

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

*Customer Services*  
*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*e.mail –douglas.hendry@argyll-bute.gov.uk*

19 March 2013

## **NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **TUESDAY, 26 MARCH 2013** at **9:15 AM**, 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: LYNN HOUSE, GANAVAN, OBAN, ARGYLL, PA34 5TU**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 26)
  - (b) Comments from Interested Parties (Pages 27 - 62)

## **ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Robin Currie  
Councillor Richard Trail

Councillor Sandy Taylor

Contact: Fiona McCallum Tel: 01546 604392

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Ref:  
ABI

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

8 February 2013

F McCullen

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	June Henderson
Address	Lynn House
	Ganavan, Oban
Postcode	PA34 5TU
Tel. No.	01631 564532

(2) AGENT (if any)	
Name	Dorothy V Macarthur
Address	6 Dalrigh
	Dunollie Road
	Oban
Postcode	PA34 5PG
Tel. No.	01631 567487
Email	viviennemacarthur@bt internet.com

(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

Lynn house Ganavan Oban Argyll PA34 5TU
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## (6) Description of Proposal

Site for the erection of a dwelling house on land in the grounds of Lynn House Ganavan Oban Argyll PA34 5TU

(7)

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

This application was subject to a long decision process. The applicant submitted an unusually high volume of supporting documentation and representation for a planning permission in principal application. It is believed that the planning department found the refusal to be a difficult decision due to the weight of supporting documentation.

**The planning department have communicated clearly that they are "not" opposed to development of this site and indeed would support the building of a Separate Residential Annex which would be the same size or slightly larger than the applicant's proposal.** Mrs Henderson's daughter in an attempt to lend herself to support in times to come would be making a substantial sacrifice by pooling all her resources into a project for a new build, and if the plot is not divided, risks the possibility of losing this in an estate which could be split between siblings in the future. This is one of the main reasons why a separate residential home is being sought.

The planning Officer assigned to this case made suggestions for solutions to Mrs Henderson's future care within the report of handling which for good reasons are not suitable. Mainly, the building of an annex, reasons explained above, and also for Mrs Henderson's Daughter to move in with her as there is a spare room. Mrs Henderson has immediate family living in Norway and Devon whom visit as often as circumstance allows and to take away the accommodation option for them to visit is not suitable. Also Mrs Henderson's Daughter has a family of her own and to all move into one house would be a very difficult proposal. These also are main reasons why permission for a separate dwelling is being sought. **By proposing a separate annexed residential home on the site, the planning department are admitting the proposed site is not too small to hold a dwelling.** This is another main reason why permission for a separate dwelling is being sought.

**The reasons for requesting a review are as follows:**

- 1). The planning department have suggested an option to build a separate residential annex on the site, which could be equal to or slightly larger than the proposed dwelling. This shows clearly that the planning department are not against development of this site and their assessment that the site is too small (even though it easily meets the local plan and Scottish Government guidelines) is not valid.
- 2). Under the newly proposed local plan, an option for dwellings of a different size is to be encouraged to allow for people with different social needs in areas, which presently do not hold a choice of dwelling type and size and tenure. The reason for Mrs Henderson submitting this application is for her Daughter to build the dwelling in order for her to be well placed to support her in years to come. Mrs Henderson is currently in remission. The surrounding area presently has no option such as this available (i.e. smaller, affordable dwellings). Due to these facts it should be understood that just as people have the right to keep large open amenity spaces, other people, whom own the same, should have the right to use their large open amenity space to make provision for their future in a way they see fit.
- 3). This proposal will inject close to £200,000 pounds sterling into the local economy, at the same time create employment and also support local suppliers. It is thought not to be the time to refuse such viable proposals.
- 4). The site is unique within the area due to the frontage onto a road making access readily available. It is thought that the planning Officer's assessment within the report of handling which was assuming this proposal would lead to a precedent for back land development within the surrounding area is flawed due to the fact that there are no other sites that have this readily available, fully intended, frontal access.
- 5). Reference no.1 above: it was strongly communicated at an early stage of this application, by planning Officer's, that the only chance of acquiring an approval for this application would be from a local review body, indicating from a very early stage and "long before" all the supporting documentation had been compiled, and submitted, their intention for refusal of this proposal.
- 6). Throughout the planning process the applicant has sought advice and council from local and national Architects, MSP, building contractors and members of the legal profession and their positive outlook to this proposal is a governing factor on the pursuit of permission. If the applicant had not received such positivity then this case would have been dropped long before it reached this stage. The fact that it has come so far shows a strong merit of validity.

Mrs Henderson presents this 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 to you in the hope that the detailed supporting documentation attached to this case can be assessed for it's true merit by your review body.



(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	Aerial Photograph Of Surrounding Area
2	Support from MSP
3	Site Photograph
4	Site Plan
5	Support Roads Department Clarifying Adjoining Road In Acceptable Condition
6	Support Scottish Water Confirmation Of No Objection To Proposal
7	OES Ltd Support
8	Keyline Builders Merchants Support
9	City Electrical Factors Ltd Support
10	PTS Plumbing Ltd Support

11	Mull Building Supplies Ltd Support
12	Howdens Joinery Co. Support
13	Chris Moore Joiner Support
14	Slaters Coal Support
15	Niel McGougan Builders Ltd Support
16	Rembrand Timber Support
17	MGM Timber support

Submitted by  
(Please Sign)

*Vivienne MacArthur*

Dated

4/2/13

#### 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/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto: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 604392 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

**NOTICE OF REQUEST FOR REVIEW**

**PLANNING APPLICATION REFERENCE No: 12/01783/PPP  
Site for the erection of a dwelling house on land to the  
West of Lynn House Ganavan Oban**

**SUPPORTING  
DOCUMENTATION  
FOR  
LOCAL REVIEW BODY**

**Date Of Submission: Tuesday 04<sup>th</sup> February 2013**





AREA 4

AREA 3

AREA 2

AREA 1

PROPOSED PLOT  
BOUNDARY AND  
BUILDING  
FOOTPRINT

Ganavan Rd

© 2012 Google  
Image © 2012 Getmapping plc

Google earth



**Stirling, Carol**

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**From:** Fair, Stephen  
**Sent:** 13 November 2012 09:02  
**To:** [REDACTED]  
**Cc:** Maclean, Diane; Stirling, Carol  
**Subject:** RE: 12/01783/PPP - Proposed dwelling house at Lynn House, Ganavan

Thank you for your email of support Mike.

I will ensure it is recorded as such and a formal acknowledgement will follow.

Kind regards

Diane/Carol – please register as a letter of support for 12/01783/PPP, thanks.

**Stephen Fair**  
Area Team Leader (Oban, Lorn & The Isles),  
Development Management,  
Planning & Regulatory Services,  
Argyll and Bute Council.

t: 01631 567951  
e: [stephen.fair@argyll-bute.gov.uk](mailto:stephen.fair@argyll-bute.gov.uk)  
w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Argyll and Bute - *Realising our potential together*

**From:** [REDACTED]  
**Sent:** 01 November 2012 19:59  
**To:** Fair, Stephen  
**Subject:** 12/01783/PPP - Proposed dwelling house at Lynn House, Ganavan

Dear Stephen

I refer to the above application which I wish to support. I see no good reason why this application cannot be approved and indeed I am aware of precedents not far from the application site.

I have visited the site, looked closely at the application and am aware of the special circumstances that would give particular merit to the Council approving this application.

