

Ref:
AB1

ARGYLL AND BUTE COUNCIL
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Date Received

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 Procedures
(Scotland) Regulations 2008

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.

(1) APPLICANT FOR REVIEW		(2) AGENT (if any)	
Name	Elizabeth Martin	Name	Ian Dougall
Address	Ardtornish	Address	Raschoille
	Crannag A' Mhinisteir		Glenshellach Road
	Pulpit Hill, Oban		Oban
Postcode	PA34 4LU	Postcode	PA34 4PP
Tel. No.		Tel. No.	07777690075
Email		Email	iandougall@westhighlandstates.co.uk

(3) Do you wish correspondence to be sent to you ☐ or your agent ☒

(4) (a) Reference Number of Planning Application 10/01144/PPP

(b) Date of Submission 05/08/2010

(c) Date of Decision Notice (if applicable) 14/09/2010

(5) Address of Appeal Property

Ardtornish
Crannag A' Mhinisteir
Oban
Argyll And Bute

(6) Description of Proposal

Site for the erection of a dwellinghouse

(7)

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

See attached Reasons for review.

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



(Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information :-

- (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 ☒

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Zip Folder...Site for dwelling house Ardtornish Revised Local Review
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? ☒ (Please tick to confirm)

Submitted by
(Please Sign)

Ian Dougall

Dated

06/12/2010

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 – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), 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 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

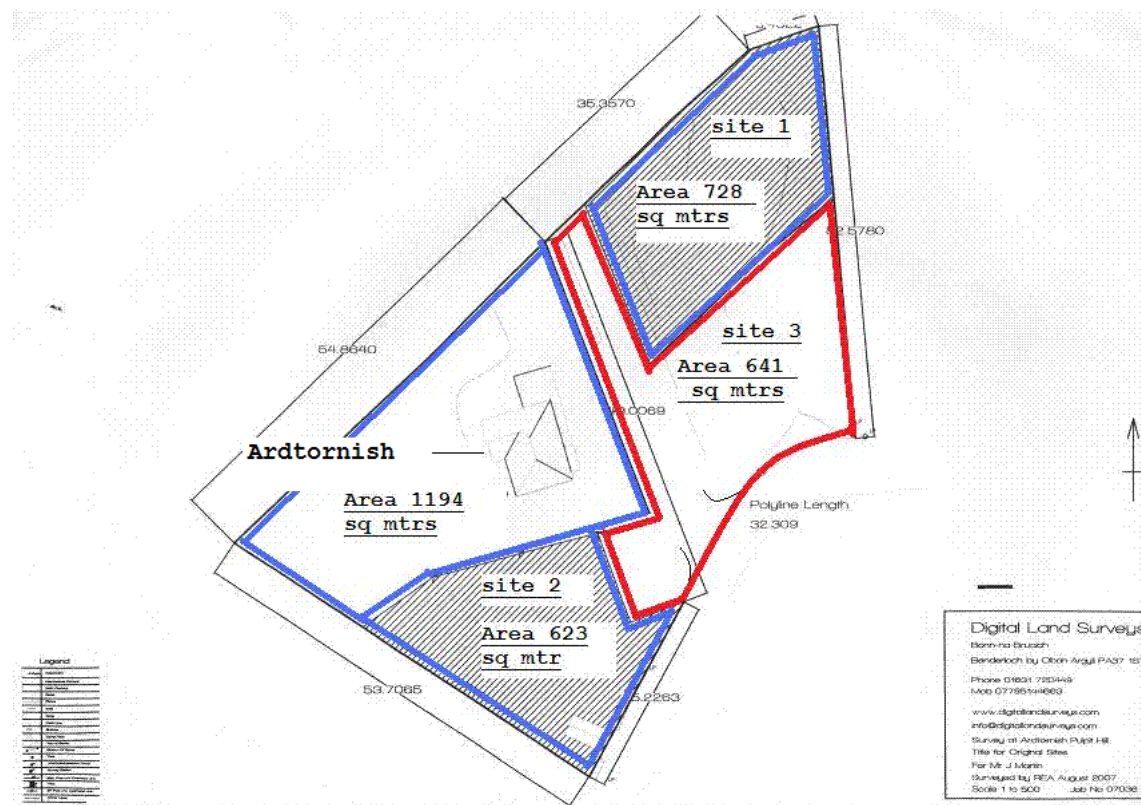
Issued by (please sign)

Reasons for seeking a review...

Further to the recent refusal of application 10/01144/PPP for a modest house in a well established residential area of Oban, I believe I have legitimate grounds for seeking a Local Review Hearing.

I respectfully suggest that the planning department have failed to correctly assess the significance of the determining influence that the recently set precedence, the 2008/9 approvals for this area of Oban, should have played in determining the application.

Site 1 and Site 2 below are the 2008/9 approvals. It is my belief that the application site in red, Site 3, represents rounding off potential for a modest dwelling house, consistent with guidance size and scale ratios and current policy.



I believe it is not unreasonable to suggest, that such a closely neighbouring and similar application, to the recently approved development on Site 1, would be considered on the face of it, to be compliant with policy and guidance.

The introduction of the opinion, that development on the application site would tip the balance of character and amenity of the area, seems contrary to the well established, diverse and mature nature of the area.

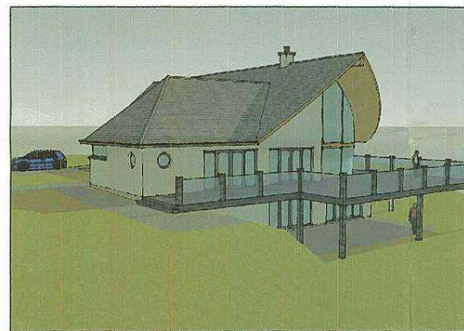
The issued refusal notice begins by describing the development site...

The site which is subject of this application slopes steeply down towards the public Gallanach Road and any development of the site would require either significant excavations or a dwellinghouse with a large area of underbuilding.

Statement from the 2008/9 approvals...

“Considerable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations.”

The resulting dwelling houses approved, setting the physical interpretation of policy and guidance are illustrated below...



perspective views

Site 1



Site 2

Ardtonish(existing)

The refusal notice goes on to comment...

The development of the site proposed would, cumulatively with the loss of other open land to the development (as a result of permission having previously been granted for two dwellings within the grounds of Ardtornish), result in the loss of undeveloped land to the point at which the characteristics and amenity of the locality would be undermined by the extent of built development unrelieved by green space,

Comments from the 2008/9 approvals...

“This is a long established residential neighbourhood where there is considerable diversity in the scale, design and positioning of existing dwellings.”

“There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay.”

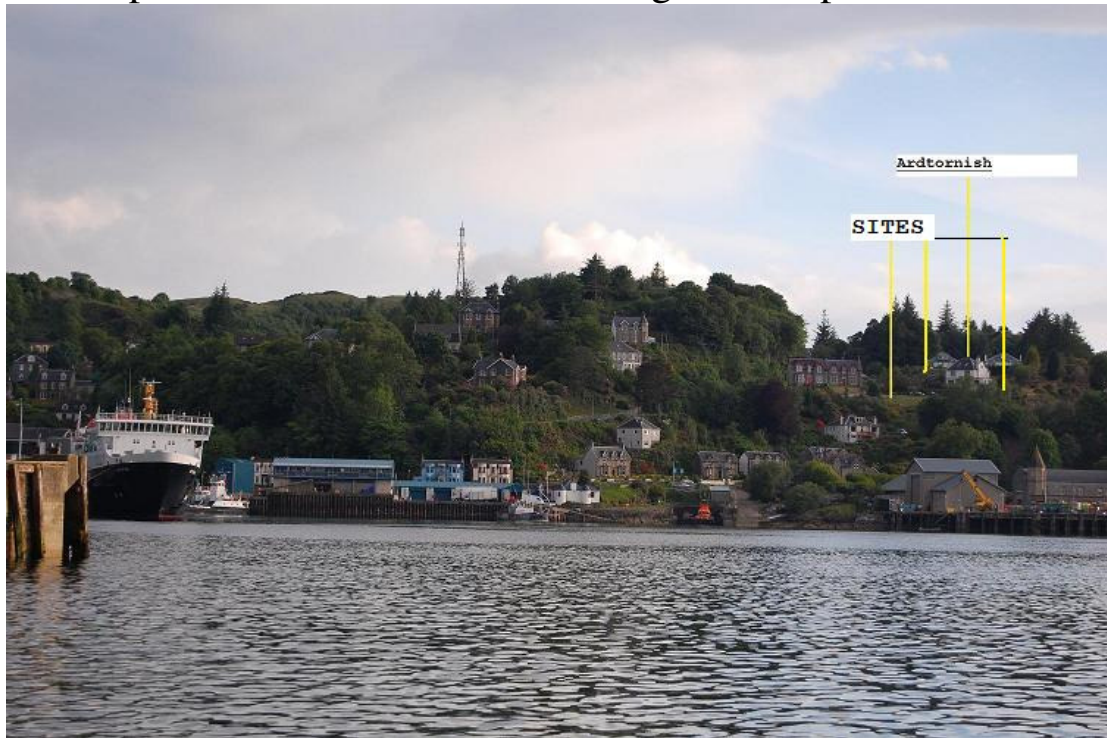
“The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground.”

