

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 7th July 2014, on behalf of Lawers Estate Company Ltd for the erection of 3 houses on land at the site of the former Marie Stuart Hotel, Auchraw Terrace, Lochearnhead. The planning application (2013/0024/DET) was refused by Loch Lomond & The Trossachs National Park on 9th May 2014 (MBM1).
- 1.2 The proposal requires to be considered under the terms of a range of National Park Local Plan policies; however the key policy consideration in this case is Policy HOUS1 – New Housing Development in Settlements as that forms the main reason for refusal of the proposal.
- 1.3 In addition it is considered that key material considerations for the Local Review Body (LRB) to take account of are Scottish Planning Policy (revised on 23rd June 2014), the consultation responses received from SEPA in response to the Flood Risk Assessment and also Transport Scotland.
- 1.4 We contest the National Park's reasons for refusal of the planning application and the justification given for the reasons within the Report of Handling (MBM2).
- 1.5 In this case it is considered that given the reasons for refusal, there would be merit in the LRB undertaking a site inspection to assess the proposal in the context of its layout, density, built form and relationship to adjacent development, before reaching its decision.

2. Response to National Park Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 9th May 2014 for two reasons which in summary relate to underdevelopment of the site and a resultant lack of affordable housing provision.
- 2.2 The planning application was originally submitted in January 2013 for the erection of 6 houses on the site. A previous application for the erection of 6 houses on the site had been allowed on appeal in November 2005 but that permission remained unimplemented and then expired in November 2010.
- 2.3 To date the planning process and discussions with the National Park have taken nearly 2 years which the applicant considers to be totally unacceptable. The applicant therefore requested that the application be determined on the basis of the amended plans showing 3 detached one and half storey dwellings aligned in a row, orientated towards the A85 trunk road and Loch Earn. The detailed drawings submitted also show the dwellings would be of traditional appearance in form, design and external finishes.
- 2.4 The site is located within SEPA's identified 1:200 year Flood Risk Area and a Flood Risk Assessment undertaken by Allen Gordon & Co (May 2013) (MBM3) was submitted in support of the application.
- 2.5 SEPA provided their updated response (November 2013) to the proposals based on an assessment of the FRA and confirmed that they had no objections subject to condition that no development or land raising takes places within the 1:200 year flood area.
- 2.6 Transport Scotland advised that a single access would be required from the A85 trunk road to serve the development. It is worth remembering that the site originally had 3 separate access points, 2 of which the applicant previously agreed to concede at the time of the previous application. The proposed revised single access point along with the required visibility splays of 4.5m x 90m, service strip and a footway along the southern boundary adjacent to the trunk road extending from the new access westward to the junction of Auchraw Terrace, were provided on the amended site plan submitted in July 2013. The applicant has therefore accommodated the long standing attempts by the National Park and Roads Authorities to promote a footpath along the A85. As the proposal is for less than 4 houses there is no requirement for the access road to be adopted.
- 2.7 In assessing the planning application the planning officer correctly identified the relevant policies from the Development Plan. As highlighted above the key policy consideration in this case is considered to be Policy HOUS1.

