Argyll and Bute Council Comhairle Earra Gháidheal agus Bhóid

Development and Infrastructure Services

Colintraive and Glendaruel Community

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Ask For:

Alison McGinty

Our Ref:

Your Ref: Date:

20th February 2015

Dear Sir or Madam.

Council

NOTICE OF INTENTION TO ADOPT THE PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN POST EXAMINATION MODIFICATIONS THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND) REGULATIONS 2008

I am writing to advise that Argyll and Bute Council intend to adopt the Argyll and Bute Local Development Plan incorporating the Post Examination Modifications in the form as modified following receipt of the Report of Examination from the Scottish Government's Directorate for Planning and Environmental Appeals. Community Council input has been valued in the Local Development Plan process, helping us to better understand community issues.

The plan, together with the modifications, may be inspected on the Council's website at www.argyll-bute.gov.uk/ldp, in all public libraries within the Argyll and Bute Council planning authority area and at the Planning and Regulatory Services offices at 1A Manse Brae, Lochgilphead, PA31 8RD. The documents will be available during normal opening hours from 20th February 2015 for a period of 28 days until Friday 20th March 2015.

Please go to www.argyll-bute.gov.uk/ldp for further information including frequently asked questions. Should you have any further queries please contact Development Policy, by telephone on 01546 604057 or by email at ldp@argyll-bute.gov.uk.

Yours sincerely,

Matthew Mulderrig

Development Policy Manager

ISS014	Development Land - North Bute	
Development plan reference:	S001 - North Bute Forest Masterplan PDA1001 - North Bute	Reporter: Lance Guilford

Teresa Lenton (01796)

Bute Community Land Company (01727)

Provision of the development plan to which the issue relates:

Local Development Plan Schedules and Proposals Maps

Planning authority's summary of the representation(s):

The objectors stated the following:

S001 - Teresa Lenton (01796) - There is no information on the new masterplan for north Bute given in the proposed LDP.

The north part of Bute lies within the Kyles of Bute National Scenic Area and is remote and unspoilt and should remain undeveloped.

PDA 1001 - Bute Community Land Company (01727) - The masterplan and PDA 1001 identified in the proposed LDP are supported. However, there are proposals for other low impact development outwith the main area for development, PDA 1001 and this strategy for low impact development should be adopted in the proposed LDP.

Modifications sought by those submitting representations:

The objectors stated the following:

S001 - Teresa Lenton (01796) - Remove the reference to the masterplan from the proposed LDP.

PDA1001 - Bute Community Land Company (01727) - None.

Summary of responses (including reasons) by planning authority:

Site location (Production ref: PD206)

A description of the masterplan (MAST 1/13) should have been included as part of the Local Development Plan Schedules on page 66 of the proposed LDP Written Statement (Core doc ref: CD012), but was inadvertently omitted. The description of the Masterplan should have referred to "community use, leisure and tourism" to reflect the aspirations of the Bute Community Land Company who plan to undertake the sustainable management and development of the Bute Forest. The masterplan will provide a planning framework and strategy for the development of low impact buildings/structures, spaces, infrastructure

and access within and related to the community and recreational use of the forest.

If the Reporter is so minded, the Council propose to re-instate the missing reference to Masterplan 1/13 in the schedules as outlined below.

Strategic Masterplan Areas			
Ref No. Location		Use	
MAST 1/1	Ardyne	Mixed use; Tourism/Business/Leisure/Housing	
MAST 1/2	Castle Toward	Mixed Use; Tourism/Business/Leisure/Housing/ Educational	
MAST 1/13	North Bute	Mixed use; Tourism/Leisure/Access/Communit y Use (Low impact development)	

In addition, the Council considers that the development of the Masterplan 1/13 and the associated PDA 1001 will help sustain local services, boost economic growth and help to counter population loss in line with the key themes that have been identified in the Council's Single Outcome Agreement/Community Plan (Core doc ref: CD011) and the Key Objectives of the Local Development Plan principally Key Objectives (B), (C) and (D) (Core doc ref: CD012).