The pictures below visually illustrate and confirm the considerable diversity of the area, including green space relief, which will suffer no meaningful reduction as a result of the addition of a single modest dwelling house.

Development to the left of Pulpit Hill...



Development Sites 1, 2 and 3 to the right of Pulpit Hill...



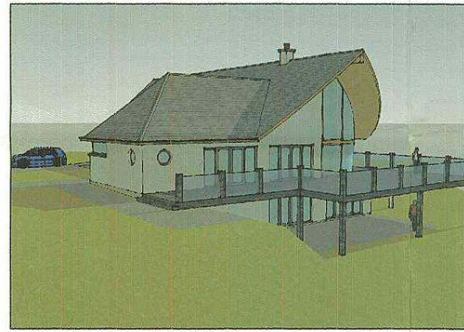
The refusal notice concludes...

Furthermore, it is unlikely that the site could accommodate a dwelling with its attendant access and parking requirements whilst also providing a suitable level of useable private amenity space, which would be contrary to advice contained within Policy LP ENV 19 and Appendix A, Sustainable Siting and Design Principles.

The 2008/9 approvals, challenge the opinion that steep slopes cannot accommodate dwellings...

The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. The upper portion of the site will accommodate a small dwelling with parking provision; the incline on the remainder of the site is generally too steep to accommodate development.

The area described in the underlined portion of the statement above, later became the underbuilt frontage of Site 1's detailed approval, illustrated below. The opinion expressed at the time, "the site is generally too steep to accommodate development." was proven to be wrong then, and I respectfully suggest it is wrong now, with regard to Site 3.



perspective views

Precedence has the merit of promoting consistency in planning decisions. Precedence is in fact the benchmark for all planning decisions, drawing on the certainty of what has gone before rather than the uncertainty of opinion.

I also believe the planning department have left themselves open to the suggestion that they have also not acted impartially.

Stephen Fair, the recently appointed Area Team Leader, in his letter of November 4th (below), which was only secured after two interventions by the Scottish Ombudsman, has confirmed his case officer did not allow fuller discussions to take place.

The officer also withdrew the opportunity of withdrawing the application by rushing to a refusal notice only two days after advising of the option to withdraw and while efforts were being made to better understand the planning department's decision, in order to best advise my client.

In conclusion I respectfully request a Local Review Hearing as I believe this would be in the best interests for all concerned and would be seen and received as a fairer determination.

The community as a whole depends on planning departments demonstrating consistency in interpretation of planning policy and guidance while being, and seen to be, impartial.

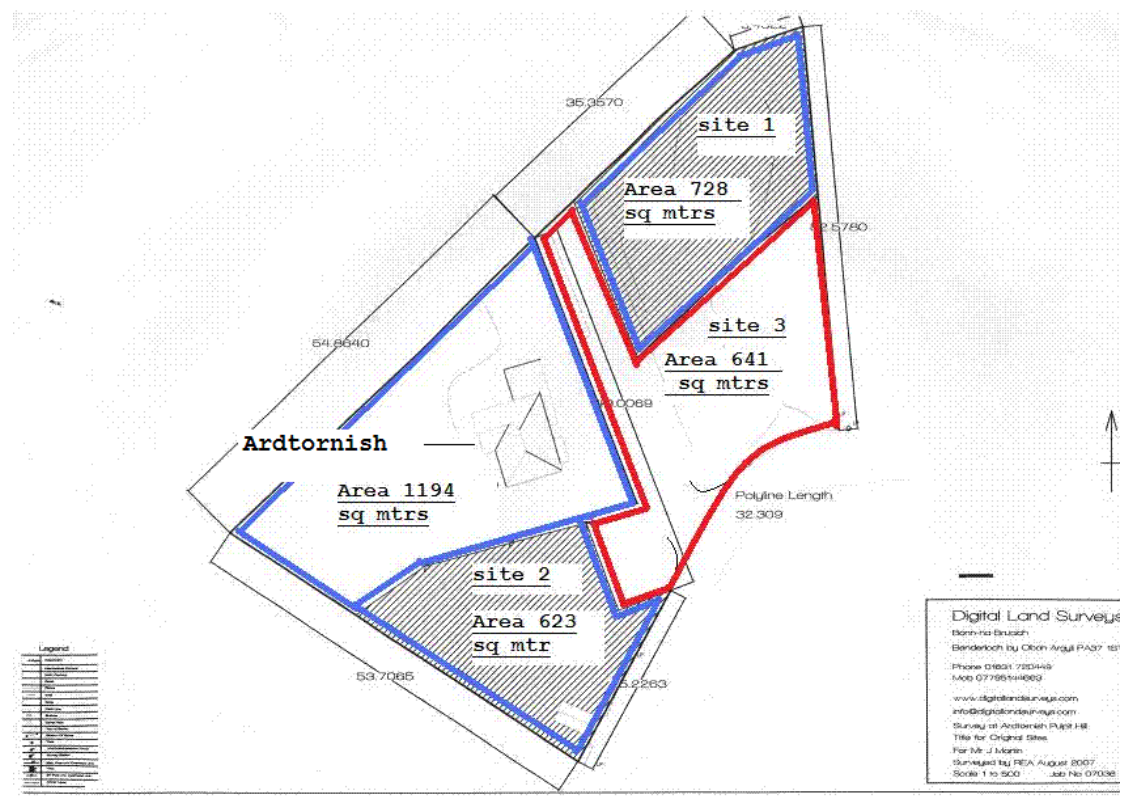
Application for Planning Permission in Principal
for Site 3, Ardtornish, Pulpit Hill, Oban

Mrs Betty Martin owner of Ardtornish wishes to develop Site 3 to allow her to downsize from Ardtornish her present large and unmanageable family home.

Mrs Martin having lived in the family home for over 40 years would like to remain in the location and the development site identified offers the opportunity to do this.

Site 3 is the last development site of three attached to Ardtornish, Sites 1 and 2 have each gained detailed planning recently through delegated powers for substantial three and four bedroom houses which comply with size and scale requirements.

Site 3 would be similarly developed as Site's 1 and 2 complying with size and scale requirements with no overdevelopment ratios being created given the size and scale of each plot.



Site 3 is similar physically and in planning and development terms to Site 1 as described in [The Delegated Report Check List for Site 1](#);

The site is located within a section of the curtilage of Ardtornish to the north of that dwellinghouse and the escarpment that drops steeply to the public Gallanach Road. This is a long established residential neighbourhood where there is considerable diversity in the scale, design and positioning of existing dwellings.

This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas

subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general environment) assesses applications for planning permission for their impact on both the natural, human and built environment. The current application is in outline only but the submission gives an indication that any proposed house would be contemporary in design ensuring that the massing and scale of the building were appropriate to the site. The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. The upper portion of the site will accommodate a small dwelling with parking provision; the incline on the remainder of the site is generally too steep to accommodate development. This site meets the current site area standards and any new dwelling that occupies the plot should not infringe the privacy of nearby properties. Reasonable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations. It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

It is worth noting that the house described was later changed in size and position to a large substantial 3 bedroom house with attached garage and utilised the area described as "too steep to accommodate development" with extensive underbuilding to allow development.

The report continues...

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Any house to be built on the site should reflect the vernacular architecture of the surrounding houses.

Comment: There is no obvious architectural style local to this part of Pulpit Hill where there are Victorian/Edwardian properties intermingled with more contemporary architecture. The proposal for the detailed design of the dwelling will require to take into account the Council's adopted Sustainable Design Guidance.

4. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

5. The proposed development will increase surface water run-off from the site.

Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.

6. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities.

Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.

7. Terms and conditions as stated in the title deeds would be breached by such a proposal.

Comment: This is not a material planning consideration.

