

Local Review Statement

Introduction

This Local Review Statement has been prepared on behalf of Mr Tony Huntingdon. It relates to a detailed planning application for a single dwelling, and relocated search and rescue shed, at land to the south of 1 Lochandhu, Taynult, Argyll (ref:17/01745/PP).

NB: The relocated search and rescue shed is no longer required, as this operation has recently relocated (see further commentary below).

This is the third planning application that has been submitted for a new dwelling on this land, over a 5-year period, mainly due to processing delays. The first (ref. 12/02027/PP) for the erection of a dwellinghouse and detached garage was withdrawn on 18th January 2013, due to concerns over the siting of that dwelling, its design and roads. The second for a redesigned scheme (ref: 14/00539/PP) was refused on 3rd February 2017. That application went through three case officers, before being determined, and was only submitted because the then Area Planning Manager, at pre-application stage, felt that, if the proposal could be shown to deal with any impact on the scheduled ancient monument and road issues, he felt able to support a dwelling in principle on this site. Historic Scotland subsequently did not object to this application, leaving just the roads issue to be resolved, or so the applicant and his agent thought, until the case officer changed for a third time; that officer had a completely different view on policy and design, and a new Area Planning Manager decided to accept his recommendation and refuse the application.

The option of reviewing that last decision was considered. However, upon reflection, it was decided best to redesign the proposal in light of the refusal reasons, and comments made by the third case officer in the Report of Handling, and re-submit.

The refusal reasons, in relation to application ref: 14/00539/PP, are long and detailed, but raise the following as issues. These are considered further below.

1. Whether the proposal is acceptable infill, rounding off or redevelopment, or is an unacceptable form of backland development
2. Whether the design quality, scale, siting and design of the proposed dwelling are appropriate for the area, which is a Conservation Area and close to a Scheduled Monument.
3. Whether the proposed dwelling would impact unacceptably upon the residential amenity of the adjacent cottages at 1-4 Lochandhu.
4. Whether the site can be appropriately accessed and provided with parking.

Because of the above issues, it is critically important that councillors visit the site, and look at the local roads, before determining this local review. A hearing is also requested to allow discussion of the key policy issues.

Site

The site is located outwith the settlement of Taynuilt, within the Countryside Zone, as shown on the Argyll and Bute Local Development Plan Proposals Map.

That situation is somewhat anomalous, however, in that in visiting this area, you certainly feel as if you are still in the village, and the proximity of the Bonawe Ironworks, 1-4 Lochandhu Cottages, and other dwellings beyond, suggests both an historic and current link between this area and the rest of the village. Why the decision was taken to exclude this area from the village is unclear, but the opportunity to comment on the forthcoming review of the Local Development Plan will be taken to seek to correct this, and bring the site within the village boundary. In the meantime, however, it is accepted that the site is in the Countryside Zone for the purposes of considering this application.

The site is reached via Lochandhu Road, which is a private unadopted part surfaced/part unmade road from its junction with the B845 Brochroy Road close to the village core. Approximately 75% of the length of the road to the site is surfaced.

The site comprises land to the rear of 1-4 and 5-7 Lochandhu, all of which are traditional properties. Access to the site is between 4 and 5 Lochandhu. The site is overgrown and infested with Japanese Knotweed. It is self-contained visually, with no obvious points from where it can be seen. It is partly contained within a former stone boundary wall. Other boundaries are formed by fences to other properties and by heavy vegetation.

As all those that have had to deal with Japanese Knotweed know, its eradication is time-consuming and extremely expensive. In this case, part of the rationale for this development is to be able to fund that remediation, and ensure that what is currently a limited problem to the site does not become one for the wider area.

This entire area is within an overarching Category A listing for Bonawe Ironworks, which comprises certain key buildings within the former works, including 1-4 Lochandhu, and which are described as worker' dwellings of one and half storey, rubble, part lime washed and slate roofs. Much of the area is also included with the Scheduled Monument of Bonawe Iron Furnace, although the site itself is largely excluded. A small area close to the former reservoir for the works, now overgrown, is included, which overlaps with where the search and rescue shed is currently sited.

Proposed Development

Planning permission is sought for a single dwelling, which would be one and a half storey, of simple vernacular design to reflect 1-4 Lochandhu, and built of local materials, including a slate roof, stone for walls, timber windows and doors, and metal rainwater goods.

The dwelling continues to have a rectangular footprint, and remains sited, long elevation facing, and to the rear of, 1-2 Lochandhu.

