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Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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21 February 2024

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 29 FEBRUARY 2024** at **2:30 PM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH EAST OF ISLAY HOUSE, GLENCRUITTEN, OBAN, PA34 4QB (REF: 24/0001/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 26)
 - (b) Comments from Interested Parties (Pages 27 - 52)
 - (c) Comments from Applicant (Pages 53 - 58)

Argyll and Bute Local Review Body

Councillor Kieron Green (Chair)
Councillor Liz McCabe

Councillor Graham Hardie

Contact: Lynsey Innis, Senior Committee Assistant Tel: 01546 604338

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Ref: AB1

ARGYLL AND BUTE COUNCIL

www.argyll-bute.gov.uk/**

OFFICIAL USE

NOTICE OF REVIEW

Date Received

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 Procedure) (Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's website.

You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW

(2) AGENT (if any)

Name MRS JULIE CASCI

Name

Address 7 BALLUMBIE VIEW

Address

DUNDEE

Post Code DD4 0NQ

Post Code

Tel. No.

Tel. No.

Email

Email

(3) Do you wish correspondence to be sent to you [checked] or your Agent []

(4) (a) Reference Number of Planning Application 23/00848/PPP

(b) Date of Submission 27/04/23

(c) Date of Decision Notice (if applicable) 18/10/23

(5) Address of Appeal Property LAND SE OF ISLAY HOUSE, GLENCRUITTEN, OBAN, PA34 4QB

(6) Description of Proposal

SITE FOR THE ERECTION OF DWELLINGHOUSE
(OUTLINE PERMISSION)

(7) Please set out detailed reasons for requesting the review:-

- 1) WE WERE GIVEN ENCOURAGEMENT FROM THE OUTSET BY THE PLANNING DEPARTMENT THAT THE SITE WAS CONSIDERED SUITABLE FOR DEVELOPMENT, AND HAVE INCURRED CONSIDERABLE COSTS BASED ON THIS.
- 2) THE LAND, BEING UNOCCUPIED AND UNTENDED, HAS BECOME OVERGROWN CAUSING NUISANCE TO NEIGHBOURS.
- 3) THE LOCATION + SECLUSION OF THE LAND HAS RESULTED IN REGULAR FLY-TIPPING & UNAUTHORISED PARKING CAUSING HAZARD / NUISANCE TO NEIGHBOURS.
- 4) THE SIZE OF THE PLOT IS SIMILAR TO SOME OF THE NEIGHBOURING PLOTS.
- 5) THERE WILL BE NO IMPACT ON LIGHT OR PRIVACY TO NEIGHBOURS.
- 6) HAVING READ THE LDP & SUPPORTING DOCUMENTS & PLDP2, WE CAN FIND NOTHING THAT DOES NOT SUPPORT THIS PROPOSAL.

N.B. PLEASE SEE SEPARATE LETTER CONTAINING SUPPORTING * PICTURES.

* YES - ATTACHED TO EMAIL

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

(8) Have you raised any matters which were not before the appointed officer at the time determination of your application was made Yes/No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review.

ALTHOUGH WE HAVE MENTIONED FLY-TIPPING - THIS WOULD HAVE BEEN EVIDENT AT THE SITE VISIT, ALTHOUGH NOT MENTIONED BY THE PLANNING DEPARTMENT.

(9) 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.

(10) 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 if posting your paperwork 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No	Detail
1	APPEAL LETTER
2	MAP SHOWING PLOT
3	PROPOSAL PLAN
4	DESIGN STATEMENT
5	
6	
7	
8	
9	
10	

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

Submitted by
(Please sign)

Dated

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 :-
<http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body>**

- (4) In in doubt how to proceed please contact 01546 604392/604269 or email:
localreviewprocess@argyll-bute.gov.uk**

- (5) Once completed this form can be either emailed to
localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services, (Local Review Body), 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 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

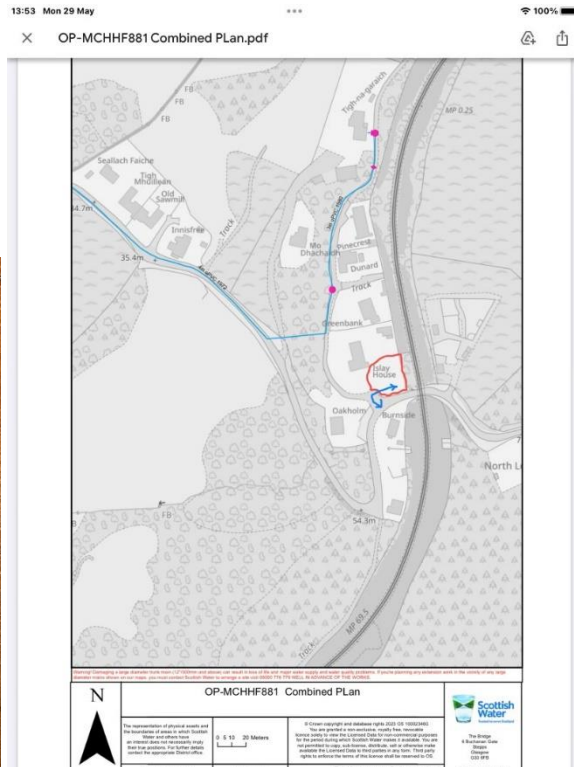
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APPEAL - 23/00848/PPP - Land South-East of Islay House

History

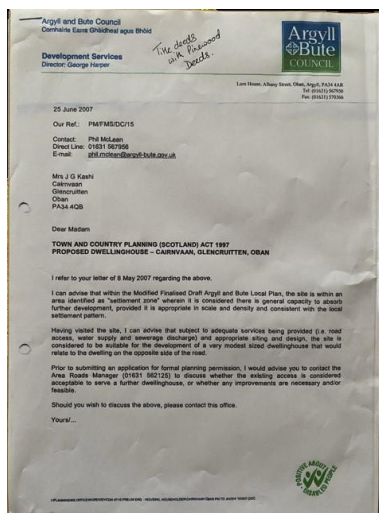
The proposed development site formed part of our garden during 2004-2009 being situated at a much lower level than the house and its immediate garden. In 2007 a family emergency forced us to change plans and move away from Oban. Because the site is a flat piece of land at road-level (which housed a shed and concrete standing for a caravan – please see picture below) we wondered if it might be possible to keep it so we could return in the future to build ourselves a modest home.

Figure 1: The plot in 2009 showing the shed and concrete standing – Figure 2: Plan showing plot outlined in red



Before taking any steps, we sought the advice of the local planning department and following a site visit, they wrote an encouraging letter stating that the plot would be suitable for a modest dwelling house. Based on this, we proceeded to separate the land moving services, building a wall and starting the legal process.

Figure 1: Letter 2007 – Figure 2: Wall/fence between plot and Islay House – Figure 3: Wall/fence from road-level



Since 2007, we have lived hundreds of miles away and haven't been able to visit regularly. In 2009 and again in 2022 a neighbour offered to buy the land to develop themselves, but we retained it because we want to move back. Unfortunately, in our absence the site has become somewhat overgrown and vulnerable to fly-tipping.

Fly-Tipping

Figure1 – 6 – Fly-Tipping at the site.

