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# Argyll and Bute Council Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT Tel: 01546 602127 Fax: 01546 604435 DX 599700 LOCHGILPHEAD 1 February 2018

#### **NOTICE OF MEETING**

A meeting of the ARGYLL AND BUTE LOCAL REVIEW BODY will be held in the COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD on THURSDAY, 8 FEBRUARY 2018 at 9:30 AM, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

#### **BUSINESS**

- 1. APOLOGIES FOR ABSENCE
- 2. DECLARATIONS OF INTEREST (IF ANY)
- 3. CONSIDER NOTICE OF REVIEW REQUEST: ERECTION OF DWELLING-HOUSE, INSTALLATION OF SCEPTIC TANK AND SOAKAWAY AND FORMATION OF VEHICULAR ACCESS AT LAND NORTH OF NORTH CRAIGRUADH, TAYINLOAN, ARGYLL, PA29 6XF
  - (a) Notice of Review and Supporting Documentation (Pages 3 18)
  - (b) Comments from Interested Parties (Pages 19 36)
  - (c) Comments from Applicant (Pages 37 42)

#### ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Graham Hardie
Councillor Roderick McCuish

Councillor David Kinniburgh (Chair)

Contact: Lynsey Innis, Senior Committee Assistant; Tel: 01546 604338



Ref: AB1

# ARGYLL AND BUTE COUNCIL www.argyll-bute.gov.uk/\*\*

## **NOTICE OF REVIEW**



Notice of Request for Review under Section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

**Important** – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's website.

You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(2) AGENT (if any)			
Name	CRAWFORD MACPHEE ARCHITECTURAL SERVICES		
Address	ROS-MUIRE		
	MOSSFIELD DRIVE		
	OBAN		
Post Code	PA34 4EN		
Tel. No.	07920164952		
Email crawfordmacphee@hotmail.co			
ent to you	or your Agent ✓		
Application	17/02333/PP		
	31/08/17		
able) 10/11/17			
	LAND NORTH OF NORTH CRAIGRUADH, TAYINLOAN, ARGYLL PA29 6XF		
	Name Address  Post Code Tel. No. Email		

Description of Proposal | ERECTION OF DWELLING-HOUSE, **INSTALLATION OF SEPTIC TANK & SOAKAWAY** AND FORMATION OF VEHICULAR ACCESS

Please set out detailed reasons for requesting the review:-

THERE IS ONLY ONE REASON GIVEN FOR REFUSAL (DOCUMENT NO.1) AND THAT IS THE GAP WHICH THE APPLICATION SITE OCCUPIES BETWEEN DRUMNAMUCKLACH COTTAGE AND NORTH CRAIGRUADH IS CONSIDERED TO BE AN IMPORTANT UNDEVELOPED SPACE IN THIS AREA.

THE APPLICANT DOES NOT ACCEPT THIS STATEMENT BECAUSE THE SITE IS CLEARLY INFILL BETWEEN EXISTING DWELLING-HOUSES WHICH IS CONSIDERED AN APPROPRIATE SITE FOR THE ERECTION OF A SINGLE DWELLING-HOUSE. THIS DEVELOPMENT WOULD ROUND OFF THE SETTLEMENT OF FOUR EXISTING HOUSES AND WOULD NOT CREATE AN UNDESIRABLE DEVELOPMENT IN THE SETTLEMENT PATTERN OF THE WIDER AREA.

POLICY LDP DM1 OF THE DEVELOPMENT PLAN IS REFERRED TO IN THE REASON FOR REFUSAL, INDEED, IT IS THE ONLY POLICY REFERRED TO HOWEVER, PAGE 20 OF THE WRITTEN STATEMENT ADOPTED MARCH 2015 CHAPTER 2 REFERRING TO THAT POLICY STATES '(D) WITHIN THE RURAL OPPORTUNITY AREAS UP TO SMALL SCALE ON *APPROPRIATE* SITES INCLUDING THE COUNTRYSIDE AS WELL AS SMALL SCALE INFILL' AND ON PAGE 86 OF THE WRITTEN STATEMENT INFILL DEVELOPMENT IS DEFINED AS BEING ' A NEW DEVELOPMENT POSITIONED LARGELY BETWEEN OTHER SUBSTANTIAL BUILDINGS AND THIS NEW DEVELOPMENT BEING OF A SCALE SUBORDINATE TO THE COMBINED SCALE OF THE BUILDINGS ADJACENT TO THE DEVELOPMENT SITE' I SUBMIT THAT THIS APPLICATION CLEARLY COMPLIES WITH THE DEFINITION OF INFILL DEVELOPMENT.

