the Local Development Plan and SG LDP ENV 20 of the emerging Supplementary Guidance which both aim to support the retention of features or sites of archaeological importance.

The proposed development accords with the relevant provisions of the Local Development Plan, notably policies LDP DM 1, LDP 3, LDP 5, LDP 9, LDP 11 and Supplementary Guidance SG LDP ACE 1, SG LDP ENV 12, SG LDP ENV 14, SG LDP ENV 20, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2; SG LDP SERV 6, SG LDP SERV 7 SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and satisfies the ACE assessment undertaken in accordance with policy requirements. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission. Furthermore, there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

(Q) Is the proposal consistent with the Development Plan: Yes

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

The proposed development accords with the relevant provisions of the Local Development Plan, notably policies LDP DM 1, LDP 3, LDP 5, LDP 9, LDP 11 and Supplementary Guidance SG LDP ACE 1, SG LDP ENV 12, SG LDP ENV 14, SG LDP ENV 20, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2; SG LDP SERV 6, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and satisfies the ACE assessment undertaken in accordance with policy requirements. The carrying out of the development permitted,

subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission. Furthermore, there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

(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: Lesley Cuthbertson

Date:

Reviewing Officer:

Peter Bain

Date:

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00079/PPP

1. Plans and particulars of the matters specified in conditions 3, 6, 7, 8, 9 and 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The proposed development shall be carried out in accordance with the details specified in the application form dated 06.01.2017 and the approved drawings numbered 1 - 3 of 3; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 1 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

3. Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:
 - i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - ii) Local vernacular design;
 - iii) Maximum of one and a half storeys in design;
 - iv) Rectangular footprint with traditional gable ends;
 - v) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;
 - vi) External walls finished in natural stone or wet dash render or natural timber cladding, or a mixture of these;

- vii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- viii) Window openings with a vertical emphasis;
- ix) Traditional "peaked" roof porches shall be encouraged.
- x) A dwellinghouse sited within the eastern side of the site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

4. The dwelling hereby approved shall be occupied in association with the management of the croft land to which it relates in accordance with the stated intentions specified in the associated Croft Management Plan, or any variation thereof as may be agreed subsequently in writing by the Planning Authority.

Reason: In order to underpin the special circumstances without which the proposal would be contrary to the provisions of the Development Plan.

5. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The surfacing of the existing private access in hot bituminous material, minimum depth 100mm, to a point 12.5m south west of the vehicular entrance to Railway Cottages. The provision of a turning head to Figure 18 of the Council's Roads Development Guide to be constructed at Railway Cottages with surfacing as per access road.
- ii) The provision of visibility splays measuring 2.4 metres to point X by 42 metres to point Y from the centre line of the junction with the Railway Cottages access.
- iii) The provision of parking and turning in accordance with the requirements of policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015.
- iv) The provision of a bin store at the turning head at Railway Cottages.

Prior to work starting on site, visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

6. Pursuant to Condition 1 - no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Note to Applicant:

Regulatory requirements for private water supplies should

7. Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

8. Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:
- i) Location, design and materials of proposed walls, fences and gates;
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

10. Pursuant to Condition 1 the Finished Floor Level of the dwellinghouse hereby approved shall measure at least 6 mAOD or as otherwise agreed in writing with the Planning Authority in consultation with the Flood Risk Officer.

Reason: In order to ensure appropriate mitigation for flood risk and to ensure an acceptable relationship between the development and its surroundings.

11. Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

Note to Applicant:

Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.

NOTE TO APPLICANT

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk See consultee response from Scottish Water for guidance on obtaining a connection to Scottish Water's infrastructure.
- The proposed shed and equestrian centre discussed in the Croft Development Plan will both require the benefit of planning permission and the developer is advised to submit a pre-application request prior to the submission of any formal planning application for any of these proposed development.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/00079/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 has been approved:

The proposed development accords with the relevant provisions of the Local Development Plan, notably policies LDP DM 1, LDP 3, LDP 5, LDP 9, LDP 11 and Supplementary Guidance SG LDP ACE 1, SG LDP ENV 14, SG LDP ENV 12 SG LDP ENV 20, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2; SG LDP SERV 6, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and satisfies the ACE assessment undertaken in accordance with policy requirements. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and, in the opinion of the Planning Authority, there are no circumstances which otherwise would justify the refusal of permission. Furthermore, there are no other material considerations, including issues raised by third parties, which warrant anything other than the application being determined in accordance with the provisions of the development plan.

