

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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16 January 2013

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 JANUARY 2013** at **3:10 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: THE CARDING MILL, GALLANACH ROAD, OBAN, PA34 4PD**
 - (a) Notice of Review and Supporting Documentation (Pages 1 - 12)
 - (b) Comments by Interested Parties (Pages 13 - 24)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor James McQueen
Councillor Sandy Taylor

Councillor Richard Trail

Contact: Fiona McCallum Tel: 01546 604392

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Ref:
AB1

ARGYLL AND BUTE COUNCIL

WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

10 Dec 2012
F McCallum

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	
Name	EJ & FR Cottier
Address	The Carding Mill
	Gallanach Road
	Oban
Postcode	PA34 4PD
Tel. No.	07717 705705
Email	cardingmill@gmail.com

(2) AGENT (if any)	
Name	Mr B Reffin
Address	CP Architects
	George Street
	Oban
Postcode	P34 5NT
Tel. No.	01631 563177
Email	br@cparchitects.net

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

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

The Carding Mill
Gallanach Road
Oban
PA34 4PD

(6) Description of Proposal

Conversion of existing workshop to provide 1 bedroom and associated living space

(7)

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

Please see attached document.

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	Detailed review case with technical appendix
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)


On behalf of CParchitects

Dated

6th December 2012

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 604406 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 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

PROPOSED DEVELOPMENT AT THE CARDING MILL

(Argyll & Bute Ref 12/01588/PP)

Summary

We request that the Planning Review Panel reconsider the requirement to attach condition no.2 to this grant of planning permission. This condition requires the creation of visibility splays of 42 metres from 2.4 metres back from our existing access. Respectfully, there are sound reasons to review this onerous and disproportionate requirement. Primarily, our proposal is purely for family/domestic accommodation purposes and will not cause any additional traffic generation, yet the cost, scale, and adverse landscape and heritage impact of the condition does not appear to be justified by, and is disproportionate to, the actual development proposal. Consequently, its imposition would seem to be contrary to statutory guidance (Scottish Government Circular 4/1998). We would be grateful if the Review Panel would delete the condition and, if there are concerns about holiday letting etc, remove our permitted development rights by varying condition no.1.

The Site:

The Carding Mill is a three bedroom property with access onto Gallanach Road, Oban. It is occupied by a family of 4 with the 2 children currently having to share a bedroom. This allows us to maintain a single guest room in the house for use by visiting parents, extended family and friends. During the previous 12 months there have been regular visits for periods between 1 night and 3 weeks. The most frequent visitors are the two sets of parents/grandparents who come to spend time with the family and to assist during school holiday periods.

The Proposed Development:

What we are proposing is to increase the number of bedrooms on the site from 3 to 4 so that in time the children can each have a room. The additional bedroom, with associated living space, would be achieved through the conversion of an existing workshop/garage. It is significant to this case to state that the family members and friends would continue to visit us at the Carding Mill irrespective of whether the proposed development goes ahead. Our intention with this development is merely to provide greater flexibility and comfort in the accommodation we can provide when they visit.

During the pre-planning application process, we were advised by the planning department that if the development were to be a permanent dwelling house, visibility splays on to Gallanach Road would be required. However, this requirement may be relaxed if the development was to be purely ancillary accommodation. Based on this information, we proceeded with a full planning application submitted on the 20th of July 2012 indicating that

Review Documentation #1

this development was to provide ancillary accommodation for exclusive use by family and friends.

To reiterate - The development we are proposing will be solely ancillary to our family enjoyment of The Carding Mill, for exclusive use by family and friends. We have no intention of letting, selling or using it as a tourist facility. We would be happy for such a condition to be included in any planning consent and we understand that there are precedents for such an approach.

The Appeal:

We are pleased that the planning authority of Argyll and Bute Council have approved our plans. However, condition no.2 attached to that approval was for us to create visibility splays, extending 42 m either side of the site entrance cleared to 1.05 m, to improve traffic safety on Gallanach Road.

Whilst we do consider road safety to be of importance, it is this condition that we are appealing, based on:

- (i) no increase in traffic from the proposed development
- (ii) the scale of the proposed development in the context of current guidelines
- (iii) the practicalities of implementation of the condition
- (iv) the visual impact of implementation of the condition

Traffic impact of the proposed development:

The advice we received from the planning officer at the pre-application stage, that visibility splays to the road may be relaxed if the proposed development was ancillary accommodation for family and friends use only, is entirely consistent with the fact that there would be no impact on traffic intensity as a result of the development.