8. That the proposed development on this site should not prejudice future development at Ard-Ghillean a property lying close to but not adjacent to the application site.

Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghillean.

9. That any new house should be restricted to one storey above current ground level.

Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.

Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.

The subsequent changed detailed plans(see Site 1.jpeg) were put forward for detailed planning and were approved with conditions through delegated powers.

Extract from Report of Handling for detailed planning Site 1;

(i) Summary of issues raised

- An adequate drainage system should be put in place to deal with sewage for the proposed development.

Comment: The application indicates a standard pumped drainage system connecting into the public sewer. The system incorporate an alarm which sounds if the system fails and is also designed to have a minimum of 24 hours storage. Scottish Water raised no objection to the proposal.

- Approval needs to be granted for access to the public sewer by the affected landowner as advised by Scottish Water, this has not been submitted.

Comment: This is a separate legal matter between the applicant, appropriate landowner and Scottish Water.

- There are historical problems with surface water within this area and therefore an adequate system should be put in place to deal with surface water drainage.

Comment: This is a matter which will be dealt with in more detail at Building Standards stage. However, a condition is to be imposed requiring full details of a SUDS scheme to be submitted for the proposed development.

- A flood risk assessment should be considered as part of the application to deal with the surface water drainage.

Comment: The site is not within an identified flood risk area and therefore this is not considered necessary for this proposal. As detailed above, a condition is to be imposed requiring full details of a SUDS scheme to be submitted for the proposed development.

- The scale and mass of the proposed dwellinghouse will have an adverse impact on the privacy and amenity of neighbouring properties.

Comment: Given the orientation of the dwellinghouse within the site, the positioning of windows of habitable rooms and the difference in levels between the site and neighbouring properties, it is not considered that the proposal will impact on the current level of privacy and amenity currently experienced by neighbouring properties.

- The ratio of house to garden ground is inappropriate and the site will appear overdeveloped.

Comment: The dwellinghouse covers approximately 31% of the overall site which is consistent with guidance contained within the adopted Local Plan.

- The design of the dwellinghouse is not sympathetic to the existing built environment.

Comment: There is no obvious architectural style local to this part of Pulpit Hill where there are period properties intermingled with more contemporary architecture. The dwellinghouse proposed is considered to represent a good example of modern architecture.

- The house design would appear to require extensive underbuilding works and therefore satisfactory building engineering and construction reports should be provided and a condition imposed to ensure that no subsidence will result from building the dwellinghouse.

Comment: This is a matter for Building Standards. Any application for Building Warrant would require to incorporate details from a suitably qualified person regarding the engineering and construction operations proposed on site.

- The visual impact of the house will be detrimental to the skyline of Oban.

Comment: The proposed dwellinghouse will sit lower in the landscape than the donor house 'Ardtornish' and will not result in 'skyline' development.

- A condition should be attached requiring a suitable landscaping scheme to be implemented on site to minimise the impact of the development on the surrounding area.

Comment: A landscaping condition is proposed.

- The gradients and contours on the drawings are unreadable and give a false impression on the location of neighbouring properties.

Comment: The drawings submitted with the application are considered acceptable to allow for determination of the application. It should be noted that a site visit is undertaken for every application submitted to give a full appreciation of its context.

- Issues over the large scale glazing and the impact it will have when lit at night when viewed from around Oban and its possible conflict with existing local features such as Dunollie Castle which is floodlit.

Comment: The dwellinghouse is proposed within an established residential area in Oban and it is not considered that it will have a significant increase in light pollution within this area and when viewed from elsewhere.

- The roof mass leads to speculation for future development of the roofspace with further accommodation.

Comment: Internal alterations within the roofspace do not require planning permission. However the installation of dormer windows do require permission and would require the submission of an application for planning permission which would be dealt with on its own merits. With regards to velux windows, which can be installed without planning permission, it should be noted that a condition is proposed to remove permitted development rights and therefore this is not an issued.

- Speculation as to the possible use of the music room for commercial musical activities. This would lead to an increase in vehicular/pedestrian movements and noise nuisance to surrounding properties. Any permission should include a condition for effective sound proofing of the music room.

Comment: The dwellinghouse falls within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and can be used for domestic use only. As the music room is part of the dwellinghouse, this use applies. Any use of the premises for any commercial activity would require the submission of an application for change of use.

- Why did the amended scheme not require the submission of a revised planning application.

Comment: The amendments to the proposal were all contained within the existing site edged red and were not significant enough to require the submission of a revised proposal.

- The granting of planning permission for the dwellinghouse should not have any adverse effect on the possibility of obtaining planning permission for the area of ground to the south of the application site.

Comment: Due to the positioning of the dwellinghouse on the site, it is not considered that the granting of planning permission would sterilise the area of ground to the south. However, any application for planning permission on the adjacent site would be dealt with on its own merits.

The area to the South described above is Site 3 which with a considerably smaller house proposed rounds off the area and sits well with the wider residential area which has various sized properties with no defined pattern with houses utilising the sloping elevated positions on the hillside.

Site 3 is also similar physically and in planning and development terms to Site 2 as described in [The Delegated Report Check List for Site 2](#);

The site is located within a section of the curtilage of Ardtornish between that dwellinghouse and the public road Crannaig a' Mhinisteir. This is a long established residential neighbourhood where there is considerable diversity in the scale and design of existing dwellings.

This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general environment) assesses applications for planning permission for their impact on both the natural, human and built environment. The current application is in outline only but the submission gives an indication that any proposed house would be contemporary in design ensuring that the massing and scale of the building were appropriate to the site. The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. This site meets the

current site area standards and any new dwelling that occupies the plot should not infringe the privacy of nearby properties. Considerable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations.

It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Large trees on the site have been felled during the bird breeding season, without permission.

Comment: The felling of trees at this location is not a material planning consideration.

4. The area allocated to on site parking provision is inadequate.

Comment: The Area Roads Manager has raised no objection to the proposal with regard to inadequacy of parking provision. Parking commensurate with the size of the proposed dwelling will require to be provided on site and it is considered that there is sufficient ground under the control of the applicant to provide parking to the required standards.

5. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

6. The submitted plans do not show the comparative ground levels with ground levels of adjacent sites and the indicated levels do not indicate if this is Ordnance datum.

Comment: The juxtaposition of properties is evaluated and examined during the site inspection and levels indicated on plans do not require to be tied to Ordnance Datum.

7. The vehicular access is unsuitable to serve the proposed development in terms of visibility and layout.

Comment: The Area Roads Manager has raised no objections to the proposed access in terms of inadequate visibility and layout.

8. The proposed dwellinghouse exceeds the Council's guidance that detached houses should only occupy 33% of their site, and it is not in context with the setting of existing development on Pulpit Hill.

Comment: The house plan is indicative only and any subsequent detailed planning application will require to comply with relevant Council planning

policies. There are mixed plot ratios in this area of Pulpit Hill and the proposal is not radically different in terms of density from other residential properties in this area.

9. The proposed development will increase surface water run-off from the site.
Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.

10. The form and layout of the proposed development does not complement the area, and will not integrate into its surroundings.

Comment: The proposed development is considered to be appropriate in this developed area of Pulpit Hill and will not be out-of-keeping in terms of density and siting. The design, scale, exact siting and massing of the proposed new building will be reserved for subsequent approval, through the imposition of appropriate conditions on any consent that might be granted.

11. Concerns about accuracy of land ownership information.

Comment: The applicant's agent has signed the application form and the appropriate land ownership certificates. If there is a dispute over ownership boundaries this is deemed to be a civil legal matter and not a planning issue.

12. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities.

Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.

13. Terms and conditions as stated in the title deeds would be breached by such a proposal.

Comment: This is not a material planning consideration.

14. That the proposed development on this site should not prejudice future development at Ard-Ghilleán a property lying close to but not adjacent to the application site.

Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghilleán.

