

Ref:
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ARGYLL AND BUTE COUNCIL
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OFFICIAL USE

30 November
2012

Date Received
FMcCollen

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	Melfort Pier Holidays
Address	Melfort
	By Oban
Postcode	PA34 4XD
Tel. No.	
Email	

(2) AGENT (if any)	
Name	Allan Macaskill
Address	5 Ferryfield Road
	CONNEL
	BY Oban
Postcode	PA37 1SR
Tel. No.	01631710133
Email	emacaskill@btinternet.com

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

(4) (a) Reference Number of Planning Application 12/01624/PP

(b) Date of Submission 27 July 2012

(c) Date of Decision Notice (if applicable) 21 September 2012

(5) Address of Appeal Property

Harbour Master
MELFORT
By Oban
PA34 4XD

(6) Description of Proposal

Removal of Condition No. 5 of Planning
Permission 01/94/0409 restricting
occupancy.

(7)

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

Reasons attached.

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

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

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

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

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

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

No.	Detail
1	Decision and reasons
2	Plans
3	email dated 5 July 2009 and permission and reasons for Pier Master and Pier East.
4	Plan of building and plot area
5	Copy of Planning Permission 01/94/0409
6	Planning Permission Ref: 10/01610/PP
7	Reasons for requesting Review
8	
9	
10	

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



Planning & Regulatory Services

Seirbheisean Planaidh is Riaghlaidh

Development Management • Municipal Buildings Albany Street Oban PA34 4AW

Building Standards • Animal Health

Town Standards • Environmental Health

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 12/01624/PP

Melfort Pier Holidays Ltd
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR

I refer to your application dated 27th July 2012 for planning permission under the above mentioned Act and Regulations in respect of the following development:

Removal of condition number 5 of planning permission 01/94/0409 restricting occupancy. at Harbour Master Melfort Pier And Harbour Kilmelford Oban Argyll And Bute

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

Dated: 21 September 2012

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 12/01624/PP

- 1. In terms of the adopted Argyll and Bute Local Plan, the application site is located within Sensitive Countryside which is subject to the effect of Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan 2002 which establishes a general presumption against new housing developments.

The planning condition in question was imposed because the building was not considered appropriate for use as a permanent house, taking account of its proximity to and interrelationship with the established holiday development in which it is located. Those reasons to restrict occupancy remain relevant and policy still generally presumes against new housing in this area.

Whilst STRAT DC 5 does generally support change of use development, this is qualified by the need to ensure that developments integrate with the settlement pattern. The use of the property as a permanent residential dwellinghouse would not take account of, or relate to, the existing settlement pattern or character evident in the surrounding area and would result in the introduction of an inappropriate density and pattern of development which is unfamiliar to the area by virtue of lack of spacing between properties, small plot size, and interrelationship with an established holiday business; which, if approved, would lead to a precedent for similarly high density proposals on nearby sites, and also for further change of use applications. Such proposals could weaken the tourist economy of the local area through the loss of holiday units, and undermine the established high amenity character of the established low density sparse residential development in this rural context.