- 1. I note that the council has inadvertently omitted a reference to the North Bute Masterplan Area, the intention being to include it in Schedule 8.1. The area of the masterplan is however shown on the proposals map. I also note the content of the representation on behalf of the Bute Community Land Company, which supports a potential development area (PDA 1001), and also low impact development elsewhere in the forest. The representation also refers to the assessment of PDA 1001 contained within the environmental report. However, I am not examining the content of the environmental report, except in so far as this may be relevant in determining whether or not it is appropriate to include the masterplan area in the local development plan.
- 2. The other representation seeks the removal of the masterplan area from the local development plan, on the basis that there is insufficient information to indicate what is proposed, and that this remote, unspoiled area of Bute should be left largely undeveloped. I have also noted subsequent correspondence recognising that modest proposals may be acceptable in the context of the policies for the countryside zone and national scenic area, but maintaining the position that the vague masterplan area over such a large area of North Bute is not justified. I have however decided that no further process is required in relation to this subsequent correspondence.
- 3. From my own site inspection, I note that this is an area of the highest scenic quality, justifying its national scenic area status. The Kyles of Bute, the North Bute Coastline, and the Colintraive coastline combine to provide an exceptional landscape, when viewed from either coastline, or when viewed from the north along the A8003, where there is a significant viewpoint over to the Kyles of Bute. There is very little built development along the North Bute Coastline as far as the ferry to Colintraive, and it is important that the

qualities of this remote scenic area are retained. There are several rural opportunity areas, which are development management zones for small scale development in the countryside. However, for the majority of the area the countryside zone applies (the area not being identified as sensitive countryside) to small scale development proposals.

- 4. Potential development area PDA 1001 is assessed in the interim environmental report. It is not within my remit to make any recommendations to the council with respect to this assessment, but I find that the approach of the Bute Community Land Company, as set out within its representation, appears to be a sustainable approach in this context.
- 5. In addition, North Bute is identified as a tourism development area in the Bute and Cowal Spatial Strategy, and enhanced vehicle ferry terminals and a community ownership initiative are also identified within the area. Tourism development within the area would need to pay due regard to the scenic quality of the area, which is a key element of what makes the area attractive to visitors. I find that tourism, leisure, access and community uses would all support the spatial strategy, and that referring to low impact development would reflect the need to protect the scenic quality of the area.
- 6. In all development management zones, Policies LDP 3 (rotection and enhancement of the environment) and LDP 4 (coastal zone) also apply. The designation of North Bute as a national scenic area and a coastal area is therefore significant. However, it would be better to plan for appropriate sustainable development rather than to rely on the assessment of individual development proposals through the development management process.
- 7. I therefore conclude that the designation of rural opportunity areas, the inclusion of North Bute as a tourism development area, and potential development area PDA 1001 justify the designation of the area as a masterplan area. I consider that this is particularly relevant to the designation of the area as a national scenic area. The masterplan approach appears to offer the means of securing appropriate sustainable development whilst at the same time protecting the inherent qualities which define this remote and nationally important landscape.
- 8. I finally note that there is a reference within the representation on behalf of the Bute Community Land Company to masterplan symbols not appearing on the spatial strategy map, and on the map relating to strengthening our communities. Whilst it may be helpful for these to be shown, I do not consider that their omission significantly reduces the sufficiency or the appropriateness of the local development plan.

Reporter's recommendations:

Modify the local development plan by:

Including MAST 1/13, North Bute for Mixed Use; Tourism/Leisure/Access/Community Use (Low impact development), in Schedule 8.1.

ISS015 Extension to Settlement - Colintraive		queilles of this remole sool shiph are development ma countriels. However for
Development plan reference:	S003 - Colintraive (Ardare)	Reporter: Lance Guilford

Nicholas Staunton (01736) Steven Catchpole (01806) Kenneth Garner (01871) John Crawford (01970) Ian Warnock (01787)

Provision of the development plan to which the issue relates:

Extension to Settlement Boundary - Colintraive

Planning authority's summary of the representation(s):

S003 - Nicholas Staunton (01736) - The contributor supports the extension of the settlement boundary and does not consider that it will lead to development pressure beyond the proposed extended settlement boundary.