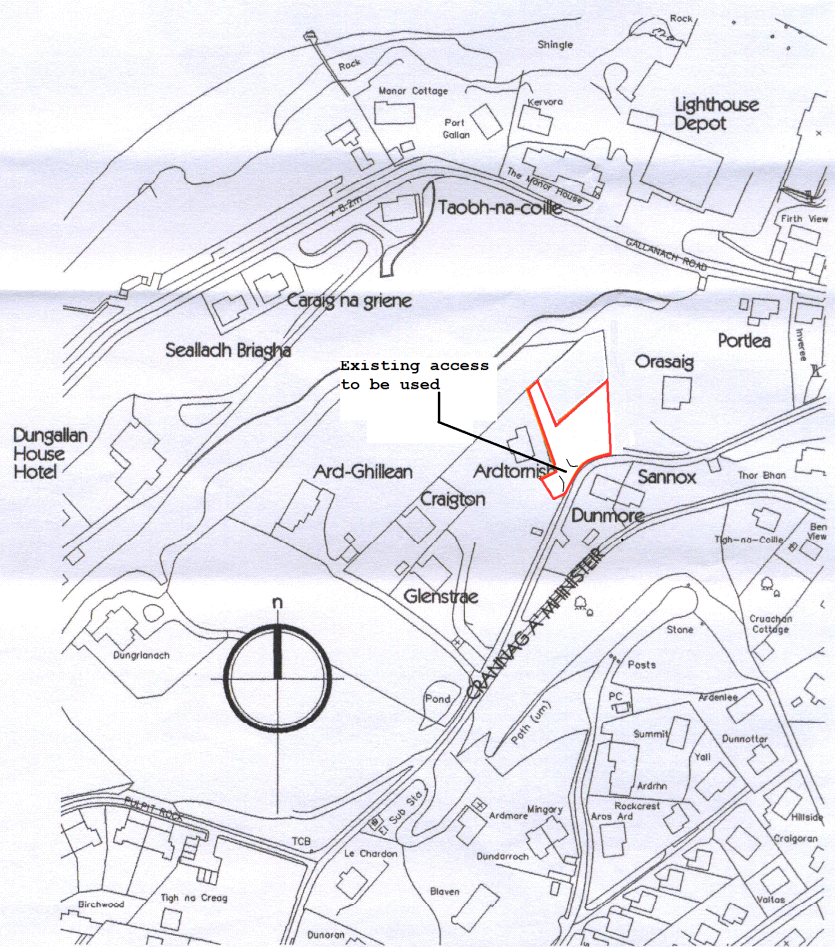
15. That any new house should be restricted to one storey above current ground level.

Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.

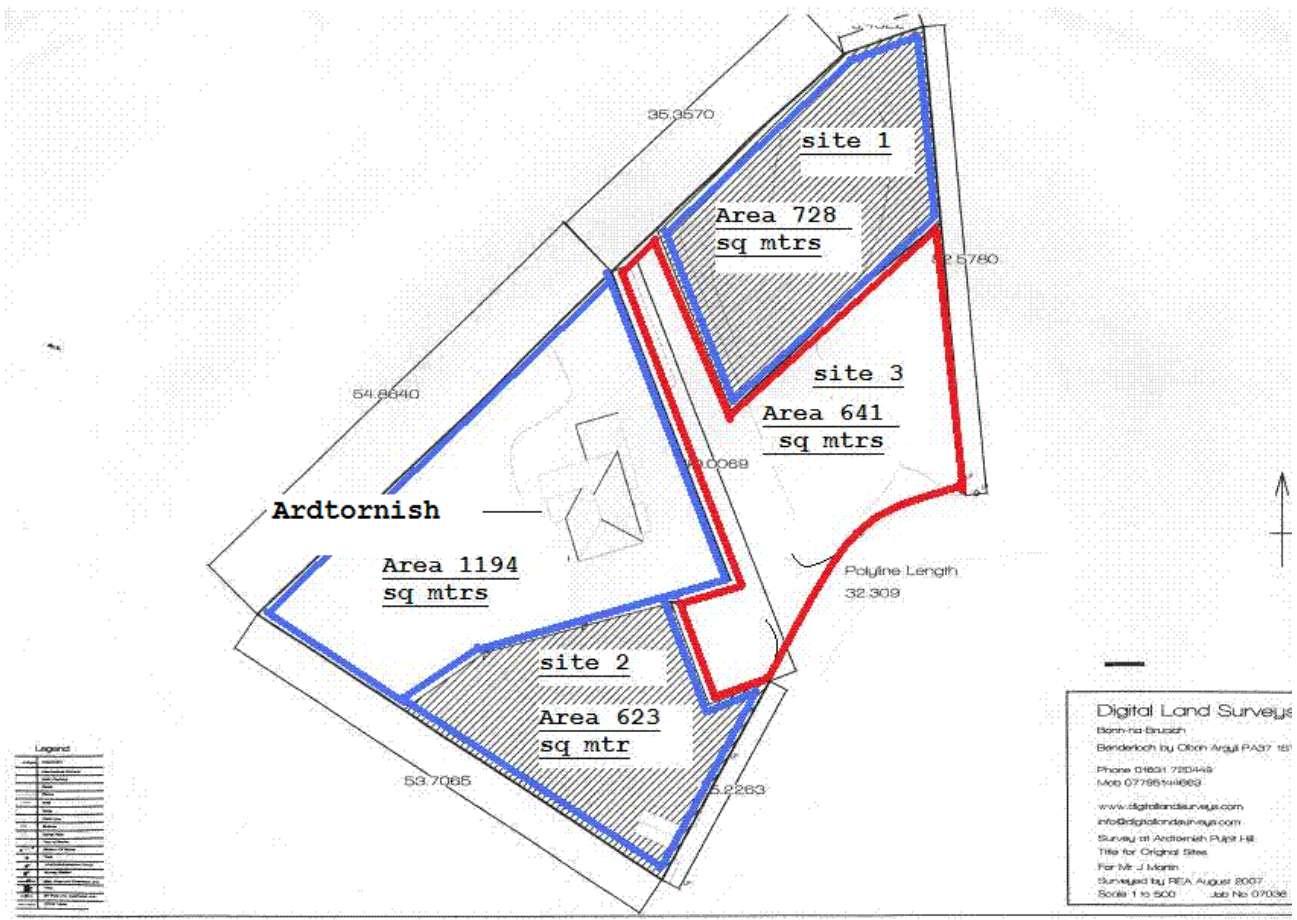
Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.

The subsequent changed detailed plans (see Site 2.jpeg) were put forward for detailed planning and were approved with conditions through delegated powers.

In conclusion, with Site 3 being consistent with the two neighbouring Sites 1 and 2, also compliant with policy and guidance along with the two neighbouring Sites 1 and 2, I would respectfully suggest your support for this application should be given.



location plan 1:2500



water drainage will be taken to the mains

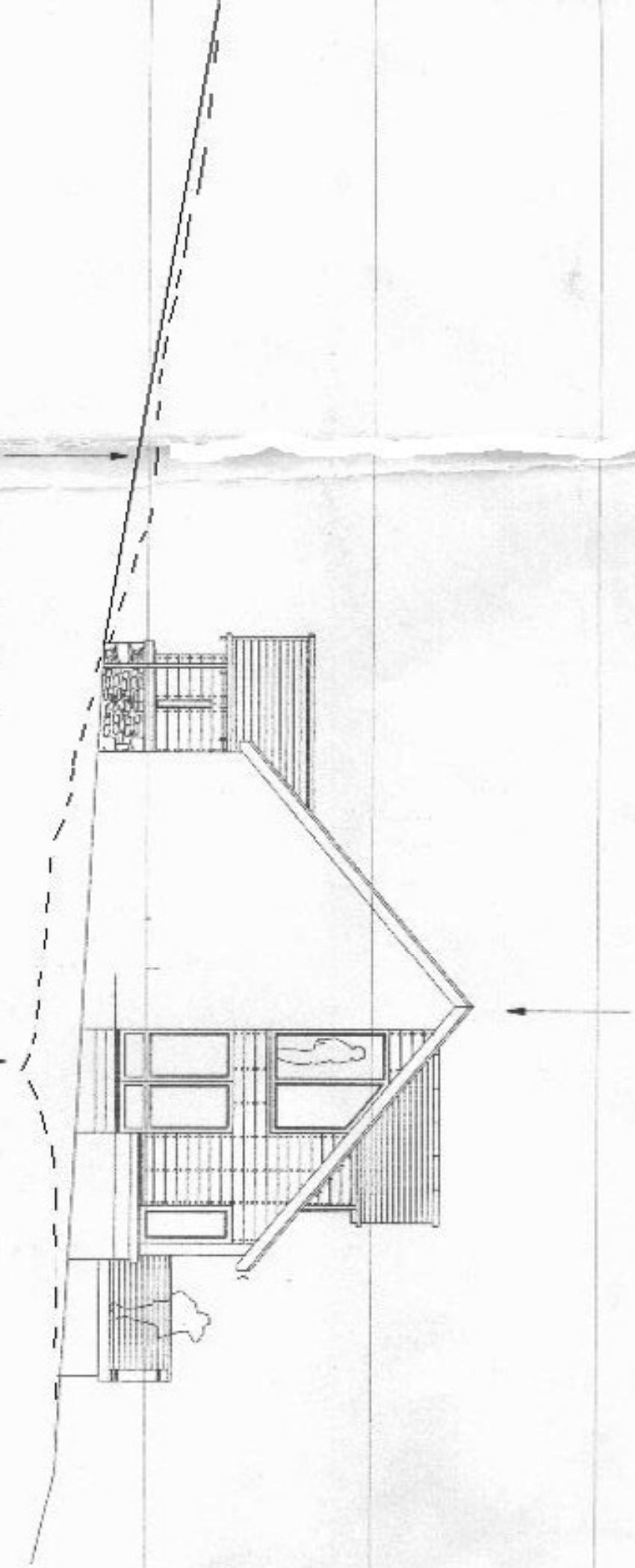
by:
valuable
ke.