Best Regards

Mike

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For latest news and information about all aspects of Parliamentary business, MSPs and our work, visit the Parliament's website at <http://www.scottish.parliament.uk/>

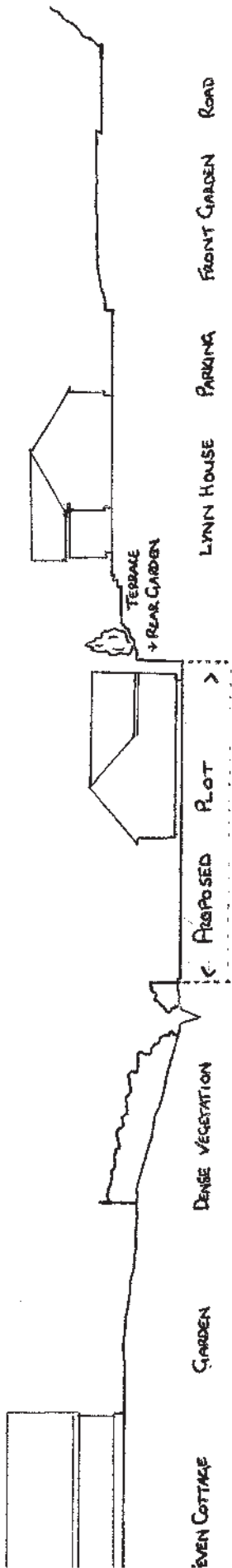
For information about how you can visit the Parliament, go to <http://www.scottish.parliament.uk/visitandlearn/436.aspx>

Watch Parliamentary business live at <http://www.scottish.parliament.uk/newsandmediacentre/3168.aspx>

Faodar pàirt a ghabhail ann am Pàrlamaid na h-Alba tron Ghàidhlig. Tha barrachd fiosrachaidh ri fhaighinn sa phlana Ghàidhlig againn aig <http://www.scottish.parliament.uk/gd/help/43259.aspx>

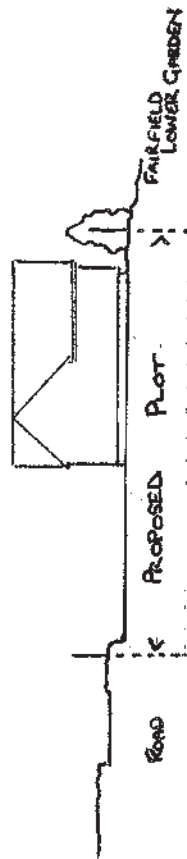


• SITE SECTION WEST ~ EAST •



DIFFERENCE IN FLOOR LEVELS  
 QUANTUM LEVELS: 3/3.5M  
 QUANTUM LEVELS: 2/2.5M  
 QUANTUM LEVELS: 2/2.5M

• SITE SECTION SOUTH ~ NORTH •



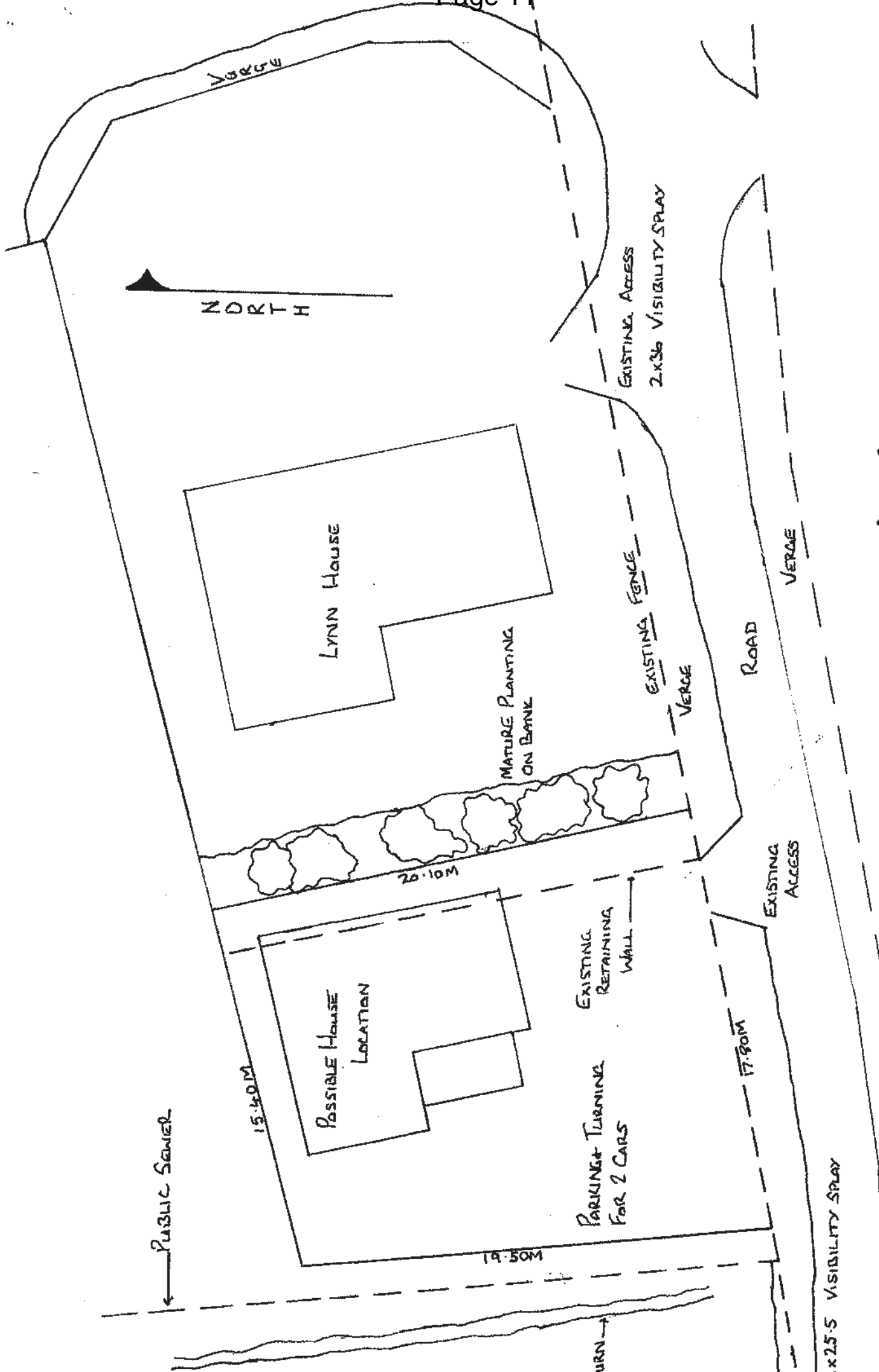
PROJECT: NEW DWELLING ON LAND SOUTH OF LYNN HOUSE GANNVANI RD 08A

TITLE: SITE SECTIONS

SCALE: 1:200

A.A





• SITE PLAN 1:200 •

2x2.5 VISIBILITY SPRAY

Operational Services  
Oban, Lorn and the Isles Area

## OBSERVATIONS ON PLANNING APPLICATION

Our Ref:  
Contact: Andrew Hamilton  
Tel: 01631 563264

Planning Application No: 12/01783/PPP Dated: 30th August 2012

Received:

Applicant: Ms June Watson - Henderson

Proposed Development: Site for the erection of dwellinghouse

Location: Garden ground of Lynn House Ganavan Road Oban PA34 5TU

Type of consent: Planning Permission in Principle

Ref. No(s) of Drg(s) submitted: Series of drawings

### RECOMMENDATION: No Objections subject to Conditions

Proposals Acceptable	Y/N
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#### 1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

#### 2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(b) Sight-lines 42m x 2.4m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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#### 3. New Roads n/a

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radl/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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#### 4. Servicing and Car Parking

(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

#### 5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is situated off the UC127 Seafield Gardens within an urban 30mph speed restriction.
2a	Commensurate improvements required
2c	Sightline are achievable with the public road, no walls, hedges, fences, etc will be permitted within the verge

Item Ref.	CONDITIONS/ REASONS
1	No further development will be permitted from this access
2a	Access at the junction of the private access to be constructed in order that the existing road width is extended to 4.7m in width for a length of 5m with 1.5m splays at each end.
2c	Visibility splays 42m x 2.4m to be provided, cleared and maintained. No walls, fences, hedges etc higher than 1.05m in height within 2m of the public road.
4a	A system of surface water drainage is required to prevent surface water from flowing onto the public road.
4c	Parking and turning for vehicles commensurate with size of dwelling to be provided.

#### Notes for intimation to Applicant

(i) Construction Consent (\$21)*	Not Required
(ii) Road Bond (\$17)*	Not Required
(iii) Road openings Permit (\$56)*	Not Required

\*Relevant Section of the Roads (Scotland) Act 1984

Signed: Brian Rattray  
Technical Officer

Date: 26/09/12

Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development and Infrastructure Services**  
Director: Sandy MacTaggart

Shauna Cameron  
Architects  
Selma Church  
Benderloch  
Oban  
PA37 1QP

**Development and Infrastructure Services**  
Municipal Buildings, Albany Street, Oban, PA34 4AW  
Tel: (01631) 569160 Fax (01631) 567988  
e mail john.heron@argyll-bute.gov.uk  
Website www.argyll-bute.gov.uk  
Direct Line 01631 569170  
Ask For: John F Heron  
Our Ref: R-PL-1  
Your Ref: 12/0002/LRB  
Date: 7 March 2012

Dear Sir/Madam

**NOTE OF PROCEDURE FOR THE DETERMINATION OF A REVIEW**  
**MRS J HENDERSON, LYNN HOUSE, GANAVAN ROAD, OBAN**  
**REVIEW REF NO 12/0002/LRB PLANNING APPLICATION NO 11/01801/PPP**

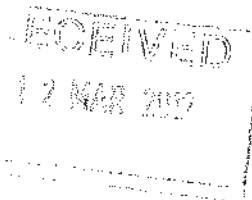
I have been asked to give clarification if the access road to this property is of an adopted standard, and my submission is as follows:

The existing access road is not adopted, however the existing access road is in an acceptable condition, in such that it is surfaced in bituminous material, and is therefore capable of taking this development with commensurate improvements, which is permissible under Policy LP TRAN 4, paragraph (D).

