Reference Number: 07/02218/OUT
Applicants Name: Kilninver and Kilmelford Community Council
Application Type: Outline application
Application Description: Site for the erection of 7 dwellinghouses, creation of playing field, woodland walkway, extension to village hall car park and improvements to recycling facilities.

Location: Land adjacent to Kilmelford Village Hall, Kilmelford.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 7 dwellinghouses,
- creation of playing field,
- woodland walkway,
- extension to village hall car park and
- improvements to recycling facilities

(ii) Other specified operations.

- Connection to existing public water main and sewer
- Formation of footpath to frontage of site

(B) RECOMMENDATION

REFUSE Outline Planning Permission for the reasons below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In terms of the adopted Lorn Local Plan (2nd Alteration) 1993, the application site is located near the sensitive settlement of Kilmelford and within a Regional Scenic Area (Knapdale and Melfort), where Policies RUR(1), RUR(2) and HO21 apply. Policies RUR(1) & RUR(2) require that any application be justified against certain criteria, namely environmental impact, locational/operational need, economic benefit and infrastructure and servicing implications. Policy HO21 states that, within the settlements listed (this list includes Kilmelford) the Council will encourage infill, rounding-off or redevelopment related to the existing built form. Proposals, which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse impact will normally be resisted.

The residential component of 7 dwellings does not constitute either infill or rounding off. The impact of the proposal would lead to the loss of a significant area of open space extending some 220m or thereby, separating the built up area of Kilmelford and the group of houses to the west. This would constitute a significant departure from the existing built form to the overall detriment of the area. The applicant has also failed to demonstrate any locational need for the development nor any economic justification which would meet the requirements of policies.

In this instance the proposal is considered to be contrary to Policies RUR(1), RUR(2) and HO21.
The application site contains a Scheduled Ancient Monument (SAM) a ‘Cairn’ and policies POL BE(1) of the Lorn Local Plan policy STRAT DC 9 of the Structure Plan have presumptions in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments and their setting. Developments that have an adverse impact on Scheduled Ancient Monuments and their setting will be resisted. The proposal will seriously affect the view of the Cairn in its historical setting. This setting relates to the view both from and to the Cairn from Loch Melfort, the built development will obscure this setting and thereby remove the relationship of the Cairn to the sea. In this instance the proposal is considered to be contrary to Policies POL BE(1) STRAT DC9.

(ii) Representations:

Three letters of objection have been received from two individuals, both object on the basis of the applicant being the Community Council whom it is considered are not an appropriate body to apply for planning permission. One individual goes on to object to the playing field and woodland walk components of the proposal on the basis of long term maintenance burdens. Both contributors do however support the residential component of the development. In addition, 1 e-mail in support of the application has been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

It is considered that a hearing is unnecessary.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

Not applicable.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

Not applicable.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
12th December 2008

Author: Andrew Swain 01631 567 977 Date: 12th February 2008
NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk
1. The application site lies in an area, within which Policies RUR(1) & RUR(2) of the adopted Lorn Local Plan which require that any application be justified against certain criteria, namely environmental impact, locational/operational need, economic benefit and infrastructure and servicing implications which provides a presumption against housing development where it does not constitute infill, rounding-off or redevelopment. The residential development has not been justified against these criteria and would lead to the loss of an important area of open space and lead to the coalescence of two communities and it therefore considered that the proposal is therefore contrary to policies RUR(1) & RUR(2) of the adopted Local Plan.

2. The application site lies in a specified area, within which Policy HO 21 of the adopted Lorn Local Plan provides a presumption against housing development where it does not constitute infill, rounding-off or redevelopment. As the site does not constitute infill, rounding-off or redevelopment as the scale and extent of the residential development is such that it would lead to an extension of ribbon development and lead to coalescence of existing settlements, the proposed development is contrary to Policy HO21 of the adopted Local Plan.

3. The proposed development is contrary to structure plan policy with respect to development in Countryside around Settlements as detailed in:


   This policy provides that new dwellings in the Countryside around Settlements must be limited to small scale infill, defined in the Structure Plan as 5 houses or less, rounding off, redevelopment and change of use of building development or to single dwellings on bare land crofts or single additional dwellings on individual crofts. The 7 residential units proposed do not constitute small scale infill, rounding off, redevelopment or change of use of a building and the new dwellings are not proposed for a bareland croft or individual croft. The proposal is therefore contrary to Policy STRAT DC 2.

4. The proposed development is contrary to local and structure plan policy with respect to scheduled ancient monuments as detailed in:

   (a) Lorn Local Plan POL BE(1) – Built Environment
   (b) Argyll and Bute Structure Plan 2002, Policy STRAT DC 9 – Historic Environment and Development Control.

