



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

19 February 2019

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **TUESDAY, 26 FEBRUARY 2019** at **9:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: WESTWOOD, POLVINISTER ROAD, OBAN, ARGYLL, PA34 5TN (REF: 19/0001/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 8)
 - (b) Comments from Interested Parties (Pages 9 - 22)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville (Chair)
Councillor Jean Moffat

Councillor Robin Currie

Contact: Fiona McCallum Tel: 01546 604392

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Ref:
AB1

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

OFFICIAL USE

17/1/19

Gra McCallan

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review 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 <input type="text" value="MR D. STURROCK"/>	Name <input type="text" value="BEATON + MCMURCHY"/>
Address <input type="text" value="WESTWOOD"/>	Address <input type="text" value="THE STUDIO"/>
<input type="text" value="POLVINISTER ROAD"/>	<input type="text" value="TIGH NA GLAIC"/>
<input type="text" value="OBAN, ARGYLL"/>	<input type="text" value="TAYNUILT, ARGYLL"/>
Postcode <input type="text" value="PA34 5TN"/>	Postcode <input type="text" value="PA35 1JW"/>
Tel. No. <input type="text"/>	Tel. No. <input type="text" value="01866 822350"/>
Email <input type="text"/>	Email <input type="text" value="mail@bmarchitects.co.uk"/>

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

(4) (a) Reference Number of Planning Application
(b) Date of Submission
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

WESTWOOD,
POLVINISTER ROAD,
OBAN,
ARGYLL

PA34 5TN

(6) Description of Proposal

PROPOSED CHALET

(7)

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

- The plot area is in excess of 1750m². It is by far the largest plot in the area and can comfortably accommodate the proposed building.
- The neighbours to the north have built a 4 bedroom house in their garden. The planning reference of this project is 16/00857/PP. Why is this acceptable and our proposal is not.
- The roads engineer has not objected to the proposal so access is not an issue.
- The proposed building is more than 18 metres from Ciscolli and Bornish so there are no opposing window issues.
- Two further houses have been built fairly recently, both of significant size and certainly a lot bigger than what we propose.
- The existing trees are becoming unmanageable and some will need to be taken down in the not too distant future. We recognise that these trees provided screening and we proposed a new planting scheme to protect the amenity of the neighbouring properties.
- The neighbouring property (Bornish) is timber clad as we propose.
- Our location plan on drawing 01b shows the chalet and the surrounding buildings. This shows that the chalet fits in with the existing settlement pattern.



(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	Outline Proposals Drawing 1753 01b
2	
3	
4	
5	
6	
7	
8	
9	
10	

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

Submitted by
(Please Sign)

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 – www.argyll-bute.gov.uk/
4. If 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 Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

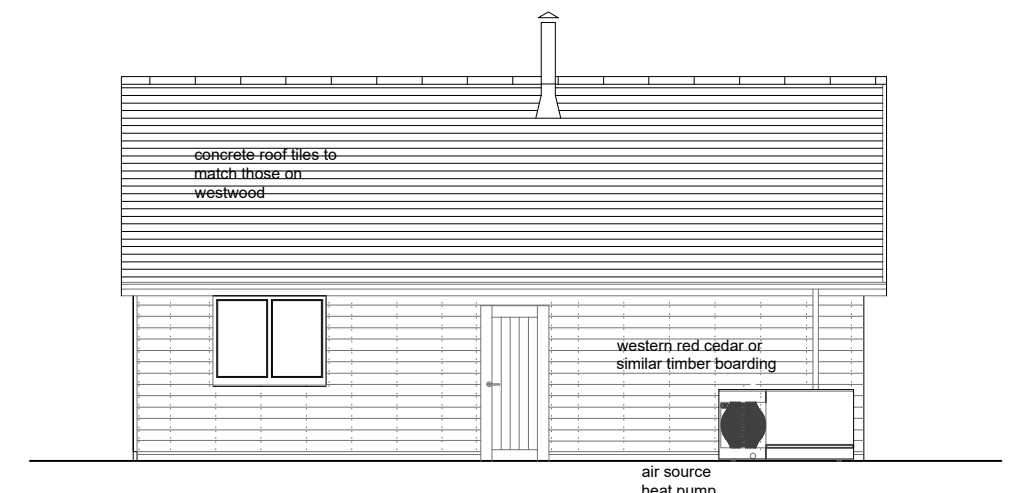
If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only