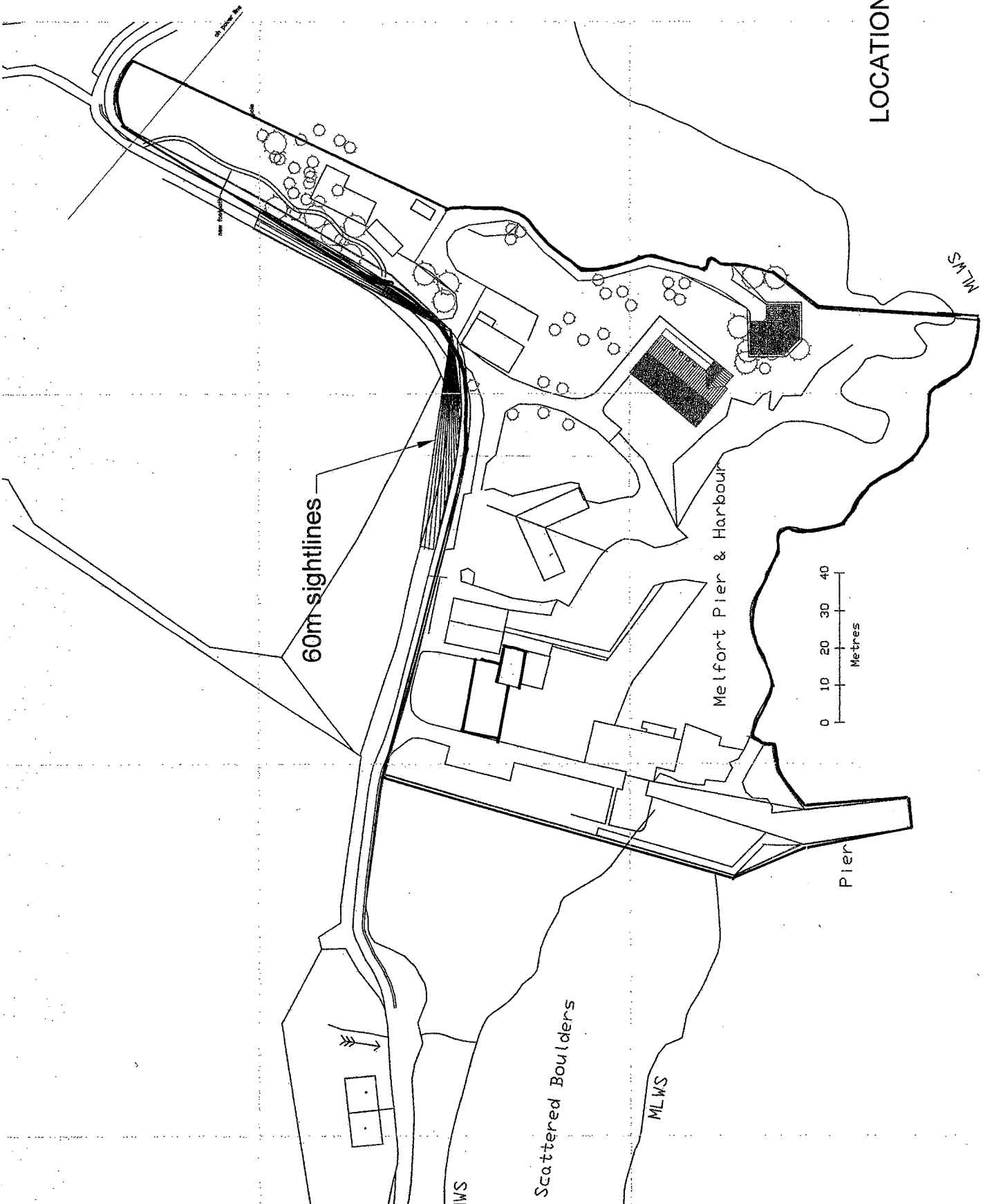
Furthermore, due to the restricted nature of the landholding afforded to the proposed development, it is considered unlikely that a sufficient area of private useable amenity space could be afforded to the residential unit, compared to the larger house plots that exist in the surrounding area, contrary to the terms of the aforementioned policies.

The proposal is considered contrary to the provisions of Development Plan policies STRAT DC 5, LP ENV 1, LP ENV 19 and LP HOU 1, which collectively seek to resist housing development which will have an unacceptable environmental, servicing or access impact; developments that give insufficient regard to the context of their individual site settings and show inappropriate densities.

The building would have unacceptably low privacy and amenity standards compared to that which is established within the area, and if approved for permanent residential occupation would lead to an unacceptable and undesirable precedent for lower amenity, higher density housing development in a rural area, as well as weakening the existing tourist economy of the area.

