

This Local Review Statement has been prepared to support two local reviews being submitted in relation to the following two applications, which were refused by Argyll & Bute Council on 9th January 2020.

- 19/02314/PPP | Site for the erection of dwellinghouse and garage - Plot 1 Land east of Cala Na Sithe, Kilmore.
- 19/02315/PPP | Site for the erection of dwellinghouse and garage - Plot 2 Land east of Cala Na Sithe, Kilmore.

The applicant requests the following.

- 1. As the local reviews turn on the weight to be attributed to the recent approval of the Local Development Plan 2 Proposed Plan (PLDP2), councillors are requested to hold a hearing to better understand the relevance of the new policy regime.**
- 2. As the visual and landscape impact of the proposed dwellings is the critical issue, councillors are requested to undertake a site visit.**

The starting point for these reviews is the weight that should be given to the PLDP2 and Policy 02 in particular. The case officer accepts that PLDP2 is a material consideration, and the ‘settled view’ of the Council, and so, in accordance with Section 25 of the Town and Country Planning (Scotland) Act, these applications can be granted planning permission, if councillors attribute sufficient weight to this Plan, and other material considerations, such that a minor departure from the development plan is warranted.

The case officer’s position on this is that PLDP2 *“will be afforded very little weight until the consultation exercise has been completed”*. This has now concluded and so councillors should be able to understand the extent of comment, if any, on this policy by the time they consider these cases. If they are not provided that information by the case officer, then they can presumably request it from Matt Mulderrig, Development Policy Manager.

The case officer then goes on to say that *“once the consultation period is concluded those aspects of PLDP2 which have not been objected to will then be given strong weight”*. It is highly doubtful anyone will have objected to the thrust of this Policy, given its general permissiveness. It was made abundantly clear at the Main Issues Report (MIR) stage that the Council was going to adopt a *“more flexible approach to development in our non-environmentally protected countryside”* such as here (MIR page 17). Of the responses received to the MIR on this new approach, the vast majority supported it, and the report on the MIR that went with the Proposed Plan to committee on the 26th of September concluded on this as follows:

“The LDP seeks to promote a more flexible approach to small scale development in the countryside by adopting a ‘presumption in favour’ of such development provided it demonstrates high quality, low carbon design, is sensitively located using the principles of Landscape and Visual Impact Assessment, and does not adversely impact on any nature or heritage assets.”

The key words here being a ‘presumption in favour’, which should thus be the starting point for considering these reviews. They should be granted planning permission unless for some reason they cause unacceptable landscape harm.

Policy 02 in full will be provided by the case officer, but the relevant part for these local reviews is as follows.

“Outwith the Settlement Areas shown on the proposals map, development will only be acceptable where it can be demonstrated that it accords with:

An allocation of this plan; or parts A, B or C as set out below, together with all other relevant policies of the LDP2”

The sites are within a Countryside Area, which is accepted by the case officer, and so the relevant part of the Policy is as follows.

“A – Countryside Areas

Within the Countryside Areas there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies. All developments will require a Landscape and Visual Impact Assessment demonstrating to the satisfaction of the Planning Authority, that the proposal can be successfully integrated into its land scape setting unless they are:

- Infill; or*
- Rounding off; or*
- Redevelopment opportunities of clusters; or*
- Previously developed sites. Development adjacent to, but outwith settlement boundaries which are delineated in the Proposals Maps will not constitute infill, rounding off or redevelopment.”*

The Policy is slightly oddly worded, but basically states that a dwelling can be supported anywhere in Countryside Areas, the permissive policy as explained above, provided it is supported by a *“Landscape and Visual Impact Assessment demonstrating to the satisfaction of the Planning Authority, that the proposal can be successfully integrated into its landscape setting”*. You don't need to provide a Landscape and Visual Assessment where you are one of the bulleted exceptions, i.e. infill etc. However, these sites are not one of those exceptions and so have been submitted with a Landscape and Visual Appraisal produced by Victoria Mack of VLM Landscape Design, a chartered landscape architect with nearly 20 years professional experience.

