

Development plan reference:	S003 - Colintraive (Ardare)	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Nicholas Staunton (01736) Steven Catchpole (01806) Kenneth Garner (01871) John Crawford (01970) Ian Warnock (01787)</p>		
Provision of the development plan to which the issue relates:	Extension to Settlement Boundary - Colintraive	
Planning authority's summary of the representation(s):		
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The objectors contend that there has been no notification to the wider community of the proposed change in the settlement zone designation.</p> <p>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.</p> <p>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.</p>		

ISSO

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 Colintrave 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 Colintrave 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 not 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.

Reporter's conclusions:

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 Colintrave.