The commensurate improvements that are required are: the proposed access at the junction of the private access to be constructed that the existing road width is widened to 4.7 metres, for a length of 5 metres with 1.5 metre splays at each end. No walls, hedges, fences, etc will be permitted within 2 metres from the channel line, visibility splays measuring 43m x 2.4m to be cleared and maintained. A system of surface water drainage is required to prevent water from passing onto the public road. Parking and turning for vehicles commensurate with size of dwelling to be provided.

Yours sincerely

  
John F Heron  
Technical Officer  
Oban Lorn & the Isles



23/08/2012



Argyll & Bute Council  
Municipal Buildings Albany Street  
Oban  
PA34 4AW

SCOTTISH WATER

Customer Connections  
419 Balmore Road  
Glasgow  
G22 6NU

Customer Support Team  
T: 0141 355 5511  
F: 0141 355 5386  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [connections@scottishwater.co.uk](mailto:connections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 12/01783/PPP**  
**DEVELOPMENT: Oban Ganavan Road Lynn House**  
**OUR REFERENCE: 614744**  
**PROPOSAL: Erection of dwellinghouse.**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

TULLICH Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

OBAN Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

OBAN Wastewater Treatment Works – at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

**OBAN ELECTRICAL SERVICES Ltd**

19-21 Stevenson Street, Oban Town Centre, Argyll

Date: 31/10/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.  
**Application Reference No. 12/01783/PPP**

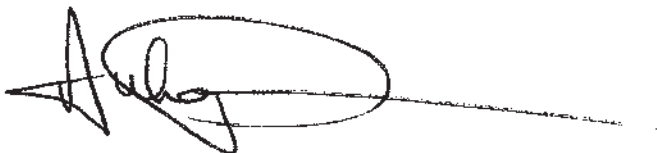
Dear Sir

We, as a major local electrical contractor and supplier would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'A. Fair', with a long horizontal line extending to the right.

Keyline Builders Merchants

Soroba Road Oban Argyll PA34 1HQ

Date: 31/10/2012

Mr Stephen Fair Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.  
Application Reference No. 12/01783/PPP

Dear Sir

We, as a major local builder's Merchants would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely

S. Cameron

ASSISTANT BRANCH MANAGER

Keyline Oban

**CITY ELECTRICAL FACTORS Ltd**

Unit 7, Tweedmill Soroba Road, Oban, Argyll PA34 4HQ

Date: 31/10/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.

**Application Reference No. 12/01783/PPP**

Dear Sir

We, as a major local electrical contractor and supplier would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



STUART KOOZ

CEF

STORES MANAGER



**PTS PLUMBING**

7E Glengallan Road, Oban, Argyll

Date: 01/11/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.

**Application Reference No. 12/01783/PPP**

Dear Sir

We, as a major local plumbing contractor and supplier would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



R. JOHNSON



GLUSHKILL BUILDING SERVICES

Glenshellach Terrace Oban Argyll PA34 4BH

Date: 31/10/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.

**Application Reference No. 12/01783/PPP**

Dear Sir

We, as a major local builder's Merchants would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



**HOWDENS JOINERY Co.**

Sinclair Drive, Oban, Argyll PA34 4DR

Date: 01/11/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.

**Application Reference No. 12/01783/PPP**

Dear Sir

We, as a major local joinery contractor and supplier would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



Depot Manager

**Date: 02/11/2012**

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.

**Application Reference No. 12/01783/PPP**

Dear Sir

I, as a local tradesman would like to express my strong support of the planning application detailed above.

We, as a trade, are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



Corner

Slaters Coal Company  
14 Mill Lane  
Oban

Mr Stephen Fair  
Planning Department  
Argyll & Bute council  
Oban  
Argyll  
PA34 4AW

23<sup>rd</sup> October 2012

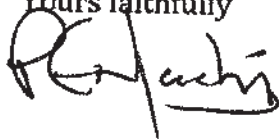
Dear Mr Fair

**Planning ref: 12/01783/PPP**  
**Lynn House, Farm Road, Ganavan, Oban**

I drive a big coal lorry and deliver coal to at least five houses on this private road that begins at Teven Cottage and runs past Lynn House and then joins the main public road just after West Bracklin. The lorry copes with this road no problem at all. Based on my many, many years of experience large vehicles will have no bother delivering building materials, etc to the proposed site.

I would like to offer my full support for this application.

Yours faithfully



Peter Mackie  
*Owner Slaters Coal Co. Oban*



Unit 1,  
Sinclair Drive,  
Oban, Argyll  
PA34 4DR

Tel: (01631) 570 080  
Fax: (01631) 570 088  
Email: info@neilmcgougan.co.uk  
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Mr Stephen Fair  
Area Team Leader  
Planning Department  
Argyll & Bute Council  
Municipal Buildings  
Oban  
PA34 4AW

26 September 2012

CMG/SJ

Dear Sir

**Ref: 12/01783/PPP - Lynn House**

As a local builder, I would be grateful if you would consider looking favourably at the above Planning Application. In the current economic climate, any works are advantageous, not only to local tradesmen, but also to local suppliers.

Yours faithfully



Craig McGougan  
Director  
For Neil McGougan Limited

1 - OCT 2012

• Joiners

• Builders

• Maintenance

Rembrand Timber Ltd  
Glenshellach Buisness Park, Oban, Argyll

Date: 31/10/2012

Mr. Stephen Fair

Planning Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.  
**Application Reference No. 12/01783/PPP**

Dear Sir

We, as a major local builder's Merchants would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by your policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



MICHAEL HIGGINS  
(BRANCH MANAGER).

MGM TIMBER

Lynn Road, Oban, Argyll, PA34 4PH

Date: 02/11/2012

Mr Stephen Fair Team leader Oban Lorne and the Isles

Municipal Buildings, Albany Street, Oban, PA34 4AW

Reference proposed development of one dwelling house on land to west of Lynn House, Ganavan, Oban.  
Application Reference No. 12/01783/PPP

Dear Sir

We, as a major local Timber Merchants would like to express our strong support of the planning application detailed above.

We are fully aware of the present Scottish Government commitment to fully support and encourage new development, and to enhance diversification of the Argyll and Bute economy and provide job opportunities.

We are also fully aware of your commitment detailed in your own local planning regulation which is in line with Scottish Government Guidelines to encourage development such as the above and would very much like you to stand by policy and support this and similar proposals which will in turn give much needed support to our own trade.

Yours Sincerely



**MGM TIMBER (SCOTLAND) LTD**  
LYNN ROAD  
OBAN  
ARGYLL  
PA34 4PH  
/AT No: 561 6091 47

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**13/0003/LRB**

**REFUSAL OF PLANNING PERMISSION FOR SITE  
FOR ERECTION OF DWELLINGHOUSE**

**GARDEN GROUND OF LYNN HOUSE, GANAVAN,  
BY OBAN**

**PLANNING PERMISSION REFERENCE NUMBER  
12/01783/PPP**

**15 FEBRUARY 2013**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is June Henderson ('the appellant').

Planning Permission in Principle Reference Number 12/01783/PP for site for erection of a dwellinghouse within the garden ground of Lynn House, Gavanan, by Oban ('the appeal site') was refused under delegated powers on 30 November 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

### **DESCRIPTION OF SITE**

The site is situated within the garden ground of Lynn House within the well established residential area of Ganavan to the north of Oban. The area is characterised by medium sized dwellinghouses which locally form two linear rows of development to the east and west of the proposed site.

### **SITE HISTORY**

A previous application for outline planning permission 08/01958/OUT on the same site was refused on 05/11/09.

A pre-application enquiry reference 11/00718/PREAPP on the same site was given a negative response on 26/05/11.