THIS SITE LIES WITHIN THE RURAL OPPORTUNITY AREA (DOCUMENT NO.4), ON PAGE 90 OF THE WRITTEN STATEMENT A RURAL OPPORTUNITY AREA IS DEFININED AS BEING 'A DEVELOPMENT MANAGEMENT ZONE WHICH UNDER LDP CORRESPONDS TO AREAS WHEREIN. THERE IS A GENERAL CAPACITY TO SUCCESSFULLY ABSORB SMALL SCALE DEVELOPMENT INCLUDING DEVELOPMENT IN THE OPEN COUNTRYSIDE' I SUBMIT THAT THIS SMALL SCALE DEVELOPMENT CAN BE SUCCESSFULLY ABSORBED AND WILL NOT BE VISUALLY OBTRUSIVE AND THIS CLEARLY COMPLIES WITH THE DEFINITION OF A SITE WITHIN A RURAL OPPORTUNITY AREA.

THERE ARE NO OBJECTIONS FROM STATUTORY CONSULTEES. TRANSPORT SCOTLAND HAS BEEN CONSULTED AND HAS NO OBJECTIONS THERE IS ONLY AN OBJECTION FROM THE OCCUPANTS FROM ONE DWELLING-HOUSE NORTH OF THE PROPOSED SITE.

I BELIEVE THAT THIS APPLICATION SHOULD BE APPROVED BY THE REVIEW PANEL BECAUSE IT COMPLIES WITH THE POLICIES OF THE LOCAL DEVELOPMENT PLAN ADOPTED IN MARCH 2015.

If insufficient space please continue on a separate page. Is this attached?

Please tick to confirm

"spe	the Local Review Body determines that it requires further information on cified matters" please indicate which of the following procedure you would prefeovide such information:-	ŧ۲
(a)	Dealt with by written submission	
(b)	Dealt with by Local Hearing	
(c)	Dealt with by written submission and site inspection	
(d)	Dealt with by local hearing and site inspection	
	is a matter solely for the Local Review Body to determine if further information is red and, if so, how it should be obtained.	
for re	lease list in the schedule all documentation submitted as part of the application eview ensuring that each document corresponds to the numbering in the ons below:-	1
pape	edule of documents submitted with Notice of Review (Note if posting your erwork 3 paper copies of each of the documents referred to in the schedule wmust be attached):	le
No	Detail	
1	REFUSAL NOTICE	
2	SITE PLAN	
3	LOCATION PLAN	
4	E MAIL FROM PLANNING CONFIRMING SITE IS WITHIN R.O.A	
5		
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If ins	sufficient space please continue on a separate page. Is this attached?  Please tick to confirm	

Submitted by (Please sign)	Fronce A	e marphee.	Dated	4 DECEMBER 2017					
Important Notes for Guidance									
(1) All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review									
(2) All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.									
(3) Guidance on the procedures can be found on the Council's website -: http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body									
(4) In doubt how to proceed please contact 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk									
(5) Once completed this form can be either emailed to <a href="mailto:localreviewprocess@argyll-bute.gov.uk">localreviewprocess@argyll-bute.gov.uk</a> or returned by post to Committee Services, (Local Review Body), Kilmory, Lochgilphead, Argyll, PA31 8RT									
(6) You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.									
If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email: <a href="mailto:localreviewprocess@argyll-bute.gov.uk">localreviewprocess@argyll-bute.gov.uk</a>									
For official use only									
Date form issue	ed								
Issued by (plea	ase sign)								



#### 1A Manse Brae Lochgilphead PA31 8RD

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

#### REFUSUAL OF PLANNING PERMISSION

**REFERENCE NUMBER: 17/02333/PP** 

Grant Developments Ltd
Crawford MacPhee Architectural Services
Ros-Muire
Mossfield Drive
Oban
Argyll
PA34 4EN

I refer to your application dated 31st August 2017 for planning permission in respect of the following development:

# Erection of dwellinghouse, installation of septic tank and formation of vehicular access AT:

#### Land North Of North Craigruadh Tayinloan Tarbert Argyll And Bute

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reasons(s)** contained in the attached appendix.

Dated: 10 November 2017

agu. J. Gilmorr.

Angus J. Gilmour

Head of Planning, Housing and Regulatory Services

#### REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 17/02333/PP

1. There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings in a manner which is consistent with the rural character of the area. The wider settlement pattern is characterised by isolated single and small groups of properties. If the application site were to be developed, as is proposed, it would create an undesirable linear string of houses (five in total) which would undermine the settlement pattern of the wider area and create a more 'suburban' row of properties. This would be directly contrary to the principles set out in policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse and the proposal is therefore contrary to policy LDP DM 1 of the Development Plan.

With no relevant material considerations to weigh against the operation of the above policies, the application is considered to be inconsistent with the Development Plan and should be refused.

#### NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 17/02333/PP

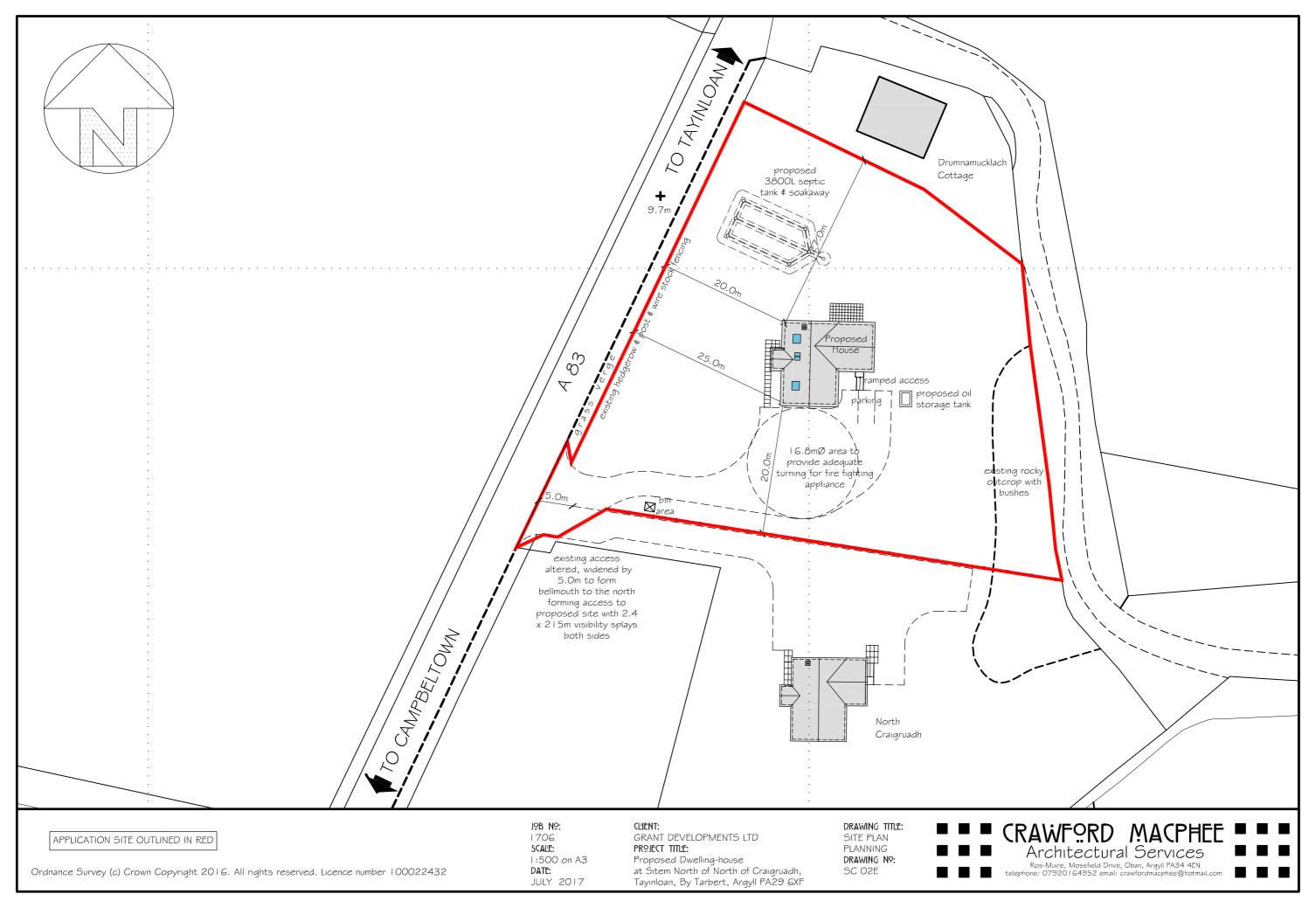
- If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 17/02333/PP

- A) Has the application been the subject of any "non-material" **No** amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.
- B) The reason why planning permission has been refused:

There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in Policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of Policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weigh against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan.



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# RE: Planning ref: 17/02333/PP Land North of North Craigruadh, Tayinloan [OFFICIAL]

## Kerr, Richard < Richard. Kerr@argyll-bute.gov.uk >

Tue 21/11/2017 18:02

To: 'Fiona MacPhee' <crawfordmacphee@hotmail.com>;

#### Classification: OFFICIAL

Hello. Yes, the site does fall within an ROA.

Regards

Richard Kerr
Principal Planning Officer
Development Management
Planning Housing and Regulatory Services
Argyll & Bute Council

Tel: 01546 604845

e-mail <u>richard.kerr@argyll-bute.gov.uk</u> web address : http://www.argyll-bute.gov.uk

Argyll & Bute – realising our potential together

From: Fiona MacPhee [mailto:crawfordmacphee@hotmail.com]

Sent: 21 November 2017 17:00

To: Kerr, Richard < Richard. Kerr@argyll-bute.gov.uk>

Subject: Planning ref: 17/02333/PP Land North of North Craigruadh, Tayinloan

Hi Richard,

#### Planning Ref: 17/02333/PP Land North of North Craigruadh, Tayinloan

Please could you confirm that the above site lies within the Rural opportunity area, I am fairly certain that Rory MacDonald when dealing with the application said it was plus there are other houses on this stretch was but would like confirmation from you that it is.