2



STAMP
21/9/1
12/06
PP

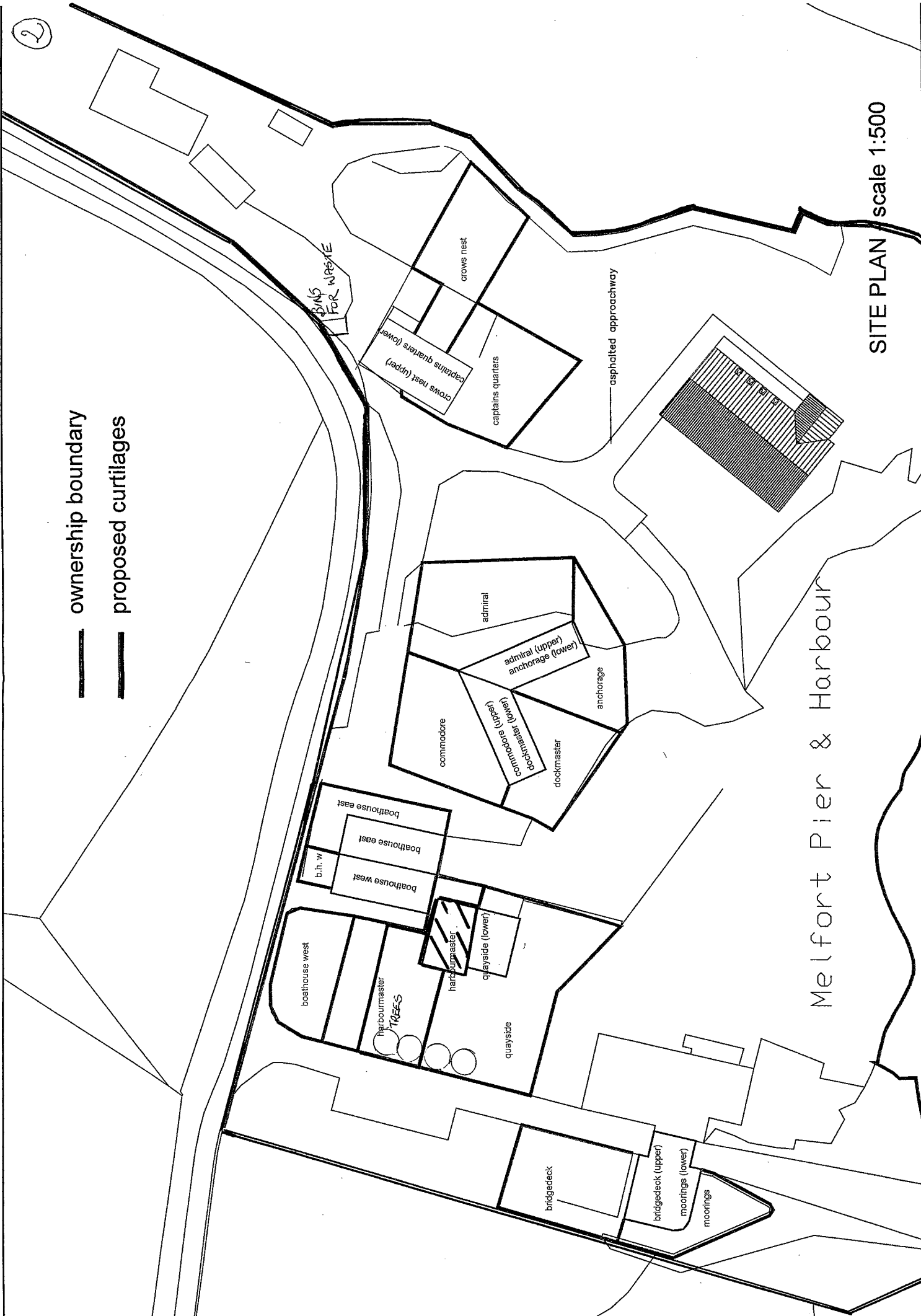


LOCATION - scale 1:1000

this is a true copy of the plan relating to the application by Melfort Pier & Harbour dated April 2009 signed.....