A further application for planning permission in principle reference 11/01801/PPP was refused on 16/11/11. A subsequent Local Review Board decision reference 12/0002/LRB upheld the refusal and dismissed the review.

### **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**

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

- Whether the site has the ability to successfully accommodate a dwellinghouse which would relate to the established settlement pattern of the surrounding area without giving rise to any adverse environmental impact.

- Whether the submissions of the appellant overcome the lack of compatibility between the review site and the surrounding settlement pattern, which renders the proposal contrary to policy, such that a departure from policy can be justified.

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 not considered that any additional information is required in light of the appellant's submission. The issues raised were fully covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. The site has already been the subject of a Local Review Body decision following a site inspection, when it was found that the site was not suitable to accommodate a house. 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 APPELLANTS' SUBMISSION**

The appellant contends that the planning service found the refusal to be a difficult decision due to the weight of supporting documentation which accompanied the application.

*Comment: All supporting information submitted required thorough appraisal as part of the assessment process as evidenced in the planning Report of Handling. However, the reasons for refusal are strongly founded as evidenced in the report, because the application is contrary to policy.*

The planning department have suggested an option to build a separate residential annex on the site, which could be equal or slightly larger than the proposed dwelling. This shows clearly that the planning department are not against development of this site and their assessment that the site is too small is not valid.

*Comment: The option to provide an ancillary residential annex within the existing house garden grounds, without any subdivision of the site, for ancillary domestic purposes only is an entirely different proposal than a stand-alone house and site sub-division being proposed by the appellant. It is inappropriate to take support for an ancillary annex and misrepresent that as support for the provision of a separate dwelling on the site. The site is too small to be successfully sub-divided into two separate house plots.*

If the plot is not divided, Mrs Henderson's daughter risks the possibility of losing the property in an estate which could be split between siblings in the future.

*Comment: The splitting of an estate is not a material consideration in the determination of any planning application. It remains open to the family to resolve*

*such issues in advance through the involvement of solicitors. Such resolution would take place outwith the planning remit.*

The newly proposed local plan gives an encouragement to dwellings of a different size to allow for people with different social needs in areas which presently do not hold a choice of dwelling type, size and tenure.

*Comment: The proposed Local Development Plan (LDP) is currently out to consultation and is not yet a material consideration in the determination of any planning applications. It was not a material consideration in the refusal as it was not published at the time the application was considered. The application has been fully assessed in terms of the current Development Plan and it is contrary to the adopted Development Plan. The provisions of the proposed LDP do not go so far as to allow for far smaller individual sites within established residential areas regardless of their established pattern, density and character.*

People should have the right to keep large open amenity spaces and other people who own the same should have the right to use their open amenity space to make provision for their future in a way they see fit.

*Comment: The current Development Plan sets out the requirements for housing within settlements to pay regard to the setting into which it is proposed. This varies from settlement to settlement and forms a key element of place making. The proposed house plot is significantly smaller than any other plot around it and as such involves a density of development that is at variance with and detrimental to the established character of the area.*

The proposal will inject close to £200,000 into the local economy and at the same time create employment and support local suppliers. It is thought no to be the time to refuse such viable proposals.

*Comment: All new houses make a contribution to the local economy and this is both noted and appreciated. It does not however override the adopted Development Plan policies or allow for any housing on any site. Planning applications must be assessed in terms of their compatibility with the Development Plan as the primary determining factor.*

The site is unique within the area due to the frontage onto a road make access readily available.

*Comment: Whilst direct access to an adjacent private road is proposed, the strip of land containing the access has not been shown within the site. The strip of land between the site and the private road is in third party private ownership. Compliance with the requested conditions from the Roads Authority can not be provided within the application site.*

The planning officer's assessment that the proposal would lead to a precedent for back land development within the surrounding area is flawed due to the fact that there are no other sites that have this readily available.

*Comment: The assessment of the site as backland development is clearly stated in the report of handling. That assessment has already been verified by a Local Review Body dismissal.*

It was strongly communicated at an early stage of the application, by planning officers, that the only chance of acquiring an approval on this application would be from a local review body indicating from a very early stage and long before all the supporting documentation had been complied, and submitted, their intention for refusal of the proposal.

*Comment: Given the negative planning history at the site, namely two refusals, one dismissed Local Review Body decision and one negative pre-application enquiry, the appellant was advised that realistically any further application would not be viewed favourably by the Planning Service. The appellant was advised that should any further application for permission be refused they would have the right to appeal to the Local Review Board.*

Throughout the planning process the applicant has sought advice and Council from local and national architects, MSP, building contractors and members of the legal profession and their positive outlook to this proposal is a governing factor in the pursuit of this application. If the applicant had not received such positivity then this case would have been dropped long before it reached this stage. The fact that it has come this far shows a strong merit of validity.

*Comment: In so doing, the applicant has notably ignored the previous refusals, the previous dismissed review, and previous negative pre-application advice from the Planning Service. This is the best and most direct source of information on the likely acceptability of any planning proposal. The Planning Authority is not responsible for, or accountable to, the opinions or advice of any other professionals or parties.*

The above summarises the comments made by the appellant. A full and detailed assessment of the site is contained within the Report of Handling at Appendix 1.

The proposal was refused as the site was considered too small to develop, would not respect the settlement pattern immediately adjacent to the site, and would create an unacceptably high density of development which would not integrate with the pattern of surrounding development contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A. None of the appellant's submissions successfully addresses any of those issues.

## **CONCLUSION**

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

The proposed site within the garden ground of Lynn House does not represent an opportunity for acceptable infill, rounding-off or redevelopment but represents a form over-development on an unusually small site for the settlement in an inappropriate back-land location.

It is considered that the proposed site does not take into account of, or relate to, the existing settlement character of the surrounding area as it fails to relate to the size of adjacent plots and constitutes an unacceptable form of back-land development.

The proposal is considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A.

Taking account of the above, it is respectfully requested that the review be dismissed and the original refusal be upheld.

## APPENDIX 1

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

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**Reference No:** 12/01783/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Ms June Watson-Henderson

**Proposal:** Site for Erection of Dwellinghouse

**Site Address:** Garden Ground of Lynn House, Ganavan Road, Oban

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### 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

- Site for erection of dwellinghouse
- Upgrade of existing vehicular access

##### (ii) Other operations

- Connection to public water main
  - Connection to public drainage system
- 

#### (B) RECOMMENDATION:

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

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#### (C) HISTORY:

History relative to application site:

08/01958/OUT

Site for erection of dwellinghouse – Refused: 05/11/09

11/00718/PREAPP

Erection of one and half storey dwelling house – Negative response: 26/05/11

11/01801/PPP

Site for erection of dwellinghouse – Refused: 16/11/11. Subsequent LRB decision to uphold refusal and dismiss review.

History relative to wider area, referenced by agent:

12/01581/PP

Site for erection of dwellinghouse within garden ground of Crannaig A Mhinster – Granted: 21/09/12 – The site subject of this application is situated within the garden ground of Crannaig an Mhinster where there is currently a single storey, pitched roof, double garage. The application was assessed as being suitable for redevelopment with an appropriately designed modest dwellinghouse, similar in scale and massing to existing dwellinghouses in the surrounding area. This application differs to the proposal subject of this current application as the donor house effectively sat in a double plot and therefore the application proposes a significantly larger plot and also leave the donor house with a plot size that is compatible with the surrounding pattern of development. The development of this site with a dwellinghouse will also relate well to the established settlement pattern, density and character of the area surrounding the site, contrary to the current application under consideration.

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 26/09/12 advising no objection subject to conditions.

Scottish Water

Letter dated 23/08/12 advising no objection to the proposed development but providing advisory comments for the applicant.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 20/09/12.

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**(F) REPRESENTATIONS:**

18 representations have been received regarding the proposed development. Six objections and twelve supportive submissions have been received (including one from the agents partner).

Craig Mullarkey, Trainee Planning & Investigative Consultant, 6 Dalrigh, Dunollie Road, Oban, PA34 5PG submits a range of supporting statements and responses to some objections raised. (Mr Mullarkey is the partner of the agent Ms MacArthur, who is the applicant's daughter. It is understood Mr Mullarkey and Ms MacArthur are the intended occupants of the house applied for.)

- Making representations on behalf of the applicant regarding the validity of the comments made in the three objection letters submitted.



