

LRB 1 021116 (16/01424/PPP)

Please set out the detailed reasons for requesting the review:-

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 16/01424/PPP

1.

The application site falls within Potential Development Area (PDA) 5/5 within which Policy LDP PROP 3 of the adopted Argyll and Bute Local Development Plan 2015 requires a Masterplan approach to the development of the PDA to ensure it is delivered in a co-ordinated manner. This requirement has been recently confirmed and underpinned by the Council's adoption of updated Masterplan Guidance (June 2016) which reinforces the requirement for and the purpose of masterplan submissions, in order to provide a comprehensive development framework within which individual proposals are to be assessed. The contents of any approved Masterplan would constitute a significant material consideration in the determination of planning applications within PDAs.

This application has not been preceded by an approved Masterplan nor has it been accompanied by a Masterplan for concurrent consideration, and therefore the Planning Authority has not been provided with sufficient information to allow a full assessment of the proposal sufficient to be able to conclude that the proposed development will not be prejudicial to the development of the remainder of the PDA. The proposal is therefore contrary to the provisions of Policy LDP PROP 3 of the adopted Argyll and Bute Local Development Plan 2015.

Notwithstanding this reason for refusal, the Planning authority has on several occasions confirmed that the application site subject to this proposed review is of no consequence to the wider PDA-5/5.

The consequence of that admission will focus on allowing approval under the process set out for a minor policy departure.

The application site forms approximately one half of a rocky knoll which is accepted by the planning authority that within the other half..... *"the land does not form part of a functional or effective part of the wider PDA 5/5"*.

Extract from approval 11/02115/PP

*There is a presumption that PDA's are not immediately effective and should therefore be planned for on a comprehensive basis in order to address servicing, ownership and other potential development constraints, in order to ensure that the purposes behind their designation are not frustrated or inhibited by premature or piecemeal forms of development, which in turn, could undermine the long term aspirations of the development plan for such sites. **The proposal does not constitute part of the required master-planned approach to the PDA designation within which it is situated, and is therefore contrary to the provisions of the 'Argyll & Bute Local Plan' and there are no other material considerations, in the absence of a Seciton 75 Agreement to underpin the croft status argument proposed in favour of the application, which would warrant the application being determined other than in accordance with the primary designation of the land as delineated in the local plan.***

My request to the LRB is simply to ask that the application is considered on the practical merits of what the practical and actual aspirations might be in relation to this particular PDA where the planning authority having previously agreed that the application site, for all intents and purposes lies outwith the PDA in terms of usefulness even though it is still shown within the PDA site outline.

The circumstances surrounding this application may be considered exceptional, insofar as concerns relating to setting a precedent in other applications, may be set aside.

Consequently, it would seem that in practical terms, the request to consider this application using a masterplan approach will be of little value in planning terms since the application site is accepted by the planning authority that *“the rocky knoll does not form any part of the PDA designation”*

Taken as a minor anomaly that has arisen during due process of emergence and agreement of the current local development plan it not unreasonable to assume that this inconsistency that might fall within the terms of allowable and minor policy departure.

I trust this is sufficient to allow the application to proceed to review, and if you require any further information please let me know.

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Attached.

1. Continuation sheet (reasons for requesting review.)
2. Refusal report.
3. Application drawings
4. Supporting statement
5. Report of approval 11/02115/PP
6. Email refusal 23 June 2016