S003 - Steven Catchpole (01806) - The objector contends that the land in question was not previously designated as settlement zone and there has been no reasons given for the change to settlement, furthermore that the land is covered by a tree preservation order and this should not be undermined to allow development of the land.

S003 - Kenneth Garner (01871); S003 - Ian Warnock (01787) - The objectors state that it appears that the extension to the settlement zone has been undertaken to allow the approval of a planning application and that permitting development at this location would set an undesirable precedent that could threaten other similar areas in Colintraive.

The objectors contend that the site was subject to a planning application for a dwellinghouse that the planners recommended be refused then the Local Review Board considered that the area had capacity for development. The objectors contend that the proposed Local development Plan should not amend the settlement zone to allow the development to proceed.

The objectors contend that there has been no notification to the wider community of the proposed change in the settlement zone designation.

The objectors contend that a Tree Preservation Order covers the site and wider area and that many of the trees within the new settlement zone would have to be removed to facilitate the development of the dwellinghouse that is proposed to be built on the site.

The objectors contend that the change in the settlement zoning and the prospect of development of the site is contrary to the provisions of Section 1.1.2, Policy LDP 3 and Policy LDP STRAT 1 of the proposed Local Development Plan.

S003 - John Crawford (01970) - The contributor objects to the proposed extension to the settlement zone between the properties known as Milton Wood and Ardare and contends that if developed would degrade and change the nature of the intermittent linear coastal development pattern.

Modifications sought by those submitting representations:

The objectors stated the following:

S003 - Nicholas Staunton (01736) - None.

S003 - Steven Catchpole (01806) - Do not extend the settlement zone, allow development of the site or the removal of trees.

S003 - Kenneth Garner (01871); S003 - Ian Warnock (01787) - Do not extend the settlement zone into this wooded area and do not permit development of the site or the removal of trees.

S003 - John Crawford (01970) - None stated.

Summary of responses (including reasons) by planning authority:

Site location (Production ref: PD111)

The representations on the proposed LDP relate to a change to the settlement boundary at Colintraive that was occasioned by the submission of a planning application for the erection of a single dwellinghouse, formation of a vehicular access and installation of a septic tank. (Production ref: PD040)

The area of land that is the subject of these representations is currently zoned as Countryside Around Settlement in the adopted Argyll and Bute Local Plan (Core doc ref: CD017). The land is also covered by a Tree Preservation Order (Production refs: PD042 and PD043).

The application was considered by planning officers and recommended for refusal (Production ref: PD041).

The applicants' agent subsequently requested that the application and planning officers' recommendation of refusal be considered by the council's Local Review Board (LRB) comprising a small panel of three councillors. The agents submitted an additional planning statement in support of the review undertaken by the LRB. (Production ref: PD044).

The LRB agreed to defer further consideration of the appeal against the refusal of planning permission pending the outcome of;

The inclusion of the application site as part of the settlement of Colintraive by extending the current settlement boundary and;

The outcome of the examination of the proposed LDP by the Scottish Government should objections be lodged by members of the public in respect of the proposed extension to the settlement boundary.

It should be noted that the extension to the existing settlement boundary in the proposed LDP was instructed by the LRB (Production ref: PD045), and <u>not</u> as a consequence of a review of the settlement boundary by planning officers.

In view of the instruction by the LRB that the existing settlement boundary be extended in the proposed LDP, and the recommendation by planning officers that the planning application be refused. Reporters are now invited to make a determination on the proposed extension to the settlement boundary as set out in the proposed LDP having regard to the submitted planning application, the planning officers' recommendation on this application, the additional case made to the LRB by the agent acting on behalf of the applicants and the representations on the extension to the settlement boundary lodged by members of the public in response to the consultation on the proposed LDP.