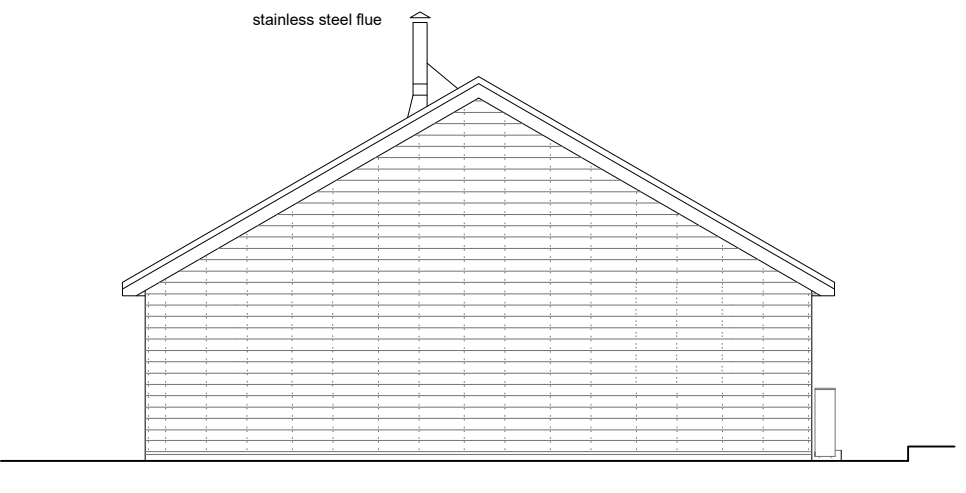
Date form issued

Issued by (please sign)

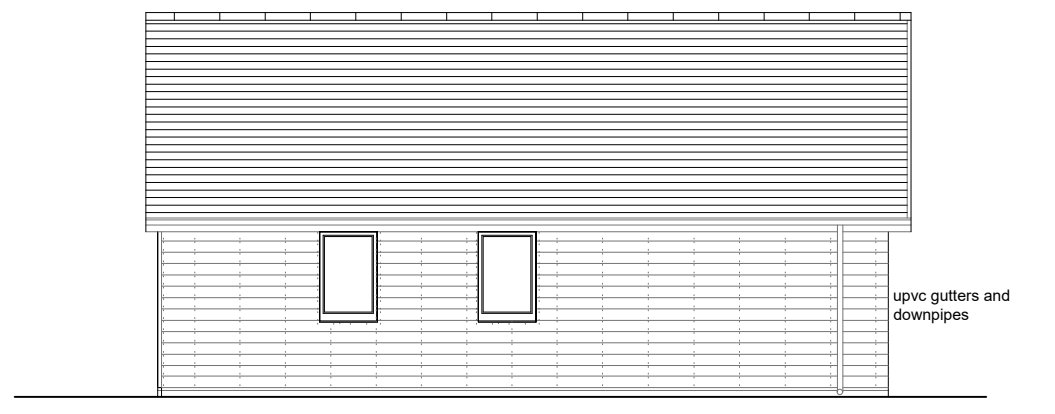
LAND RELATING TO APPLICATION OUTLINED IN RED
 LAND IN SAME OWNERSHIP AS APPLICATION SITE BUT
 NOT RELATING TO APPLICATION OUTLINED IN BLUE.



