

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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22 February 2017

**RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY –
INTERVIEW ROOM 2, MUNICIPAL BUILDINGS, OBAN on
THURSDAY, 2 MARCH 2017 at 4.00PM**

I refer to the above meeting and enclose herewith further written submissions as requested by the Argyll and Bute Local Review Body at their meeting on 19 December 2016.

Douglas Hendry
Executive Director of Customer Services

FURTHER WRITTEN SUBMISSIONS

- 3. CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF ACHARA, OBAN**
 - (d) Further Written Submissions from Planning (Pages 1 - 4)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville
Councillor Sandy Taylor
Peter Bain

Councillor David Kinniburgh (Chair)
Charles Reppke

Contact: Hazel MacInnes Tel: 01546 604269

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Response to request for further information relative to LRB 16/0010/LRB for refusal of planning permission 16/01424/PPP for two dwellinghouses east of Achara, Oban.

- A copy of the mini development brief is contained within the Action Programme available to view on the Local Development Plan section of the Council's website. A copy is appended to this report for ease of reference.
- It is the opinion of the Planning Service that the site subject of review is peripheral to PDA 5/5. The requirement for submission of a Masterplan was to meet the terms of Policy LDP PROP 3 of the adopted 'Argyll and Bute Local Development Plan' 2015 which requires a Masterplan approach to the development of PDAs to ensure they are developed in a co-ordinated manner. This requirement was confirmed and underpinned by the Council's adoption of updated Masterplan Guidance in June 2016 which reinforces the requirement for and the purposes of masterplan submissions, in order to provide a comprehensive development framework within which individual proposals are to be assessed.

The impact of the proposed development on the wider PDA was not assessed as the application failed on policy grounds due to the lack of a Masterplan.

- The principal of the croft house referred to was accepted by Members of the Planning, Protective Services and Licensing (PPSL) Committee on 27/06/12 where they moved to approve the application (11/02115/PPP) subject to the satisfactory conclusion of a Section 75 Agreement to underpin the locational need for the croft house in an area where such a proposal would not normally be supported by Policy.

Due to delays in securing the Section 75, as a result of a lack of agreement from an existing lender, the application was withdrawn in October 2013.

The lender issues were resolved and a further application 14/00852/PP was submitted for the proposed croft house and approved under delegated powers on 16/10/14.

An extract from the minutes of the June 2012 PPSL committee is appended to this report.

- A full assessment of the planning application was not undertaken by the Planning Service as there was no requirement to do so as the application failed on the fundamental Masterplan requirement.

Schedule No. *PDA 5/5 - Glencruitten*

Nature of Potential Development:	Golf course expansion with possible ancillary low density high amenity small scale housing development with 25% of housing units being affordable.		
Notes:	Check for EPS – otter		
Identified Constraints:	Multiple Ownership	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Water Capacity Constraint	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Sewerage Capacity Constraint	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Access Constraint / Road Safety Issue	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Masterplan / Comprehensive Approach Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Built Heritage Constraints	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Nature Conservation Constraints	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Flood Risk Assessment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Main Relevant Policies:	POLICY LDP STRAT 1; POLICY LDP DM 1; POLICY LDP 3; SG LDP REC/COM 1; SG LDP HOU 1; SG Sustainable Siting and Design Principles; SG Access and Parking Standards.		

recommended for approval subject to conditions and reasons set out in the report and the Applicant entering into a Section 75 Legal Agreement as detailed at section H of the report.

Decision

1. Agreed that sufficient locational need had been established to outweigh the general policy presumption against such development in the sensitive countryside;
2. Agreed the Area Capacity Evaluation (ACE) appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character; and
3. Agreed to grant planning permission subject to the Applicant entering into an appropriate Section 75 Legal Agreement and subject to the following conditions and reasons:-
 - (a) The proposed development shall be carried out in accordance with the details specified in the application form dated 5th November 2010; and the approved drawings numbered 1 of 6 to 6 of 6, and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

- (b) Prior to the commencement of development, details of the proposed finished floor levels of the ... view the full minutes text for item 5.

6. MR AND MRS S BATE: SITE FOR THE ERECTION OF CROFT HOUSE: LAND EAST OF ACHARA, OBAN (REF: 11/02115/PPP) PDF 164 KB

Report by Head of Planning and Regulatory Services

Additional documents:

- 112115 PLAN  PDF 307 KB

Minutes:

The Principal Planning Officer spoke to the terms of the report advising that this application was due to be presented to the PPSL Committee in February 2012 recommended for refusal. On the request of the Applicant, it was agreed that the application be continued to allow further information to be submitted and which has now been supplied. The dwelling is required for operational purposes to service a bareland croft and is supported by an appropriate Croft Development Plan. The dwelling has been sited in a location which represents the best opportunity to accommodate a house within the holding. Although situated within PDA allocation 5/5, where a comprehensive approach to development is normally required, the individual circumstances and topography of the site mean it is unlikely to be required to allow for the Oban Development Road or the expansion of the adjacent golf course. As the site does not conflict with the objectives which underpin the PDA allocation, it is accepted that a croft house can be granted without undermining the PDA allocation in this instance. There are no other material considerations, including issues raised by third parties, which would prevent the development being granted as a 'minor departure' from the adopted development plan subject to conditions and to the prior conclusion of a Section 75 Legal Agreement lying ownership of the dwelling to the croft land in order to avoid demand for further croft division.

Decision

Agreed that, subject to the prior conclusion of a Section 75 Legal Agreement, the application be granted as a minor departure from the adopted development plan subject to the following conditions and reasons:-

1. That this permission is granted in terms of Section 59 of the undernoted Act for planning permission in principle and further approval of the Planning Authority shall be required for matters specified in conditions, such application must be made before whichever is the later of the following:-
 - (a) the expiration of a period of 3 years from the date of this permission
 - (b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused
 - (c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed

And in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

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

2. No development shall commence on site until the following information has been submitted by way of an application(s) for approval of matters specified in conditions and approval has been given in writing by the Planning Authority:
 - (a) A detailed site layout plan at a scale of 1:500 showing the proposed dwellinghouse and residential curtilage;
 - (b) Access, parking, water supply and drainage arrangements;
 - (c) Plans and elevations of the proposed dwellinghouse which shall ... view the full minutes text for item 6.

7. MRS AILSA MORGAN: ERECTION OF 5KW WIND TURBINE (15 METRES TO HUB HEIGHT): LAND NORTH EAST TO TORRBREAC, DERVAIG, ISLE OF MULL (REF: 11/02492/PP) PDF 137 KB

Report by Head of Planning and Regulatory Services

Additional documents:

- 112492 PLAN  PDF 234 KB

Minutes:

The Principal Planning Officer spoke to the terms of the report advising that the proposal seeks the erection of 1 No. 5 kilowatt, 15 metre (to hub) wind turbine on an area of land to the north east of Torrbreac, Dervaig, Isle of Mull. In terms of the Argyll and Bute Local Plan (2009) the site is situated within a Rural Opportunity Area where Policy STRAT DC 4 of the approved Argyll and Bute Structure Plan (2002) gives encouragement to 'small scale' development on suitable sites which, in terms of siting and design, will visually integrate with landscape. It is

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