The site entrance/exit is on to a 30 mph restricted road which is essentially single track at that point with cars proceeding more slowly than the speed limit and with some caution. We are a 1 car family generating minimal traffic movement at the entrance. We do not envisage that the proposed development will result in any intensification of traffic movements at the entrance on to Gallanach Road and we do not consider that it will have any increased impact on traffic safety once complete.

Note also the accompanying technical appendix provided by Mr J Tolmie.

The development in the context of current guidelines

We consider the condition to be onerous based on the greater level of scrutiny the proposed development received and the pre-planning advice. Alternative options for providing an additional bedroom to the site, with associated living space, could have included:

- (i) a loft conversion (rejected by us due to lack of head room in the loft)
- (ii) extension to the main house (rejected by us due to lack of space adjacent to the house and requirement for significant ground works)

However, according to the current permitted development guidelines, depending on their scale, neither of these two options would have required planning consent or input to the planning process from the roads department. Therefore, we would not have incurred any conditions on visibility splays despite the fact there would have been the same overall increase in accommodation. Further, under current planning guidelines, a property with 4 bedrooms or more may let out a maximum of 2 bedrooms and a property with 3 bedrooms or fewer may let out 1 bedroom without planning intervention. In both of these situations the traffic intensity would be increased substantially without any required changes in the visibility splays. Our preferred option was to develop the workshop/ garage, thus minimising the disruption to family life and any deleterious impacts on the grounds surrounding the house. This has gone through the proper planning process and resulted in the onerous condition.

Practicalities of implementation of visibility splays:

To establish the required visibility splays, we would be required to remove about 30 m of mature beech hedging towards Gallanach (see Figure 1) that is planted above an old dry stone wall (see Figure 2). A landscape gardener has advised us (Paradise Garden Services 07810 445898) that the removal of this hedging may indeed lead to the collapse of the existing dry stone wall, which is an historic element of the surroundings.

Visual impact of implementation of visibility splays

Establishing the required splays will require reduction in height of existing stone walls and the removal of mature planting (Figure 1); the effect being to substantially change the appearance of the frontage of an historic house in Oban and alteration of the character of this area. Further, the required works would significantly reduce privacy to the house and affect the safety of the amenity ground, which is partly enclosed by the beech hedge and incorporates a children's play area. Installation of any new fencing or hedge to restore some privacy or safety would cause further change to the local character of the area.



Figure 1: Aerial photo of The Carding Mill, showing the entrance with the requested visibility splays marked in red. The splay to the left cuts through a stone wall in front of the house and the splay to the right will require removal of the beech hedge. The children's play area can be seen to the right of the site.

The Carding Mill circa 1900-1910



Evidence of the dry stone wall that is still in existence (see inset) on the Gallanach side of the property entrance demonstrating that this wall is part of the environmental heritage of this area of Oban.

Figure 2: Old photograph of The Carding Mill, showing the original mill wheel. The dry stone wall below the existing beech hedge is marked in the red box.

Precedents

A similar case was presented to the Highland Council which we regard as a precedent for such a development and we can provide further details of this if required. In that case visibility splays could not be accommodated for a development and the Area Planning and Building Standards Manger recommended ...

“that there is a viable alternative which could satisfy the needs of the applicant in terms of living closer to family for support and still provide an element of independent living. An extension to the existing house built as an annex, with independent facilities, **limited to occupation by family members**. This would not be viewed as an intensification of the use of the road access, as **it would not generate additional traffic above the level of the existing house substantially**, and therefore could be supported.”

In summary

- We believe that the scale of works and the visual impact of establishing the visibility splays required by the current planning condition are disproportionate to the scale of the proposed development.
- Whilst the proposal increases the accommodation space of the site, there will be no material increase in the traffic intensity beyond the present normally accepted level.
- Had it been possible to propose an alternative form of development (e.g. a loft conversion or an extension), to achieve the same increase in accommodation, the planning process would not have triggered a need for establishing visibility splays.
- There is a clear precedent to permit a similar development, for sole use by family members, where there is no intensification to the use of the road access.
- We would be happy to accept an explicit condition limiting occupation to family and friends.
- According to the Scottish Government guidance on the use of planning conditions contained under Circular 4/1998 Annex A, there are six tests for conditions. We consider that this appeal case is related to two of these tests.
 1. **Relevance to the development being permitted:** given the development will not change traffic intensity on the site, we do not consider the condition to be relevant to what we are proposing.
 2. **Reasonableness:** given the proposed development is a relatively small conversion of a workshop/garage space, we consider the scale and visual impact of the required visibility splays to constitute an unreasonable condition.