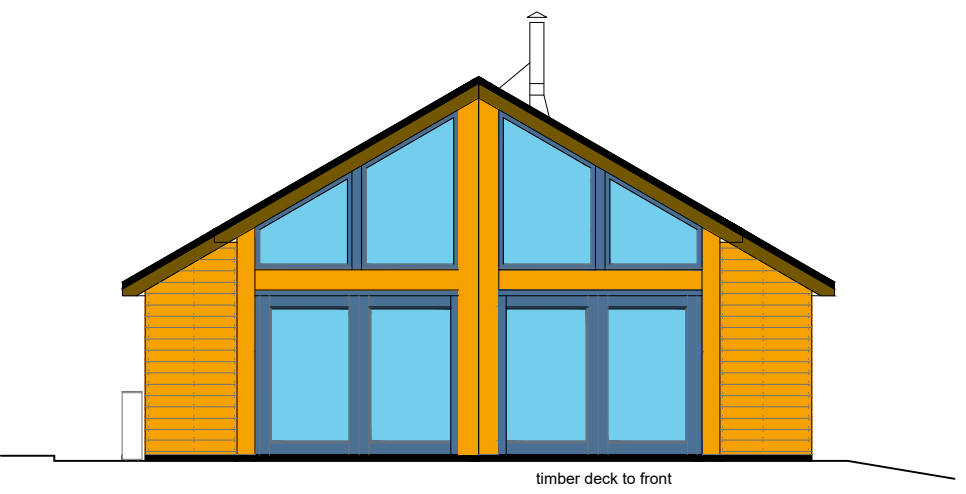
northwest elevation



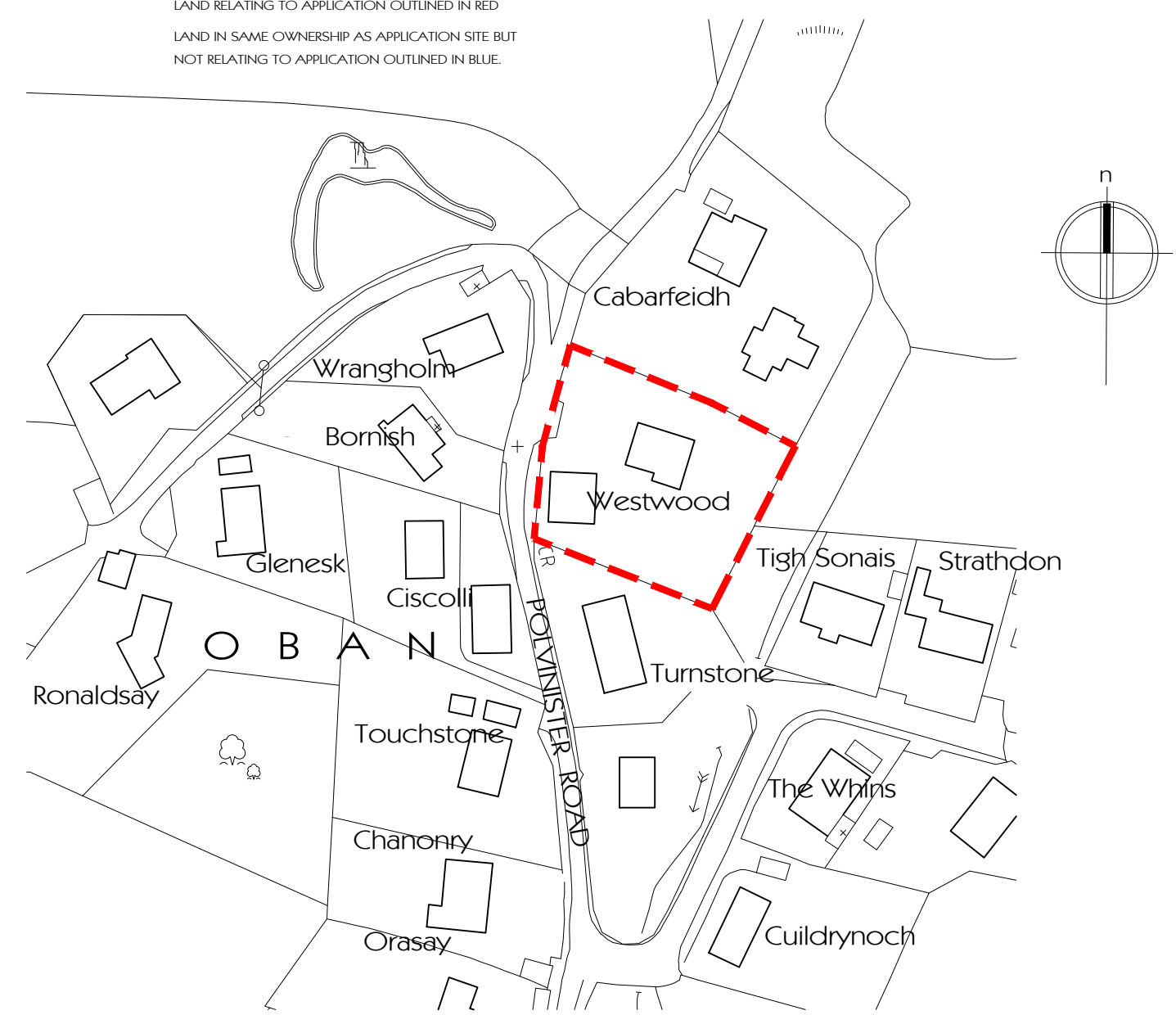
northeast elevation



southeast elevation