- 1. I note that the proposed extension to the settlement zone of Colintraive follows a local review of the refusal of planning permission for a single house on the site. The decision of the local review body has been deferred pending the outcome of this examination process.
- 2. I have taken into account all of the matters raised within the representations. However I should emphasise that this issue is not concerned with an allocation for development under LDP PROP 2, or a potential development area under LDP PROP 3. I would further emphasise that the purpose of this examination is not to determine whether planning permission should be granted for housing development on the site. That is a matter for the development management process, which in this case is still ongoing. Relevant local development plan policies would apply to all development proposals, including Policies LDP STRAT 1 and LDP 3, the latter being relevant to the designation of the national scenic area.
- 3. This issue is about how the site fits into the settlement plan in the context of LDP PROP 1. There are only 2 development management zones relevant to the issue, these being the settlement zone (relating to villages and minor settlements), and the countryside zone. I have to consider whether or not the settlement zone should be extended (as proposed by the council) to include the site. The only alternative in the circumstances is to include the site within the countryside zone around the settlement, as within the existing adopted local plan.
- 4. The physical characteristics of the settlement of Colintraive are quite unusual. The settlement has a dispersed pattern, including small clusters of existing development (mainly housing) along the shoreline south east of the ferry terminal. These clusters are designated in the local development plan as part of the settlement zone of Colintraive. In between these clusters are areas of countryside.
- 5. In the area of countryside to the south of the site proposed for inclusion within the settlement zone, there is a row of dispersed houses set within woodland which is the subject of a tree preservation order. This woodland (and the tree preservation order) extends over the site, which is effectively a gap within the existing built form, even though the built form to the north is part of the settlement zone, and the built form to the south is within the countryside zone.
- 6. I find however that the site is more related to the dispersed pattern of houses to the south, particularly since it contains mature trees which are a significant part of the tree

preservation order. The landscape and visual effects of development on the site would probably be more appropriately assessed as part of the countryside zone. Furthermore, I am not aware of any material change in circumstances since the existing local plan (which includes the site as part of the countryside zone) was adopted. I therefore find that there is insufficient evidence to justify the inclusion of the site within the settlement zone.

- 7. Notwithstanding the above, from my site inspection I find that there is little difference between the built form of the settlement cluster and the northern part of the row of houses to the south. From the North Bute shoreline, the appearance is of a dispersed row of houses, set within woodland, extending south east from the cluster and beyond the site. However, I note that under Policy LDP DM1, in the countryside zone, encouragement will be given to sustainable, small scale infill or rounding off development, but that there is a presumption against development that seeks to extend an existing settlement into the countryside zone.
- 8. I conclude that in the circumstances it would not be appropriate to extend the settlement zone to include the site. However, I also note that the development of a site lying within the countryside zone is not precluded by the terms of the local development plan. It is for the council to determine whether to grant planning permission for a particular application, having regard to the relevant provisions of the development plan as well as to any other material considerations.
- 9. Matters raised within the representations relating to the need for housing in the area, the priority given to vacant/derelict land, and whether the site could be used to facilitate a shoreline trail are in the circumstances not relevant to my consideration of this issue.

Reporter's recommendations:

Modify the local development plan by:

Deleting the site from the settlement zone, and designating the site as countryside zone on the proposals map for Colintraive.

ISS020	Rural Opportunity Area - Colintraive	
Development plan reference:	S008 - Rural Opportunity Area Colintraive	Reporter: Lance Guilford

Teresa Lenton (01796)

Provision of the development plan to which the issue relates:

Proposals Maps - Development Management Zones

Planning authority's summary of the representation(s):

The objector states the following:

S008 - Teresa Lenton (01796) - There is an area of land adjacent to the property known as Ardachuidh that previously contained a chicken shed and other outbuildings. The area of ground would be suitable for the development of a single dwellinghouse and therefore the ground should have its current designation as a Rural Opportunity Area retained in the proposed LDP.

Modifications sought by those submitting representations:

The objector stated the following:

S008 - Teresa Lenton (01796) - The plot of ground should have its current designation as a Rural Opportunity Area retained in the proposed LDP.