Additional Note:

During the proposed development we had planned to renew the wooden gateways at the entrance and modify some of the stone work. We believe these changes would improve visibility significantly. Further, we have identified a part of our property where we can improve safety for all users where Glenmore Road accesses onto Gallanach Road. For details of these proposed changes please see technical appendix prepared by Mr J Tolmie and the schematic shown in Figure 3.



Figure 3: Aerial view of The Carding Mill showing visibility splays from proposed altered gateway to the property (in blue) and the potential enhanced visibility from Glenmore Road onto Gallanach Road (in yellow) that could be created.

Technical Appendix

PROPOSED DEVELOPMENT AT THE CARDING MILL (Argyll & Bute Ref 12/01588/PP)

Inspection

The Carding Mill is accessed from the C34 Gallanach Road within the urban 30mph restriction. The public road varies in width but is effectively single track at the access point with areas available for passing on either side of the entrance near the junction of Glenmore Road (Gallanach) and at the extended parking areas associated with Tigh an Chaolais, Oir na Mara and Ellan Vannin.

There is no footway at this locus but it is acknowledged that 95%+ of all pedestrian movement is on the seaward side of the road and not on the house side.

The existing access to the Carding Mill is poor with non-existent visibility splays currently available due to the height of the boundary walling and hedge.

Observations

On the day of my visit I assessed the through traffic speeds, in both directions, to be in the order of 20-23mph. This is consistent with my recollections and observations over a great number of years. This also correlates with the information given in the pre-planning advice by the Roads Authority which advises that if the access were to be improved, for a proposed new development, then the standard required is 2.4 x 25 metres which is consistent with Designing Streets and as I understand the figure in the draft documentation currently being used by Argyll & Bute Council.

The “conditioned” figure of 2.4 x 42 metres is consistent with the standards required for a 30mph normal speed which implies that a full site appreciation has not been carried out. The condition also advises that to achieve these standards it will be necessary to lower the wall along the site entrance. This is totally misleading as it will be necessary to lower at least 25 metres of wall along the frontage of the site.

The pre-application advice given on 25 April 2012 advises that if a “non-extension of use” development were to be lodged then lesser visibility standards may be acceptable. This is totally consistent with the stance taken by Planners over the years despite the concerns raised by Roads Officers for more major works. It is possible that improvements can be made to the existing access (see Appendix A) but these will be more by agreement than condition which was also being suggested in the pre-planning correspondence.

The lodged application and the approval granted clearly states that the conversion of the workshop was to form ancillary domestic accommodation and I would suggest that this wording is very clear that “no extension of use in planning terms is envisaged”. Why an onerous road’s condition has been included is inconsistent with the pre-application advice and precedent.

Conclusion

I consider that you have a very good case to have the roads condition removed from the Planning Approval based on fairness and consistency.

Recommendations

1. You proceed with your intended course of action in appealing the condition through the review process of the Local Review Board.

2. You advise the Council that you would be happy for a condition to be imposed, which would be totally in keeping with your claims, of the development being ancillary and complementary to the main dwelling and not for commercial gain.

3. You agree to carry out the works suggested in Appendix A attached. These will improve the immediate safety at your existing access which is commensurate with the scale of your proposed development and additionally a separate significant safety improvement for all road users.

James C Tolmie BSc(Hons) CEng., MICE, MIHT

APPENDIX A

1. I recommend that the works noted below are carried out to improve the safety of the existing access to The Carding Mill.
 - a) To achieve visibility improvements towards Gallanach I would recommend that you lower the existing stone wall to a maximum height of 1.05 metres from the cattle grid round towards the mature beech hedge. This will give visibilities of 2.4 x 18 metres? while not affecting the hedge or the privacy/security of the children's play area.
 - b) To improve the visibility towards the town I would suggest lowering the boundary wall over a distance of 6 metres which should give visibility in the order of 10 metres in that direction. Note that it will be necessary to alter or reduce the height of the pedestrian access gate. This will not impact on the privacy which is created by the higher boundary wall as that is not recommended for reduction in height.

2. You will be very aware that the visibility from Glenmore Road (Gallanach) on the C34 Gallanach Road is very restricted particularly in the Kilbowie direction. I recommend that you also agree to remove a short section of hedge, which obstructs vision in that direction, from the kerb line back to the street nameplate. Assuming that you agree to keep this area below a height of 1 metre it will be possible to see and be seen from vehicles for more than 60 metres on the Kilbowie approach. This would be a very significant improvement for a great number of people using Glenmore Road.