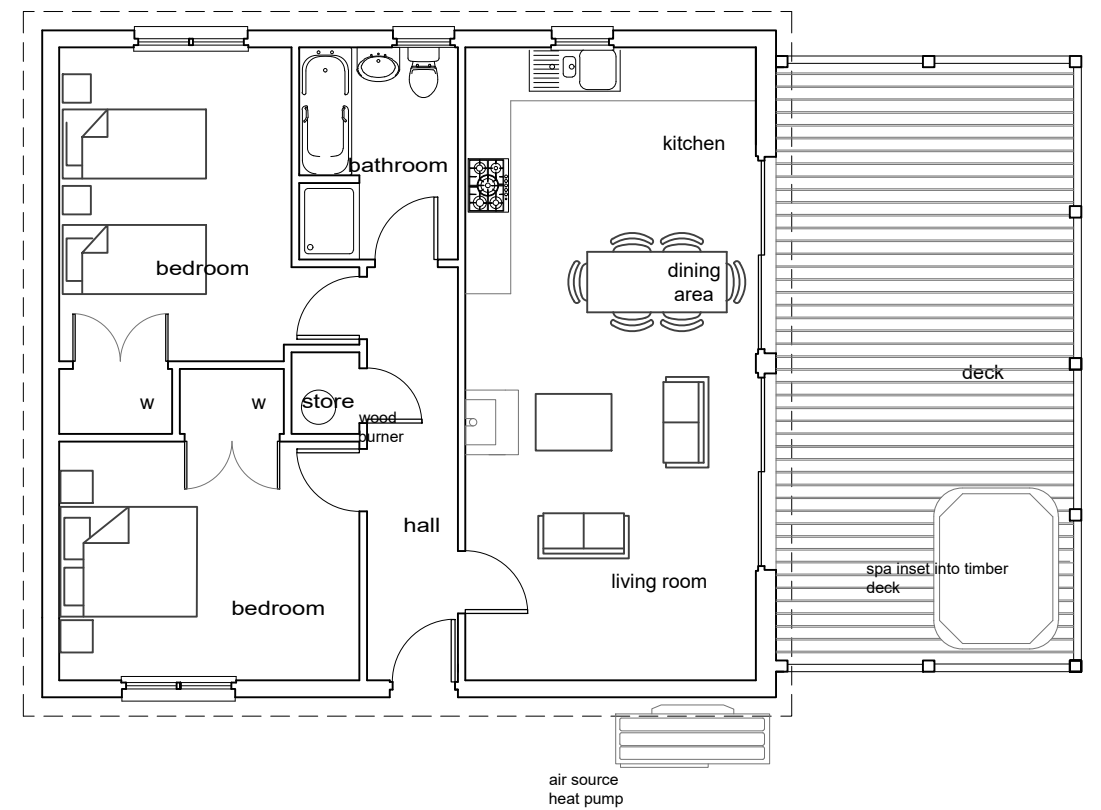


southwest elevation

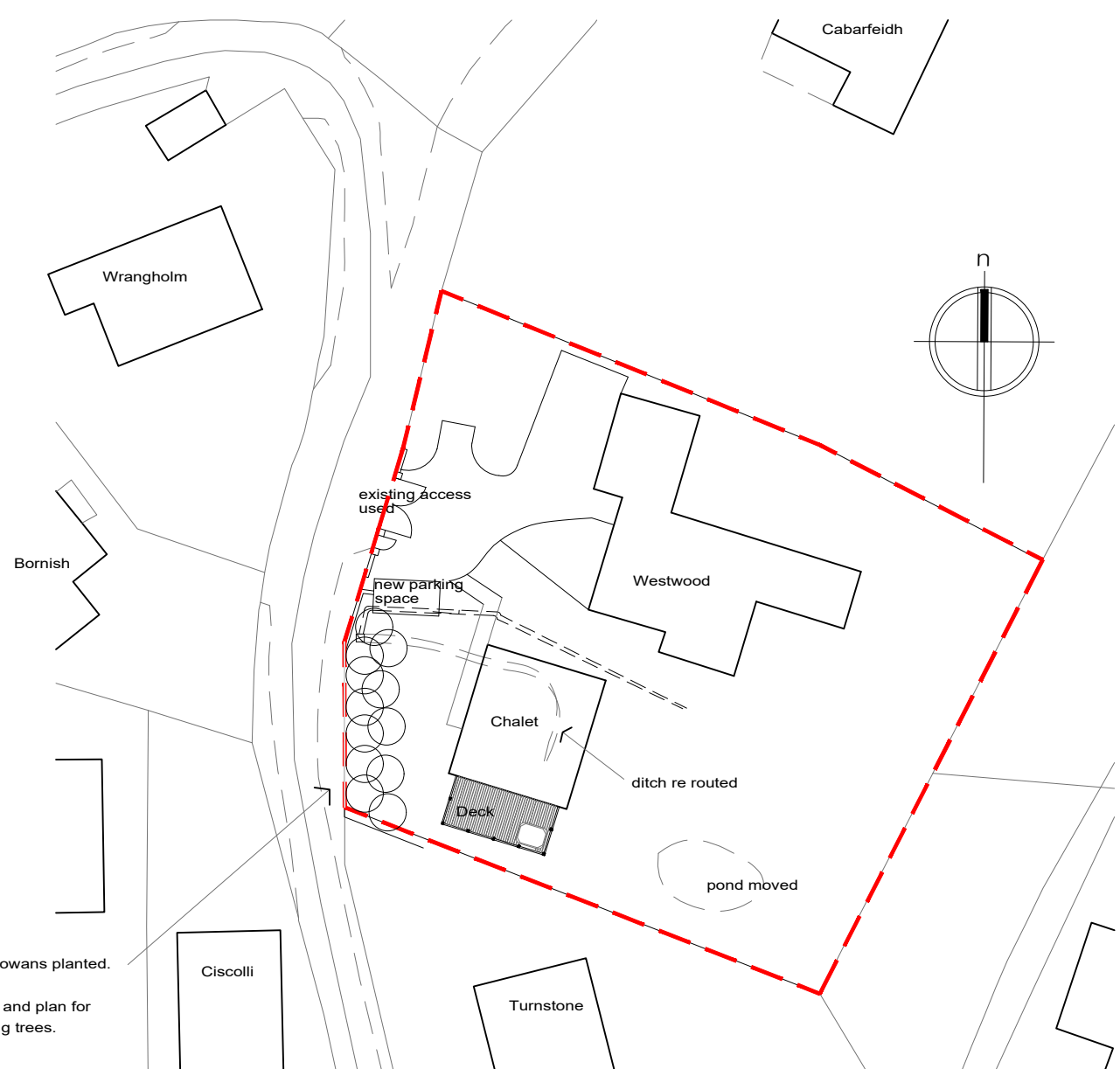


location plan

scale 1:1250



ground floor plan



site plan 1;500

12no. mature hawthorn and rowans planted.
 Minimum height of 5 metres
 Please see Treeworks report and plan for
 retention and felling of existing trees.