   These policies provides a presumption against development, which will adversely affect the setting of a scheduled ancient monument, or site of archaeological importance there is a presumption in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments and their setting. As the development will remove the key views of the Cairn when viewed from the sea and conversely the view from the Cairn to the sea will have a significant adverse affect on the setting of a Scheduled Ancient Monument the proposal is contrary to Policies POL BE(1) and STRAT DC 9.

5. The proposed development is contrary to Government guidance as detailed in:

   (a) Planning Advice Note 72 (PAN 72) Housing in the Countryside.
   (b) NPPG 5 Archaeology and Planning

   Seek to retain key environmental features and maintain landscape quality by resisting development in the open countryside that does not relate to the existing settlement pattern or where it would appear awkward in the landscape or affect the setting of Scheduled Ancient Monuments. As the residential development will lead to an unacceptable extension to ribbon development, lead the coalescence of communities and have a significant adverse affect on the setting of a Scheduled Ancient Monument the proposal is contrary to guidance given in PAN 72 Housing in the Countryside and NPPG 5 Archaeology and Planning.
APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/02218/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Note (i): The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council’s Web Site at www.argyll-bute.gov.uk

Government Advice

PAN 72 Planning Advice Note 72 – Housing in the Countryside Seeks to retain key environmental features and maintain landscape quality by resisting development in the open countryside that does not relate to the existing settlement pattern or where it would appear awkward in the landscape.

NPPG 5 Archaeology and Planning - Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments, which would have an adverse effect on scheduled monuments or the integrity of their settings, should not be permitted unless there are exceptional circumstances.

Lorn Local Plan

POL HO 21 – The Council will support infilling, rounding off and redevelopment to the existing built form only.

POL BE(1) – The Council will seek to protect and preserve the setting of important Archaeological sites.

‘Argyll and Bute Structure Plan’ 2002:

STRAT DC2 – Within ‘Countryside Around Settlements’, development which constitutes infill, rounding off, redevelopment, will be encouraged as well as the change of use of buildings and single dwellinghouses on bareland crofts. In special cases an exceptional circumstance may justify a development.

STRAT DC 9 – Development that damages or undermines the historic environment will be resisted; particularly if it would affect a Scheduled Ancient Monument or its setting.

(ii) SITE HISTORY

None relevant
(iii) CONSULTATIONS

**Area Roads Manager** consulted 17/12/07 – No objections subject to conditions.

**Scottish Water** consulted 17/12/07 –
No objections

**The West of Scotland Archaeology Service** consulted on 17/12/07 –
Object on the grounds of the proposal will have an unacceptable impact upon the setting of the Scheduled Ancient Monument in the site.

**Historic Scotland** consulted on 17/12/07 –
Object on the grounds of the proposal will have an unacceptable impact upon the setting of the Scheduled Ancient Monument in the site.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under the provisions of Article (9) Vacant land and as a Potential Departure to Policy HO21 of the Lorn Local Plan, the periods of representations expired on the 20th and 27th December 2007 respectively.

An e-mail representation from Ms Judith Stannard, Seall Na Mara, Arduaine has been received in support of the application.

3 Letters of objection to this application have been received from 2 individuals: Mr & Mrs Kennedy (received 29.11.07), Mr J.C.Christlieb (received 11.12.07 & 28.01.08). The various issues raised are summarised as follows:

- The applicant is cited as the Community Council and it is considered that this goes beyond the remit of the Community Council.

  **Notwithstanding the name of the applicant any consent which may or may not be granted will enure for the benefit of the land and not the applicant, it is therefore not a material planning consideration as to the stated name of the applicant.**

- Reference is made in an earlier iteration of the Local Plan that the site was proposed for inclusion in the settlement zone.

  **The Finalised Modified Argyll & Bute Draft Local Plan (June 2006) however shows the site as being “Countryside around Settlement”.**

- Concern is expressed over the ability of the community to undertake a maintenance regime of the playing fields.

  **This is not a material planning consideration.**

- Concern is expressed over the ability of the community to undertake a maintenance regime of the woodland walkway and amenity space.

  **This is not a material planning consideration.**

- Both contributors express support for the residential component of the proposal.
APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/02218/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application site lies to the east of the sensitive settlement of Kilmelford in an area subject to Policies RUR(1), RUR(2) and HO21 of the Lorn Local Plan where development is restricted to small scale infill, rounding-off, redevelopment; change of use of buildings redevelopment and single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts: developments which do not accord with this policy are those which will erode the setting of settlements or result in undesirable forms of ribbon development or settlement coalescence. The policies allow for exceptions where there is either a locational or economic need for the development to be located in these specific areas. No such special need has been claimed or supporting information submitted. Furthermore the scale of the development is such that it would extend the existing settlement boundary to an extent where

The proposed site lies within an area of land near to the Sensitive Settlement of Kilmelford and therefore is contrary to the aims of the Policy RUR(1), RUR(2) and HO21