house type is indicative only

proposed ground level shown thus

existing ground level shown dotted

ection a - a





Development Services

Delegated Report Checklist

(A) Reference Number	08/01135/OUT Site for the erection of a dwellinghouse, North East of Ardtornish, Crannag a' Mhinisteir, Oban.	
(B) Consistent With Policy	Yes.	
(C) Consultees	ROADS: [11.07.2008] No objections subject to conditions. Notes. SCOTTISH WATER: [30.06.2008] No objections. Notes.	
(D) Planning History	No recent history.	
(E) Publicity	Advert Type:	Article 9 – Vacant land
	Closing Date:	17.07.2008
	Representations:	3 representations received:- 1. Lorne B. MacLeod, Orasaig Crannaig a' Mhinister. Oban. PA34 4LU 2. Mr Martin Dunne and Mrs Iseabal Dunne, Glenstrae, Crannaig a' Mhinister, Oban. PA34 4LU 3. Mrs J.M. McDougall, per MacArthur Stewart, Boswell House, Argyll Square, Oban. PA34 4BD (Ard-Ghilleann, Crannaig a' Mhinister, Oban, PA34 4LU) Details of the representations are included within the comments section below.
(F) Comments:	<p>The site is located within a section of the curtilage of Ardtornish to the north of that dwellinghouse and the escarpment that drops steeply to the public Gallanach Road. This is a long established residential neighbourhood where there is considerable diversity in the scale, design and positioning of existing dwellings.</p> <p>This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general</p>	

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It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Any house to be built on the site should reflect the vernacular architecture of the surrounding houses.

Comment: There is no obvious architectural style local to this part of Pulpit Hill where there are Victorian/Edwardian properties intermingled with more contemporary architecture. The proposal for the detailed design of the dwelling will require to take into account the Council's adopted Sustainable Design Guidance.

4. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

5. The proposed development will increase surface water run-off from the site.

Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.

6. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities.

Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.

7. Terms and conditions as stated in the title deeds would be breached by such a proposal.

Comment: This is not a material planning consideration.

8. That the proposed development on this site should not prejudice

	<p>future development at Ard-Ghilleán a property lying close to but not adjacent to the application site.</p> <p><i>Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghilleán.</i></p> <p>9. That any new house should be restricted to one storey above current ground level.</p> <p><i>Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.</i></p>
(G) Recommendation:	Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.
<p>Signature Caseload Officer: Date: 09.09.2008</p> <p>Signature Senior Planning Officer: Date:</p>	

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.

- a. The siting, design and external appearance of the proposed development.
- b. The landscaping of the site of the proposed development.
- c. Details of the access arrangements.
- d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

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

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

4. Any details pursuant to condition (1) above shall incorporate the following elements:-
 - i) finished in white coloured wet dash render.
 - ii) with roof coverings of natural slate or good quality slate substitute.
 - iii) shall be single or one and a half storey in height..
 - iv) incorporate windows with a strong vertical emphasis.
 - v) a roof pitch of not less than 40 degrees and not greater than 45 degrees.
 - vi) which is predominantly rectangular in shape with traditional gable ends.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

5. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

6. The proposed access shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a and shall have visibility splays of 35 X 2 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

7. The access to the development site shall be improved to ensure that no surface water is discharged to the public highway to the satisfaction of the Planning Authority.

Reason. In the interests of road safety.

8. Prior to work starting on site full details of a turning area and parking provision for cars within the curtilage of each dwellinghouse drawn up in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking and turning area shall be provided prior to the occupation of each dwellinghouses and shall be commensurate with the size of the dwellinghouse.

Reason: In the interests of road safety.

NOTE TO APPLICANT RELATIVE TO APPLICATION 08/01135/OUT

Scottish Water has advised as follows:

You are advised to contact them direct to discuss this matter

Scottish Water
Developer Services
Clyde House
419 Balmore Road
Glasgow
G22 6NU
Tel: 0845 601 8855

The Council's **Area Roads Manager** has advised as follows:

Road openings permit required.

You are advised to contact them direct to discuss this matter:

Area Roads Engineer
Operational Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban Tel: 01631 562125

NB Reserved Matters or Detailed application submission:

Detailed cross sections of the application site shall be submitted with levels clearly shown and related to existing levels on surrounding land/road.

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/00938/DET

Planning Hierarchy: Local Development

Applicant: Colin MacNiven

Proposal: Erection of Dwellinghouse

Site Address: Ardtornish, Crannaig A' Mhinisteir, Oban

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse

(ii) Other specified operations

- Connection to public water main
 - Connection to public sewer
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

08/01135/OUT
Site for erection of dwellinghouse – approved 14/10/08

(D) CONSULTATIONS:

Area Roads Manager

E-mail dated 13/11/09 – advise no objection subject to the conditions and reasons imposed on the outline permission.

Scottish Water

Letter dated 28/07/09 advises no objection to the proposal but provides advisory comments for the applicant.

Scottish Civic Trust

Letter dated 29/09/09 – objects to the application.

(E) PUBLICITY:

The proposal was advertised in terms of Article 9 Vacant Land procedures, closing date 26/07/09.

(F) REPRESENTATIONS:

Three individual representations have been received regarding the proposed development.

Mr Lorne MacLeod, Orasaig, Crannaig a Mhinisteir, Oban, PA34 4LU
(letter 17/07/09, e-mail 22/08/09, letter, 14/09/09, letter 19/09/09, e-mail 22/09/09)

Jane L. C. Terris, Portlea, Gallanach Road, Oban, PA34 4LS
(e-mail 08/07/09, letter 30/07/09, e-mail 11/09/09, e-mail 15/09/09, letter 21/09/09)

Elizabeth Martin, Ardtornish, Pulpit Hill, Oban, PA34 4LU
(e-mail 25/08/09, e-mail 01/09/09, letter 14/09/09)

(i) Summary of issues raised

- An adequate drainage system should be put in place to deal with sewage for the proposed development.

Comment: The application indicates a standard pumped drainage system connecting into the public sewer. The system incorporate an alarm which sounds if the system fails and is also designed to have a minimum of 24 hours storage. Scottish Water raised no objection to the proposal.

- Approval needs to be granted for access to the public sewer by the affected landowner as advised by Scottish Water, this has not been submitted.

Comment: This is a separate legal matter between the applicant, appropriate landowner and Scottish Water.

- There are historical problems with surface water within this area and therefore an adequate system should be put in place to deal with surface water drainage.

Comment: This is a matter which will be dealt with in more detail at Building Standards stage. However, a condition is to be imposed requiring full details of a SUDS scheme to be submitted for the proposed development.

- A flood risk assessment should be considered as part of the application to deal with the surface water drainage.

Comment: *The site is not within an identified flood risk area and therefore this is not considered necessary for this proposal. As detailed above, a condition is to be imposed requiring full details of a SUDS scheme to be submitted for the proposed development.*

- The scale and mass of the proposed dwellinghouse will have an adverse impact on the privacy and amenity of neighbouring properties.

Comment: *Given the orientation of the dwellinghouse within the site, the positioning of windows of habitable rooms and the difference in levels between the site and neighbouring properties, it is not considered that the proposal will impact on the current level of privacy and amenity currently experienced by neighbouring properties.*

- The ratio of house to garden ground is inappropriate and the site will appear overdeveloped.

Comment: *The dwellinghouse covers approximately 31% of the overall site which is consistent with guidance contained within the adopted Local Plan.*

- The design of the dwellinghouse is not sympathetic to the existing built environment.