Regards

Fiona

Fiona R MacPhee

#### **Crawford MacPhee Architectural Services**

Ros-Muire Mossfield Drive OBAN Argyll PA34 4EN

Tel: 07920164952

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## STATEMENT OF CASE

**FOR** 

# ARGYLL AND BUTE COUNCIL LOCAL REVIEW BODY

REFUSAL OF PLANNING PERMISSION FOR 'ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK SOAKAWAY AND FORMATION OF VEHICULAR ACCESS'

LAND NORTH OF CRAIGRUADH, TAYINLOAN, TARBERT

LOCAL REVIEW BODY REF. 17/0011/LRB

PLANNING PERMISSION APPLICATION REFERENCE NUMBER 17/02333/PP

21st December 2017

#### STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Grant Developments Ltd. ('the appellant'). The appellant's agent is Crawford MacPhee Architectural Services ('the agent').

Planning application, reference number 17/02333/PP, for the erection of a dwellinghouse with associated development, was refused under delegated powers on the 10<sup>th</sup> November 2017. This planning decision has been appealed and is the subject of referral to a Local Review Body.

#### SITE LOCATION

This application relates to an undeveloped plot of land immediately adjacent to the A83 trunk road, to the south of the settlement of Tayinloan.

#### SITE HISTORY

17/01919/PP – Erection of dwellinghouse, installation of septic tank and formation of vehicular access – withdrawn: 31.08.17 – This previous application was withdrawn in favour of the application which is the subject of this review. Changes to the vehicular access arrangements required an enlarged application site boundary.

#### STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

The application was deemed to be contrary to the relevant provisions of the Development Plan, for the following reason:

"There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of house (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weight against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan."

With no material considerations indicating otherwise, the application was refused on the basis that the proposal was contrary to the Development Plan.

#### **DETERMINING ISSUES**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether or not the location of the proposed dwellinghouse constitutes an 'appropriate site', having regard to policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. In determining this, regard must be had to the siting and design principles set out in policy SG LDP Sustainable of the Development Plan. If these policies cannot be satisfied, the appeal should be dismissed unless there are other relevant material considerations which warrant a departure from the Development Plan.
- Whether, beyond development plan policy, there are any other material considerations which would warrant the setting aside of the statutory presumption in favour of determining applications in accordance with the provisions of the adopted development plan.

#### **RELEVANT POLICY**

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations, so it is not intended to reiterate that here. However, extracts from the text of relevant policies cited in the reasons for refusal are replicated below with relevant sections highlighted in **bold**, given their particular relevance to the issues presented by this appeal.

"Policy LDP DM 1 – Development within the Development Management Zones

Encouragement shall be given to sustainable forms of development as follows:-

...Within the Rural Opportunity Areas up to small scale on appropriate sites including the open countryside as well as small scale infill, rounding-off, redevelopment and change of use of existing buildings. In exceptional cases, up to and including large scale may be supported if this accords with an Area Capacity Evaluation."

<u>Policy SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision</u>

- (A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.
- ...Housing developments are also subject to consistency with all other policies and associated SG of the Local Development Plan.

#### Policy SG LDP Sustainable – Sustainable Siting and Design Principles

In many place the Argyll and Bute landscape could be easily spoiled by careless development. If its uniqueness and beauty are not to be destroyed, the design and construction of new houses within this landscape must respect local identity and the environment. All new buildings and other structures should be designed taking the following advice into account:

... Siting: must respect existing landforms and development patterns

...Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided as they are likely to suburbanise the countryside"

#### REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The issues in this case are relatively straightforward and are covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information necessary to determine the case. Given the above and that the proposal is 'local' development, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

#### **COMMENT ON APPELLANTS' SUBMISSION**

#### Paragraph 2

The fact that the proposal constitutes an 'infill' development is not in contention. However, as detailed in the case officer's report, this does not automatically render the proposal acceptable. Infill development is not appropriate in all circumstances and, in this instance, it is considered that the proposed development will undermine the established settlement pattern and character of the area.

This row of houses does not constitute a 'settlement' with respect to the adopted Development Plan. The appearance of a 'settlement' is to be avoided in areas such as this where the established character is sporadic single and groups of houses.

#### Paragraph 3

Policy LDP DM 1 is not the only policy referred to in the reason for refusal. Policies SG LDP Sustainable and SG LDP HOU 1 are also explicitly referred to.

Again, it is not in contention that the proposal constitutes 'infill' development. It is the determination of the Planning Authority that, despite being 'infill' development, the proposal does not represent an 'appropriate site' for the erection of a single dwellinghouse, having regard to policy SG LDP Sustainable of the Development Plan. The reasons for this are clearly expressed in the case officer's report.

#### Paragraph 4

The site does indeed lie within a 'rural opportunity area', where a general capacity to successfully absorb small-scale development has been identified. However, as noted in the explanatory text to policy SG LDP HOU 1, the presumption in favour of small-scale housing development within this zone must be subject to "an on-going

capacity evaluation". Any new housing development within this zone must also be consistent with policy SG LDP Sustainable of the Development Plan. Consistency with this policy is addressed in detail in the case officer's report, where it is concluded that the proposal would not be consistent with the siting and design guidance expressed.

