

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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20 September 2012

RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY
TUESDAY 25 SEPTEMBER 2012 AT 2.30 PM IN THE COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD

I refer to the above meeting and enclose herewith further written submissions requested by the Local Review Body at their meeting on 14 August 2012 along with comments on these further written submissions.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW: PLOT 1, LAND SOUTH WEST OF NORTH BEACHMORE FARM, MUASDALE**
 - (d) Further written submissions (Pages 1 - 8)
 - (e) Comments from Interested Parties on further written submissions (Pages 9 - 12)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Mary Jean Devon
Councillor Sandy Taylor

Councillor Rory Colville

Contact: Fiona McCallum Tel: 01546 604392

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Fergus has asked me to respond to the information request you have sent to him. My responses are detailed below :-

1) Written information explaining the reasons for taking the decision to designate the area which included the majority of the Applicant's plot of land as an 'Area of Sensitive Countryside' and what process was undertaken to determine the boundary of the Rural Opportunity Area within the Argyll and Bute Local Plan 2009 which includes part of the Applicant's plot of land;

The Sensitive Countryside designation in the current Local Plan has been designated on ground where there is not considered general capacity to absorb new development in the open countryside away from existing buildings in terms of landscape impact. The boundaries between sensitive countryside and the more development positive Rural Opportunity Areas (ROAs) were identified through a series of extensive site visits and desk work and is based upon topography (contour levels, landform and gradients etc.); landcover (open hillside, farmland, woodland etc.), development pattern. Areas considered to have a general potential to absorb development in terms of landscape impact were then mapped and became proposed ROAs, and areas without this capacity in the open countryside became Sensitive Countryside. The maps were then presented as part of the Local Plan to Members for approval and subject to public consultation, review and Public Local Inquiry as required.

2) An indication, where possible, of what the designation of this area of land referred to at 1) above is likely to be in the new Local Plan.

The Local Development Plan (LDP) is currently in the process of being finalised for Member approval. Fergus has seen the site and has assessed it against the current local plan designation of Sensitive Countryside. He is minded to consider redesignating the site as Rural Opportunity Area in the LDP. If this redesignation is proposed then it will need Member approval before the LDP is issued for public consultation. It will then only form part of the adopted LDP if no objections to this change are received or if the Reporter at Public Local Inquiry determines that the site should remain ROA in the LDP.

Hope these comments help.

regards

Adrian Jackson-Stark
Planning Officer - Development Policy
Planning & Regulatory Services,
Argyll & Bute Council.

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PROPOSED DRAFT CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/0005/LRB

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6 and 7 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The development shall be implemented in accordance with the details specified on the application form dated 30th November 2010 supporting information and, the approved drawing refs. 1/1 (location plan).

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.
- ii) Provision of a refuse collection point to serve the development adjacent to the junction with the A83 public highway.

The approved refuse collection point and the parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

4. Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

5. Pursuant to Condition 1 - no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

6. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:
 - i) Location, design and materials of proposed walls, fences and gates;
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:
 - i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - ii) Local vernacular design;
 - iii) Maximum of a 1½ storeys in design;
 - iv) Rectangular footprint no greater than 120 square metres;

- v) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- vi) External walls finished in natural stone or wet dash render or, a mixture of both;
- vii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- viii) Window openings with a vertical emphasis;

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

8. Notwithstanding Article 3 Class 16 of the of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no residential caravan(s) shall be sited within the boundary of the development site without the prior written consent of the Planning Authority.

Reason: In order to safeguard the amenity of the locale from development otherwise capable of being carried out without planning permission under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.

NOTE TO APPLICANT

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

Explanatory Comments:

PROPOSED DRAFT CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/0005/LRB

1. Standard Planning Permission in Principle condition stipulating the requirement for a further application(s)
2. Standard condition confirming the approved details.
3. Condition requiring submission of a further application in relation to the means of access and parking to serve the development. Area Roads Manager also specified a requirement for a refuse collection point adjacent to the public highway.
4. Condition requiring submission for a further application in relation to the private foul drainage system to serve the development.
5. Condition requiring submission for a further application in relation to the private water supply to serve the development.
6. Condition requiring submission for a further application in relation to the means of landscape, surface and boundary treatment within the development site.
7. Condition requiring submission for a further application in relation to the siting, design and finishes of the dwellinghouse.