Comment: *There is no obvious architectural style local to this part of Pulpit Hill where there are period properties intermingled with more contemporary architecture. The dwellinghouse proposed is considered to represent a good example of modern architecture.*

- The house design would appear to require extensive underbuilding works and therefore satisfactory building engineering and construction reports should be provided and a condition imposed to ensure that no subsidence will result from building the dwellinghouse.

Comment: *This is a matter for Building Standards. Any application for Building Warrant would require to incorporate details from a suitably qualified person regarding the engineering and construction operations proposed on site.*

- The visual impact of the house will be detrimental to the skyline of Oban.

Comment: *The proposed dwellinghouse will sit lower in the landscape than the donor house 'Ardtornish' and will not result in 'skyline' development.*

- A condition should be attached requiring a suitable landscaping scheme to be implemented on site to minimise the impact of the development on the surrounding area.

Comment: *A landscaping condition is proposed.*

- The gradients and contours on the drawings are unreadable and give a false impression on the location of neighbouring properties.

Comment: The drawings submitted with the application are considered acceptable to allow for determination of the application. It should be noted that a site visit is undertaken for every application submitted to give a full appreciation of its context.

- Issues over the large scale glazing and the impact it will have when lit at night when viewed from around Oban and its possible conflict with existing local features such as Dunollie Castle which is floodlit.

Comment: The dwellinghouse is proposed within an established residential area in Oban and it is not considered that it will have a significant increase in light pollution within this area and when viewed from elsewhere.

- The roof mass leads to speculation for future development of the roofspace with further accommodation.

Comment: Internal alterations within the roofspace do not require planning permission. However the installation of dormer windows do require permission and would require the submission of an application for planning permission which would be dealt with on its own merits. With regards to velux windows, which can be installed without planning permission, it should be noted that a condition is proposed to remove permitted development rights and therefore this is not an issued.

- Speculation as to the possible use of the music room for commercial musical activities. This would lead to an increase in vehicular/pedestrian movements and noise nuisance to surrounding properties. Any permission should include a condition for effective sound proofing of the music room.

Comment: The dwellinghouse falls within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and can be used for domestic use only. As the music room is part of the dwellinghouse, this use applies. Any use of the premises for any commercial activity would require the submission of an application for change of use.

- Why did the amended scheme not require the submission of a revised planning application.

Comment: The amendments to the proposal were all contained within the existing site edged red and were not significant enough to require the submission of a revised proposal.

- The granting of planning permission for the dwellinghouse should not have any adverse effect on the possibility of obtaining planning permission for the area of ground to the south of the application site.

Comment: Due to the positioning of the dwellinghouse on the site, it is not considered that the granting of planning permission would sterilise the area of ground to the south. However, any application for planning permission on the adjacent site would be dealt with on its own merits.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i)	Environmental Statement	No
(ii)	An appropriate assessment under the Conservation	No
(iii)	A design or design/access statement	No
(iv)	A report on the impact of the proposed development	No
<hr/>		
(H)	PLANNING OBLIGATIONS	
(i)	Is a Section 75 agreement required	No
<hr/>		
(I)	Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32	No
<hr/>		
(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	
(i)	List of all Development Plan Policy considerations taken into account in assessment of the application. <u>Argyll and Bute Structure Plan 2002</u> <i>STRAT DC 1</i> <i>Settlement Zone</i> Supports the general principle of development within the Settlement Zones on appropriate infill, rounding off and redevelopment sites. <u>Argyll and Bute Local Plan 2009</u> <i>LP ENV 1</i> <i>Development Impact on the General Environment</i> Requires that all developments are assessed for their impact on both the natural, human and built environment. <i>LP ENV 19</i> <i>Development Setting, Layout and Design</i> Requires that the Council will require developers and their agents to execute a high standard of design which shall accord with the design principles set out in 'Appendix A' of the Argyll and Bute Local Plan 2009. <i>LP HOU 1</i> <i>General Housing Development</i>	

Establishes a presumption in favour of development unless there is an unacceptable environmental, servicing or access impact.

LP TRAN 4

New & Existing Public Roads & Private Access Regimes

Sets out specific criteria in respect of access requirements to developments.

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

N/A

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC)	No
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(M)	Has a sustainability check list been submitted	No
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(N)	Does the Council have an interest in the site	No
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(O)	Requirement for a hearing (PAN41 or other)	No
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(P)	Assessment and summary of determining issues and material considerations	
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Background

Outline planning permission reference 08/01135/OUT was granted on 14/10/08 for erection of a dwellinghouse within the garden ground of Ardtornish, Crannaig A' Mhinisteir, Oban.

Application

This current application represents the details and proposes a single storey dwellinghouse incorporating a basement area. The dwellinghouse is a good example of high quality contemporary architecture and incorporates finishes such as smooth render, natural stone, timber cladding and natural slate.

The dwellinghouse is an 'L' shaped structure which is orientated with its main elevation facing northeast towards Oban Bay. The site falls away steeply to the northeast towards Gallanach Road and it is considered that this drop in level will ensure that there are no

significant privacy or amenity issues with the neighbouring properties of Orasaig and Portlea.

The southeast elevation which faces towards the garden ground of Ardtornish does not have any windows from public rooms which would cause any adverse privacy or amenity issues.

The northwest elevation faces onto the very bottom area of the garden ground of Ard Ghilleann and this elevation has been amended to remove the rear bedroom window, replace the French doors to the study with a window and reduce the size of the decking in order to prevent any adverse privacy or amenity issues.

The remaining rear elevation (southwest) contains one window to a bedroom and 3 windows to the garage, all of which look onto the access road and therefore raise no privacy or amenity issues.

Representations were received from three individuals in respect of the application. These points are summarised and fully addressed in Section F above.

In addition to the amendments mentioned above, the applicant's agent revised the site plan to show the actual external walls as the buildings footprint as opposed to the roof plan which shows that the dwellinghouse does not occupy as much of the site as was initially thought.

It is considered that the proposed dwellinghouse is of a suitable scale and form and incorporates materials which are considered acceptable within this location and therefore complies with the terms of Policy LP ENV 19 and Appendix A.

Roads and Parking

There is currently a vehicular access which serves the donor house and it is proposed to use this existing access to serve the new dwellinghouse. The Area Roads Manager has raised no objections to this.

In this regard, it is considered that the proposal complies with Policy LP TRAN 4 which seeks to ensure that developments are served by an appropriate means of vehicular access.

Servicing and Infrastructure

With regards to drainage and water supply for the proposed development, the application proposes connection to the public systems to which Scottish Water has raised no objections but does provide advisory comments for the applicant. Due to the level of the proposed house it is most probable that a pumped system will be utilised for the development.

In this regard, it is considered that the proposal complies with the terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

Summary

To summarise, the principle of development has been established on this site by the granting of outline planning permission 08/01135/OUT.

The contemporary design and finishes of the dwellinghouse detailed in this application are considered acceptable within this location and that the positioning and orientation of

the dwellinghouse within the site ensures that there are no significant adverse privacy or amenity issues with neighbouring properties.

Furthermore there are no infrastructural constraints which would preclude the development of this site.

In light of the above I have no objection to planning permission being granted subject to the conditions appended to this report.

(Q)	Is the proposal consistent with the Development Plan	Yes
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(R) Reasons why Planning Permission should be granted

1. The proposed development is in keeping with the established character of the area and is of a suitable scale, form and design which will not detract from this character consistent with the terms of Policy ENV 1 which seeks to protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.
2. The proposed development is compatible with the surrounding area and is of a design which is considered compatible with existing development and therefore accords with the provisions of Policy ENV 19 which seeks to ensure a high standard of design.
3. There are no infrastructural constraints which would preclude development of this site and therefore the proposal is consistent with Policy ENV 1 which seeks to ensure availability of suitable infrastructure and an appropriate means of access.
4. There will be no adverse environmental, servicing or access impact resulting from the proposed development and therefore it is consistent with Policy LP HOU 1 which gives a general presumption in favour of housing developments provided there is no unacceptable impact relating to the aforementioned.
5. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S)	Reasoned justification for a departure to the provisions of the Development Plan
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N/A

(T)	Need for notification to Scottish Ministers or Historic Scotland	No
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Author of Report: Fiona Scott

Date: 30/10/09

Reviewing Officer: Howard Young

Date: 30/10/09

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 09/00938/DET

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with Operational Services Drawing No. SD 08/002 with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

3. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road and to accord with Policy TRAN 6 of the adopted Argyll and Bute Local Plan.

4. The proposed access shall be formed in accordance with Operational Services Drawing No. SD 08/002 and shall have visibility splays of 35 X 2 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Prior to work starting on site, full details of all external finishing materials shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings and maintains the landscape character of the area.