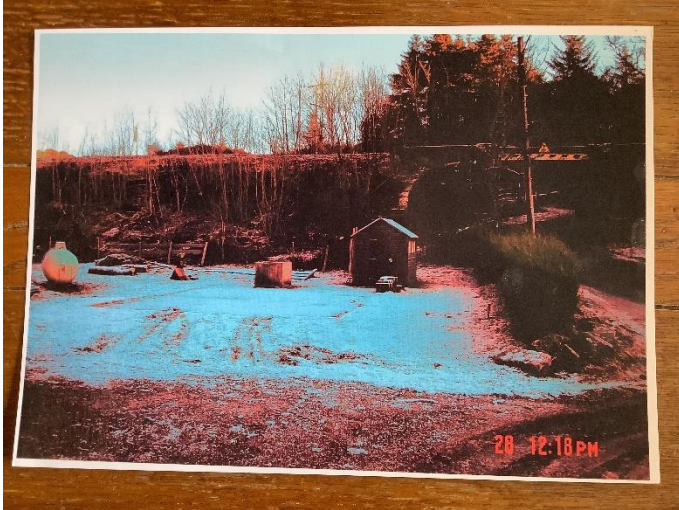


Although there are houses on 3 sides (Islay House, Burnside and Oakholm), none of them directly overlook the plot making it secluded and a vulnerable target. In fact, the plot is so unobtrusive to neighbours that none of them have noticed fly-tipping or parking to be able to prevent it. Argyll & Bute Council website states that fly-tipping has an adverse impact on the aesthetic appeal and safety of the site, resulting in potential damage to the environment and impacting the local community. Being vacant, the site also attracts unauthorised/unmonitored vehicle parking on a regular basis and the presence of a home on this site would promote care and prevent misuse of the land.

Appeal Points

We believe that our proposed development does not conflict with NPF4 because, although it is currently a greenfield site the concrete standing was the site of an historical dwelling and the proposal seems to be robustly supported by the LDP. The plot was completely clear of vegetation and debris and has only become overgrown over many years and this should not obscure its suitability for development.

Figure 1: Plot 2009



The next-door neighbour has recently complained to us that the overgrowth of vegetation is causing a nuisance as it has been routinely invading their garden.

Excerpt from email

“The plot has been overgrown since you left, growing into our garden and onto our steps every year and in all that time you have made no attempt to maintain the overgrowth onto our property. You have also allowed the trees to grow over the telephone lines and onto the road which is already a dangerous and narrow piece of road. This has been reported to BT.

The railway has also had access to your land along with the roads department and BT so maybe they are avenues you would like to explore.”

This proposal is for a very modest dwelling house, in keeping with the character of neighbouring properties and located within the settlement zone. Although we have only applied for outline permission, we still engaged and paid for the services of an architect to be able to accommodate all features and issues highlighted by the planning department during the application process, including house location, car turning point and drainage provisions.

Visual impact of the proposed development within the neighbourhood will be limited/negligible. The plot is to a greater extent secluded and not readily seen by any of the neighbouring properties – nor does it overlook them to any great extent, with a steep slope going up to Islay House on one side, a boundary of trees limiting visibility from the public road/Burnside on the other and the raised-up railway line bordering the plot to the rear. Across the private road, Oakholm is set such that direct visibility is also minimal.

Secluded Plot

Figure 1: View of the public road – the plot is immediately to the left and Burnside on the right

Figure 2: View from the mouth of the plot towards Oakholm

Figure 3: The raised-up train line to the rear of the plot

Figure 4: View from the back of the plot towards the entrance & Oakholm

Figure 5: View from the entrance of the plot up towards Islay House



Plot Size

Initially, plot size and location were not issues. However, these have now been cited as a reason for refusal. The plot size is broadly similar to the neighbouring plots of Dunard and Pinecrest (both a couple of doors down along the private road), and Burnside – which is an especially large house relative to its plot size. Many of the neighbouring plots also house additional short-term holiday let accommodation as well as residential homes - including Burnside, Burnside Cottage, Islay House, and Dunard. We note that Burnside Cottage has very recently had a plan for the addition of a garage and holiday let approved on 5th January this year.

Figure 1: Burnside – Figure 2: Pinecrest – Figure 3: Dunard at the side of the private road



The proposed development falls within the defined Settlement of Oban, where general encouragement is given to development if there is no adverse impact upon the character of the landscape and no unacceptable environmental, servicing or access impact. The roads department has approved development of the site subject to certain provisos which we have already been met. There is sufficient space for a house, parking and turning for 2 vehicles, a septic tank and soakaway and the proposed house would be of a similar distance to the public road as are Burnside, Burnside Cottage and Oakholm. We would, of course, still maintain sufficient greenery to support the overall look of the area.

Distance from the Public Road

Figure 1: Burnside Cottage – Figure 2: Burnside – Figure 3: Oakholm



Compliance with National Planning Policy NPF4 Policy 9(b)

The planning refusal letter states that this proposed development is contrary to NPF4 Policy 9, underpinned by LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG LDP HOU 1 and pLDP2 Policy 1. However, we do not believe this is the case and taking each of these in turn would like to make the following comments concerning this development proposal:

LDP STRAT 1 – Sustainable Development

- (a) - The local community will benefit from prevention of fly-tipping, seepage of nuisance vegetation and unregulated parking which render the site unsightly and hazardous.
- (b) – Will make use of what is currently vacant/derelict land.
- (c) – Supports maximising of existing infrastructure and services.
- (d) – Is consistent with sustainable design.
- (e) – N/A.
- (f) – Will utilise public transport corridors and active travel networks.
- (g) – N/A.
- (h) – Conforms as it will conserve and enhance the natural and built environment.
- (i) – Conforms as it is not situated in a flood risk area according to SEPA maps and is situated at a significant distance from the coast in a raised up location from sea-level.
- (k) – Complies as it avoids significant adverse impacts on land, air and water environment.

LDP DM 1 – Supporting Sustainable Development

This policy supports a general ethos of encouragement to sustainable development. This includes point C – within villages and minor settlements up to a small scale on appropriate sites which seems to be pertinent to this proposal which falls within the Settlement Zone.

SG LDP ENV 14 - Landscape

This addresses landscape impact in consideration of planning proposals. Our proposal is for a very modest house of sustainable design in keeping with neighbouring properties, the size of which is in keeping with the plot on which it would be situated and would not be directly overlooked by any of the neighbouring houses.

Furthermore, this development would prevent use of the site for fly-tipping, unauthorised parking and seepage of vegetation which causes a nuisance to the direct neighbours, therefore directly benefitting the local community. The development proposal has incorporated all possible mitigation measures to ensure there would be no adverse impact.

SG LDP HOU 1 – In Favour of Support for Housing Development

This policy puts forward a general presumption in favour of housing development to be supported, and our proposal does not fall into any of the categories which would go against this.

LDP2 Policy 1 – Settlement Areas

Our development proposal falls within the defined settlement zone and is compatible with surrounding uses being in a small residential area and of a small scale in keeping with the plot size which will respect the character and appearance of the surrounding townscape - being also discreet and having minimal impact while improving the local environment by preventing nuisance/dangerous uses of an unmonitored area easily accessed from the main road. The plot size is like several of the existing neighbouring properties.