2

-  ownership boundary
-  proposed curtilages



Melfort Pier & Harbour

SITE PLAN scale 1:500

INDEX
9/12
2/2/24
PP



(no subject)

Sunday, 5 July, 2009 6:22 PM

From: "Christliebeurope@aol.com" <Christliebeurope@aol.com>
To: emacaskill@btinternet.com

Alan.

Some time ago we discussed the possibility of standardizing the restrictions on the use of our letter properties. I list below the various restrictions, and would like your opinion as to whether we should apply to have the four houses that are restricted to two months per year reclassified into three months. The four that are without restriction and the two that have a **cannot be sold separate from the company** should all be left as they are, or should we have that last restriction lifted so that they could be sold if we wished? If we agree on this can handle the application? John.

PLANNING RESTRICTIONS ON THE 16 HOUSES IN THE LETTING POOL.

NO RESTRICTION ON OCCUPANCY.

Pier Master.
Pier East
Pier North
Pier West

RESTRICTION OF 3 MONTHS ANY ONE FAMILY GROUP PER YEAR.

Commodore Suite
Admirals Suite
Anchorage
Dock Master
Moorings
Bridge Deck

RESTRICTION OF 3 MONTHS ANY ONE FAMILY GROUP OR USE BY STAFF FULL TIME. CANNOT BE SOLD SEPARATE FROM THE COMPANY.

Captains Quarters
Crows Nest.

3

RESTRICTION OF 2 MONTHS ANY ONE FAMILY GROUP PER YEAR

- Boat House West
- Boat House East.
- Quayside
- Harbour Master.

3

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)(SCOTLAND) ORDERS

To C B Stott
Melfort House
Kilmelford
by Oban

With reference to your application dated 1st May 1987 for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

Erection of boatshed, boathouse and 2 dwellinghouses

at The Pier, Melfort, Kilmelford

the Argyll & Bute District Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application subject however to the following condition(s), viz:-

- (1) that the development to which this permission relates must be begun within five years from the date of this permission.

See conditions as detailed in attached list

The foregoing condition(s) are imposed by the Council for the following reasons:-

- (1) to comply with Section 38 of the Town and Country Planning (Scotland) Act, 1972.

See reasons as detailed in attached list

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated this 3rd day of September 19 87

James A McCallan
.....
Director of Administration

Conditions and reasons relative to application No 330/87

- (1) Standard
- (2) The proposed roofs being finished in natural slate.
- (3) The timber cladding finishes being stained dark brown.
- (4) No trees within the site shall be felled without the prior written consent of the Planning Authority.
- (5) No storage of boats or associated implements etc shall take place outwith the storage buildings hereby approved.
- (6) Visibility at the existing access shall be cleared so as to provide an uninterrupted view of the public road in each direction from the access centre line at up to 4.5 metres back from the carriageway edge.

Reasons:

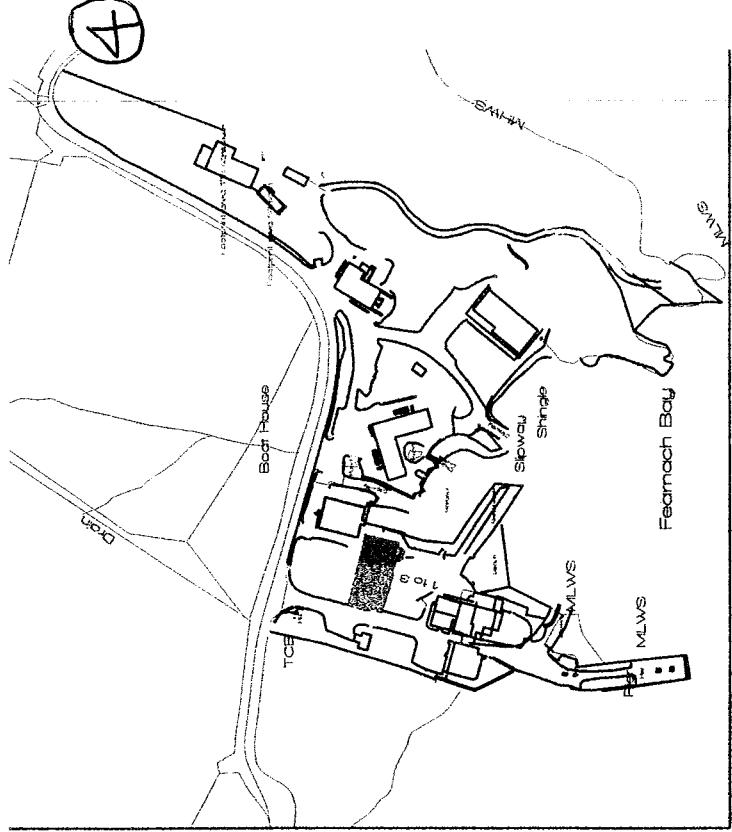
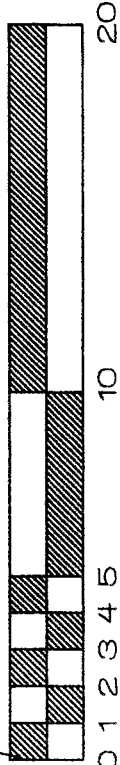
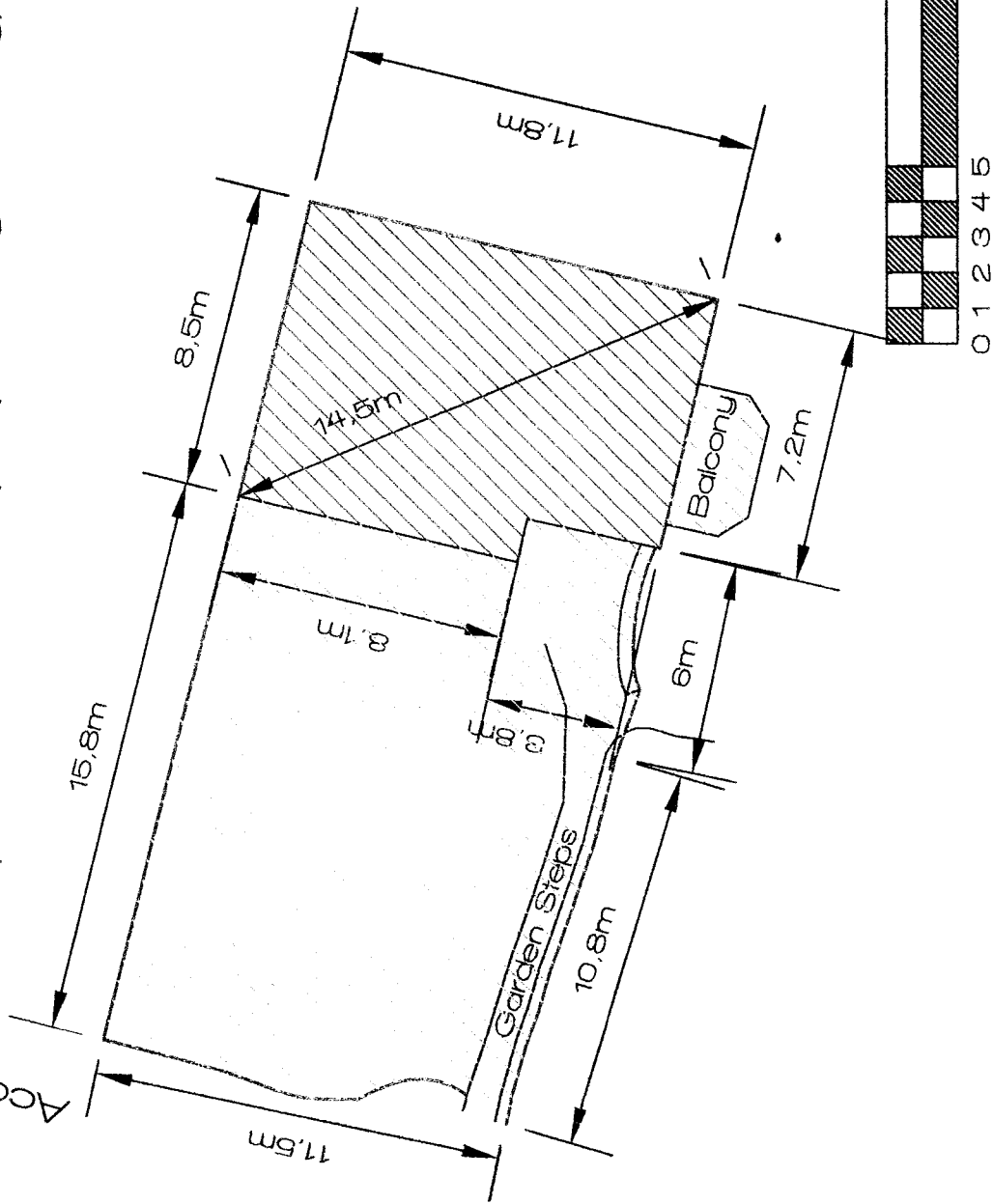
- (1) Standard
- (2) For the avoidance of doubt and in the interests of visual
- (3) amenity.
- (4) In the interests of amenity and to maintain the woodland character of the area which is an important feature in integrating the development into its wider landscape setting.
- (5) In order to protect the amenities of the area.
- (6) In the interests of road safety.