The previous proposed (ref:14/00539/PP) lean-to extension, and covered external decking area, have been removed, as being non-traditional features.

The dwelling continues to have two floors, with living room, kitchen/dining and other ancillary rooms on the ground floor, with three bedrooms and a bathroom above.

North facing windows now only exist on the ground floor, with roof lights serving the first floor. These can be obscured glazed, with restricted opening, or can have cill heights raised, if that remains an issue. Windows on the other elevations look out over open ground.

The dwelling will utilise the existing access that serves the search and rescue shed; a right of access to 1, 2 and 5 Lochandhu will also be maintained.

The boundary wall, where it remains, will be repaired, and a similar boundary can be provided around the remainder of the site, or it can be left open.

Issues

Whether the proposal is acceptable infill, rounding off or redevelopment, or is an unacceptable form of backland development

It is considered that, in principle, a dwelling on this site is acceptable, and is a type of rounding off development, in relation to this established group of dwellings in the countryside. It is, therefore, a form of residential development that is supported by Policy LDP DM1 in the Local Development Plan, subject to the details being appropriate, and it complementing, and not harming, interests of acknowledged importance, principally heritage in this case.

It should also be stressed that this is previously developed land, and is infested by Japanese Knotweed. Neither of these issues seem to have been given any weight in the previous decision to refuse. Both are mentioned in the Report of Handling, but neither seem to have been weighed in the balance as material considerations.

Removal of Japanese Knotweed is a particularly difficult and expensive process, and redeveloping a site is widely accepted as a way of cross-subsidising this. You could go as far as to suggest that in any finely balanced, even skewed determination towards refusal, that dealing with this issue might warrant a grant of planning permission as a minor (even quite significant) departure from the development plan.

The dwelling is located at the back of existing properties, but is not backland development. That form of development is more an issue where the point of access is close to two existing flanking properties, not the case here, and where amenity issues can result from having one property positioned to the immediate rear of another; again, that is not the case here.

It is accepted that the previous design might have caused an amenity concern, by way of overlooking, but the design has been altered to remove that possibility.

The established character of this area is of scattered development served by a web of public and private roads. It is not linear in form, although some of the building forms are linear in themselves such as 1-4 Lochandhu. Siting a dwelling as proposed is, therefore, a perfectly normal response to this character typology.

Whether the design quality, scale, siting and design of the proposed dwelling are appropriate for the area, which is a Conservation Area and close to a Scheduled Monument.

It is accepted that the previous application dwelling design was not sympathetic to the character of the area, the Conservation Area and its wider heritage. That has been corrected with the current design, which takes as its cue the form and scale of 1-4 Lochandhu. It will be built of materials that are reflective of the heritage of the area, and windows are now uniformly placed on the elevations.

It remains a modest and simple form dwelling that reflects the Council's design guidance, and is considered to complement the character of the Conservation Area. It would be too much to say that it enhances the character of the area, but it certainly preserves, which is sufficient for a proposal to pass the statutory test in a conservation area.

The dwelling does not impinge upon any historic sites, being beyond the Scheduled Monument boundaries, and cannot be seen in any immediate views into, or out of, the Conservation Area.

Historic Environment Scotland were asked to comment on the proposals, but declined to comment, only advising that consideration should be given to the proximity of the development to the Scheduled Monument. It should be noted that, in relation to the previous application, Historic Scotland (as was) did not object.

Whether the proposed dwelling would impact unacceptably upon the residential amenity of the adjacent cottages at 1-4 Lochandhu.

As already mentioned, residential amenity impacts have now been removed and, if more needs to be done, the form, opening of, and glass used, in the north facing windows can be controlled by planning condition.

Whether the site can be appropriately accessed and provided with parking.

The Council's Operational Services (Roads) have commented on the application, and raise four issues with it.

One of those is that the development should provide three parking spaces, which it can. This can be conditioned.

The remainder are, as follows.

1. The private road is unsuitable for any further development.
2. Sightlines are not achievable.
3. Proposed driveway is too narrow.

The applicant cannot change the fact that, at one point, the 'made' access does reduce to 3metres, although the actual distance wall to fence is at least 1.2 metres wider. The councillors will be able to judge that at a site visit. That pinch point is nonetheless for less than 5 metres in length, and otherwise visibility for vehicles entering and leaving the access is fine. The pinch point is also 8metres back from the junction, so won't impact upon the functioning of the junction.