Summary of responses (including reasons) by planning authority:

The area of ground referred to is shown on the attached plan. (Production ref: PD047)

The landscape Capacity Study for Bute and Cowal prepared on behalf of the Council by Gillespies (Core doc ref: CD014, page 30) specifically excludes the area of ground referred to as suitable for small scale housing development. That is, there is no presumption in favour of development afforded by the Rural Opportunity Area (ROA) designation, and the proposed LDP now incorporates these changes with the designation returned to 'Countryside'.

However, it remains open to the objector to make a case for the proposed development of a single dwellinghouse based on the proposals satisfying the requirements of Policy LDP DM1(E) of the proposed LDP (Core doc ref: CD012), which does allow for small scale development on appropriate infill, rounding-off and redevelopment opportunities.

The council submits that there is no substantive case for deviating from the recommendations set out in the Gillespies Landscape Capacity study as it affects this particular site/locus.

Accordingly, the Council recommends no modification to the LDP.

- 1. I note that this site is part of a larger rural opportunity area in the existing adopted local plan, both north and south of the B866. If there is no material change in circumstances, such designations would normally be carried forward from the adopted local plan into the proposed local development plan. The rural opportunity area has however not in this case been included in the proposed local development plan.
- 2. The council refers to the landscape capacity study for Bute and Cowal of October 2010, which was undertaken specifically for the purpose of assessing the capacity of the landscape to accommodate rural opportunity areas. The intention was to resolve the potential conflict between such areas and important landscape designations, including national scenic areas. The former rural opportunity area lies within a national scenic area.
- 3. The landscape capacity study, on page 30 of the report, assesses Site CB24 Glachavoil, stating that it has limited capacity to absorb development. More specifically, at Glachavoil to the south of the B866, including the subject site, it is stated that the ability of the landscape to accommodate development is at capacity, and that woodland areas should remain intact as they provide a setting for the existing development.
- 4. In circumstances where a landscape capacity study has been undertaken which concludes that the landscape is already at capacity, and the given the designation of the area as a national scenic area, I find that there is insufficient justification for the continued designation of the rural opportunity area. There is therefore a material change in circumstances which justifies a change in direction from the adopted local plan. I do however need to consider whether there would be any justification in designating the specific site (rather than the larger area identified in the adopted local plan) as a rural opportunity area.
- 5. From my site inspection, the site appears to be the former curtilage of a large house within substantial garden grounds. It generally comprises scrub and woodland, although there is a small clearing at the entrance to the site. I would not however characterise the site as brownfield, notwithstanding that there may have been outbuildings on the site. The settlement pattern in the area is of a dispersed nature, and there is a considerable amount of local woodland which provides an appropriate landscape setting. Small scale development on the site would have a limited and very local landscape impact, and would generally be quite well screened by the woodland in the area.
- 6. However, I do not consider that there is sufficient evidence to justify the designation of the specific site as a rural opportunity area. It is a relatively small site, and I conclude that the appropriate means of considering any development proposal would be through Policy LDP DM1, with the site designated as part of the countryside zone, which would allow for small scale development to be considered where this is appropriate infill or rounding off of development. In this context, Policy LDP 3 would also require consideration of the effect on the national scenic area.

PROPOSED ARGYLL & BUTE LOCAL DEVELOPMENT PLAN

Reporter's recommendations:	
No modifications.	SECTION OF THE SECTIO

ISS021	Housing Land - Glendaruel	aurite illamore
Development plan reference:	S009 - Clachan of Glendaruel	Reporter: Lance Guilford

George Paton (01776)

Provision of the development plan to which the issue relates:

Local Development Plan Schedules and Proposals Maps

Planning authority's summary of the representation(s):

S009 - George Paton (01776) - The settlement boundary at the southern end of Clachan of Glendaruel should be extended to allow for the development of a single dwellinghouse as previously applied for under application 12/00648/PP which was refused as was the subsequent appeal to the Council's Local Review Board.

The site was previously considered suitable for development and planning consent was previously granted in 1991 for housing on the land.

Council planning officers have more recently offered more positive responses to the prospect of development of the land.

The settlement boundary at this location has been drawn arbitrarily and is not related to any specific physical features or natural boundary.

Modifications sought by those submitting representations:

S009 - George Paton (01776) - The settlement boundary should be amended to allow the development of the land in accordance with the application 12/00648/PP.