*Comment: The comments made by objectors have been summarised below and the application has been fully assessed against the terms of the Development Plan at Section P below.*

- Supporting statements and special case submitted in favour of the application.

*Comment: The supporting statements are noted and are appraised later in this report.*

**Other supporters:**

Mr Craig McGougan Neil McGougan Ltd Unit 1 Sinclair Drive Oban PA34 4DR (letter 01/10/12)

Mike MacKenzie MSP 31 Combie Street Oban Argyll PA31 4HS (email 01/11/12)

Peter MacKie Slaters Coal Company 14 Mill Lane Oban Argyll (letter 06/11/12)

Stuart Kunz City Electrical Factors Ltd Unit 7 Tweedmill Soroba Road Oban (letter 06/11/12)

Michael Higgins Rembrand Timber Ltd Glenshellach Business Park Oban Argyll (letter 06/11/12)

Depot Manager Mull Building Supplies Glenshellach Terrace Oban Argyll PA34 4BH (letter 06/11/12)

Depot Manager Howdens Joinery Company Sinclair Drive Oban Argyll PA34 4DR (letter 06/11/12)

Depot Manager MGM Timber Lynn Road Oban Argyll PA34 4PH (letter 06/11/12)

A MacPherson Oban Electrical Services 19 - 21 Stevenson Street Oban Argyll (letter 07/11/12)

S Cameron Keyline Builders Merchants Soroba Road Oban Argyll PA34 1HQ (letter 07/11/12)

R Johnstone PTS Plumbing 7E Glengallan Road Oban Argyll (letter 07/11/12)

**Summary of issues raised:**

- Any work in the current economic climate would be advantageous to local tradesmen and suppliers. Encouragement given to Planning Authority to approve the application in line with policy (as perceived by the writers), and in order to support the local economy.

*Comment: This comment is noted but is not a material consideration in the determination of this planning application.*

- Large vehicles will have no problems using the private road that serves the site.

*Comment: This comment is noted. There are no current objections from the Roads Authority to the application.*

- General support offered taking account of the special circumstances that exist.

*Comment: This comment is noted. There are no sufficiently strong special circumstances that outweigh the conflict created by the proposal against adopted policy, nor is this the only option available to address the special*

*circumstances submitted in favour of the development. This matter is assessed in full below.*

**Objections:**

David WT Hodge, West Bracklinn, Ganavan, Oban, PA34 5TU (letter 12/09/12)  
Mrs Wendy Douglas, Farringford, Ganavan Road, Oban, PA34 5TU (09/09/12)  
(Submitted as a representation. Assessed as an objection due to content)  
Mrs Lesley MacPhail, Fairfield, Ganavan Road, Oban, PA34 5TU C/O Mr Alan MacAskill 5 Ferryfield Road Connel Oban PA37 1SR (letter 31/08/12)  
John C. Hyde, Island View, Ganavan, Oban (letter 19/09/12)  
Ian And Rhoda McInnes Bil Na Bruaich Ganavan Road Oban Argyll And Bute PA34 5TU (letter 19/09/12)  
Mr & Mrs Yip, Leven Cottage, Ganavan, Oban (letter 19/09/12)

Summary of issues raised

- The application is contrary to STRAT DC 1, LP ENV 1, and LP ENV 19 because it is inappropriate backland development, is positioned contrary to the settlement pattern, would adversely affect the character of the existing area, and does not comprise infill, rounding off or redevelopment.

*Comment: These concerns are supported by the officer assessment, which is set out in Section P, below.*

- The application involves an over-development of a site that is too small to accommodate the development, it would remove the amenity space afforded to the existing house, and would introduce a higher density of development than exists at present in the area, with insufficient private amenity space.

*Comment: These concerns are supported by the officer assessment, which is set out in Section P, below.*

- The proposed site is situated off of a private unadopted access and if approved, would require to be brought up to adoptable standards which would detract from the rural aspect of the area. The application is contrary to LP HOU 1 and LP TRAN 4.

*Comment: The Area Roads Manager was consulted on the proposed development and in his response stated that the existing access should be upgraded but did not seek that the road to be brought up to adoptable standards. This approach is consistent with LP TRAN 4 part D. The required road widening and splays are located beyond the site boundary in third party land.*

- Road and pedestrian safety issues. Privately owned road and verge - leading to queries over landowner consent and maintenance of open access to existing road users.

*Comment: The Roads Authority was consulted on the proposed development and raised no objection on road or pedestrian safety grounds. Issues of ongoing access are civil matters in this instance. No owner notification was issued by the applicants, because the site boundary is held tightly to the land in the applicant's ownership itself. The adjacent privately owned land at the*

*access and verge are not shown within the site, albeit they would be affected in the event that the road widening or visibility splays were to be provided as part of any planning permission, if such permission were to be granted. In this case, there are fundamental reasons for refusal, and so this matter needs to further attention at this stage.*

- The private road would prove difficult for large vehicles during the construction period and there should be no obstruction to access for residents.

*Comment: No objections have been submitted from the Roads Authority. Beyond this, private issues of the suitability for the road to take heavy traffic associated with construction are civil matters in this instance.*

- The proposed site is not in keeping with the established settlement pattern of the area and represents back development which would set an undesirable precedent for the area.

*Comment: This concern is supported by the officer assessment.*

- The proposed development of this site with a dwellinghouse would exacerbate existing drainage problems at the site and within the area.

*Comment: This is noted and is a matter which could be dealt with adequately by way of a condition should planning permission in principle be granted.*

- This is the fourth application for this site with nothing having changed since the previous submissions. Previous refusals have included a site visit already.

*Comment: The site history is noted and it includes two refusals and the rejection of an application for review, by the Local Review Body.*

- Precedent.

*Comment: This concern is closely linked to the problems surrounding the small site area proposed and the resultant higher density development this would introduce to the area. In this respect, concerns over precedent are shared by the officer assessment and the statements of the agent are not sufficient to counter these concerns.*

- Impact on trees.

*Comment: It is not considered that the proposal involves unacceptable impacts on trees.*

- Natural light is restricted to the proposed house.

*Comment: The site is low lying, but is not so over-shadowed as to involve the provision of a house with unacceptably low levels of natural day light.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- |       |  |           |
|-------|--|-----------|
| (i)   | <b>Environmental Statement:</b>  | <b>No</b> |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | <b>No</b> |
| (iii) | <b>A design or design/access statement:</b><br>Yes   |           |

A range of supporting documents/statements have been submitted by the agent in support of the application.

- |      |  |           |
|------|--|-----------|
| (iv) | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
|------|--|-----------|
- 

**(H) PLANNING OBLIGATIONS**

- |     |  |           |
|-----|--|-----------|
| (i) | <b>Is a Section 75 agreement required:</b> | <b>No</b> |
|-----|--|-----------|
- 

- |     |   |           |
|-----|---|-----------|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
|-----|---|-----------|
- 

- (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) | <b>List of all Development Plan Policy considerations taken into account in assessment of the application.</b> |
|-----|--|

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 HOU 1 – General Housing Development

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)

SPP, Scottish Planning Policy, 2010

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

**Introduction:**

Planning permission in principle is sought for erection of a dwellinghouse within the grounds of Lynn House, Ganavan, Oban.

This site has been the subject of two previous refusals and an application for review which was dismissed by the Local Review Board.

This is the third application for a dwellinghouse on this site. In support of this current application, the applicant has submitted a range of supporting information which is assessed below. The site area has also been slightly increased from the previous 288m<sup>2</sup> plot, to a 329m<sup>2</sup> plot as currently applied for.

In terms of the adopted Argyll and Bute Local Plan the site is situated within the Settlement Zone of Oban within where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives a presumption in favour of development on appropriate sites on an infill, rounding off and redevelopment basis subject to compliance with other relevant local plan policies, with specific regard to the settlement pattern and character of development in which the proposal is to be located.

Policy LP HOU 1 gives encouragement to infill housing development in settlements provided it will not result in an unacceptable environmental, servicing or access

impact and Policy LP ENV 1 requires applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

### **Claim of operational need:**

The application has been accompanied by a claim of special case on the basis of health reasons. It is stated that the applicant has a need for her daughter to be nearby and the proposed house is considered by the applicant to be a solution to this need. The applicant has requested that these details be made available to the Planning Authority but not part of the publicised record pertaining to the application. The claim made is brief and has not been raised as a reason for the application beforehand.

The circumstances of the applicant are noted and her aspirations to have family close by in the future are understandable. However, the necessity of this does not appear to be strong and there are no supporting statements from health professionals or occupational health officers independent of the situation to verify the exact extent of this need.

