

Further comments for Planning Review.

Condition 3.

I first started preplanning discussions with the Planning Department in March 2013.

On site discussions were had with Derek Hay re a group of 3 new houses adjacent to Auchindarroch Cottage. Auchindarroch cottage was to be redeveloped and the 3 new houses would form a "rounding off" of the group with a separate access (existing track from the towpath)

Mr Hay was not against this proposal, or against my other proposal to develop the u shaped steading further, or against converting the Coach house into rentable or holiday accommodation.

The house behind the walled garden was also discussed. I had also expressed a desire to build a few cabins/shepherd huts for tourist purposes close to the track past Millar's bridge on land above the canal with great views of the canal.

These ambitions have been thwarted by the Council Roads department.

I made a preplanning enquiry some time before 15th April 2013. (Letter dated 13th April 2013 from Argyll and Bute council) It took a long time to get any response, but after many months/years, the reply from Transport Scotland was that further development could be supported if there was a NO LEFT TURN sign, which was certainly acceptable to me. (Letter from Peter Bain 08.10.2015, paragraph marked)

By this point, August 2015, I had submitted Planning Permission for the 3 new houses beside the cottages, planning redeveloping Auchindarroch cottage, planning to convert the historic Coach House, and planning for the new house site behind the walled garden.

I had prepared these submissions myself and once submitted with payment the Planning department pointed out some inaccuracies and lack of information and advised me to withdraw the application and reapply.

After lengthy discussions with both Peter Bain and Derek Hay on site and in the Planning offices, I was told that 1 new house would be tolerated without affecting the road situation and without the need for the no left turn sign.

This process had now gone on for more than 2 years. It was thought it would speed things along to only apply only for the house behind the walled garden initially, as I have 6 adult children who frequently visit and continuing living in a 3 bedroom bungalow we were struggling to fulfil our family requirements.

It was thought that the process could be facilitated by agreeing that the new house would take traffic that would have been associated with Auchindarroch cottage, simply to avoid Transport Scotland's No LEFT TURN notice, but certainly there was NO AGREEMENT to demolish the cottage.

(See email dated 31/08/17, from Architect in original appeal submission bundle.

The process to gain Outline Planning has been tortuous.

Planning for the single dwelling was submitted August 2016.

Outline planning was promised by Mr Shewan to Caroline Slater the Architect to be imminent Easter 2017, then by mid -June, (e mails are attached in this bundle) Final consent was not until August 2017.

A Woodland Management Plan and Garden Management were requested by Mr Shewan and although undertaken at some cost were apparently not required for the Planning Consent.

At one stage Mr Shewan was suggesting a section 75 Occupancy Restriction Agreement on the new house tying it to the estate. This would have been an unfair burden on the owner as the future viability of the estate cannot be foreseen, and contrary to the Scottish Government's requirement for any condition to be fair and reasonable.

Planning was finally granted August 7th 2017.

There was a site visit with Councillor Sandy Taylor and Angus Gilmour on Thursday 21st September, to discuss the situation and possible appeal on conditions.

After this site visit and prior to submission of my appeal, I had a phone call with Mr Shewan on 9th October about an unrelated matter. This was the first time I had spoken to the Planning Officer. After this matter was resolved, he ventured onto a discussion about my possible appeal.

He suggested that if I did not appeal and that if I reapplied for Outline Planning WITHIN the walled garden, then it could be granted within 8-9 weeks, not a year as previously. He said he had had some discussions with Angus Gilmour and that if I changed the position it would mean Auchindarroch cottage could be retained and the archaeology condition removed.

I am quite staggered by this and it makes a mockery of the original condition to demolish the cottage.

How can Mr Kerr's response re demolition of Auchindarroch Cottage vary depending on whether the house is sited in or behind the walled garden?

There is a logical inconsistency here.

Mr Kerr's comments;

I strongly object to Mr Kerr's comments on behalf of the local planning authority.

1. Mr Kerr concluded that "The appellant's estate management intentions did not amount to a clear locational need, given that an additional house was not essential to the implantation of the estate management works proposed."

There has been a 12 year commitment to this garden already, with at least £20,000 spent on the reclamation of the walled garden alone.

Please refer to emails from Minette Struthers and Grace Bergius (Argyll representatives of Scotland Garden Schemes) in the bundle re the work done and opening the gardens to the public.

2. "This led to the approach whereby "Auchindarroch Cottage" would be relinquished in a bid to support development in an alternative location elsewhere on the estate"

3. The access constraint pointed to the likelihood of the need to surrender a residential use as a quid pro quo for the establishment of an additional dwelling”

All previous discussions I have had with the roads department and previous planners in this process did not object to one further dwelling with the road remaining as it is.

If the comment about Auchindarroch cottage taking the new build traffic had not been made then, the only requirement from Trunk roads was the NO LEFT TURN sign.

4. “The appellant has indicated that she was unaware that a requirement to demolish Auchindarroch Cottage would be imposed on any decision. This is surprising given that it was made clear that a redevelopment justification would be required in order to achieve LDP compliance”...

And “Given this correspondence, it is clear that the appellant’s agent has been made aware of the strong likelihood of a planning condition addressing the requirement for the demolition of Auchindarroch Cottage at an early stage in the planning application process”

This is simply untrue.

The Planning application was made on the basis that the new house was an “Exceptional special case” and NOT a “redevelopment.” Please review Planning outline proposal submitted by architect in the attached bundle.

I refer again to email from Architect Ben Tindall, 31/08/17, “Norman Shewan suggested demolition on 11th November. We responded that such a legal tie was unreasonable and discouraged by Scottish Government. Verbally NS agreed with this on 23rd March after a meeting with Richard Kerr. He confirmed this on 7th June, as there would be no increase in traffic which is obviously true. On 4th July the only (new) condition mentioned was a request for a sketch, duly provided.”

Although Auchindarroch Cottage is in a current dilapidated state it has great historic and integral value within the estate. It is marked on maps of 1856 and it was the head Gardener’s house, with some distinctive planting, and unusual plants around it.

If I cannot gain future Planning Permission to redevelop it, it could be refurbished and used for storage purposes and other requirements of the owner.

Oakfield Cottage and Auchindarroch cottage, are quite remote from the U shaped steading, walled garden and central hub of the estate.

They have both been the subject of previous vandalism.

£10,000 damage was done to Oakfield Cottage in 2005, all windows were kicked out, internal doors smashed and lights pulled out.

The 2 cottages together are vulnerable, but if Auchindarroch cottage was removed it would leave Oakfield cottage even more vulnerable as a single secluded property.

Oakfield has farm status and although not being run commercially as a farm at the moment, submits an annual IACS form to Rural Payments and Services.

If the estate was being run actively as a farm it would be producing significantly more commercial traffic. This has not been factored into the equation.

Condition 3. Ought to be removed.

Condition 5.

Archaeology; The Planning Permission In Principle states ; “No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service”

The condition is both inaccurate and far reaching.

In reality, the brief from the West of Scotland Archaeology Service is very specific.

It relates only to the area beside the track over the bridge and NOT to the house site. The area beside the track should only be investigated if the entrance route to the house site is changed /dug up.

The approach route to the house will remain the same as the existing track and will cross the existing bridge as it does at the moment. The surface will not be excavated or widened.

Condition 3. Ought to be removed or altered to be specific to the area of concern.

I would appeal for the Committee to come and inspect the estate and its situation, to fully understand the potentials and restrictions.

Mrs Jane Renfrew.