Summary of responses (including reasons) by planning authority:

The site referred to in this representation comprises a narrow strip of land between the main road (A886) and the access road leading to the village of Glendaruel. (Production ref: PD048)

The Council previously refuted the premise of this representation when the application 12/00648/PP was refused (Production refs: PD049 and PD050), and the subsequent appeal to the Local Review Board was also dismissed. (Production ref: PD051)

The Council does not dispute the fact that planning consent for housing on the land was granted in 1991. However, circumstances change and in the intervening years the land has become wooded and the development of the land would inevitably see the loss of the woodland. The Council also takes the view that there are other more suitable areas of land for development within the existing generous settlement boundary of Clachan of

Glendaruel, and that to extend the settlement boundary into this relatively narrow strip of woodland is unnecessary. Notwithstanding comments made by individual planning officers on the matter of development of the land in question, the fact remains that development proposals for this land have been submitted in the recent past and the Council has taken the view that the grant of planning permission in the context of the proposals, the site and the prevailing planning policies as set out in the current Argyll and Bute Local Plan was inappropriate.

The Council does not accept that the settlement boundary that is now disputed is arbitrary. The settlement boundary reflects the fact that there is a live planning consent for the development of three dwellinghouses within the southmost portion of the settlement area. (Production refs: PD052, PD053 and PD054). The settlement boundary reflects this planning consent which was granted following the submission of the proposals by Mr Paton.

The Council considers that the settlement boundary of Clachan of Glendaruel should not be extended to the south of its current position and that there is therefore no justification for a modification to the LDP.

- 1. This representation seeks a change to the content of Policy LDP DM 1(E) (countryside zone) by deleting the sentence "there is a presumption against development that seeks to extend an existing settlement into the countryside zone". I refer to the findings within Issue 601 on this matter. Retaining this sentence provides an appropriate degree of certainty over the plan period, and the remainder of this issue therefore examines the appropriate extent of the settlement zone for Glendaruel in the context of the representation.
- 2. The focus of this representation is the southern edge of the settlement zone of Glendaruel. The boundary in the proposed local development plan approximates to the southern edge of a proposed development for 3 houses granted planning permission on 22 September 2011. A subsequent application for a single dwelling house on land to the south (within the countryside zone) was refused planning permission (supported by the local review body) on 29 June 2012, and the representation now seeks the inclusion of this land within the settlement zone.
- 3. I note that planning permission was previously granted for development on this land, and that this planning permission has now expired. I also note the discussions with officers of the council relating to the proposed inclusion of the additional land within the settlement zone. However, the council's position on this matter is now quite clear, and I do not consider that the discussions referred to are relevant to where the boundary of the settlement zone should be drawn. In my view, this is in the circumstances dependent upon an appraisal of the physical characteristics of the site, and what would be the most appropriate boundary for the settlement in landscape and visual terms.
- 4. From my site inspection, I am aware that the development for 3 houses has not yet commenced, but that this will constitute an extension of the existing settlement into an area of existing woodland. However, this extension is included as part of the settlement zone in the existing adopted local plan. The existing woodland continues within the land to the south as far as the junction with the A886. Whilst the exact boundary of the settlement zone may not be of major significance, I find that the woodland contributes significantly to the landscape setting of the southern edge of Glendaruel. It is therefore important to retain

a significant element of this woodland in order to preserve the landscape setting and visual amenity on approaching the settlement from the south.

5. The boundary of the settlement zone proposed within the local development plan is logical because this relates to an extant planning permission. The retention of the remaining woodland would then preserve the landscape setting of the settlement from the south. Whilst I acknowledge that extending the boundary to include a further single dwelling would have a limited visual impact, because woodland would still remain to the south, I find that it is important to avoid possible further incremental extensions of the settlement zone. In any event, in the context of Circular 6/2013, I find that the plan is sufficient and appropriate without extending the settlement zone to include the subject site. I therefore conclude that the settlement zone should not be extended as proposed within the representation.

Reporter's	recommer	idations:
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No modifications.

Local Development Plan Key