B. Location, Nature and Design of Proposed Development

This application lies to the east of Kilmelford on a roughly rectangular area of improved agricultural grazing land. This site is bounded to the east by low lying woodland through which burn flows into Loch Melfort, to the north by woodland situated on steeply rising ground and the west by the eastern extremity of Melfort. The site itself rises gently from south to north and lies in an area designated as countryside around settlements. To the rear (north) of the village hall is a ‘Cairn’, this is a Scheduled Ancient Monument (SAM) and protected accordingly. The proposal comprises a number of components

• 7 houses on the western end of the site, immediately west of the village hall
• a proposed sports field measuring 45m x 90m to the rear of the proposed dwellings
• To the rear of the village hall it is proposed to utilise the area for casual play, this area contains the SAM mentioned above.
• The existing car park is to be extended to provide both additional car parking and also provision for recycling facilities.
• The area to the east of the village hall which is traversed the burn mentioned previously is to be used for a woodland walk.

There is no footway at present along the frontage of the site, indeed the road is single carriageway with passing places. It is proposed to install a remote footway along the frontage of the site to adoptable standards connecting the village hall to Melfort to the west.

The proposed houses no matter how well designed and finished can not be described as small scale, defined as no more than 5, infill or rounding-off. This would set the proposal at odds with Approved Structure Plan and the Lorn Local Plan which designates the site as Countryside around Settlements within which there is a presumption against residential development especially where this leads to unacceptable extensions to Ribbon Development or development which leads to the coalescence of communities.

C. Built Environment

To the rear (north) of the village hall is a ‘Cairn’, this is a Scheduled Ancient Monument (SAM) and protected accordingly subject to Lorn Local Plan policy POL BE(1) and Structure plan policy STRAT DC9 where there is a presumption in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments and their setting. Developments that have an adverse impact on Scheduled Ancient Monuments and their setting will be resisted. The important elements of the setting of the SAM relate its historical relationship within the landscape of the rising ground upon which it is located and the views to and from the sea. It is
considered that the development of 7 dwellings along the width of the site would interfere with this relationship and thereby remove the importance of current open views of the Cairn.

Notwithstanding the concerns of both Historic Scotland and West of Scotland Archaeological Service over the setting of the nearby SAM, the cairn, it is considered that the

- a proposed sports field,
- a casual play area,
- additional car parking and recycling facilities, and
- a woodland walk.

Could all be supported subject to detailed discussions and agreed archaeological investigation.

The residential component of the proposal conflicts with policy BE(1) 17 of the Lorn Local Plan and Policy STRAT DC 9 of the Structure Plan in that the development of the residential component could seriously affect the setting of the Scheduled Ancient Monument and its relationship to current open views to and from the sea and the archaeological interest on the site.

D. Landscape Character

The landscape character of the Kilmelford area is one of 'Craggy Upland' as described in the landscape assessment of Argyll (1996) characterised by isolated farmsteads and small villages in sheltered sites within glens. The site itself forms a gently sloping area of improved agriculture ground set behind the access road on the foreshore of Loch Melford separating the western extremity of Kilmelford (the village hall and the fire station) and the group of 12 or so houses to the west. The 7 dwellings would have the impact of coalescing the existing built forms thereby eroding the current sporadic nature of the built form in this locality.

E. Road Network, Parking and Associated Transport Matters.

The proposal illustrates the provision of a remote footway along the front of the site which would act as a pedestrian link from the area to the west towards the main village of Kilmelford, at the moment there is no footway along the road. The Roads Department have no objection to the development of this site.

F. Infrastructure

It is proposed to connect to the mains electricity, foul drainage and public water supply.

G. Other Scottish Executive Advice

PAN 72 Planning Advice Note 72 - Housing in the Countryside

Seeks to retain key environmental features and maintain landscape quality by resisting development in the open countryside that does not relate to the existing settlement pattern or where it would appear awkward in the landscape. This development would seriously erode the current open nature of the location and the spaces between existing built forms.

NPPG 5 ARCHAEOLOGY AND PLANNING

Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments, which would have an adverse effect on scheduled monuments or the integrity of their settings, should not be permitted unless there are exceptional circumstances. The proposal would seriously impact
H. Conclusion.

The residential component of the proposal is inconsistent with the policies contained in the Argyll & Bute Structure Plan 2002, and the Lorn Local Plan. The proposal will adversely impact upon the setting of the settlements of Kilmelford and the small group of houses at Melford as the proposal does not constitute either infill or rounding off of an existing settlement and will also lead to an unacceptable extension to ribbon development and lead to the coalescence of communities by virtue of the loss of a significant area of undeveloped open ground between Kilmelford and Melford. The proposal will have an adverse effect on the setting the Scheduled Ancient Monument as would remove the open setting of the SAM over the open views to and from Loch Melfort. The application is therefore recommended for refusal.