6. Prior to work starting on site, details of the scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development and allow the buildings to integrate with the landscape.

7. Prior to work starting on site, full details, in plan form, of the land drainage design for the site shall be submitted to and approved in writing by the Planning Authority. Such details shall show a drainage system designed in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland : March 2000 and Planning Advice Note 61 : Planning and Sustainable Urban Drainage Systems.

Reason: In order to safeguard the development from the possibility of flooding.

8. Notwithstanding the provisions of Article 3, Part 1, Classes 1, 3 and 4 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any Order re-enacting or revoking that Order with or without revision), no extensions to the dwellinghouse, outbuildings, swimming or other pools, or hardstandings shall be built on the site which is the subject of this application. Construction of extensions to the dwellinghouse, outbuildings, swimming or other pools, or hardstandings cannot be carried out without planning permission being granted on an application made to the planning authority.

Reason: In the interests of visual amenity, to protect the visual qualities of the area and the setting of the proposed dwellinghouse from unsympathetic siting and design of developments normally carried out without planning permission, these normally being permitted under Article 3 of the Town and Country (General Permitted Development) (Scotland) Order 1992.

9. The development shall be implemented in accordance with the details specified on the application form dated 25/06/09 and the approved drawing reference numbers:

Drawing Number 0867 L(--)04

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.
- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 562125 to discuss the matter further.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 09/00938/DET

- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B)** Has the application been the subject of any non-material amendments in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes

Site plan amended to show the actual external walls of the dwellinghouse as the footprint rather than the roof plan.

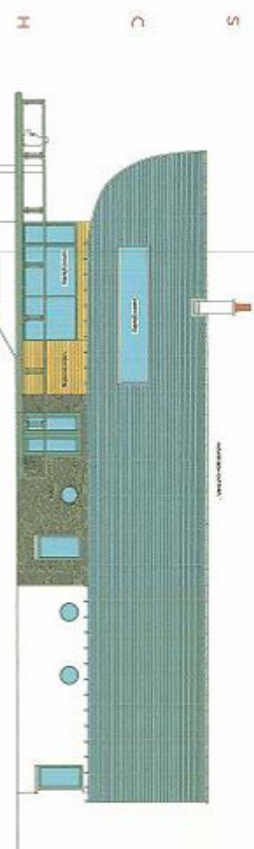
Window of rear bedroom in northwest elevation removed.

French doors of study in northwest elevation replaced with a window.

Decking on northwest elevation reduced in size.

- (C)** The reason why planning permission has been approved.

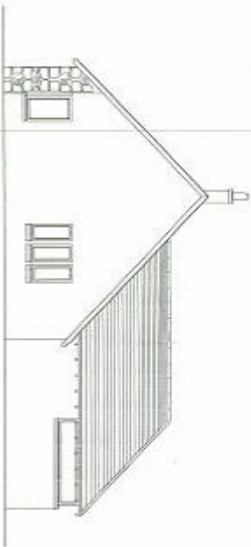
1. The proposed development is in keeping with the established character of the area and is of a suitable scale, form and design which will not detract from this character consistent with the terms of Policy ENV 1 which seeks to protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.
2. The proposed development is compatible with the surrounding area and is of a design which is considered compatible with existing development and therefore accords with the provisions of Policy ENV 19 which seeks to ensure a high standard of design.
3. There are no infrastructural constraints which would preclude development of this site and therefore the proposal is consistent with Policy ENV 1 which seeks to ensure availability of suitable infrastructure and an appropriate means of access.
4. There will be no adverse environmental, servicing or access impact resulting from the proposed development and therefore it is consistent with Policy LP HOU 1 which gives a general presumption in favour of housing developments provided there is no unacceptable impact relating to the aforementioned.
5. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.



north west elevation



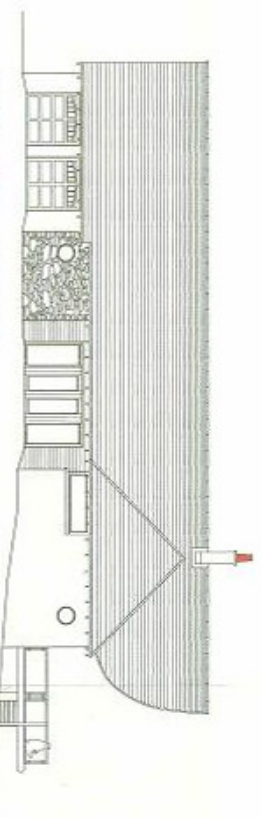
north east elevation



south west elevation



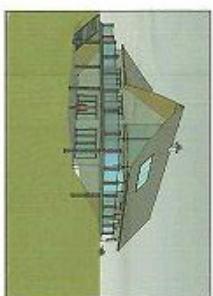
Ground floor plan



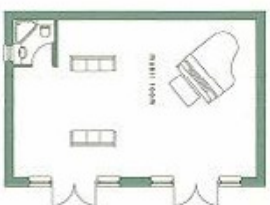
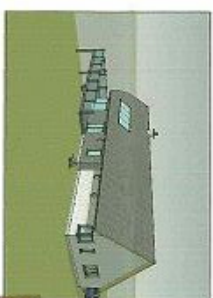
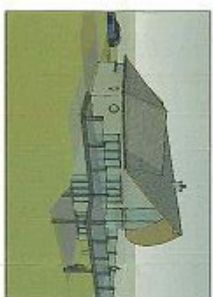
south east elevation



typical site section A - A
1 : 200



perspective views



basement



location plan 1 : 2500



site plan



COLIN MACNIVEN

PROPOSALS AT SITE
AT ARDORNISH, OBAN.

Beaton + McMurphy
architects
0867 L(-)04 C

ISSUE EARLIEST: Upon Member Clearance

ISSUE LATEST:



Development Services

Delegated Report Checklist

(A) Reference Number	08/01128/OUT Site for the erection of a dwellinghouse, South East of Ardtornish, Crannag a' Mhinisteir, Oban.	
(B) Consistent With Policy	Yes.	
(C) Consultees	ROADS: [11.07.2008] No objections subject to conditions. Notes. SCOTTISH WATER: [30.06.2008] No objections. Notes.	
(D) Planning History	No recent history.	
(E) Publicity	Advert Type:	Article 9 – Vacant land
	Closing Date:	17.07.2008
	Representations:	3 representations received:- 1. Mrs M.H. Preston, Craigton, Crannaig a' Mhinister. Oban. PA34 4LU 2. Mr martin Dunne and Mrs Iseabal Dunne, Glenstrae, Crannaig a' Mhinister, Oban. PA34 4LU 3. Mrs J.M. McDougall, per MacArthur Stewart, Boswell House, Argyll Square, Oban. PA34 4BD (Ard-Ghilleann, Crannaig a' Mhinister, Oban, PA34 4LU) Details of the representations are included within the comments section below.
(F) Comments:	<p>The site is located within a section of the curtilage of Ardtornish between that dwellinghouse and the public road Crannaig a' Mhinisteir. This is a long established residential neighbourhood where there is considerable diversity in the scale and design of existing dwellings.</p> <p>This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general</p>	

environment) assesses applications for planning permission for their impact on both the natural, human and built environment. The current application is in outline only but the submission gives an indication that any proposed house would be contemporary in design ensuring that the massing and scale of the building were appropriate to the site. The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. This site meets the current site area standards and any new dwelling that occupies the plot should not infringe the privacy of nearby properties. Considerable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations.

It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Large trees on the site have been felled during the bird breeding season, without permission.

Comment: The felling of trees at this location is not a material planning consideration.

4. The area allocated to on site parking provision is inadequate.

Comment: The Area Roads Manager has raised no objection to the proposal with regard to inadequacy of parking provision. Parking commensurate with the size of the proposed dwelling will require to be provided on site and it is considered that there is sufficient ground under the control of the applicant to provide parking to the required standards.

5. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

6. The submitted plans do not show the comparative ground levels with ground levels of adjacent sites and the indicated levels do not indicate if this is Ordnance datum.

Comment: The juxtaposition of properties is evaluated and examined during the site inspection and levels indicated on plans do not require to be tied to Ordnance Datum.

7. The vehicular access is unsuitable to serve the proposed development in terms of visibility and layout.

Comment: The Area Roads Manager has raised no objections to the proposed access in terms of inadequate visibility and layout.

8. The proposed dwellinghouse exceeds the Council's guidance that detached houses should only occupy 33% of their site, and it is not in context with the setting of existing development on Pulpit Hill.