LDP Key Objectives

This development proposal is also supported by LDP KEY OBJECTIVE F – meeting future housing needs – and LDP KEY OBJECTIVE H – to optimise the use of scarce resources, including existing infrastructure, vacant and derelict land and reduce consumption.

Conclusion

We cannot understand why our proposal was refused, especially having been given encouragement at the outset by the planning department and bearing considerable costs to separate, retain and during the planning application process. I have just turned down the offer of a position as an NHS dentist at a dental practice in Oban (I can provide evidence of this if required), as acceptance rested on being able to develop the land. Our 4 children – all now well into their 20's – were all looking forward to visiting with a view to relocating to Oban with their partners.

Unfortunately, we have struggled to clear the land fully as yet due to distance, weather and work commitments although we have made several trips for this purpose making great efforts. It was always an open piece of land being free from encroaching vegetation which has become an increasing nuisance to neighbours, and we hope that you will be able to see beyond its current state and consider previous photos to see potential for development. We are planning to fully clear it later in the year as soon as the weather allows, and our plan was always to broaden the plot by cutting into the hillside bordering Islay House. Anecdotally, we have spoken to most of the neighbours including next door and across the road and have broad support from them for this proposal. If you would allow us to proceed, we know it would be beneficial to the local community by improving the overall character and appearance of the neighbourhood.

We hope that you will consider our appeal favourably.

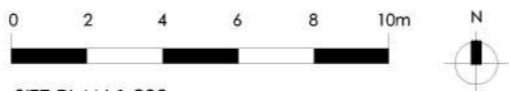
Yours sincerely,

Matteo&Julie Casci.

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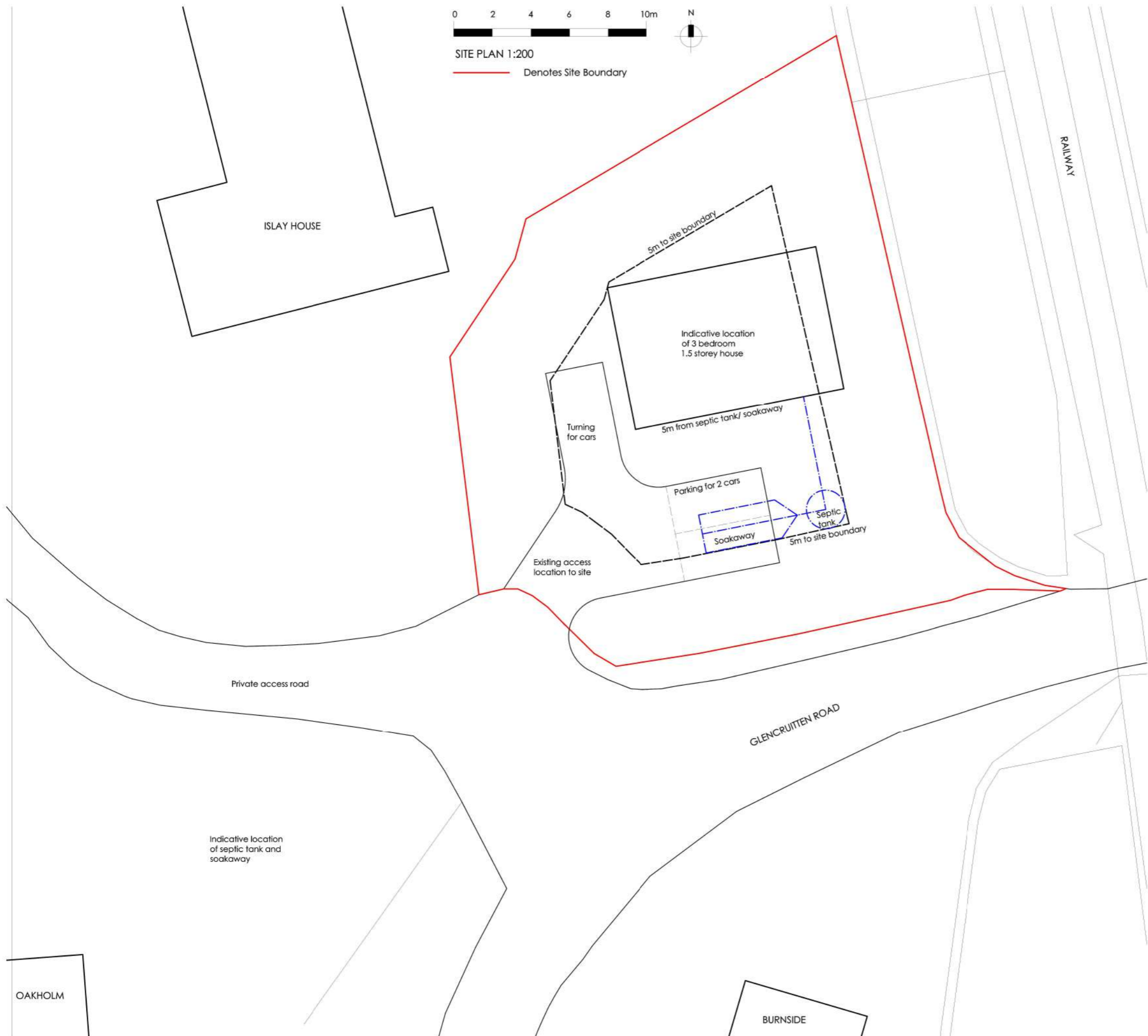


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SITE PLAN 1:200

— Denotes Site Boundary



This drawing is copyrighted to Studio M and should not be reproduced in any form without written permission. To be read in conjunction with all relevant drawings/ specifications. Contractor to check all dimensions on site. Do not scale from this drawing. Client/ Project Manager to be advised of any discrepancies on the drawings and any variation between the drawings and site conditions.

STUDIO M

suzanne and mark c. mcphillips
www.studio-mcphillips.co.uk
studio.mcphillips@gmail.com
07378 307955

CLIENT	Julie Casci	
PROJECT	Land South East of Islay House, PA34 4QB Proposed Dwellinghouse	
DRAWING	Site Plan - septic tank option	
DWG NO.	(23-12) Sketch A	REV.
SCALE	1:200 @A3	DATE July 2023

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STUDIO M

architecture + interiors

DESIGN STATEMENT

DATE	24 July 2023	
PROJECT REF.	(23) 12	Revision A
APPLICANT	Julie Casci	
SITE ADDRESS	Land South East Of Islay House, Glencruitten PA34 4QB	
PROJECT	Application for Planning Permission in Principle Ref: 23/00848/PPP	

The application is for Planning Permission in Principle for a single dwelling house on a site which lies to the south east of Islay House and is bounded by Glencruitten Road to the south (C32 public road running from Oban to Glen Lonan) and the railway line from Oban to Glasgow to the east. It is on the eastern outskirts of the Oban Settlement Zone within a small pocket of housing development and is accessed off an existing private road. The site forms a gap in the development between Islay House, Oakholm to the west and Burnside to the south. The site is predominantly level, with an embankment on the north west boundary rising up to Islay House, and the embankment up to the railway line lying outwith the site to the east..



