

Milton House, Milton Avenue, Dunoon, PA23 7DU  
Tel: (01369) 708606 or 708607  
Fax: (01369) 708623

30<sup>th</sup> August 2012

Your Ref: 12/0007/LRB  
Our Ref: 12/00010/REFPLA  
Contact: Steven Gove  
Direct Line: (01369) 708603

Charles Reppke  
Head of Governance and Law  
Customer Services  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

Dear Mr Reppke,

**LOCAL REVIEW BODY REF. 12/0007/LRB  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
APPEAL REF. 12/00010/REFPLA  
ERECTION OF DWELLINGHOUSE, LAND TO THE NORTH WEST OF ARDARE,  
COLINTRAIVE**

I refer to the AB 7 form dated 17<sup>th</sup> August 2012 in which further information was requested by the Local Review Body prior to making a determination on the appeal. Please accept the following as this Department's response to this request.

**Advice from Planning Department**

It would be correct to state that the Planning Department did not unequivocally advise during correspondence with the agent and others acting on behalf of the applicant in the early part of the application's processing that the principle of the site would be contrary to Development Plan Policy.

The first written contact to advise the agent that the Department was minded to refuse the application, *inter alia*, by virtue of its location within '*Countryside Around Settlement*' was in an e-mail dated 10<sup>th</sup> February 2012. An opportunity was given for the applicant to respond to the various matters raised and a letter was received from James Barr dated 21<sup>st</sup> February 2012. The contents of this letter were taken into account in the ultimate determination of the application.

The interpretation of the policy issues associated with the location of the site within '*Countryside Around Settlement*' (which are examined in greater detail below) is not particularly straightforward and a fine judgement had to be arrived at. It was not until all of the information had been amassed, including issues such as the impact upon biodiversity and trees, that the application could be fully considered by the Department.

It can be made explicitly clear that there was no attempt on the part of any officer of the Department to deliberately mislead the applicant or any of his advisers. Likewise, the issue of 'Countryside Around Settlement' was not deliberately left until late in the application's processing to provide an obstacle to approving the proposal. It is agreed, however, that greater emphasis should have been placed upon the 'Countryside Around Settlement' designation at the beginning of the application process.

### **Extension of Established Settlement Boundary**

From a Development Plan perspective, Colintrave has historically been a settlement where residential development has had to be carefully considered. For the purposes of the Cowal Local Plan 1993 (adopted October 1995), Colintrave was described as a '*sensitive settlement*' where "*large scale or unsympathetic development could have a detrimental effect on the existing landscape setting and servicing*" (Policy POL HO 9). This policy was based upon the fact that the development pattern was of a dispersed linear nature, with wooded areas which were a dominant and important landscape feature between the housing groups. This description remains as relevant today as it did in October 1995. As a consequence, development was to focus on the existing clusters of dwellinghouses and the site that is the subject of this appeal was not within one of the preferred areas.

The Argyll and Bute Structure Plan 2002 and, in particular, the Argyll and Bute Local Plan 2009 have reinforced the historical attitude to residential development within Colintrave. Due to its dispersed nature, rather than there being a single '*settlement zone*', there are six. It is within these six zones that, subject to there being no environmental, servicing or access constraints, there is support in principle for residential development. The appeal site is clearly not within any of the six '*settlement zones*' but is within land designated as '*Countryside Around Settlement*'. One of the reasons for this designation is due to the presence of a Tree Preservation Order stretching from the south eastern boundary of the property known as Milton Wood to the south eastern boundary of the property known as Millhouse.

As evidenced in the reason for refusing the application, the Department considers that the site is a key environmental feature in that it acts as a break between the dwelling to the north west (Milton Wood) and Ardare itself. The site is clearly adjacent to one of the six '*settlement zones*' and, therefore, if the appeal was to be upheld, the development would result in an extension of the boundaries of one of the six '*settlement zones*'.

Members have sought clarification as to why the Department considers that the proposed dwellinghouse would "*extend the ribbon development*". This is not the Department's contention; as stated in the justification for Policy LP HOU 1 within the Argyll and Bute Local Plan 2009, development is unacceptable within '*Countryside Around Settlement*' where it would result in "*undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development*". The Department considers that the proposal would extend the established settlement boundary as explained in the preceding paragraphs.

### **Tree Preservation Order 7/92**

The Department has enclosed the following:

- The map associated with Tree Preservation Order 7/92 showing the geographical area that the TPO covers;

- The First Schedule of Tree Preservation Order 7/92 which describes the trees that are covered by the TPO and its situation;
- A current map produced by the Planning Department which identifies in a clearer fashion the extent of the TPO area. As Members will note, the TPO incorporates the whole of the appeal site.

I would be grateful if you could convey the above comments to the Local Review Body.

Yours sincerely

Planning Officer  
Development Management  
Bute and Cowal