The suggested design parameters are based upon the design conditions pertaining to the previous outline planning permission ref. 05/00887/OUT for a single dwellinghouse on this site. However, it is suggested that the LRB may require to consider amendment of these design parameters dependent on their justification for granting approval.

e.g. it may be appropriate to restrict the location of the building footprint to a specific part of the extensive application site area if the LRB justification were to be based upon a quality pertaining to a specific part of the application site (for example as a 'rounding-off' development having regard to proximity to the existing agricultural building or alternatively the location of the ROA/SC boundary). It may also be appropriate to consider whether a 1½ storey design would be appropriate scale for development of this site bearing in mind that development could potentially be more prominent than the new buildings which sit to the NE, beside North Beachmore Farm.

8. Restriction of Permitted Development rights for siting of a caravan within the curtilage of the dwelling given the prominence of the location.

It is further noted that the 2005 permission also restricted permitted development rights in relation to the extension of the dwelling, provision of outbuildings, boundary treatment and external wall colouring to protect the landscape setting from additional development which would not require planning permission. It is suggested that it is unnecessary to impose this condition at PPP stage and that the requirement/appropriateness for restriction of permitted development rights might be better assessed when considering a further application which relates to the detailed siting, design and finishes of the proposed dwellinghouse.

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**The Whins
Ferry Road
Tayinloan
TARBERT
PA29 6XG**

7 September 2012

Local Review Body
Customer Services
Argyll and Bute Council
Kilmory
LOCHGILPHEAD
PA31 8RT

Dear Sirs

**RESPONSE TO INFORMATION FROM DEVELOPMENT POLICY OFFICER
DATED 30 AUGUST 2012
REF: 12/0005/LRB
Plot 1, Land South West of Beachmore Farm, Muasdale**

Thank you for the opportunity to respond to the submission made by the Planning Officer - Development Policy.

I note that while the Local Review Body (LRB) requested information specific to my site, the officer provided only general information relating to the designation of areas as "Sensitive Countryside" and "Rural Opportunity Areas" within the Local Plan in terms of the various methods used to establish the boundary line between the two. Unfortunately, this general information does not help the LRB to establish the exact methods which were used to justify the redesignation of my site from "Rural Opportunity Area" to "Sensitive Countryside". However, the attached map,

*A section of Argyll and Bute Local Plan 2009 South Kintyre 3
Scale 1:35,000 Map No 3
Showing section of field owned by K. Pendreigh, south-west of Beachmore*

if compared with the Ordnance Survey map of Kintyre South, shows quite clearly that the boundary line is represented by the 50 metre height contour line on the Ordnance Survey map.

I hope that, having visited the site, the LRB members might agree with me that development in the high open ground above my site, designated a Rural Opportunity Area, would have far more visual and landscape impact than a development in my relatively low lying and screened site. I believe that using the 50 metre contour line as the boundary has led to anomalies in land use designation in this area.