#### Additional comments

It does not appear that any attempt has been made to address the specific reason for refusal in this case. The general presumption in favour of small-scale housing development in ROAs and the proposal constituting 'infill' development are not disputed by the Planning Authority. The reason for refusal relates to the impact upon the character of the area and the established settlement pattern, neither of which have been addressed in any detail in the appellant's submission.

#### APPENDIX 1 – REPORT OF HANDLING

#### **Argyll and Bute Council**

#### **Development & Infrastructure Services**

Delegated Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

**Reference No:** 17/02333/PP

Planning Hierarchy: Local

Applicant: Grant Developments Ltd

**Proposal:** Erection of dwellinghouse, installation of septic tank and formation

of vehicular access

Site Address: Land North of Craigruadh, Tayinloan

#### **DECISION ROUTE**

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

#### (A) THE APPLICATION

#### **Development Requiring Express Planning Permission**

Erection of dwellinghouse Alteration of existing vehicular access to trunk road Installation of septic tank and soakaway

#### Other specified operations

Connection to public water main

#### (B) RECOMMENDATION:

Recommend that planning permission be refused for the reasons attached.

#### (C) CONSULTATIONS:

Council's Area Roads team – responded: 13.09.17 – No objection subject to conditions

Transport Scotland – responded: 15.09.17 – No objection

Scottish Water – responded: 18.09.17 – No objection

#### (D) HISTORY:

17/01919/PP – Erection of dwellinghouse, installation of septic tank and formation of vehicular access – withdrawn: 31.08.17 – *This previous application was withdrawn in favour of the current application. Changes to the vehicular access arrangements required an enlarged application site boundary.* 

#### (E) PUBLICITY:

Regulation 20 advert – expired: 06.10.17

#### (F) REPRESENTATIONS:

#### Representations received from:

Eric and Dianne Cullum, North Craigruadh, Tayinloan (immediate neighbour)

Mr Terence Mundie, Drumnamucklach Cottage, Tayinloan (immediate neighbour)

Fiona Gillies, Drumnamucklach Cottage, Tayinloan (immediate neighbour)

#### Summary of issues raised:

#### Road safety

Hedges on both sides of the vehicular access reduce visibility and make entering the main road hazardous;

The access in question for this site will actually be a new entrance as the other part is under separate ownership with a fence going down between the two parts which is not as shown on the plans submitted;

The occupants of the neighbouring property served by the existing vehicular access which is proposed to be widened have offered comment advising that the applicant has assured them that the proposals will not infringe on their property or driveway;

It is understood that the policy is not to allow new entrances on to a trunk road;

Comment: Transport Scotland are satisfied that the proposed vehicular access arrangements are adequate and safe, and only the proposals submitted can be assessed. If any alterations are proposed to the access arrangements in the future, and these require planning permission, a further assessment would be carried out.

#### Siting/design

The new property will overlook Drumnamucklach Cottage, resulting in a loss of privacy;

Comment: The property will be sited a significant distance away from Drumnamucklach Cottage, well in excess of the 18m 'window to window' standard set out in policy SG LDP Sustainable of the Development Plan. There will be no significant adverse impact upon the privacy afforded to the occupants of

neighbouring properties as a result of the development.

The inclusion of velux windows/rooflights is not in keeping with neighbouring properties;

Comment: This is an extremely minor design detail which would not present any detrimental impact upon the built character of the area.

When PPP was granted for the plots at North and South Craigruadh the then owner was advised that planning would only be granted for two houses.

#### (G) SUPPORTING INFORMATION

Has the application been the subject of:

Environmental Statement: No

An appropriate assessment under the Conservation No

(Natural Habitats) Regulations 1994:

A design or design/access statement: No

A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No

#### (H) PLANNING OBLIGATIONS

Is a Section 75 agreement required:

No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No
  - (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

List of all Development Plan Policy considerations taken into account in assessment of the application.

#### 'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 - Development Setting, Layout and Design

LDP 11 - Improving our Connectivity and Infrastructure

# <u>'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)</u>

Landscape and Design

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

Transport (Including Core Paths)

SG LDP TRAN 4 - New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Scottish Planning Policy Third party representations Consultation responses

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No
- (L) Has the application been the subject of statutory pre-application consultation (PAC): No
- (M) Has a sustainability check list been submitted: No
- (N) Does the Council have an interest in the site: No

#### (O) Requirement for a hearing (PAN41 or other): No

#### (P) Assessment and summary of determining issues and material considerations

This application relates to a plot of land immediately adjacent to the A83 trunk road, to the south of the settlement of Tayinloan. Planning permission is sought for the erection of a single dwellinghouse with associated development.