The proposal is for 3 bedroom house of traditional scale and design, one and half storeys high with white rendered walls under a pitched slate roof with dormer windows. It is consistent with other development in the area. The construction will ensure high levels of thermal insulation and air tightness for energy efficiency and sustainability. Renewable energy provisions will be incorporated in the detailed design stage, with the use of solar panels and/ or an air source heat pump.

Parking and turning for 2 vehicles will be provided on site with level access to the house. Suitable bin store provision for waste recycling will be provided and the site meets access requirements for service and emergency vehicles.

The site will be connected to the existing Mains water system and will have a private waste water system. Surface water will be dealt with in line with SUDS principles.

PLANNING POLICY CONSULTED

The design has been considered in relation to National Planning Framework 4 (NPF4), Argyll and Bute Council's Adopted Local Development Plan and associated Supplementary Guidance, with particular regard for Policy 14 of NPF4 – Design, Quality and Place, as follows:

- The development is designed to improve the quality of the area, providing a rounding off of the small housing development, of an appropriate design and scale.
- The development is consistent with the six qualities of a successful place:

Healthy: *Supporting the prioritisation of women's safety and improving physical and mental health.*

Level access will be provided to the property with appropriate levels of lighting to ensure safety within the property boundary without causing light pollution. Clear, well-lit pathways will lead to the property for pedestrian access and windows from the property will allow visual connection to the outside approach for enhanced security.

Pleasant: *Supporting attractive natural and built spaces.*

The existing site has become overgrown with vegetation, which will be removed to restore the site to its previous condition. The established trees bounding the railway line and the hedge bounding Glencruitten Road will be retained as much as possible, whilst making allowances for the necessary sightlines. The natural planting will help to mitigate any road and rail noise as well as providing privacy, shade and screening to the site to create desirable outside amenity space.



Site photo taken in 2009, showing landscape prior to becoming overgrown

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

The site lies on the periphery of Oban, around one and a half miles from the centre of town, around 30 minutes' walk, with walking and cycling opportunities to countryside in the opposite direction. Space will be allocated within the site to provide appropriate secure bike storage in an effort to reduce car dependency. An electric vehicle charging point will be incorporated in the detailed design.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

The proposed architectural design is for a modest 3 bedroom house of traditional scale and design, one and half storeys high with white rendered walls under a pitched slate roof with dormer windows. The footprint will be of a linear form with the main elevation facing south to Glencruitten Road. Detailed design will be developed at a later date and would be subject to a further application.

Sustainable: *Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.*

The site will help to provide essential housing for the area, supporting the local economy and community. Local recreational facilities in the area include the golf club and playing fields on Glencruitten Road. Enhanced sustainable measures will be considered such as wildflower planting on the embankments to Islay House and the railway boundary, to promote pollination and habitat growth, contributing to the natural environment.

Adaptable: *Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.*

The detailed design will provide accessible space to accommodate a variety of users and their needs, and will consider the future adaptability of the dwelling to respond to changing needs. The design will aim for high quality, durability and low maintenance.

PLANNING HISTORY

The application site originally formed part of the garden ground of Islay House (formerly called Cairnvaan). The applicant submitted an initial planning enquiry for the erection of a dwelling house on the site in 2007 and received a response dated 25 July 2007 stating that “*subject to adequate services being provided (ie. road access, water supply and sewerage discharge) and appropriate siting and design, the site is considered to be suitable for the development of a very modest sized dwelling house that would relate to the dwelling on the other side of the road.*”

A further Pre-Application Enquiry was submitted in 2015 and a response was received on 29 September 2015 as follows: “*it is considered that the development of the site with a dwellinghouse would result in a proposal which would result in the loss of an area of ground which contributes to the amenity of the wider area and result in a development which would [reduce] levels of privacy and amenity.*”

The current application has addressed the requirements of the 2007 and 2015 advice. Arrangements for water supply and sewerage have been noted on the site plan. Road access has been addressed in the consent granted for the site north of Oakholm, ref. 14/00409/PP, which utilises the same private access road. The applicant has recently sought advice from Argyll and Bute Council’s Roads department and the response is submitted with this application, with no objections to access subject to their standard conditions.

The proposal is for a modest 3 bedroom dwelling. The assessment of the amenity of the wider area is subjective and there is no evidence that that the application site contributes to amenity. Its development would form a sensitive grouping of housing,

with Burnside across the road to the south, Islay House to the north west and Oakholm to the west.

The siting of the proposed house will ensure no loss of privacy to surrounding properties. It is well screened from Burnside by a bank of mature trees on the opposite side of the road and by the existing hedge, which will be reduced in height to meet sightline requirements for road access and to improve daylighting. It is sufficiently distant from Oakholm to have no impact. The proposed dwellinghouse is sited well away from any sightlines from Islay House and is at a lower level so will not create any overlooking of the garden ground of Islay House. It is envisaged that the principle garden ground for the proposed dwelling will be to the south and screened from the road by the existing hedge and so not be overlooked by Islay House or Burnside.



View of site from Glencruitten Road, Burnside to the right, Islay House to the top left

SUMMARY

The proposed dwelling is sited and positioned to respect the context within which it is located, and takes into account the relationship with the public highway and neighbouring properties to ensure there are no adverse privacy or amenity issues.

The design complies with current Planning policy. The proposed dwelling is of a suitable form, scale, massing and design to ensure it respects the local vernacular style, using sustainable materials. It will have no materially adverse impact on the site nor detract from its setting within the wider landscape.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

24/0001/LRB

REFUSAL OF PLANNING PERMISSION 23/00848/PPP

SITE FOR THE ERECTION OF A DWELLINGHOUSE

LAND SOUTH EAST OF ISLAY HOUSE

25 JANUARY 2024

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mrs Julie Casci ("the appellant").

Planning permission 23/00848/PPP for the site for the erection of a dwellinghouse on an area of ground to the south east of Islay House, Glencruitten, Oban ("the appeal site") was refused by the Planning Service under delegated powers on the 18 October 2023.

The decision has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site the subject of this application previously formed part of the garden ground of Islay House but was retained by the Appellant when Islay House was sold.

As set out in the Report of Handling appended to this statement, the Planning Service is of the opinion that Islay House effectively terminates the extent of built development at this location with the application site not representing a natural site having been manufactured to achieve an area for development.

There is a significant drop in level between the boundary of Islay House and the application site where it meets with the public road.

The site provides a buffer between the existing built development and the public road and, whilst the site has been partially cleared, there are still areas of vegetation within the site and tree cover along its boundaries which contribute positively to the setting of the wider development.

The Planning Service is of the opinion that the development of the application site with a dwellinghouse would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

The Planning Service is of the opinion that a dwellinghouse on the site would have a cramped visual appearance, representing overdevelopment of a restricted plot when viewed in relation to the layout of surrounding development which is generally characterised by dwellinghouses set within more spacious plots.

Furthermore, the Planning Service considers that the development of the site with a dwellinghouse would result in the loss of an area of green space which contributes positively to the setting of the existing development.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and 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 proposed site respects the established settlement pattern of the area within which it is proposed and whether the development of the site with a dwellinghouse will result in an adverse impact on the wider landscape.*

The Report of Handling (Appendix 1) sets out the Council's full 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 assessed 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. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The case from the Planning Service is set out in the Report of Handling appended to this statement.