APPENDIX B - AREA CAPACITY EVALUATION

A. Purpose and Requirement for the ACE

Supplementary Planning Guidance SG LDP ACE 1 identifies circumstances where an Area Capacity Evaluation (ACE) will be required to accompany the assessment of a planning application.

The proposed dwellinghouse is located within an LDP defined 'Countryside Zone' wherein the provisions of policies LDP DM 1, LDP 8 and draft SG LDP HOU 1 of the Development Plan would ordinarily only encourage 'small scale' development on appropriate infill, rounding off, redevelopment and change of use of existing buildings. However, in exceptional cases, including the erection of a dwelling on a bareland croft, development in the open countryside may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE).

The proposed dwelling is intended to facilitate the management of an existing bareland croft which extends to some 1.9ha in total. A croft development plan has been submitted which satisfactorily demonstrates that the applicant has a valid locational/operational requirement for the proposed dwelling.

The ACE assessment has been undertaken in accordance with the draft SG LDP ACE 1. The aim of the ACE process is simply to comprehensively and methodically assess the capacity of the landscape to successfully absorb the proposed development.

B. Area of Common Landscape Character / ACE Compartment

The site is situated on ground which is set alongside the Strath of Appin and is set on the southern side of the A828. The site is an area of rough pasture which is set back from the roadside and set against forested hills to the north. The site lies in close proximity to the Settlement boundary of Portnacroish which is a dispersed Settlement which is closely associated with the Trunk Road. The Strath of Appin is a river valley that is wide and shallow. The River Allt Loin Rhuadh runs through the village of Appin to the south east of Portnacroish into Loch Laich to the west.

A strong landform pattern is highly evident along the coast where islands follow a linear ridge alignment. These ridges are most extreme in the north and west. An area of peaty moss lies to the south at the mouth of Loch Etive, and a craggier upland landscape with a more amorphous character occurs to the north of the Strath of Appin.

The application site and its immediate surroundings form part of a 'lowland ridges and moss' landscape character type (LCT) as defined in the SNH Landscape Character Assessment Argyll and the Clyde 1996 under the definitions of broad Landscape Character. Key characteristics of this landscape character type are::

- Coastal lowland with low ridges separating narrow, linear glens or flat areas of moss.
- Ridges form low, narrow peninsulas enclosing small, horseshoe-shaped bays.
- Rocky ridges are densely wooded and linear glens are patchwork of marginal pastures.
- Shoreline and off-shore islands have a more undulating landform and a more open character.
- Landform becomes lower and ridges less pronounced towards the south, where there are extensive areas of flat, peaty moss.
- Some relatively large houses in sheltered coves; scattered, more recent development elsewhere.

Advice in the LCA with regard to proposed development in this type of landscape is summarised as follows:

- Avoid linear development along the edges of coves and coasts. Built development should be clustered rather than sporadic and associated with stands of new native planting and stone walls to integrate it with the surrounding landscape. It is particularly important to respect variations in local field patterns in the small-scale farmland landscape of the lowland areas.
- Identify and conserve the landscape setting of archaeological sites, as well as the sites themselves.
- Conserve and restore stone walls using local materials and techniques.
- Conserve and restore hedgerows, with replanting using native species to enhance and reinforce the character of the landscape pattern.
- Large-scale built development or forestry would be out-of-scale and inappropriate and the special character of the indented, sheltered coastal landscapes should be carefully conserved.
- Manage mixed woodland on ridges and take steps to control invasive rhododendron which is endemic in some any areas. Many woodlands are in poor condition, although there is some natural regeneration and fencing would help encourage this. Woodlands should be thinned and selectively replanted with local species to maintain their diverse character.
- Manage lowland bog to conserve its nature conservation value and open, natural character. Give particular emphasis to the conservation and extension of heather communities by carefully controlled grazing and periodic burning or swiping and to conserving the gradual transitions between wet and dry lowland moor.