	<p><i>Comment: The house plan is indicative only and any subsequent detailed planning application will require to comply with relevant Council planning policies. There are mixed plot ratios in this area of Pulpit Hill and the proposal is not radically different in terms of density from other residential properties in this area.</i></p> <p>9. The proposed development will increase surface water run-off from the site.</p> <p><i>Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.</i></p> <p>10. The form and layout of the proposed development does not complement the area, and will not integrate into its surroundings.</p> <p><i>Comment: The proposed development is considered to be appropriate in this developed area of Pulpit Hill and will not be out-of-keeping in terms of density and siting. The design, scale, exact siting and massing of the proposed new building will be reserved for subsequent approval, through the imposition of appropriate conditions on any consent that might be granted.</i></p> <p>11. Concerns about accuracy of land ownership information.</p> <p><i>Comment: The applicant's agent has signed the application form and the appropriate land ownership certificates. If there is a dispute over ownership boundaries this is deemed to be a civil legal matter and not a planning issue.</i></p> <p>12. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities.</p> <p><i>Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.</i></p> <p>13. Terms and conditions as stated in the title deeds would be breached by such a proposal.</p> <p><i>Comment: This is not a material planning consideration.</i></p> <p>14. That the proposed development on this site should not prejudice future development at Ard-Ghilleann a property lying close to but not adjacent to the application site.</p> <p><i>Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghilleann.</i></p> <p>15. That any new house should be restricted to one storey above current ground level.</p> <p><i>Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.</i></p>
<p>(G) Recommendation:</p>	<p>Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.</p>
<p>Signature Caseload Officer: Date: 09.09.2008</p> <p>Signature Senior Planning Officer: Date:</p>	

CONDITIONS AND REASONS RELATIVE TO APPLICATION

08/01128/OUT

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.

- a. The siting, design and external appearance of the proposed development.
- b. The landscaping of the site of the proposed development.
- c. Details of the access arrangements.
- d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

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

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

4. Any details pursuant to condition (1) above shall incorporate the following elements:-
 - i) finished in white coloured wet dash render.
 - ii) with roof coverings of natural slate or good quality slate substitute.
 - iii) shall be single or one and a half storey in height..
 - iv) incorporate windows with a strong vertical emphasis.
 - v) a roof pitch of not less than 40 degrees and not greater than 45 degrees.
 - vi) which is predominantly rectangular in shape with traditional gable ends.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

5. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

6. The proposed access shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a and shall have visibility splays of 35 X 2 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

7. The access to the development site shall be improved to ensure that no surface water is discharged to the public highway to the satisfaction of the Planning Authority.

Reason. In the interests of road safety.

8. Prior to work starting on site full details of a turning area and parking provision for cars within the curtilage of each dwellinghouse drawn up in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking and turning area shall be provided prior to the occupation of each dwellinghouses and shall be commensurate with the size of the dwellinghouse.

Reason: In the interests of road safety.

NOTE TO APPLICANT RELATIVE TO APPLICATION 08/01128/OUT

Scottish Water has advised as follows:

You are advised to contact them direct to discuss this matter

Scottish Water
Developer Services
Clyde House
419 Balmore Road
Glasgow
G22 6NU
Tel: 0845 601 8855

The Council's **Area Roads Manager** has advised as follows:

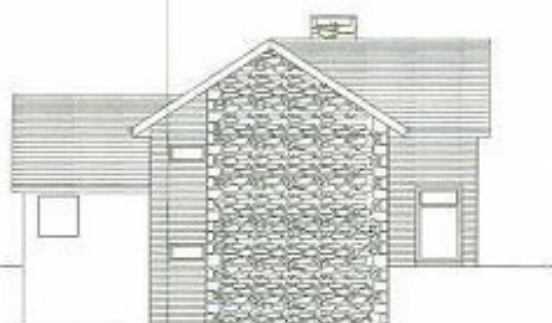
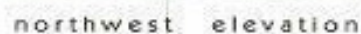
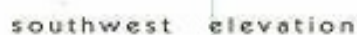
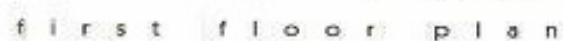
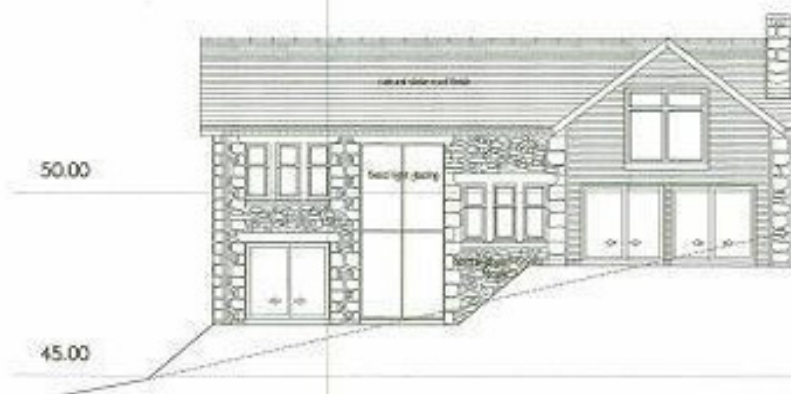
Road openings permit required.

You are advised to contact them direct to discuss this matter:

Area Roads Engineer
Operational Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban Tel: 01631 562125

NB Reserved Matters or Detailed application submission:

Detailed cross sections of the application site shall be submitted with levels clearly shown and related to existing levels on surrounding land/road.



Mr Ian Dougall
West Highland Estates Office
Raschoille
Glenshellach Road
Oban
PA34 4PP

Development and Infrastructure Services
Lorn House, Albany Street, Oban, Argyll, PA34 4AR
Tel: (01631) 567951 **Fax:** (01631) 570366
e mail : stephen.fair@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Ask For: Stephen Fair
Our Ref: 10/01144/PPP
Your Ref:
Date: 4 November 2010

Dear Mr Dougall

101000074700
SITE FOR THE ERECTION OF A DWELLINGHOUSE
LAND EAST OF ARDTORNISH, CRANNAG A'MHINISTEIR, OBAN

Thank you for your email of 17th September 2010 to which I have been asked to respond. I have investigated the matter fully prior to providing this response. Please accept my apology for the delay in responding.

I originally investigated this matter on 23rd September 2010, but concluded that no further action was required. I understood at that time that your complaint related to the lack of response from Fiona Scott to your email of 14th September 2010, but by the time I investigated the matter she had already replied (email of 20th September 2010). Our Service Charter requires that we respond to simple enquiries within 10 working days, which was achieved in that case. On that basis, I recommended that the complaint was superseded and should be closed. Please accept my apologies for any concern caused by my decision on that point.

In summary, your complaint is not upheld as a response was given to your email within the required timeframe.

I am now aware that you still seek a response to your email of 17th September and I assume this relates to the two issues previously raised with Fiona, namely:

- 1) The short time frame allowed for you to respond to officer concerns about the proposed house plot prior to a decision being taken, and:
- 2) The decision to refuse the application, which you consider should be granted as it relates closely to 2 adjacent approvals in your opinion.

It is accepted that you were invited to respond then allowed an insufficient time period within which to reply. This should not have happened. Please accept our apology for this. It appears that the decision to refuse within that timeframe was taken because the officer did not foresee a solution being reached by negotiation, and in order to meet a 2 month determination target as imposed by the Scottish Government on Planning Authorities. Our communication with you on this matter should have been clearer and happened earlier to allow fuller discussion.

In terms of the decision itself, our assessment highlights the importance of retaining green space to give relief between areas of developed land which is a key component of the character of the wider residential area. It was considered that the provision of a house on the plot, in addition to the two houses granted in 2008 within the original house grounds, would create a dense cluster of development with no green spaces giving relief, which was considered unacceptable and contrary to policy.

I note that you disagree with this assessment. The appropriate recourse is for the applicant to exercise her right to seek a review of the decision to the Local Review Body, as explained in the decision notice and by Fiona during your email exchanges.

I hope this response is helpful. Thank you for contacting us with your concerns.

If you are not satisfied with this response then you can ask the Head of Service for a further investigation to be carried out.

You can do this by writing to the Department Complaints officer, Development & Infrastructure Services, Argyll & Bute Council, Kilmory, Lochgilphead, Argyll, PA31 8RT advising why you are not satisfied and enclosing copies of your original correspondence and the response, or a note of the original complaints case reference number.

Yours sincerely

Stephen Fair
Area Team Leader
Oban, Lorn & The Isles