Access Road

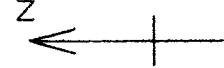
"Quayside" on floor below building.

Building Footprint area 96 sqm.

Total plot area 295 sqm. (including balcony)



Location Plan Scale 1 to 2500



Digital Land Surveys Ltd
 Bonn-na-Bruaich
 Benderloch by Oban, Argyll PA43 7 1ST
 Phone 01631 720449
 Mob 07795144663
www.digitalandsurveys.com
info@digitalandsurveys.com
 Title sizes for "Harbourmaster" Malport Pk
 For Mr J Christlieb.
 Surveyed by REA Dec 2010
 Scale 1 to 200

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CONDITIONAL PLANNING PERMISSION

ARGYLL and BUTE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

Melfort Pier Ltd.,
per Tom Grant Partnership,
24 Argyll Street,
Lochgilphead.

With reference to your application dated 16th May 1994 for planning permission under the above - mentioned Acts and Orders for the following development, viz:-

Erection of workshop and staff accommodation, Melfort Pier, Kilmelford.

the Argyll and Bute District Council in exercise of their powers under the above - mentioned Acts and Orders hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application subject however to the following condition(s), viz:-

- (1) that the development to which this permission relates must be begun within five years from the date of this permission.

See additional conditions as per attached list.

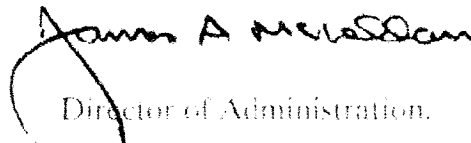
The foregoing condition(s) are imposed by the Council for the following reasons:-

- (1) to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972.

See additional reasons as per attached list.

It should be understood that this permission does not carry with it any necessary consent or approval the proposed development under other statutory enactments.

Dated this 22nd day of August 1994.


Director of Administration.

1. Standard.

2.15

The roof shall be finished in Redland Cambrian, or other good quality slate substitute tile to match those on the adjoining buildings as agreed in writing with the District Council as Planning Authority.

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1989 the use of the proposed workshop shall be restricted to storage use in connection with the existing chalet complex.