Client
D. STURROCK

Project
**PROPOSED CHALET AT WESTWOOD,
 POLVINISTER, OBAN, ARGYLL.**

Drawing

OUTLINE PROPOSALS

Drawn by **fkB** Date: **OCTOBER 2017**
 Drawing Scale: **1:100**
 CAD Filename:

Beaton + McMurphy architects
 tigh na glaic, taynuilt, argyll. pa35 1jw
 tel - 01866 892350 fax - 01866 892320
 web bmarchitects.co.uk
 e-mail mail@bmarchitects.co.uk

Drawing No. **1753** Revision **01 | c**

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of Notice of Review - Reference 190001LRB (Planning Ref 1702692PP Westwood Polivini ster Road Oban
From: Scott, Fiona
Sent: 30 January 2019 15:04
To: local reviewprocess
Cc: McCallum, Fiona
Subject: RE: Intimation of Receipt of Notice of Review - Reference
19/0001/LRB
(Planning Ref: 17/02692/PP, Westwood, Polivini ster Road, Oban, Argyll PA34
5TN [OFFICIAL]
Attachments: 02692 ROH FMS 050718.docx

Classification: OFFICIAL
Good afternoon

I refer to the undernoted e-mail enclosing details of the above LRB.

I can advise that the Planning Service has no further comment to make on the submission other than that set out in the attached Report of Handling which was prepared by the Planning Service for the planning application.

Kind regards

Fiona

Fiona Scott
Planning Officer - Oban, Lorn and the Isles Area
Development Management
Planning, Housing & Regulatory Services
Argyll and Bute Council

t: 01631 567968
e: fiona.scott@argyll-bute.gov.uk
w: www.argyll-bute.gov.uk

<http://www.argyll-bute.gov.uk>
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Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/02692/PP
Planning Hierarchy: Local Development
Applicant: Mr David Sturrock
Proposal: Erection of Chalet
Site Address: Westwood, Polvinister Road, Oban

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of chalet
- Utilisation of existing vehicular access

(ii) Other specified operations

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

(B) RECOMMENDATION:

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

(C) HISTORY:

No relevant history

(D) CONSULTATIONS:

Area Roads Authority

Report dated 19/10/17 deferring decision until such time as the chalet is sited outwith the visibility splay. Amended plans now submitted removing development from visibility splay.

– No objection subject to conditions requiring access upgrade and clearance of visibility splays.

Scottish Water

Letter dated 19/10/17 advising no objection to the proposed development but providing advisory comments for the applicant.

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

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 16/11/18.

(F) REPRESENTATIONS:

Two representations have been received regarding the proposed development.

Mr Douglas McNab, Touchstone, Polvinister Road, Oban, PA34 5TN (30/10/17)

Mrs Christine McNab, Touchstone, Polvinister Road, Oban, PA34 5TN (30/10/17)

Summary of issues raised

- The development is described as a chalet when it is in fact a two storey wooden building with no reason given for its intended use.

Comment: The proposal is a single storey chalet type structure which the applicant has confirmed is to be used for weekly letting purposes.

- Roads and pedestrian safety issues due to the increase in vehicle movements particularly due to there being no pavement provision in Polvinister Road and Glencruitten Road.

Comment: The Roads Authority raised no objection to the proposal on road and pedestrian safety grounds.

- Road verges are no longer cut causing visibility issues with bins left uncollected resulting in obstruction to an already narrow single track road.

Comment: The maintenance of public road verges is not a material Planning consideration in the determination of this application but a separate matter for the Council's Amenity Services Section. Again, bins being left uncollected on the public road is not a material planning consideration but a separate matter between the householders and Amenity Services section.

- The proposed chalet will result in privacy and amenity issues with neighbouring properties particularly with the removal of trees and vegetation which currently provide natural soundproofing and screening.

Comment: The Planning Service does not support the removal of the well-established tree/scrub planting along the boundary of the site.

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

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

- | | | |
|-----|---|-----------|
| (i) | Is a Section 75 obligation required: | No |
|-----|---|-----------|

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

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

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

Argyll and Bute Local Development Plan, 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 5 – Supporting the Sustainable Growth of our Economy
- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting, Layout and Design
- LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

- SG 2 – Sustainable Siting and Design Principles
- SG LDP ENV 14 – Landscape
- SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

- (i) **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.**

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Consultee Responses
 Third Party Representations

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

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

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for a hearing: No

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the siting of a residential chalet within the garden ground of Westwood, Polvinister Road, Oban. It is intended that the proposed chalet be used as a holiday let residential property.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within the settlement of Oban where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 and SG 2 seek developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

Westwood is a detached dwellinghouse situated within the well-established residential area of Polvinister within the main town centre of Oban surrounded by residential development on all sides. The site subject of the current application is situated within the

front garden ground of the donor house directly adjacent to the public road where it is presently partially screened from view by the existing dense covering of trees and scrub.