The required visibility splay of 42metres by 2.4metres can be provided, and a drawing has been submitted showing that. The submitted drawing also provides for a double track width at the access location, which effectively incorporates the requested service bay. The applicant has complete control over the entire area of the visibility splay.

It must also be remembered that this access exists, and had quite large vehicles, often with trailers, coming in and out to the search and rescue shed, until that use moved. That arrangement worked well for years, and visibility at the junction, and the pinch point, were simply lived with. The applicant is unaware of this ever having been an issue previously. Indeed, there was, at one point in recent times, a need to get a fire engine into the site, and that vehicle entered the site, turned and left in forward gear without any trouble at all.

The issue regarding the suitability of the road to the site relates to the fact that there are already 20 dwellings located on the surfaced section, with a further 10 on the dirt track section. It is stated, by Operational Services (Roads)), that, to permit any additional dwellings, the road needs to be brought up to 'adoptable standard'. That has clearly been used as a form of shorthand because that is not what the supplementary guidance actually says (see next).

The starting point for the consideration of this issue is the recently approved SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes, which needs to be applied flexibly because, if the Council start to apply such rigid restrictions across Argyll, then in many instances rural housebuilding will need to stop entirely.

Because there are more than 20 dwellings already served by this private road, part 2 A of the guidance is relevant, which states that *"further development that utilises an existing private access or private road will only be accepted if:-*

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,

(iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority."

Part B then goes on to say that the appropriate standard shall be *"as specified in the Council's Roads Development Guide. This takes account of Designing Streets to create a strong sense of place related*

to the development's location i.e. in a settlement, in a rural or remote rural situation, or in a Conservation Area. All roads submitted for adoption as a public road should form a continuous system with the existing public roads."

So, you need to identify how the road is used, and then the appropriate standard will reflect that, and the local context, in this case a conservation area, and taking on board the Council's Roads Development Guide. That standard does not need to be an adoptable standard. The only reference to adoptable standards is if the road is submitted to the authority for adoption, which clearly doesn't have to happen; that is for the owners to decide.

The notes to the policy go on to state that there is, as yet, no such thing as a Council Roads Development Guide because it is being reviewed in light of the emergence of the SCOTS National Roads Development Guide (NRDG).

The NRDG does not say that much on what should happen in this situation, but states that *"where a development is proposed on a road which does not meet these criteria then the developer will be required to widen the road along the frontage of the development or the access road to the development to the appropriate width and provide new and/or passing places where required to mitigate the development traffic"*. At various points, in the guidance, road widths for a rural road are hinted at, with widths somewhere in the 3.3metres to 3.65metres range, which relates, again, to how the road is used, and how much bus/HGV traffic it might have. A rule of thumb, for a rural road, seems to be 3.5metres, with passing places in intervisible locations, or 150metres apart. The road should also be suitably surfaced and drained.

In this case, the road is used by a mixture of local residents, and their visitors, walkers, cyclists, riders and occasional agricultural and larger service vehicles, including the Council's refuse vehicle. HGV use is infrequent. Vehicle speeds are generally low, under 30mph. The road has reasonable visible along its length, is naturally traffic calmed in places, such as the narrow point where it passes Bonawe Iron Furnace, and has passing places (mainly dwelling accesses, but others besides) along its length. The road is also within a conservation area, and close to various other heritage assets, which represents the context.

There is also one change to its current use, which is recent, in that the search and rescue operation has now been moved from the site to one elsewhere, which will have reduced movements on the road due to training and call-outs. It probably means that with those trips taken away, there will be no net increase in traffic from allowing this new dwelling.

For those reasons, it is suggested that the current road to the site is perfectly acceptable, provided its surface condition is improved. For most of the length of this road, this probably means no more than repairing and filling potholes. The current blacktop surface was laid through funds provided by the residents, and they have a vested interest in continuing to keep the road in a reasonable state, if only to reduce wear and tear to their own vehicles. The substructure is very good, as this was previously installed at the end of a major Scottish Water service installation. The applicant is prepared to accept a planning condition requiring those limited repairs to be undertaken by him.

Conclusion

For the above reasons, the proposal is consistent with the relevant policies contained in the Argyll and Bute Local Development Plan. The scale and design of the dwelling suits the site, and it will not impact upon its heritage interest. No amenity impacts will result.

There are also improvements to the site (Japanese Knotweed removal), and repairs to the local road network, that also support planning permission being granted.

It is respectfully requested, therefore, that conditional planning permission be granted.