With regards to the Appellant's submission, the Planning Service has the following comments to make.

The Appellant details that pre-application advice was sought from the Planning Service in 2007 to which the Planning Officer at the time advised that:

"...subject to adequate services being provided (i.e. road access, water supply and sewerage discharge) and appropriate siting and design, the site is considered to be suitable for the development of a very modest sized dwellinghouse that would relate to the dwelling on the opposite side of the road".

It should be noted that the Appellant submitted a further pre-application enquiry to the Planning Service in 2015 for the same site to which the Planning Officer at the time advised that:

"It is noted that positive pre-application advice was given for this site in 2007.

However, having revisited the site subject of your enquiry, I must advise that it is considered that the development of the site with a dwellinghouse would result in a proposal which would result in the loss of an area of ground which contributes to the amenity of the wider area and result in a development which would levels of privacy and amenity.

In light of the above I must advise that a formal planning application would not be supported by the Planning Service".

Pre-application advice provided by the Planning Service comes with a caveat that the advice provided in the response represents the informal view of the Planning Officer and is given

without prejudice to the outcome of any future planning application submitted in respect of the proposed development.

With regards to the other points set out in the Appellants submission, these are addressed in the Report of Handling appended to this statement.

CONCLUSION

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

As set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposed development of the site with a dwellinghouse would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape resulting in a dwellinghouse which would have a cramped visual appearance, representing overdevelopment of a restricted plot when viewed in relation to the layout of surrounding development which is generally characterised by dwellinghouses set within spacious plots and resulting in the loss of an area of green space which contributes positively to the setting of the existing development.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Report of Handling Relative to 23/00848/PPP

Argyll and Bute Council
Development & Economic Growth

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/00848/PPP
Planning Hierarchy: Local
Applicant: Mrs Julie Casci
Proposal: Site for the Erection of a Dwellinghouse
Site Address: Land South East of Islay House, Glencruitten, Oban

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
 Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
- Site for the erection of a dwellinghouse
 - Installation of septic tank and soakaway
 - Formation of vehicular access into site
- (ii) Other specified operations**
- Utilisation of existing vehicular access from public road
 - Connection to public water main
-

(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.

(C) CONSULTATIONS:

Argyll and Bute Council – Roads Authority

Report dated 04/09/23 advising no objection to the proposed development subject to conditions being imposed should permission be granted to secure the appropriate construction of the access; clearance of visibility splays and provision of an appropriate parking and turning area within the site.

Argyll and Bute Council – Environmental Health Service (EHS)

Memo dated 27/07/23 advising that the application involves development on land where there was historically a dwellinghouse which appears to have been removed. Accordingly, as some demolition materials can contain contaminants, should demolition materials be found on site during ground works the EHS should be notified immediately. An informative to this effect will be appended should permission be granted.

Argyll and Bute Council – Oban Airport

No response at time of report and no request for an extension of time.

Scottish Water

Letter dated 21/07/23 advising no objection to the proposed development which would be serviced from the Tullich Water Treatment Works. Scottish Water do however advise that further investigations may be required once a formal application for connection is submitted to them for consideration. Scottish Water further advise that there is no public waste water infrastructure within the vicinity of site and accordingly private drainage arrangements will be required.

Network Rail

Letter dated 27/07/23 advising no objection to the proposed development but advise that, should permission be granted, conditions should be imposed to secure a trespass fence along the boundary of the railway; landscaping scheme; and a noise impact assessment. Network Rail also provide general advisory comments. Should permission be granted the conditions required by Network Rail will be imposed along with an informative making the Applicant aware of the advisory comments.

Consultation responses are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 17/08/23.

(F) REPRESENTATIONS:

(i) Two representations have been received from:

Mrs Doreen Maclachlan, Burnside, Glencruitten, Oban, PA34 4QB
Mr George Gage, Islay House, Glencruitten, Oban, PA34 4QB

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

Access and Parking

- The Glencruitten (Back) road is not suitable for further development due to the lack of lighting, laybys, road maintenance and drainage.
- The existing private access regime requires to be upgraded to facilitate any further vehicular movement.
- Further traffic road using this private access regime is not sustainable without the Council's Roads Authority taking it over.
- There are problems with vehicles turning and parking at the junction with the public road including service vehicles and school buses, amongst others, how would this be overcome with a further dwellinghouse and access. Could the entrance be widened to allow for this?
- There is very limited visibility at the junction with the public road.

Officer Comment: *The Council's Roads Authority was consulted on the proposed development and raised no objection on road or pedestrian safety grounds. The Roads Authority advised that, that should permission be granted, conditions are imposed to ensure the suitable construction of the access at the junction with the private access, clearance of visibility splays and the provision of an appropriate parking and turning area within the site.*

Existing Infrastructure

- There is a BT overhead line which will need redirected.
- Septic tank infrastructure from the neighbouring dwellinghouse runs through the plot. No connection would be permitted to the existing septic tank to serve the new dwellinghouse.

Officer Comment: *Whilst these comments are noted, they are not matters for the Planning Authority but matters for the Applicant and affected parties should permission be granted.*

However, the Agent has submitted a statement detailing that the Applicant re-routed the pipes before they sold the property to the current owners to ensure that there are no drainage pipes running through the application site.

Impact on Privacy, Amenity and Daylighting

- The proposed dwellinghouse will affect light and privacy to neighbouring dwellinghouses.

Officer Comment: *It is considered that the site is a sufficient distance from the neighbouring dwellinghouse at Burnside, and at a lower level than Islay House, to ensure that no privacy, amenity or daylighting conflict would arise should permission be granted.*

Impact on Wildlife

- The proposed development will have an adverse impact on wildlife.

Officer Comment: *The site has recently been cleared with little wildlife habitat within the site. However, the Agent has advised that the Applicant will endeavour to encourage wildlife with sensitive planting and landscaping. Existing trees would be maintained and existing vegetation would only be removed to clear the overgrown ground and to improve access visibility.*

- There is a problem with refuse bins being left out permanently obstructing the road with further bins exacerbating the situation.

Officer Comment: *This is a matter for users of the private access regime to resolve. However, the Agent has advised that waste storage will be provided within the site and bins will be put out for collection on the designated days, in line with Council requirements.*

Flooding

- The site is subject to flooding from the main road under the railway bridge. What would happen to rainwater run-off should the site be developed.

Officer Comment: *Should permission be granted, a condition would be imposed to ensure that a suitable surface water drainage scheme was incorporated into the proposed development. Furthermore, the Roads Authority would seek that a suitable scheme for the treatment of surface water be incorporated into the junction design for the development to prevent surface water passing onto the public road.*

Use of Property

- There are 2 new holiday homes opposite the site and 3 houses along, will this be another holiday home or second home or will it be a permanent residence.

Officer Comment: *The application does not specify if the proposed dwellinghouse is for permanent use, a second home, or for holiday letting purposes and there is no requirement for the Planning Authority to require confirmation of the intended use.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No A Design

Statement has been submitted with the application.

- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc. Yes No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes No

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
(includes provisions relevant to Greenfield Sites)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 23 – Health and Safety

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our

Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 4 – Contaminated Land

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP TRAN 7 – Safeguarding of Airports

(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 3/2013.

- Third Party Representations
- Consultation Responses
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2

Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision
Policy 43 – Safeguarding of Aerodromes

Sustainable Communities

Policy 59 – Water Quality and the Environment
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 82 – Contaminated Land

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- Proximity to Oban to Glasgow Railway

(P)(ii) Soils

Agricultural Land Classification:

Class 5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain.

Peatland/Carbon Rich Soils Classification:

- Class 1
 Class 2
 Class 3
 N/A

Peat Depth Classification:

N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes No

Does the proposal include any replacement or compensatory planting? Yes No details to be secured by condition N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application
(tick all relevant boxes)

- Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
 LDP DM 1

- Main Town Settlement Area
 Key Rural Settlement Area
 Village/Minor Settlement Area
 Rural Opportunity Area
 Countryside Zone
 Very Sensitive Countryside Zone
 Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

ABC pLDP2 Settlement Strategy

- Settlement Area
 Countryside Area
 Remote Countryside Area
 Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

| N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

The application is seeking to secure planning permission in principle for a single dwellinghouse on an area of ground to the south east of Islay House, Glencruitten, Oban.

Whilst an indicative layout for the site has been shown, the purpose of this application is to establish the principle of development with the detailed matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The site is within the defined Settlement of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the general presumption in favour of development within this area of Oban is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The Sustainable Siting and Design Principles (SSDP) of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

The site the subject of this application was previously part of the garden ground of Islay House but was retained when Islay House was sold.

Development within this area of Oban is mixed in style and appearance but properties are generally situated within spacious plots with high levels of residential amenity. The site the subject of this application is small compared to neighbouring dwellinghouses and the established pattern of development.

It is considered that Islay House effectively terminates the extent of built development at this location with the site subject of this application not representing a natural site having been manufactured to achieve an area for development. There is a significant drop in level between the boundary of Islay House and the application site where it meets with the public road. The site provides a buffer between the existing built development and the public road and, whilst the site has been partially cleared, there are still areas of vegetation within the site and tree cover along its boundaries which contribute positively to the setting of the wider development.

It is considered that extending the development beyond Islay House would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape. It is considered that proposed dwellinghouse would have a

cramped visual appearance, representing overdevelopment of a restricted plot when viewed in relation to the layout of surrounding development which is generally characterised by dwellinghouses set within spacious plots and resulting in the loss of an area of green space which contributes positively to the setting of the existing development.

An existing vehicular access spurring from the C32 Glencruitten public road is to be utilised to serve the proposed development with water supply via connection to the public water main and drainage via the installation of a septic tank and soakaway due to the lack of public drainage infrastructure within the vicinity of the site.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be secured via planning condition in the event that planning permission in principle were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 and Policy 73 of pLDP2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

The proposed development is therefore considered to be in accordance with NPF4 Policy 4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 G LDP ENV 1 and SG LDP ENV 4 and Policy 75 of pLDP2.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Whilst the development proposed by this planning application is on a greenfield site, in terms of our adopted settlement strategy, the site of the proposed development is within the defined Settlement of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the general presumption in favour of development within this area of Oban is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The SSDP of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

The site is situated directly adjacent to the C32 public road accessed from a private access regime serving a number of existing dwellinghouses. The site is situated at a lower level than Islay House which forms the north and north western boundary of the site with a further dwellinghouse Oakholm to the south west and, on the opposite side of the public road, Burnside. The Oban to Glasgow railway line runs along the eastern boundary of the site.

The site the subject of this application was previously part of the garden ground of Islay House but was retained when Islay House was sold. It is considered that Islay House effectively terminates the extent of built development at this location with the site subject of this application not representing a natural site having been manufactured to achieve development.

It is considered that extending the development beyond Islay House would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

It is considered that the proposed development is contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG LDP HOU 1 and Policy 02 of pLDP2.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to establish the

principle of a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it will benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. The application proposes to utilise an existing private access track spurring from the C32 Glencruitten public road to serve the proposed development. The Council's Roads Authority have been consulted on the application and raised no objections to the proposed development subject to conditions regarding the construction of the access into the site from the private access, the clearance and maintenance of visibility splays and the provision of an appropriate parking and turning area within the site. Subject to such details being secured via condition in the event that planning permission in principle were to be granted, the proposal is considered to be compliant with the terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and Policies 35, 36, 37, 39 and 40 of pLDP2, which collectively seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. In this instance, whilst the site the subject of the application is within the defined Settlement Zone of Oban, where the LDP gives general support to housing development, on appropriate sites, this is subject to the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. As detailed above, the SSDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

It is considered that Islay House forms the natural boundary for the small cluster of development along this private access track and that extending the development beyond Islay House would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

The proposed development fails to pay regard to the wider surroundings of the site in terms of the existing character, scale and density and is considered to be contrary to NPF4 Policy 14 as underpinned by LDP Policy LDP DM 1 and SG LDP HOU and Policies 02 and 08 of pLDP2.

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the

Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of our adopted settlement strategy, as detailed at NPF4 Policies 9 and 14 above, the site of the proposed development is within the defined Settlement Zone of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites with these main policy considerations underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, as detailed at NPF4 Policies 9 and 14 above, the presumption in favour of development within the defined Settlement Zones, is qualified by the requirement to ensure that developments accord with the existing and established pattern of development with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards.

It is considered that Islay House forms the natural boundary for the small cluster of development along this private access track and that extending the development beyond Islay House would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

In this instance, the proposed development site would fail to respect the existing established settlement pattern resulting in an adverse environmental impact and therefore would fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policies contained within LDP Policies LDP DM 1, LDP 8, SG LDP ENV 14 and SG LDP HOU 1.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'.

The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out will be covered through the use of a planning condition.

In the case of this application, whilst the timescale for build-out could be secured via condition to be addressed by way of future application(s) for approval of matters specified in conditions, the application site is not consistent with the LDP spatial strategy. The proposed development is therefore considered to conflict with NPF4 Policy 16 as underpinned by LDP Policies LDP DM 1, LDP 8 and SG LDP HOU 1.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;

- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks planning permission in principle for a single dwellinghouse. Whilst it is acknowledged that the proposed development would contribute to housing for the existing local community, as outlined above, the siting of the development is considered unsustainable due to its location and the resulting impact upon landscape and potential coalescence and linear development which would occur. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by LDP Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes connection to the public water main with drainage via installation of a septic tank and soakaway due to the lack of public drainage infrastructure within the vicinity of the site. Scottish Water raised no objection to connection to the public water main but provided advisory comments for the Applicant with regards to further investigations once a formal application for connection is submitted to them for consideration. As the application is seeking planning permission in principle, no details of the finer details of the septic tank and soakaway have been submitted with the application, with these being subject of approval through a further planning application(s) should planning permission in principle be granted. In this regard the proposal would be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policies LDP 11 and SG LDP SERV 1 and Policies 04, 05, 08 and 60 of pLDP2 which seek to ensure that suitable infrastructure is available to serve developments and give support to private arrangements where connection to the public systems is not available.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed above water supply is via connection to the public water main to which Scottish Water raised no objection. The management of rain and surface water at the site would be managed through the provision of a sustainable urban drainage system, which could be adequately secured through the use of a planning condition should permission in principle be granted. The proposed development is considered to be acceptable in terms of NPF4 Policy 22 as underpinned by LDP Policies LDP 10, LDP 11, SG LDP SERV 6 and Policies 04, 05, 08, 59 and 61 of pLDP2.