The first solution to the health and future care needs is the existing arrangement; whereby the applicant and her daughter reside in their respective addresses, which are only around 2 miles apart. There is no evidence submitted to explain why the existing arrangement is not sufficient for the current or imminent needs of the applicant.

The second option for closer care arrangements comes from the applicant's existing house. It is understood to be a three bedroom house with a single occupant. For occasional overnight stays, or to be on hand more regularly, it is not explained why this would not be appropriate for family use and assistance.

As a third option to address caring requirements, a residential annex could be proposed in the rear garden, ancillary to the existing house and tied in ownership to the existing house without any plot sub-division. This option has been presented to the applicant and agent, but has been rejected on the basis that they are not willing to work out the financial matters taking account of future succession and because there is more than one sibling.

In summary, the claim of operational need for health reasons is poorly explained and insufficiently justified or independently asserted by health care professionals. Assuming the needs can be demonstrated, they can be met by the existing arrangement whereby the agent (daughter) resides in Oban at a distance of around 2 miles from the applicants property. This proximity is normally close enough for families facing similar circumstances in the area. If it proves inadequately close, there are other options available from spare bedrooms in the existing house or by means of a residential annex which could be utilised to meet the ongoing needs of the applicant. The health reasons submitted and lack of willingness to explore the alternative options to meet these needs, mean that the claim of operational need fails. The claim of operational need is insufficient, it does not represent a special

case, and does not overcome the concerns that exist with the development currently proposed, which are detailed in the following assessment.

## **Settlement pattern:**

Whilst the acceptability of the principle of additional development within settlements is set out in policy, this is qualified by a requirement to ensure developments integrate with their setting and do not result in an unacceptable environmental, servicing or access impact. There are minimum standards to consider (Local Plan Appendix A), but the appendix itself explains that the context of the site and the character and pattern of existing development around any site must be considered of primacy. The alternative to doing so would be the acceptance of all applications which pass the minimum standards, which clearly represents a poor planning approach at variance with the objectives of the local plan to integrate development into existing settlements and protect and enhance the sense of place. The sense of place in settlements is contributed to by the pattern, style, layout, density, design and spacing of existing developments.

The application site is situated within the garden ground of Lynn House within the well established residential area of Ganavan to the north of Oban. The area is characterised by medium sized dwellinghouses which primarily locally form two linear rows of development to the east and west of the proposed site. The rows of houses sit at a higher level with a low lying burn and shallow valley left free of development. It is in this low lying valley that the house site is proposed. The row of houses to the north-east is clearly legible as a single linear row.

The proposed site within the garden ground of Lynn House does not represent an opportunity for infill, rounding-off or redevelopment but represents a form of inappropriate back-land development. The local plan defines the terms infill, rounding off and redevelopment, and notwithstanding the assertions of the agent, the proposal does not meet any of these terms taking account of the circumstances and context of the site. The proposed site does not take account of, or relate to, the existing settlement character of the surrounding area as it constitutes an unacceptable form of back-land development.

## **Plot size and density:**

The plot size is much smaller than the size of plots around the site and has previously been judged too small to comfortably accommodate a house per the previous refusals, negative pre-application advice, and the local review board decision. The applicant has submitted supporting documentation with this current application, and increased the site area from 288m<sup>2</sup> to 329m<sup>2</sup> in an attempt to overcome this issue.

The agent states that the site is sufficient in size to accommodate a dwellinghouse with an acceptable area of private amenity space and which will leave the donor house with an equally acceptable area of private amenity space, consistent with advice set out in the Local Plan, with direct references to the minimum standards set out in Local Plan Appendix A.

A density survey of the area surrounding the site has been submitted, which the agent claims, shows that the surrounding housing scheme has a higher density than the resultant density of the area in which the proposed site lies once the development were to proceed.

However, the methodology employed by the agent in conducting the density study is fundamentally flawed and gives no regard to key factors such as the site specific plot sizes that exist at Ganavan, nor the site specific plot ratios in the area either. By contrast, the study submitted by the agent identifies sub-areas of Ganavan then mistakenly asserts that the total footprint of development in an area, divided by the total land in that area gives the density of development, and that the totals for each area are the only factor to consider. Whilst the total built development in an area is important to gauge the overall density, on an application by application basis, the assessment must also evaluate the individual plot size and plot ratio (the percentage of built development to open space) on all individual plots, to truly compare whether a proposal fits the plot size and density levels that are characteristic of the existing area.

The agent asserts that the site lies within an area 3 of Ganavan and that the nearby area 2 has a higher density. For the ease of assessment and comparison, the Planning Service is happy to look at these two areas in greater detail.

In area 3, where the proposed plot is located, there are 15 plots including 14 houses and one plot approved under 12/01581/PP. The plot sizes range from 680m<sup>2</sup> to 1424m<sup>2</sup> with an average plot size of 924m<sup>2</sup>. The plot ratios of the three plots closest to the application site are 17%, 12.6% and 9.7%. The application site as applied for measures 329m<sup>2</sup> and proposed a plot ratio of 23.4%. The plot site is less than half the smallest existing plot in the area, and only around a third of the average plot size. The plot ratio proposed exceeds that of surrounding sites. Both the proposed plot size and ratio are in no way comparable to that found in surrounding development.

In area 2, there is a higher density of development on smaller sites than exist in area 3. That area contains 13 houses ranging in site area from 426m<sup>2</sup> to 899m<sup>2</sup> with an average plot size of 628m<sup>2</sup>. The plot ratio of the smallest plot (Claremont) is 15.5%.

The agent asserts that the application site compares well to five of the houses in area 2. These are Foothills, Tor na Var, Heanish, Broomhill and Claremont. These plots measure 571m<sup>2</sup>, 484m<sup>2</sup>, 564m<sup>2</sup>, 541m<sup>2</sup> and 426m<sup>2</sup> respectively. The average plot size for these five referenced small plots is 517m<sup>2</sup>. None of those plots are intervisible with the application site and even the smallest of them exceeds the application site area by over 100m<sup>2</sup>. As well as proposing a plot ratio significantly higher than that plot. It is not accepted that the proposed plot is of comparable size or density to development in the identified area 2, and in any case, that area is not where the application site is located.

The development of the application site with a dwellinghouse would set a precedent for higher density development than that which is characteristic of surrounding development. The use of such small sites for detached houses, and the provision of high density development are both at variance with the established settlement pattern of the area and as such the proposal runs contrary to the provisions of the adopted Development Plan.

**Precedent:**

The agent asserts three main arguments related to precedent:

- 1) That the site has a former consent for a garage and can therefore be accepted as suitable for the proposed house.



- 2) That a recent approval nearby (12/01581/PPP) sets a precedent that is favourable to the application at this site.
- 3) That the circumstances at this site are unique and will not therefore establish a precedent.

Approval was given in 1979 for a garage within the rear grounds of the house. This verifies that the site is suitable for an ancillary domestic outbuilding within the existing house plot and nothing more. The Planning Service remains of the view that an ancillary domestic outbuilding would fit the existing house plot.

Planning permission in principle 12/01581/PPP involves a site further to the northwest of the site subject of this planning application. This site in question is situated within the garden ground of Crannaig an Mhinister. That application differed from current application as the donor house effectively sat on a 'double' plot, whereby even following sub-division the house retained a plot of 1271m<sup>2</sup> and the approved plot has an area of 700m<sup>2</sup>. The existing house and approved plot are served by two different access spurs and the approved plot lies in a position where it can readily integrate with the established settlement pattern. For these reasons, the referenced approval at 12/01581/PPP only serves to vindicate the retention of sufficient plot sizes well in excess of the site applied for now, and to secure house positions that can integrate with the settlement pattern.

Finally, turning to the reference of the site as unique. It is unique in the sense that it occupies a low lying spot alongside a burn, but this is not necessarily a favourable point to highlight. The siting differs from the settlement pattern and encroaches onto a low lying valley hitherto left free of development. The nature of the site is not sufficient to overcome all of the obstacles to the development, nor is it sufficient to outweigh the adopted Development Plan requirements for development to integrate with its setting. If the development were to proceed it would establish a precedent for significantly smaller sites and a significantly higher density of development than exists at present.

#### **Infrastructure and servicing:**

The application proposes to utilise an existing vehicular access to serve the proposed development. The Area Roads Manager was consulted on the proposal and raised no objection subject to conditions regarding the upgrade of the access, clearance of visibility splays and provision of an appropriate parking and turning area.