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

12/00016/LRB

**GRANT OF PLANNING PERMISSION FOR
CONVERSION OF EXISTING WORKSHOP TO FORM
ANCILLARY DOMESTIC ACCOMMODATION AND
FORMATION OF DECKING AREA AT, THE CARDING
MILL, GALLANACH ROAD, OBAN**

**PLANNING PERMISSION REFERENCE NUMBER
12/01588/PP**

14 DECEMBER 2012

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is EJ & FR Cottier ('the appellant').

Planning permission reference number 12/01588/PP for conversion of existing workshop to form ancillary domestic accommodation and formation of decking area at The Carding Mill, Gallanach Road, Oban ('the appeal site') was granted subject to conditions on 12/09/12.

Condition numbers 1 and 2 below are subject of referral to a Local Review Body.

1. The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as '*The Carding Mill*', OR for holiday occupation where it shall not be occupied by any one person, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.
2. No development shall commence on site until visibility splays of 42m x 2.4m in each direction have been cleared of all obstructions over 1.05 m in height above the adjacent carriageway and thereafter maintained to the satisfaction of the Planning Authority. For the avoidance of doubt, this is likely to include a requirement for the existing stone wall to be lowered in height alongside the site entrance.

DESCRIPTION OF SITE

The site is a workshop/garage situated within the rear garden ground of The Carding Mill, Gallanach Road, Oban.

It is proposed to raise the roof of the existing workshop and form a small extension to the southwest elevation to allow for the formation of accommodation within the roofspace. The ground floor of the building will be retained as a garage/workshop.

SITE HISTORY

A pre-application enquiry reference 12/00673/PREAPP was received regarding conversion of the existing workshop to a self contained dwellinghouse with workshop/garage below. The response issued advised that the site did not represent a suitable opportunity for re-development to form a permanent residential unit due to the potential privacy and amenity conflict which could arise given the proximity of the building to the donor house. The response further advised that the use as ancillary domestic accommodation, or holiday letting purposes, would be supported.

During the processing of the pre-application enquiry, the Area Roads Authority were consulted and advised that the existing access has no visibility splays in either direction and therefore without the wall being reduced in height, the recommendation to a formal planning application would be refusal. They advised that the visibility splays required to serve the site would be 25m x 2.4m in each direction but this requirement may be relaxed should the property be used as ancillary domestic accommodation and it was left with applicant to contact the Roads Authority to discuss this matter further.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

The determining issues in relation to the case are as follows:

Whether or not the above mentioned planning conditions have been reasonably applied and can be so defended, or whether they can acceptably be amended and/or deleted; and whether their variation would render the proposed development contrary to the Development Plan.

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.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Having considered the points raised by the appellant, it is clear that it is their intention to use the property as ancillary domestic accommodation only and there is no intention to use it for holiday letting purposes. The condition to allow for holiday letting purposes was attached to the permission by the Planning Service to allow the appellant a greater degree of flexibility in the use of the building. Such flexibility is especially useful over the lifetime of most residential annexes.

On reflection, and because the appellant has made it clear that the building is only required for ancillary domestic use, and it has been satisfactorily demonstrated that there will be no intensification of use of the access due to the ancillary nature of the

proposed accommodation, it is considered that Condition 2 requiring the provision of visibility splays can be deleted from the planning permission and the wording of Condition 1 could satisfactorily be amended to the wording detailed below, which removes the ability to use the annex for any other purpose.

Condition 1

The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as 'The Carding Mill', and shall not be used for any other purpose (e.g. permanent residential or holiday letting purposes) without the prior written consent of the Planning Authority.

Reason: In accordance with the use applied for, as the ancillary unit by reason of its siting, lack of dedicated curtilage, interrelationship with the main house, and siting relative to the established settlement pattern, would be unsuitable for use as separate or permanent residential occupation.

The appellant has provided details of works which are to be undertaken to improve the safety of the existing access serving The Carding Mill. These improvements are welcomed but do not impinge on the assessment of the Review taking account of the ancillary nature of the proposal.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking account of the above, it is considered that condition 1 can be amended as detailed above and condition 2 can be deleted from the planning permission. These two changes in combination would still result in a development consistent with the terms of the current Development Plan. For the avoidance of doubt, condition 2 should not be deleted unless condition 1 is amended.

Argyll and Bute Council
Development and Infrastructure

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: 12/01588/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs F. Cottier

Proposal: Conversion of Workshop to form Ancillary Domestic Accommodation and Formation of Decking Area

Site Address: Carding Mill, Gallanach Road, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Conversion and extension of workshop/garage to ancillary domestic accommodation
 - Formation of decking area
-

(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:

12/00673/PREAPP

Generally positive advice on the re-development to form an ancillary domestic unit.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 31/07/12 advising no objection subject to conditions.