**The Whins
Ferry Road
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TARBERT
PA29 6XG**

Local Review Body

7 September 2012

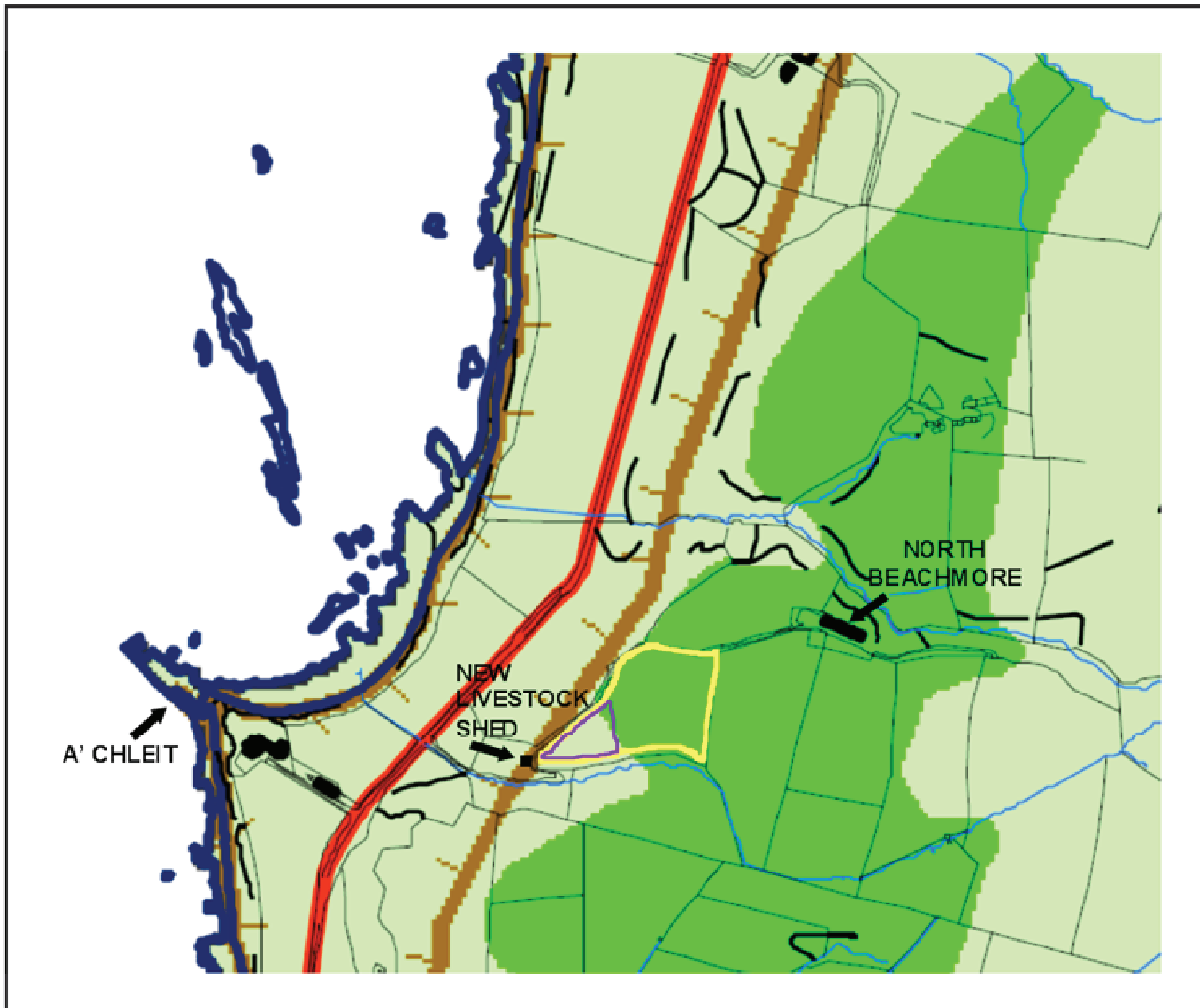
Although I am pleased that Fergus Murray is minded to consider redesignating my site back to "Rural Opportunity Area", I am also very concerned, even if Fergus Murray decides to redesignate my site, that the lengthy processes involved in order to do this and the considerable possibility of an objection, could cause the redesignation to fail. I would therefore ask the members to circumvent this possibility by granting consent to my planning application.

Yours faithfully

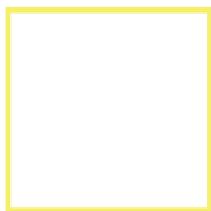
Catherine Pendreigh

Enc.

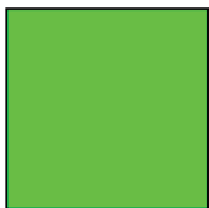
**SECTION OF ARGYLL AND BUTE LOCAL PLAN 2009 SOUTH KINTYRE 3
SCALE: 1:35,000 MAP NO 3
SHOWING SECTION OF FIELD OWNED BY K. PENDREIGH, SOUTH-WEST
OF NORTH BEACHMORE**



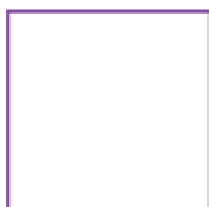
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Outline of field originally designated 'Rural Opportunity Area'



Section of field now designated 'Rural Opportunity Area'



Section of field owned by K. Pendreigh now re-designated 'Area of Sensitive Countryside'

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