The councillors will note what the case officer says about the former status of the sites as a Rural Opportunity Area (ROA). ROA status was something that the landowner (the current applicant) supported, and was surprised to lose on the back of a Landscape Capacity Study produced quickly, with little fanfare, and in relation to which no comments from landowners were requested. The company that did these studies though highly respected had little time to consider each site, maybe an hour or so, whereas Victoria took an entire day just to do her site visit and to ensure that she was fully conversant with the landscape and potential views. It has also been clear for several years that the landscape studies include a number of inconsistencies and errors and have not stood the test of time. It is suspected that part of the reason for the change of policy approach, and moving towards application specific Landscape and Visual Appraisals, as required by Policy 02, is to finally lay the landscape studies to rest.

As councillors will note from reading the VLM Landscape Design Landscape and Visual Appraisal in full, development here will not be that visible and will not alter the landscape character of the area. The sites are certainly not prominent, as suggested by the case officer, and that comment suggests that the case officer has not done the fieldwork done by Victoria Mack who has considered this issue in depth and concludes as follows.

“7.1 The Proposed Site offers scope for a fully integrated small-scale residential development comprising two new dwellings and associated garden grounds and access drive to assimilate into the landscape without any adverse impacts upon the landscape and visual amenity of the area.

7.2 The proposed site and its context is well defined by rising landform and prolific vegetation with a coniferous plantation providing a soft backdrop and mature garden and woodland features combining with the knolly landform to the north of the site effectively screening all but a handful of views. As part of the site-wide planting strategy, it is proposed to strengthen the existing tree cover on the perimeter of the site with ‘native’ planting where species will be limited to the existing species found within the immediate context. This will aid in enhancing the secluded character of the site and in the medium to long term, as this component of the proposals establishes and matures, it will contribute to the area’s nature conservation value and the quality of the local landscape resource.

7.3 Careful consideration has been given to the siting, massing, scale and form of the new dwellings to ensure that any potential visual impacts are minimised. This has included the height, architectural style and detailing of the built forms as well as a sensitive choice to materials and the hard and soft landscape palette. In addition, it is proposed to set the new dwellings back against the soft woodland foil along the southern boundary and away from the more visually sensitive northern fringes of the wider land in ownership. This considered approach to the site planning will ensure that the new dwellings will effectively nestle into the existing landscape with minimal mitigation required and where visible in glimpsed, transient views, the new dwellings would be seen to be wholly consistent with the dispersed settlement pattern across the wider loch area.

7.4 This proposals have high regard to the preservation of the assets of this area inland from the western coastline of Argyll and by sensitive planning of the site, which itself has been carefully selected, it is considered that the proposals will be seen to visually integrate into the woodland setting and be sensitive to the locality in terms of design, scale and the use of local materials and detailing. This will ensure that the proposals are not intrusive within this settled coastal loch landscape.

7.5 This Landscape and Visual Appraisal has demonstrated that the Proposed Site comprises a visually discreet part of the extended landholding, which forms part of the site LN56 highlighted in the Lorn and Inner Isles Landscape Capacity Study, and does have the landscape capacity to absorb a small-scale development without adverse impacts upon landscape and visual effects. As such the Proposed Site should be classed as a Rural Opportunity Area and be developed in line with Policy LDP DM 1.

7.6 Ultimately this sensitively planned development will be seen to be wholly consistent with the established rural settlement pattern and will not have a detrimental impact on the integrity and quality of the APQ designation. Therefore, in landscape and visual terms, the proposals are assessed

to be wholly in line with current best practice guidance and environmental policies contained within the Argyll and Bute adopted Local Plan, including acceptable in terms of Policy SG LDP ENV 13.”

As we have said above, we hope that councillors will visit the site to assess the impact for themselves and, if they want, they can hold a hearing and ask Vicky Mack to attend and question her on her conclusions. She has the right qualification, experience and the knowledge, and we would respectfully suggest that councillors give considerably more weight to her conclusions as a qualified landscape architect who is an expert witness in the field of landscape and visual impact over the views of a planner (the case officer) who isn't.

For the above reasons, it is hoped that councillors will support these applications and grant planning permission as a minor departure from the development plan on the basis that other material considerations (PLDP2 and the views of a chartered landscape architect) warrant doing so.