Objectors highlight that a previous Roads response on 08/01958/OUT recommended refusal in the absence of an upgrade to an adoptive standard road. That initial response was subsequently updated to a position of no objections subject to conditions requiring a commensurate improvement by means of widening the existing private road at the proposed site access and providing sufficient visibility splays. The provision of commensurate improvements to existing private accesses is supported under Policy LP TRAN 4 part D. Ever since then, the Roads Engineers advice has remained consistent. The land required to undertake the upgrades is in separate private ownership and is not identified within the application site. This would need attention if the development was being supported, but given the over-riding problems with the application principle, this need not be the subject of further consideration at this time.

The application shows water and drainage via connection to the public systems to which Scottish Water has raised no objection but advised that augmentation of the system at the developer's expense may be required.

**History:**

As outlined above, the site has been the subject of two previous refusals, negative pre-application advice, and a local review body dismissal in 2009, 2011 and 2012 respectively. The only differences between then and now is that the site area has been increased from 288m<sup>2</sup> to 329m<sup>2</sup> and a supporting statement has been submitted including a claim of operational need. For the reasons set out above, the plot remains too small and the supporting statements are not supported by an objective assessment of the facts. The claim of operational need is weakly presented and could easily be addressed by three other alternative options, all of which are preferable to the proposal submitted.

The 1979 garage permission merely verifies that the site has capacity to accommodate an ancillary domestic outbuilding only.

The planning history does nothing to indicate a house plot should be supported now.

**Conclusion:**

The applicant's supporting statements are all noted, but they are not supported by an objective assessment of the application. It is considered that the proposed site is too small relative to development in the surrounding area, and as such, represents a departure from the existing character of development in terms of reduced plot size and its higher density nature. Housing around the site has an established level of amenity, which is contributed to by the size of the plots. It is not considered that providing a minimum standard plot size is compatible with the higher spacing and amenity levels that exist around the site at present.

The development of this site with a dwellinghouse would result in an undesirable form of backland development contrary to the established settlement pattern of the area, and a precedent would be established, contrary to the contention of the agent, as neither the site nor the circumstances are considered to be so unique as to justify the development.

The proposal is considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A and it is recommended that planning permission in principle be refused for the reasons appended to this report.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why planning permission should be refused.**

The proposal is contrary to Development Plan policy for the reasons for refusal detailed below.

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

N/A – The application is recommended for refusal because it conflicts with the Development Plan.

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<b>(T)</b>	<b>Need for notification to Scottish Ministers or Historic Scotland:</b>	<b>No</b>
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<b>Author of Report:</b>	<b>Fiona Scott</b>	<b>Date:</b> 27/09/12
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<b>Reviewing Officer:</b>	<b>Stephen Fair</b>	<b>Date:</b> 28/11/12
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**Angus Gilmour**  
**Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 12/01783/PPP**

1. The application site is too small. The small site area proposed is at variance from the pattern of surrounding residential development, where an unacceptably high density of development is involved, rendering it contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1; and Argyll & Bute Local Plan 2009 Policy LP ENV 1 part A and D, and LP ENV 19 part A and B.
2. The application site fails to respect the settlement pattern immediately adjacent to the site, which is characterised by linear development along both sides of a lower lying undeveloped valley with a burn at its base, whereas the proposal represents inappropriate backland development in a location that is at variance with the adjacent development pattern; in a manner that is not considered to represent infill, rounding off or redevelopment; rendering it contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1; and Argyll & Bute Local Plan 2009 Policy LP ENV 1 part A and D, and LP ENV 19 part A and B.
3. By virtue of the small site area proposed, it is considered that the development involves an unacceptably high density of development that fails to integrate with the pattern of surrounding development, which if approved, would lead to a precedent for similarly high density proposals on nearby sites, which would collectively undermine the existing high standards of residential amenity enjoyed at properties in the vicinity of the application site.
4. The claim of operational need submitted on the basis of health grounds is poorly explained and insufficiently justified or independently supported by health care professionals. Assuming the need for proximity between mother and daughter can be demonstrated, this need is considered to be readily met by the existing arrangement whereby the parties reside at a distance of around 2 miles apart. If that arrangement proves inadequate, the spare bedrooms in the existing house would also provide an option for close health care and support. As a third alternative, an ancillary residential annex could be utilised to meet the ongoing health care needs. The claim of operational need is insufficient. The proposal does not represent a special case and the submissions made do not outweigh the conflicts that the development would create with the adopted Development Plan.

Island View

Ganavan

Oban

PA345TU

15/02/13

Head of Governance and Law

Argyll and Bute Council

Kilmory

Lochgilphead

PA31 8RT

Dear Sir,

**Local Review Body Reference: 13/0003/LRB**

**Planning Application Reference: 12/01738/PPP**

**Lynn House Ganavan Oban Argyll PA345TU**

I refer to the above and to your letter of the 11<sup>th</sup> February 2013 and would advise you that my objections to the above remain as before and as detailed in the enclosed letters.

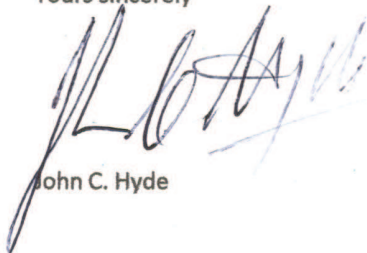
I totally support your Council's decision to refuse approval of the proposed development.

I consider that your planning officials' letter laying out the reasons for refusal were detailed, accurate and relevant. I sincerely hope that the review body support the planning officials' reasons and their decision to refuse the application.

As you are aware this is the fourth occasion this application has been submitted. I find this a complete waste of the council's time and extremely costly for the tax payer.

I urge you to again refuse this application.

Yours sincerely



John C. Hyde

Island View

Ganavan

Oban

PA345TU

13/10/11

Dear Sir,


**Ref: 11/01801/PPP – Site for erection of dwelling house at Lynn House Ganavan Road Oban**

I refer to the above application and hereby lodge an objection to the proposed development on the following grounds.

I understand that this type of development is classed as "back land" development. I feel that it would have a detrimental effect on the estate as a whole. I also believe that this type of development is contrary to the policies of your council. I am concerned that if approved it would set a dangerous precedent where other residents would seek similar permission.

As you are probably aware the proposed access is off a private unadopted roadway which at present services in excess of 6 properties. If approved I understand that the developer would require to make the roadway up to adoptable standards. This, I feel, would detract from the rural aspect of the area and would possibly allow future development in the area to the north east of the existing properties. The roadway is communally owned and maintained by the residents and I presume would require their agreement which I would certainly not give.

Yours sincerely



John C. Hyde

Island View

Ganavan

Oban

PA345TU

17/01/12

Dear Sir,

**Ref: 11/01801/PPP – Site for erection of dwelling house at Lynn House Ganavan Road Oban**

**Local review body reference 12/0002/LRB**

I refer to the above and to your letter of the 12<sup>th</sup> January and would confirm that I still wish to object to the proposal. I consider that my objections as detailed in my letter of the 13<sup>th</sup> October are still relevant and would ask that they are considered when the review is convened.

Yours sincerely



John C. Hyde



For the attention of Mr John Heron

Island View

Ganavan

Oban

PA345TU

12/03/12

Development and Infrastructure services

Municipal Buildings

Albany Street

Oban

PA344AW

Dear Sir,

**Mrs J Henderson Lynn House Ganavan Rd Oban Review Reference No 12/0002/LRB Planning Application No 11/01801/PPP**

I refer to your letter of the 7<sup>th</sup> March regarding the above

Whilst I agree with your statement that the roadway is not of an adopted standard, it should be pointed out to the review group that the roadway is a privately owned and that each of the residents has a right of access. The developer would require obtaining a deed of servitude before any construction work could commence.

Should the development obtain planning approval, the road improvements between the U 107 Fernhill Council adopted road in the estate and the farm access must be completed PRIOR to any construction works commencing. I would hope that this would be a planning condition if approval is granted. There must also be put in place, again before work commences, a traffic management system which would include unrestricted vehicular travel on the private roadway, no parking of vehicles unloading materials and reinstatement of any damage on the private road, again I would hope that this would also be condition of planning.

I am uncertain as to what you require in your statement that a system of surface drainage is required to prevent water from passing onto the public road, I assume you mean that there must be no flow of water from the site onto the private roadway; the Public roadway is some 60mts away and uphill.