The application proposes to site a log cabin structure within the garden ground of the dwellinghouse for holiday letting purposes which comprises a simple, single storey pitched roof structure finished in timber boarding with a concrete tile to its roof.

During the processing of the application the Planning Service sought to have the scale and design of the building reduced to something more modest and set back within the site with the existing tree/scrub belt along the frontage of the site adjacent to the public road retained to ensure the proposed structure was not visible from the public road or neighbouring properties. The applicant declined to change the design of the proposed structure but did show the chalet set back within the site. At the time of the submission of the amended plan, a tree survey was submitted in support of the proposal which identified that the majority of the tree cover along the frontage of the public road required to be felled contrary to the requirements of the Planning Service who sought to have this retained to provide screening for the proposed development to ensure no adverse visual impact on the surrounding area. Whilst the application indicated replacement mature planting, this was not considered a suitable alternative to the well-established mature planting currently on the site.

In light of the above, it is considered that the introduction of the proposed chalet structure by virtue of its design, materials and character, would represent an incongruous feature within the garden ground of the dwellinghouse which would be visually intrusive and detrimental to the character and appearance of the dwellinghouse and its setting within the wider landscape contrary to the terms of the policies and guidance outlined above.

The application proposes to utilise the existing vehicular access serving Westwood to serve the proposed chalet. The Area Roads Authority deferred their decision until such time as the chalet was sited outwith the visibility splay when they would have no objection subject to conditions regarding clearance of the visibility splay to a height of 1.05 metres and provision of an appropriate parking and turning area within the site. Accordingly, whilst the amended drawing shows the chalet set back within the site outwith the visibility splay, the requirement to clear the existing trees and scrub to a height of 1.05 metres would not be agreeable to the Planning Service who sought to have the established dense boundary planting retained. Whilst the requirements of the Roads Authority could be achieved by conditions, this would be contrary to the requirements of the Planning Service who are seeking for the trees/scrub along the frontage of the site to be retained.

Drainage is via connection to the public water network and public drainage network to which Scottish Water raised no objection but advised that they are unable to confirm capacity and that the applicant should submit a pre-development enquiry form for consideration. In this regard the proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to ensure appropriate infrastructure to serve proposed developments.

In light of the above, whilst suitable servicing and infrastructure could be achieved to serve the proposed development, the design, materials and siting of the chalet would introduce an incongruous feature within the garden ground of the dwellinghouse which would be visually intrusive and detrimental to the character and appearance of the dwellinghouse and its setting within the wider landscape contrary to the terms of the current Development Plan and it is recommended that planning permission be refused for the reasons appended to this report.

(R) Reasons why planning permission 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:
No**

Author of Report: Fiona Scott **Date:** 05/07/18

Reviewing Officer: Tim Williams **Date:** 12/12/18

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 17/02692/PP

1. The proposed development, by virtue of its design, materials and character and the necessity to remove the existing mature planting currently screening the development site, would represent an incongruous feature within the garden ground of the dwellinghouse which would be visually intrusive and detrimental to the character and appearance of the dwellinghouse and its setting within the wider landscape contrary to the provisions of Local Development Plan Policies LP DM 1, LDP DM 3, LP DM 9 and the design and siting principles contained within Supplementary Guidance 2 - Sustainable Siting and Design Principles.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/02692/PP**

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

No

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

No

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

See reasons for refusal outlined above.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	17/02692/PP
Decision Date	12/12/18
Issue Latest Date	Expired
Decision	Grant with Conditions & Reasons

Date signed by ATL

Don't Issue Decision	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Section 75 Agreement			
Revocation			

<i>Issue Decision</i>	✓	<i>Tick</i>	Standard Conditions/Notes to include					
<i>Tick</i>	<i>Dev/Decision Type</i>	Time Scale*	Initiation	Completion	Display Notice			
			Only use if PP/AMSC & Granted					
	Local – Sch.3 – Delegated							
✓	Local – Delegated		Refusal					