NPF4 Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

The development the subject of this planning application is on a site bounded by the Oban to Glasgow railway line. Whilst the railway line can be reasonably described as a potential 'safety hazard' for the purposes of Policy 23, Network Rail have been consulted and have raised no objection on safety grounds subject to conditions being imposed on the grant of permission to secure a 1.8 metre high trespass fence adjacent to Network Rail's boundary; a scheme of landscaping; and the submission of a noise impact assessment. Network Rail also provide advisory comments which would be provided to the appended to the grant of permission. Subject to such details being secured via condition, in the event that planning

permission in principle were to be granted, the proposal is considered to be compliant with the aims of Policy 23.

Whilst it has been demonstrated that appropriate servicing and infrastructure arrangements can be provided to serve a single dwellinghouse on the site, the principle of the development of the site with a dwellinghouse is not considered to be acceptable as it is considered that extending the development beyond Islay House would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

(R) Reasons why Planning Permission in Principle Should be Refused:

See reasons for refusal below

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

N/A

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

Author of Report: Fiona Scott
Reviewing Officer: Kirsty Sweeney

Date: 26/09/23
Date: 18/10/23

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 23/00848/PPP

1. The proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 (b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

Whilst the development proposed by this planning application is on a greenfield site, in terms of the adopted settlement strategy, the site of the proposed development is within the defined Settlement of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the general presumption in favour of development within this area of Oban is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The Sustainable Siting and Design Principles (SSDP) of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

Development within this area of Oban is mixed in style and appearance but properties are generally situated within spacious plots with high levels of residential amenity. The site the subject of this application is small compared to neighbouring dwellinghouses and the established pattern of development.

Islay House is considered to represent an appropriate termination to the extent of built development at this location. There is a significant drop in level between the boundary of Islay House and the application site where it meets with the public road. It is considered that the site has been contrived to exploit an area of ground which provides an appropriate buffer between the existing built development and the public road and, whilst the site has been partially cleared, there are still areas of vegetation within the site and tree cover along its boundaries which contribute positively to the setting of the wider development.

It is considered that the development of the site with a dwellinghouse would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape resulting in a dwellinghouse which would have a cramped visual appearance, representing overdevelopment of a restricted plot when viewed in relation to the layout of surrounding development which is generally characterised by dwellinghouses set within spacious plots and resulting in the loss of an area of green space which contributes positively to the setting of the existing development.

It is considered that the proposed development is contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG

LDP HOU 1 and Policy 01 of pLDP2.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **23/00848/PPP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No

(B) The reason why planning permission has been approved:

See reasons for refusal above.

Mr and Mrs Gage

Islay House,
Glencruitten
Oban
PA34 4QB

21st January 2024

Planning reference number - 23/00848/PPP Local review reference - 24/0001/LRB

Land SE of Islay House, Glencruitten, Oban, Argyll

Dear Sir/Madam,

Please find below our responses

Best regards

George and Morven Gage

.....

Response to the notice of review Section 7

- 1) This land is not a building site suitable for development into a dwelling house. The costs incurred are solely from seeking to develop the land and not from maintenance since 2007.
- 2) The land had become overgrown and was causing some problems with overhead lines. The leylandi hedge in particular has been left uncut since 2007. The land had been left overgrown until recently when the applicant wished to develop it.
- 3) Any fly-tipping that has taken place is minimal.. This area is used for refuse collection and the access allows for the refuse collectors to pull in safely. This

area is also used for School children to wait and board the school bus safely.

What justifies or warrants unauthorised parking? Perhaps the applicant means the School bus, refuse lorry, SSE, Network rail, BT etc

- 4) The size of the land is not comparable to existing properties. The land has a large sloping area which used to form the garden at Islay House. The sloping land is supporting or retaining the garden above at Islay House. This cannot be included in the development area as removal of this would have a detrimental affect and poses a risk of subsidence to Islay House. The neighboring plots cannot be compared as they were developed approximately 40 years ago when there were very different building requirements.
- 5) There would be an impact to light and privacy to all surrounding properties. The leylandi hedge which is now extremely overgrown has been kept in place so that the proposed development minimises its impact towards 'Burnside' , however this hedge cannot be sustained.

Response to Appeal Letter

History - The applicant states that a family emergency forced them to move away, did this emergency give them enough time to split the garden, adjust the deeds, move the gas tank, services, build a retaining wall with substantial infill and then create a new connection to Islay Houses existing septic tank to serve a new property in the future.

I have made several attempts to purchase the land with the intention of re-instating Islay Houses garden and to build a small workshop for my Joinery business.

The applicant retained the land in 2007 with a view of developing it in the future to add to an already large property portfolio. All 3 houses - Islay House, Burnside and Oakholm overlook the land.

Appeal Points

The proposal does conflict with NPF4 as it is a greenfield area and should be kept as such. Suitable uses for the land could be - common area, local group use or to reinstate the garden of Islay House.

The existing concrete hardstanding area on the land has no historic value and has never been built upon. It certainly hasn't been used for a dwelling. The land has become very overgrown which has actually supported a lot of wildlife until the applicant completely removed everything except for the laylandi hedging which seems to be providing a useful screen from Burnside and the road.

I have asked the applicant about clearing some of the nettles and brambles which grow into our garden. I have been accused of fly tipping, illegally parking and the most recent being accused of burying dogs in their land. This was later to be found to be the previous owner.

The proposed drawings do not show a modest dwelling. It is substantial and occupies most of the land. The drainage provisions are not clear with rainwater soaking away to the road and into Burnside and Oakholm. The septic tank would discharge into Burnside which sits at a much lower level than the land.

Plot Size

The land is too small for a dwelling and is not in keeping with neighboring properties. The infrastructure is not in place for another property and will add more traffic to an already congested main and private road. The proposed development would have an adverse impact upon the character of the landscape. There is not ample or even enough space for a dwellinghouse and it would look out of place also affecting neighboring properties.

LDP STRAT 1 - Sustainable Development

- a) The local community has nothing to benefit from this development
- b) The land is greenspace and should be kept as such
- c) The infrastructure and services are already at capacity in this area
- d) What is sustainable about building a dwelling on a greenspace of land?
- e) N/A
- f) Completely irrelevant
- g) N/A
- h) A dwelling will detract from the natural environment

- i) A dwelling will add more flooding to the main road. Sewerage discharge into neighbouring properties such as Burnside would be a SEPA issue.
- j) N/A
- k) It will have an adverse effect on the local environment

LDP DM1 - completely irrelevant

SG LDP ENV 14 - This is not going to be a modest dwelling. 1.5 Storey houses are not modest. It would overlook Oakholm and Burnside and Islay house would overlook the development. The vegetation seepage into Islay House is caused by a lack of maintenance of the land.