The ACE compartment is bounded to the north and east by the A828 trunk road which crosses through the valley and runs along the northern side of the strath. The ACE compartment is a distinctive area of relatively flat rough pasture which is set against a steep forested mountainous backdrop. This area of ground is lower lying than the level of the road and it has a very slight slope running from NE to SW. The ACE compartment is bounded to the south and east by the River Allt Loin Rhuadh which flows into Loch Laich to the west. The ACE compartment is bounded to the west by Loch Laiche and the rising ground immediately to the north of 'The Old Inn' which is a recently converted steading which sits immediately adjacent to the trunk road on a 90 degree bend. The Oban-Fort William Sustrans Route 78 Cycle Track dissects the ACE Compartment and runs from the NW to the SE. A former

Council Roads Depot exists to the north west of the application site in the north western side of the ACE compartment. The ACE compartment is relatively sheltered and contained within a vast highland backdrop. There are a number of houses associated with the Trunk Road which are set in a linear pattern in the northern end of the ACE Compartment. The majority of houses are sited on the southern end of the Trunk Road. There is a private access track in the north western end of the ACE compartment which spurs from the Trunk Road to the south which meets up with the Cycle Track. There are a number of houses which are set along the western side of this private access. There are a few houses which are dispersed along the southern side of the Trunk Road in the north eastern end of the ACE compartment. The ACE compartment contains an element of residential development and is not an area of undeveloped open countryside. It is deeply set within the landscape and the only long term views of the compartment are afforded from Ardtur Croft to the south west and the public road which runs from Appin to Port Appin to the south. The ACE compartment is generally only visible from the south and west over views by sea. The ACE Compartment is generally an area of low lying ground which is set against the northern end of the Strath of Appin.

C. Key Environmental Features – Constraints and Opportunities

The ACE compartment is solely related to an area of rough grazing which is set against a steep forested mountainous backdrop and set along the northern side of the Strath of Appin. Development within the ACE Compartment is largely set within the western side of the compartment and is set along the Trunk Road or a private access road in the north western corner. There are a number of fields within the compartment which are open with occasional houses set on the edges. This area of ground is set lower than the level of the Trunk road and it has a very slight slope running from NE to SW. The Trunk Road and the River Allt Na Rhuadh meet together and bound the compartment to the south east. The ACE compartment is sheltered and contained within a vast highland backdrop. The ACE compartment contains an element of development and is not an area of open undeveloped countryside. There are a number of houses associated with the Trunk Road which are set in a linear pattern in the northern end of the ACE Compartment. The majority of houses are sited on the southern end of the Trunk Road. There is a private access track in the north western end of the ACE compartment which spurs from the Trunk Road to the south which meets up with the Cycle Track. There are a number of houses which are set along the western side of this private access. There are a few houses which are dispersed along the southern side of the Trunk Road in the north eastern end of the ACE compartment.

The SNH LCA advises that built development should be clustered rather than sporadic and associated with stands of new native planting and stone walls to integrate it with the surrounding landscape. In this respect it is considered that the site presents a suitable opportunity for the siting of a modest dwellinghouse that will integrate well with the surrounding landscape by forming part of the cluster of development which is set alongside the private access road in the north western side

of the ACE compartment. There are a number of buildings within this part of the compartment and it is considered that the proposed development could be viewed as part of this existing cluster of development when viewed from the south and west.

D. Visual/Landscape Impact

The proposed development is for the erection of a dwellinghouse. As the application is for Planning Permission in Principle no details of the proposed dwellinghouse has been submitted. A supporting site plan has been submitted which indicatively shows that the proposed house will be sited in the north western corner of the site. A detailed design condition will be attached to the permission to ensure that the proposed dwellinghouse fits well within the landscape. The proposed dwellinghouse will be required to be sited in the north western corner of the site.

The visual impact of the proposed dwellinghouses will be contained by the existing landform when viewed from the south and west. . The erection of a modest dwelling at this location would not appear prominent or incongruous within its local landscape setting. Within the wider context, the siting of a modest dwellinghouse would not appear out of keeping with the wider established rural settlement pattern in and around Portnacroish. The site is significantly backdropped and contained and it is considered that it presents an opportunity for the siting of a modest dwellinghouse in connection with the bareland croft. There are a number of buildings within this part of the compartment and it is considered that the proposed development could be viewed as part of this existing cluster of development when viewed from the south and west.