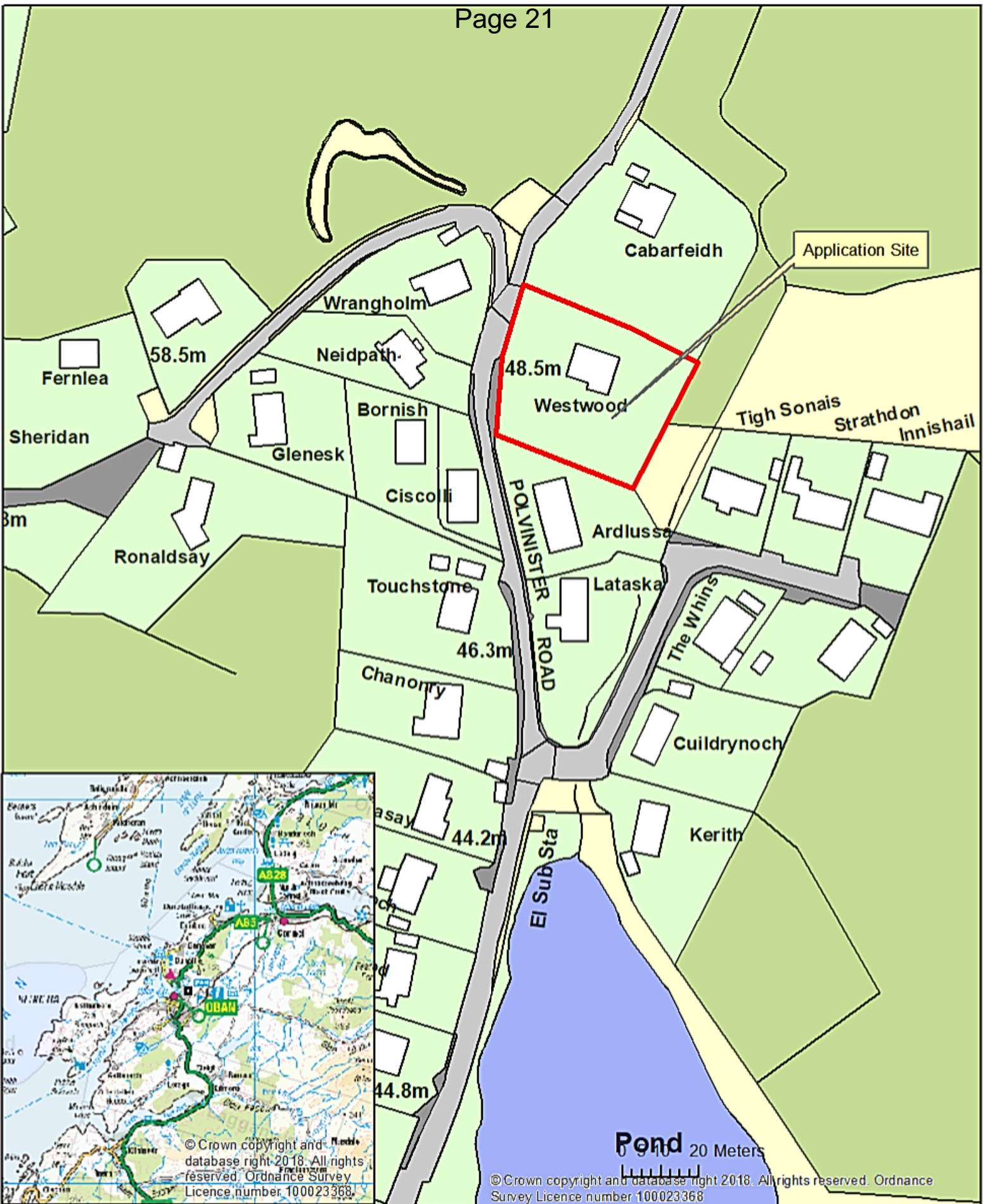
*standard time condition not required if application retrospective.

Include with Decision Notice	
Customer Satisfaction Survey	✓

Notify of Decision	
Objectors/Contributors	

Total residential units FP3 (uniform)			
Houses	1	Sheltered	
Flats		Affordable	

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Location Plan Relative to Local Review Body: 19/0001/LRB


1:1,250

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