#### Principle of development

The site is located within a 'rural opportunity area' (ROA), wherein the provisions of policies LDP DM 1 and SG LDP HOU 1 offer broad encouragement to 'small-scale' housing development on appropriate sites, subject to consistency with other relevant Development Plan policies. In particular, infill development between existing buildings is supported. The location of the proposed dwelling between exiting dwelling amounts the infill development as defined in the glossary to the LDP.

As noted in the explanatory text to policy SG LDP HOU 1, ROAs are however subject to on-going capacity evaluation and to be acceptable proposed development must be consistent with the siting and design principles set out in policy SG LDP Sustainable. This policy contains the following guidance with respect to new housing development:

"Siting: must respect existing landforms and development patterns"

"Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided as they are likely to...suburbanise the countryside"

This indicates that infill development will not be appropriate in all circumstances, and that the overall capacity of a ROA and the manner in which development either reinforces or conflicts with the established settlement pattern of a rural area, will be factors to consider when the prospect of uncharacteristic liner development presents itself.

There are currently four dwellings either *in situ* or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings in a manner which is consistent with the rural character of the area. The wider settlement pattern is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the creation of a more 'suburban' row of properties. It is the opinion of the case officer that this would be directly contrary to the advice quoted above, thereby rendering the proposal inconsistent with policies LDP DM 1 and SG LDP Sustainable of the Development Plan. It is not considered that in terms of the local settlement pattern this is an 'appropriate site' for the erection of a single dwellinghouse.

#### Siting/design

The proposed dwellinghouse would be set back from the trunk road at a distance,

and with an orientation, which is broadly consistent with neighbouring properties. Indeed, the design of the property is extremely similar to that of the recently constructed 'North Craigruadh', the neighbouring property to the south. Single storey with attic accommodation, the property would occupy a modest 'L' shaped footprint with gable and an appropriate roof pitch, a chimney and a clear vertical emphasis on the windows on the principal elevation. Finishes would be slate-coloured, concrete roof tiles and white, dry dash render.

The siting of the proposed dwelling within the plot and its design would be consistent with the character of the area, although it should be reiterated that the principle of the development of this plot is not considered to be appropriate in the context of the existing settlement pattern and the need to maintain the character of the area.

#### Access/servicing

The proposed dwellinghouse would be served by the existing access which serves North Craigruadh, which would be widened in order to accommodate the proposed property. There appears to be a degree of contention about this element of the proposal, as noted in Section (F) above. Nonetheless, the arrangement shown is considered to be acceptable and Transport Scotland have indicated that they have no objection to the vehicular access arrangement. Parking and turning would be provided on site.

Foul drainage would be achieved through a private, on-site wastewater system and potable water through connection to the public network.

All of the access and servicing arrangements are consistent with the relevant provisions of the Development Plan.

#### **Summary**

The micro-siting, design, access and servicing of the property are all consistent with the relevant provisions of the Development Plan. However, the principle of developing this plot with a single dwellinghouse is considered to be directly contrary to policies LDP DM 1 and SG LDP Sustainable of the Development Plan for the reason expressed in the recommended reason for refusal. With no additional material considerations to weigh against the operation of these policies, the application should be refused.

- (Q) Is the proposal consistent with the Development Plan: No
- (R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

See attached Reason for Refusal.

(S) Reasoned justification for a departure to the provisions of the Development Plan:

N/A

#### **(T) Need for notification to Scottish Ministers:** No

Author of Report: Rory MacDonald Date: 02.11.2017

**Reviewing Officer:** Richard Kerr Date: 09.11.2017

Angus Gilmour Head of Planning & Regulatory Services

#### REASON FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 17/02333/PP

1. There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in Policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of Policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weigh against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan.

#### APPENDIX TO DECISION REFUSAL NOTICE

No

Appendix relative to application 17/02333/PP

- (A) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.
- (B) The reason why planning permission has been refused:

There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craigruadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craigruadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in Policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of Policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weigh against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan.

Response from Fiona Gillies, Drumnamucklach Cottage, Tayinloan, Tarbert, PA29 6XF – 17/0011/LRB

Dear Sir/Madam

Following on from my further representations in respect of the above Planning Application Reference, I would like the points listed below also to be noted.

At the time of my email from an internet search there are 10 houses for sale in the area and villages surrounding Tayinloan. There are 3 three plots for sale at Beachmore, less than 1 mile south of the application site and a further eight plots at Glenbarr. There is not a shortage of houses or plots for sale in the area surrounding the application site.

There are two existing houses at Craigruadha with one further house under construction. There are a further three houses on either side of Craigruadha with another house under construction. With the existing houses and the other house currently under construction there will seven houses sited along a very short stretch of the A83 trunk road.

When the applicant submitted Planning Permission for this site he visited my property, with a hand written note advising that the house would be for him and his partner. I now understand that this is not the case and that he is looking to sell the proposed new house. The applicant is a businessman who is (as many business people would) acting for his own interests, rather than being concerned about the effect this proposed development would have on the settlement pattern of the area.