Response to conclusion

This dwelling would add nothing to the local area. We do not want the hillside into Islay House removed and we do not want to overlook a dwelling on a piece of land that is too small for development.

There has been no neighbour support for a dwelling on this land. When Islay House was purchased, the land shouldn't have been removed from Islay House. The applicant saw an opportunity to add to his property portfolio and the only motivation here is financial gain.

Planning Statement Appellant CommentsGeneral

The proposed development site was separated from the garden of Islay House (formerly Cairnvaan) in 2007, well before the house was marketed and sold in 2009. We wanted to keep the plot to build a dwelling for ourselves and to support us and our children returning to Oban, so sought advice from the Planning Department regarding suitability in 2007 and before taking any steps. Following a site visit they said the site was suitable for a modest dwelling, and nothing material has changed in that location since then, except for road improvements carried out for planning application 14/00409/PP, which could have only had a positive impact.

If the site was “contrived” or “manufactured” for development in 2007, as per comments, then this was only because we received encouragement from the planning department. Islay House is very elevated from the road whereas the plot is situated at road-level. Although the site previously formed part of the garden at Islay House, intuitively it has always been a separate entity and naturally lent itself for the development of a separate dwelling because of this. According to the EHS, there was a dwelling on the site previously, highlighting its prime suitability.

Site Location & Plot Size

Image taken from Google Maps

The aerial image above shows the cluster/line of houses ranging from Pinecrest through to Burnside Cottage, in the midst of which the proposal site (outlined in white) is located. The letter of encouragement we received in 2007 states that the proposed dwelling should relate to the dwelling on the opposite side of the road (Burnside).

The photograph also shows plot size relative to existing neighbouring plots demonstrating that they are in fact broadly similar. The red rectangle is intended to be an indicative representation of the intended location of the proposed dwelling, showing it will not be imposing, unsightly or of a cramped appearance when compared to neighbouring plots as has been suggested.

Vegetation

We intend to clear the site and cut back the hedges and have already started which will improve light while maintaining privacy and we will be on site to complete this as soon as weather conditions permit.

Positive Pre-Application Advice

Our decision to separate and retain the plot was expressly based upon the comments of the planning officers in 2007. Because they worked within the planning department, and thus part of their role is to support would-be developers, this should have constituted a guarantee that planning approval would be granted as long as we complied with all requirements when applying. We have an official letter giving positive affirmation. It which makes no mention of this being merely an opinion, in fact the officer says that the site *is considered suitable* which does not in any way sound as if it could be anything less than approval.

Our proposal falls within the settlement zone and is broadly supported by the LDP and LDP2. It makes sense of a piece of land which is overgrown and unsightly. The only issues raised against it seem to relate to matters of interpretation which directly contradict the support we received from the same planning department in 2007 and upon which we have based all of our decisions. The advice of of planning officers should carry enormous of weight if the system is to be trusted.

Buffer

There is no precedent for there being a buffer between houses and the road in this neighbourhood. Almost all of the existing dwellings sit in close proximity to the road and there are no existing buffers. If this is being put forward as a consideration now, why wasn't this mentioned when the planning department sanctioned development y in 2007?

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Response To Neighbour Comments

General

For the purposes of the planning application and appeal processes, we fully understand that the comments made by Mr Gage are irrelevant. However, Mr and Mrs Gage bought Islay House (formerly Cairnvaan) with the express understanding that the land had been separated because we wanted to develop and dwell on it ourselves. Hence our rejection of their repeated attempts to purchase and develop the land for themselves which they even offered to rent from us from the outset which we rejected following legal advice from local solicitors. Although irrelevant, Mr and Mrs Gages' comments would contradict their own desires to develop the plot. In any case, despite irrelevance, we still feel it is important to answer his comments to set matters straight.

Size of Plot

The plot is comparable in size to many neighbouring plots including Dunard, Pinecrest and Burnside when using the area calculation tool in the planning section of the Argyll & Bute Council website. In addition, many of the neighbouring houses are set very close to the road, such that size is generally not evident for most of the existing plots – including for Burnside, Burnside Cottage, Oakholm, Dunard and Pinecrest.

Oban planning department viewed the land as it is and deemed it suitable for development without modification. However, if they say that it is necessary, we will cut into the hillside sympathetically to widen the site, ensuring that this will be carried out professionally and will pose no risk to Islay House.

Although our application is for outline permission only, in response to comments and queries from the planning department during the application process, we had an indicative plan drawn up professionally just to give an idea of layout. Little thought has been given to house design at this stage, as we know a detailed design will have to be submitted in the future. At that stage, we will ensure that the proposed dwelling size is in keeping with the plot size.

Vegetation Overgrowth

Every time we visited the site over the years to cut back vegetation, we were impeded from carrying out the work by Mr Gage's vans, equipment, material and detritus relating to his joinery business. We have photographs showing these in situ over the years taken by ourselves and a local source which we would be glad to forward to you. Out of being neighbourly, we have refrained from approaching him or complaining.

Neighbour Support

We have spoken to most of the neighbours who support our plans for development. This includes Mrs Gage, who at our visit on 8th November 2023 said that she was looking forward to being our neighbour.

Fly-Tipping/ Unauthorised Parking

Numerous items have been left – we have already disposed of materials (which were half-burnt) and identical/similar to Mr Gage's fence. This site, which Mr Gage has said he wishes to keep as a place of natural beauty next to his house, has been violated by himself numerous times. He has already admitted some responsibility and removed some of the detritus. A local estate agent has been monitoring the land for us and noted/photographed his vehicles parked there continuously without permission over the years.

Light & Privacy

Immediate neighbours are Islay House, Burnside and Oakholm.

- **Islay House** - Islay House is situated at a much higher level than the plot and is also protected from view by a high fence and therefore there are no issues regarding light/privacy.
- **Burnside** – Sits opposite the site and across the public road. The high hedge protects it from any issues regarding light or privacy. Reducing the height of the hedge will have a positive effect by increasing light.
- **Oakholm** – sits diagonally across the private road and is only partially visible from the plot due to strategic planting and being situated at a slightly lower level. The proposed dwelling on our site would sit towards the back of the plot and towards Islay House so it is unlikely that there would be any significant direct house-to-house sightline and therefore there are no issues.

Historic Use of Land/Greenfield Site

The EHS have stated that there was an historical dwelling on the site and that they should be notified if any demolition materials are found during groundworks although we are not sure how this might influence the appeal decision, if at all.

Congestion/Access Issues

During the application process we sought comments from the Roads Department, and they have raised no objections to the proposal subject to compliance with certain requirements.

Drainage Considerations

The proposal is not within a flood risk area and has no history of flooding. We would comply with all requirements concerning drainage to ensure no adverse impact. The proposal plan only shows an indicative location/layout for drainage provision and a more detailed plan would have to be submitted.

Benefit to the Local Community

Dr Casci had an offer to start working as a local dentist providing NHS services, but has had to put this on hold as acceptance of the position rests upon this development/accommodation. We can provide official evidence of this to show our commitment and long-term plans.