Yours sincerely



John C. Hyde

Copy Area Planning Officer

Island View

Ganavan

Oban

14/09/12

Planning Officer

Argyll and Bute Council

Municipal Buildings

Oban

Dear Sir,

**Ref: 12/01783/PPP –Erection of dwelling house, Lynn House, Ganavan, Oban**

I refer to the above application and lodge an objection on the following grounds.

1. The proposal is against your Councils' policy on allowing "BACK LAND" development. If this development was allowed it would create a dangerous precedent as there are other properties on the estate with a greater area for potential back land development. The site is considerably smaller than any of the existing properties and is also not in keeping with the already agreed density of the existing development.
2. The existing private roadway supports in excess of 6 houses. I understand that it is your council's policy not to allow greater than 6 houses serviced from a private road. The proposed access is over a grass verge which does not belong to the developer, being owned by Dunollie Estates. Has a neighbour notification been issued by your Council to them? At a previous site meeting, when I discussed the access to the site with your representative it was agreed that to ensure that the visibility splays were achieved part of the existing garden would require to be removed. Is the applicant aware of this? All the residents require unobstructed access along the roadway, consequently, in the unlikely hood of the development being approved, there must be a planning condition imposed that access to the site is established before any construction work is commenced so that all vehicular site traffic, loading or unloading materials is off the existing private roadway. To allow this development I understand that the roadway may require to be brought up to an adoptable standard. If this in fact the case all of the other road users would refuse to allow that to take place.

As you are aware this is the fourth occasion application which has been submitted for this development, three refusals have already been given, why is it that this new application has not been dealt with by the planning officials and refused? This is a complete waste of officials' time and Council money.

Yours sincerely

  
John C. Hyde

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Rec'd in Oban in error.  
 \* Forwarded to Local Review Body  
 Hazel MacInnes.

WEST BRACKLINN,  
 GANAVAN,  
 OBAN  
 PA37 5TV

TUES - 12 FEB 2013

CUSTOMER SERVICES,  
 ARGYLL & BUTE COUNCIL,  
 KILTORY,  
 LOCHGILPHEAD  
 ARGYLL, PA31 8RT



Dear Sir,  
 LOCAL REVIEW BODY REF - 13/0003/LRB  
 PLANNING APPLICATION REF - 12/01783/PPP  
 LYNN HOUSE, GANAVAN, OBAN, PA37 5TV.

This is ridiculous and total waste of taxpayers money. This application has been turned down now for the fourth time and the circumstances have not materially changed since the review the last time which resulted in refusal.

As I have said, the circumstances have not materially changed. The site is too small and the project is not in keeping with the housing in the area. The facts have not materially changed since the last review so a further review seems a total waste of time and money.

My objections to the project remain that it is not in keeping with the immediate housing density and average size of plot in the estate and the "Farm Road".

Yours faithfully,  
 David J. Hoyle

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Leven Cottage

Ganavan

Oban

PA345TU

19/02/13

Head of Governance and Law

Argyll and Bute Council

Kilmory

Lochgilphead

PA31 8RT

Dear Sir,

**Local Review Body Reference: 13/0003/LRB**

**Planning Application Reference: 12/01738/PPP**

**Lynn House Ganavan Oban Argyll PA345TU**

I acknowledge your letter of the 11<sup>th</sup> February regarding the above, and would advise you that my objections to the proposals remain as detailed in previous correspondence.

The position of the house is not in keeping with the existing development, it constitutes "Back land" development which is against your councils' policies and if approved could lead to a dangerous precedent being set.

Yours sincerely

*Alison Gray YIP*

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Bil Na Bruaich

Ganavan

Oban

PA345TU

19/02/13

Head of Governance and Law

Argyll and Bute Council

Kilmory

Lochgilphead

PA31 8RT

Dear Sir,

**Local Review Body Reference: 13/0003/LRB, Planning Application Reference: 12/01738/PPP, Lynn House Ganavan  
Oban Argyll PA345TU**

I refer to your letter of the 11<sup>th</sup> February regarding the above application and would advise you that my objections raised in previous correspondence I have had with you on this subject remain.

I am disappointed that once again this proposed development will be subject to a review panel adjudicating on it making it costly and time consuming for all.

Yours sincerely

*Rhoda M Mc Innes*



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**PLANNING & INVESTIGATIVE CONSULTANT**

**ALLAN MACASKILL**

5 Ferryfield Road  
CONNEL, PA37 1SR

Tel/Fax: 01631 710133  
Mobile: 07749754660  
Email: [emacaskill@btinternet.com](mailto:emacaskill@btinternet.com)

21 February 2013

Mr Charles Reppke  
Head of Governance and Law  
Argyll & Bute Council  
Kilmory  
LOCHGILPHEAD PA31 8RT

Dear Mr Reppke

**Review Reference: 13/0003/LRB**

On behalf of my client, Mrs Lesley McPhail, I objected to the Planning Application Ref: 12/01783/PPP for the erection of a dwelling house at Lynn House, Ganavan Road, OBAN PA34 5TU.

I wish my letter (attached) to be included in the papers for the Review Body.

The applicant submitted a preliminary enquiry, applied for planning permission and then a Review, Reference 12/0002/LRB which were refused.

The Handling Report compiled by the Planning Department is excellent and the Policies listed for refusal are clear and unambiguous, contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1 and Argyll & Bute Local Plan 2009 Policies LP ENV 1 and LP ENV 19.

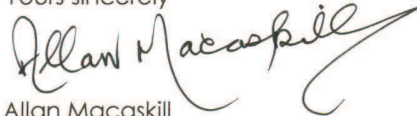
The letters of support are mainly from building contractors or suppliers and they do not address the policies which the Council have to consider.

Any applicant can file a list of contractors and building merchants willing to support a development in order that they can obtain business.

The Area Roads Manager has stated that commensurate improvements are required, however the required road widening and splays are located beyond the site boundary in the ownership of a third party.

The reasons listed in the request for a review are all dealt with in the Handling Report and the Review panel should dismiss the review.

Yours sincerely



Allan Macaskill

**PLANNING & INVESTIGATIVE CONSULTANT**

**ALLAN MACASKILL**

5 Ferryfield Road  
CONNEL, PA37 1SR

Tel/Fax: 01631 710133  
Mobile: 07749754660  
Email: [emacaskill@btinternet.com](mailto:emacaskill@btinternet.com)

31 August 2012

Mr Stephen Fair  
Area Team Leader/Planning Dept  
Argyll & Bute Council  
Municipal Buildings  
OBAN PA34 4AW

Dear Mr Fair

**Ref: 12/01783/PPP – SITE FOR THE ERECTION OF A DWELLING HOUSE AT LYNN HOUSE,  
GANAVAN ROAD, OBAN PA34 5TU**

I wish to lodge an objection on behalf of my client, Mrs Lesley MacPhail, Fairfield, Ganavan Road, Oban, to the above planning application.

A previous application Ref: 08/01958/OUT was refused on 5 November 2009 and when a pre-application enquiry was submitted the applicant was informed that the Planning Department would be unable to support a formal application for the above site. (Letter sent 26 May 2011). A further application Ref: 11/01801/PPP was lodged and this was refused on 16 November 2011. The application was then considered by the Local Review Body and again permission was refused.

I therefore lodge an objection for the following reasons:-

The proposal is contrary to Policies STRAT DC 1, LP ENV 1 and LP ENV 19 because it would set a precedent for back-land development which would have a detrimental effect on the character of the area. It would upset the settlement pattern of the surrounding area and lead to over development removing amenity space from the existing dwelling house. The site does not constitute infill, rounding off or redevelopment.

The proposal is contrary to Policies LP HOU 1 and LP TRAN 4 as the proposed access leads off an un-adopted road. The road would have to be brought up to adoptable standards and the applicant has no control over the ground required for the necessary improvements. The proposal constitutes a form of development which would cause an unacceptable access impact as the application site is served by an access which leads off an existing private road which is considered unsuitable for additional vehicular traffic. (Reason for refusal of 08/01958/OUT)

Furthermore the proposed site is small relative to the development in the surrounding area and represents a departure from the existing character of development in terms of reduced site size and higher density.

The proposed site is not large enough to comfortably accommodate a dwelling house along with adequate parking and turning area.

Yours sincerely

A handwritten signature in black ink, appearing to read "Allan Macaskill". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Allan Macaskill

A small, faint handwritten mark or signature, possibly a stylized letter or initials, located in the lower center of the page.

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