- 2.8 Permission had previously been granted for the erection of 6 open market houses on this site in 2005. That permission had been extensively marketed over a number of years but due to the lack of market interest and changing financial climate was never implemented.
- 2.9 Given the passage of time that had lapsed since the original approval, the applicant considered that it would be beneficial to try and reignite a permission in order to have another attempt at marketing the site for residential development. The application was submitted along similar lines to the previous approval.
- 2.10 During determination of the application it became apparent that the constraints associated with the site (flood risk and trunk roads requirements) along with the 'new' requirement for 50% affordable housing on the site, were such that the applicant considered that in order to make the proposal marketable and more viable from the previous unsuccessful attempts to develop the site, a change of the density of development should be pursued.
- 2.11 When assessing the scale, footprint, density, form, layout of surrounding development in the settlement it is evident that there is a vast mix and range from higher density terraced properties located to the north and west to lower density large detached properties to the north and east. The proposed layout for 3 detached properties therefore took its lead from an assessment of the properties located immediately adjacent to the north and east of the site where larger detached properties, situated within larger gardens are clearly prevalent. The width of site frontage proposed for each of the 3 units in this proposal also reflects the site frontages of the properties at Lochview, The Sheiling, as well as the properties located at the eastern end of Vorlich Road to the north.
- 2.12 As noted in the planning officer's Report of Handling, Policy HOUS1 relates to New Housing Development in Settlements and confirms that new housing development will be supported on appropriate housing sites within settlement boundaries. The principle of residential use on this site is not at issue, only the scale and density of development. Policy HOUS1 also adds that within settlements a percentage of affordable housing will be required on infill sites of 4 or more units.
- 2.13 Within the reasoning for the Policy it clearly states that all sites should be developed in keeping with the surrounding built form and building density. Proposals for under 4 units are not expected to be supported where the site is considered capable of accommodating a higher density of development.
- 2.14 Within the officer's Report of Handling there is an acceptance of the fact that the surrounding built context does indeed present housing of a similar low density to this layout, to the immediate north east and east.

- 2.15 We would therefore reiterate the points that the proposed layout has been determined by the requirements of the flood risk avoidance and visibility splays which has resulted in larger front gardens and set back distances. In addition when considering the relationship of the proposed 3 houses to adjacent properties and their boundaries, building lines, pattern, spacing and density of development, all adds weight to the argument that the development of the site for 3 houses would seem to be a perfectly acceptable proposal. As noted above the planning officer accepts this point but then takes the view that because the proposal is a lower density than some other properties that are located to the northwest, it is then deemed to be underdevelopment. In our view it doesn't automatically follow that an acceptable layout for 3 properties suddenly becomes unacceptable and contrary to Policy HOUS1 just because there is a mix of densities in the settlement and the planning officer decides to focus their decision on the higher density only.
- 2.16 The proposals are considered to be in accordance with Policy HOUS1 as the proposed layout is in keeping with the surrounding built form and building density and also takes full account of the sites prominent location as well as access and flood risk constraints.
- 2.17 As the proposal is considered to comply with the terms of Policy HOUS1, in our view it therefore follows that the proposal is also consistent with the National Park's fourth aim in terms of promoting the sustainable social development of the area's communities. The second reason for refusal is therefore not considered to be justified. This site has now lain vacant for over a decade and despite previous extensive marketing, the previous planning permission was never able to be implemented. This proposal provides an opportunity to bring forward a development with associated work and employment on a long standing brownfield site in the heart of a settlement that will fulfil the National Park's aims of promoting sustainable economic and social development.
- 2.18 Finally we note that no objections were received from any third party to the proposals.

3 Conclusions

- 3.1 The principle of residential development on this site is entirely consistent with Policy HOUS1 of the Local Plan.
- 3.2 There is an acceptance by the planning officer of the fact that the surrounding built context does indeed present housing of a similar density to this layout to the immediate north east and east.
- 3.3 The proposed layout has been determined by the requirements of the flood risk avoidance and visibility splays which has resulted in larger front gardens and set back distances. In addition when considering various factors such as the relationship of the proposed 3 houses to adjacent properties and their boundaries, building lines, pattern and width of plots, spacing and density of development, all point to this development of 3 houses being a perfectly acceptable proposal.
- 3.4 No objections were received from any individual to the application and initial concerns raised by SEPA and Transport Scotland were fully addressed following the submission of additional information and amended plans.
- 3.5 It is considered that the proposed 3 house development on this long standing brownfield site does meet with the requirements of Policy HOUS1 and as such also fulfils the aims of the National Park in helping to promote economic and social development opportunities within a settlement.
- 3.6 We would therefore respectfully request that this Notice of Review is determined as being in accordance with the development plan, subject to any conditions that may be considered necessary by the Local Review Body.