Scottish Water

Letter dated 27/07/12 advising no objection but providing advisory comments for applicant.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 23/08/12.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

- | | | |
|-----|-------------------------------------|----|
| (i) | 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

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(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.

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

(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:	No
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(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for re-development of a workshop/garage, including upwards extension, within the rear garden ground of The Carding Mill, Gallanach Road, Oban to form an ancillary domestic unit.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Settlement Zone of Oban where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives general support to re-development proposals on suitable sites, subject to compliance with other relevant Local Plan Policies.

LP ENV 1 requires applications to be assessed for their impact on the natural, human and built environment with Policy LP ENV 19 requiring development to be sited and positioned so as to pay regard to the context within which it is located with

development layout and density integrating with the setting of surrounding development.

The proposal shows the roof of the existing workshop raised in height together with a small extension to the southwest elevation to allow for the formation of accommodation within the roofspace. The ground floor of the building will be retained as a garage/workshop. Materials to be used in construction include horizontal timber clad first floor walls, natural slate roof and grey upvc windows which reflect the finishing materials on the main house. The position and orientation of the building within the site will ensure that its use as ancillary domestic accommodation will not adversely affect the privacy and amenity of neighbouring properties, subject to the first floor gable window being fitted with obscure glazing, as it could otherwise result in overlooking of the neighbouring house and garden.

Whilst the use of the unit for permanent residential use would not be suitable due to the potential privacy and amenity conflicts which could arise given the proximity of the building to the main house, lack of dedicated curtilage and interrelationship with the garden ground of the main house; the use for ancillary domestic accommodation, or holiday letting purposes, is considered acceptable as they are both uses which do not require the same privacy or amenity standards as permanent residential units. Both of those proposed uses can be adequately supervised from the main house and can be adequately controlled in planning terms by means of an occupancy restriction imposed on the grant of planning permission.

During the processing of the application the Area Roads Manager was consulted on the proposed development and in his response raised no objection subject to conditions regarding the provision of visibility splays and parking provision. With conditions the proposal complies with Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site. The existing stone wall will require lowering near the entrance to provide safe visibility splays.

The proposal is considered to comply with the terms of the current Development Plan and therefore, subject to the conditions appended to this report, it is recommended that planning permission be granted.

(Q) Is the proposal consistent with the Development Plan:
Yes

(R) Reasons why planning permission should be granted

Subject to conditions, the site represents a suitable opportunity for the re-development of an existing workshop to form an ancillary domestic unit without causing any detrimental impact on the wider area and furthermore there are no infrastructural constraints which would preclude the development of the site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations 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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 30/08/12

Reviewing Officer: Stephen Fair Date: 30/08/12

SF

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 12/01588/PP

1. The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as 'The Carding Mill', OR for holiday occupation where it shall not be occupied by any one person, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.

Reason: In accordance with the use applied for, as the ancillary/holiday letting unit by reason of its siting, lack of dedicated curtilage, interrelationship with the main house, and siting relative to the established settlement pattern, would be unsuitable for use as separate or permanent residential occupation.

2. No development shall commence on site until visibility splays of 42m x 2.4m in each direction have been cleared of all obstructions over 1.05 m in height above the adjacent carriageway and thereafter maintained to the satisfaction of the Planning Authority. For the avoidance of doubt, this is likely to include a requirement for the existing stone wall to be lowered in height alongside the site entrance.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

3. No development shall commence on site until full details, in plan form, of four parking spaces to serve the existing and proposed development has been submitted and agreed in writing by the Planning Authority. The approved parking shall be provided before the first use of the self contained unit hereby approved, and shall be so maintained thereafter in perpetuity.

Reason: In the interests of road safety to enable vehicles to park clear of the access road.

4. The development shall be implemented in accordance with the details specified on the application form dated 20/07/12 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number S-01)
Plan 2 of 2 (Drawing Number B-01)

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.

5. The first floor gable window to the north-east elevation of the self contained unit hereby approved shall be fitted with obscure glazing prior to the initial occupation of the unit, and shall be so maintained thereafter in perpetuity.

Reason: To prevent overlooking of the neighbouring house and garden which could otherwise occur.

NOTE TO APPLICANT

- **Length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
- 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. A copy of the relevant application form is enclosed for your assistance.
- 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 12/01588/PP

- (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 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.

No

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

Subject to conditions, the site represents a suitable opportunity for the re-development of an existing workshop to form an ancillary domestic unit without causing any detrimental impact on the wider area and furthermore there are no infrastructural constraints which would preclude the development of the site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.