As stated in the Decision Refusal Notice: "The application site is an important undeveloped space in the area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the site were to be developed as proposed, it would create and undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties."

I trust these comments will be considered by the Local Review Body when determining the review.

I would be obliged if you could please confirm receipt of this email

Yours Faithfully

Fiona Gillies
Drumnamucklach Cottage
Tayinloan
Tarbert
PA29 6XF



#### Response from Roads - 17/0011/LRB

Lynsey,

Sorry for not coming back to you sooner but I was on annual leave then public holidays.

No comments to make as the site connects directly to the A83 Tarbet – Campbeltown Trunk Road.

Best wishes for the New Year.

Regards

**James** 

James Ross
Traffic & Development Officer MAKI
Argyll & Bute Council
Roads & Amenity Services
1A Manse Brae
Lochgilphead
Argyll
PA31 8RD
Tel. 01546 604655
e mail. james.ross@argyll-bute.gov.uk

From: Innis, Lynsey

Sent: 08 December 2017 12:37

**To:** Bain, Peter (Planning) < <a href="mailto:Peter.Bain@argyll-bute.gov.uk">Peter.Bain@argyll-bute.gov.uk</a>>; Kerr, Richard < <a href="mailto:Richard.Kerr@argyll-bute.gov.uk">Richard.Kerr@argyll-bute.gov.uk</a>

bute.gov.uk>; MacDonald, Rory <<u>rory.macdonald@argyll-bute.gov.uk</u>>;

'development\_management@transportscotland.gsi.gov.uk'

<<u>development management@transportscotland.gsi.gov.uk</u>>; roadsconsmaki

<roadsconsmaki@argyll-bute.gov.uk>; 'planningconsultations@scottishwater.co.uk'

<planningconsultations@scottishwater.co.uk>

**Cc:** localreviewprocess < localreviewprocess@argyll-bute.gov.uk >; MacLean, Marion

<Marion.MacLean@argyll-bute.gov.uk>

Subject: Intimation of receipt of notice of review - Reference 17/0011/LRB (Planning Ref:

17/02333/PP) Land North of North Craigruadh, Tayinloan, PA29 6XF [OFFICIAL]

#### **Classification: OFFICIAL**

Please find enclosed paperwork in respect of the above case, any comments should be sent to the <a href="mailto:localreviewprocess@argyll-bute.gov.uk">localreviewprocess@argyll-bute.gov.uk</a> no later than Friday, 22 December 2017.

#### Lynsey

Lynsey Innis Senior Committee Assistant Kilmory Lochgilphead PA31 8RT

Tel: 01546 604338

Email: <a href="mailto:lynsey.innis@argyll-bute.gov.uk">lynsey.innis@argyll-bute.gov.uk</a>

Argyll and Bute – Realising our potential together



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The Local Review Body
Customer Services
Argyll \$ Bute Council
Kilmory
LOCHGILPHEAD
Argyll
PA3 | 8RT

17 January 2018

our ref: 1706/FM

your ref: 17/00011/LRB

For the attention of Ms Lynsey Innis – Senior Committee Assistant

Dear Sirs,

Proposed Erection of Dwelling-house at Site North of North Craigruadh, Tayinloan, Tarbert, Argyll for Grant Developments Ltd Review ref: | 7/000 | | 1/LRB

We refer to your e mail dated 8 January, 2018 in respect of the above application for Review and wish to respond to the further representations received as follows:

The Local Authority accepts that the proposal for the erection of a dwelling house on land North of North Craigruadh, Tayinloan, PA29 GXF constitutes "infill however the Planning Officer refused to grant Planning Permission because it would create an undesirable string of linear houses, I disagree with that statement as I believe that it conforms with the settlement pattern of this particular area.

Infill development is described in the Written Statement adopted March 2015 as being new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the scale of the adjacent buildings. The proposed development conforms with that statement. The plot lies between North Craigruadh and Drumnamucklach Cottage and I believe the proposed development will not undermine the established pattern of the area.

The site lies within a Rural Opportunity area wherein there is a general capacity to absorb small scale development and the proposed single dwelling house is certainly small scale.

The proposed dwelling house is extremely similar to that of the recently constructed North Craigruadh which is the neighboring property to the South. It is single storey with attic accommodation and the Handling Report states that the siting of the proposed dwelling within the plot and its design would be consistent with the character of the area (Paragraph P).

The representation from Ms Fiona Gillies refers to houses and plots in the area being for sale, however each planning permission is decided on its own merits and some of those plots or houses may not be sold nor suitable.

I am enclosing two letters which demonstrate that if planning permission is granted there is a prospective purchaser for this site. The site will not be used as a second home but would be occupied by a local family who are from and work in the local area. The developer states that this site is to be used for affordable housing which is in short supply within Argyll and Bute and the Council is keen to provide houses and sites at affordable costs.

There are no objections from the statutory consultees including Transport Scotland and I hope the Review Panel will approve this application as I believe it is not contrary to Policy LDP DM I of the Development Plan. If the Review Panel wish to have a site meeting I believe they will see that the site in my opinion conforms with the settlement pattern of the area.