4. No external storage shall take place outside the building(s) hereby permitted without the prior submission and subsequent approval of the District Council as Planning Authority of any external storage details, including the areas designated for storage use, types of materials to be stored and the provision of a suitable screen compounding where appropriate, all to the satisfaction of the District Council as Planning Authority.

5. The use of the proposed dwellinghouse shall be confined to the particular use applied for, ie. staff accommodation as described in the submitted application form and no other, notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1989.

REASONS

1. Standard.

2. In the interest of visual amenity in order to ensure the proposed roofing material matches that of the adjoining buildings on the site.

3. In the interests of amenity in order to protect the adjoining staff accommodation, and adjacent holiday accommodation from unsympathetic industrial type uses.

4. In order to protect the amenities of the area.

5. In accordance with the use applied for, this being the operational justification for the new development of this site which is in a location where a new house would not normally be approved in accordance with Local Plan policies.

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**Planning & Regulatory
Services**

Seirbheisean Planaidh is Riaghlaidh
Development Management • Policy
Building Standards • Animal Health
Trading Standards • Environmental Health

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

PLANNING PERMISSION

REFERENCE NUMBER: 10/01610/PP

**Melfort Pier And Harbour
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR**

I refer to your application dated 28th September 2010 for planning permission in respect of the following development:

**Partial change of use from store and laundry to staff accommodation (retrospective)
AT:**

Melfort Pier Kilmelford Oban Argyll And Bute PA34 4XD

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 25 November 2010

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REQUEST FOR REVIEW

REF: 12/01624/PP

REMOVAL OF CONDITION No. 5 OF PLANNING PERMISSION 01/94/0409 RESTRICTING OCCUPANCY AT HARBOUR MASTER, MELFORT, BY OBAN PA34 4XD TO STAFF ACCOMMODATION

The above application was refused on 21 September 2012.

The main reason for refusal was "The use of the property as a permanent residential dwelling house would not take account of, or relate to, the existing settlement pattern or character evident in the surrounding area and would result in the introduction of an inappropriate density and pattern of development which is unfamiliar to the area".

That statement is not correct as four properties Pier Master, Pier East, Pier North and Pier West have no occupancy restriction and can be occupied on a permanent basis. Those properties are situated near Harbour Master and the settlement pattern would therefore not be affected. The Conditions attached to the consents for those properties did not restrict occupancy. (Documentation No. 3 attached, email and Conditions for Pier Master and Pier East)

Another reason stated "due to the restricted nature of the landholding afforded to the proposed development, it is considered unlikely that a sufficient area of private useable amenity space could be afforded to the residential unit".

Again that statement is not correct as the footprint of the building is 96m² and the total plot area is 295 m². Therefore the dwelling house occupies less than one third of the plot. (Plan No. 4 attached). Some of the other permanently occupied houses have far less useable amenity space. The building would not have an unacceptably low privacy and amenity standard compared to that which is established in the area.

There are sixteen dwelling houses situated at Melfort Pier and Harbour and the removal of one unit would not weaken the existing tourist economy of the area. There are many self catering properties in the area and the loss of one unit will not weaken the tourist economy. This year there has been a fall of 14% from 2010 in the number of persons entering the Oban Tourist Office. I have interviewed several persons engaged in the Tourism sector and they all state that business is declining.

Planning permission Reference 01/94/0409 (Documentation No. 5 attached) was granted on 22 August 1994 for the building called Harbour Master and Condition No. 5 restricted the use to staff accommodation.

Melfort Pier and Harbour operated a restaurant on the site but that is now closed. Five persons were employed and therefore there is not the same requirement for a building for staff accommodation.

There are other buildings where staff can be accommodated if required. Planning Permission Ref: 10/01610/PP was granted on 25 November 2010 for change of use from store and laundry to staff accommodation. (Documentation No.6 attached)

There is no reason for Harbour Master to remain as a property for staff accommodation and I therefore request the Review Panel to grant permission for the removal of Condition No. 5 of Planning Consent 01/94/0409 which was approved in August 1994 over eighteen years ago.