Yours faithfully

Fiona R MacPhee

Crawford MacPhee Architectural Services

Encs

Letter from Grant Developments Ltd Letter from Ms Hazel Barr

From R Marphes.

# **GRANT DEVELOPMENTS LTD**

## KILMAHO LODGE

KILKENZIE PA28 6QD

10/01/2018

AGYLL AND BUTE
LOCAL REVIEW BODY

Dear Sir or Madam

With reference to planning application Ref 17/02333/PP. by Grant Developments Ltd I would like to make some observations.

Firstly I would like to say that I am disappointed that the council can't see this site as a obvious infill site as the gap certainly doesn't look like it should be there and spoils the whole scenic aspect of the area, it also has very little to contribute to farm as it is now partly isolated from the main farm and runs the risk of becoming unkept, this seems contrary to the council policy of maintaining a rural consistency, the council having allowed two completely non traditional houses at the north end of the area which certainly do nothing for the rural Panoramic quality, the council have now decided not to allow a traditional type house similar to the one just built north of Craigruadh and more fitting to the environment with a gap of over twenty five meters between them in fact some of them are over one hundred meters apart, so when does it constitute a continuous "row" of houses, unlike the Dalkeith development where there is a continuous line of eight houses only a few meters apart which can't be in line with the council plan. To the north at Killean there is also a continues row of houses which impacts on the Panoramic quality of the area, and equally down ferry road to the Gihga ferry there is a continues row of houses which has an enormous impact on the Panoramic view, Although this planning application at Craigruadh was to be for our own occupancy we decided otherwise for personal reasons, I was then approached by a young local working couple who are getting married this year to see if the new house was available, they know the position with the planning, so they are waiting for the outcome.

Grant developments have built several houses down the A83 between West Port and Tayinloan and pride themselves in being able to build affordable traditional type houses that young people can afford, and it also keeps young people in the area, the other plots or houses available in the area are far too expensive for younger couples to get on the housing ladder, it is equally important to maintain a balance of young people in the rural areas for the future of communities, all the houses I have built are occupied by permanent residents, not holiday homes, this is essential for local economic stability and

sustainability of communities, I am not a high profit making company and have an interest in local infrastructure and I look at it as I am providing an affordable service to the area.

I appreciate Fiona Gillies's concerns about the new house proposal, but it would have little impact on her property and the "Note" I gave her was actually out of courtesy and was more than a note, it described what the proposal was all about, her comments about other properties are quite irrelevant as people should have a choice where they want to live.

For on behalf of Grant Developments Ltd

Nigel Grant

122-

Miss Hazel Barr Calderglen Kilkenzie Campbeltown PA28 6NT 17/01/18

Dear Sir/Madam,

I am writing to you on behalf of myself and my husband to be, Stuart Currie regarding the planning application for land North of Craigruadh, Tayinloan, Argyll.

Stuart currently resides with his parents at Low Dunashery, Rhunahaorine, the family farm where he also works alongside his Father, Robert and Mother, Ruby. We are engaged to be married on 19<sup>th</sup> October 2018 and have been searching for somewhere to make our home. Due to the nature of Stuart's work we have been searching within a 2 mile radius of the farm so that he can respond quickly to any emergencies ie. If a cow gets into difficulty whilst calving.

Unfortunately many of the properties within this area are out with our price range or in need of major investment to restore them to liveable condition so we were over the moon when we contacted Mr Grant and he informed us that he had a plot to build.

I am currently employed as an Optometrist with A. G. Barr Optometrists who have a practice in both Campbeltown and Tarbert. If we were allowed to build at this location it would mean that I could work easily between the 2 practices, allowing us to continue the high standard of care that Mr Barr has built up over 20 years. With Mrs Lekelake's practice closing in Lochgilphead and the lack of any permanent optometrist in Islay, our Tarbert practice has a growing patient base and my proximity to this practice, should planning permission be granted, would allow me to travel to Tarbert on a more regular basis.

As a young hard working couple who contribute to the local community we feel we have a lot to give to the area through our work and hopefully family in the future.

Stuart is very involved with Tayinloan Hall, especially in the running of local carpet bowls which use the hall on a Monday and Tuesday evening and he organises a number of competitions throughout the winter months. This provides some much needed entertainment and a social activity for residents of the surrounding area.

We are always hearing about the average age of farmers in this country constantly rising, Stuart is a young man working to take on the family farm however if we were forced to move further away due to a lack of appropriate options this could significantly impact on his ability to do so.

The local shop is also well supported by the family through the purchase of newspapers and groceries on a daily basis. The shop is also stocked with free range eggs from the family farm. This is something we would continue to do as the shop is a vital resource for many elderly residents of Tayinloan.

I hope that consideration of our current situation and that we, as a young couple are looking to sustain and give back to this rural community will help you to reach your decision.

Kind Regards, Hazel Barr

