

Ref:
AB1

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

OFFICIAL USE
18/0007/LRB
XXXXXXXXXX
Date Received
3 July 2018

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	
Name	DUNDOLIE ESTATE
Address	PER BELL INGRAM LTD
	BOSWELL HOUSE
	ARGYLL SQ, OBAN
Postcode	PA34 4BD
Tel. No.	
Email	

(2) AGENT (if any)	
Name	ALLAN MACASKILL
Address	5 FERRYFIELD RD
	CONNEL
	BY OBAN
Postcode	PA37 1SR
Tel. No.	XXXXXXXXXX
Email	XXXXXXXXXX

(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

(6) Description of Proposal

ERECTION OF DWELLINGHOUSE

(7)

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

SEE ATTACHED REASONS.
DOCUMENT NO 6

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

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

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

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

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

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

No.	Detail
1	REFUSAL OF PLANNING APPLICATION 17/03128/PP
2	APPROVAL OF PLANNING PERMISSION 14/02199/PP
3	REASONS FOR REFUSAL OF APPLICATION 17/03128/PP
4	PLAN OF FOOTPRINTS AND GARDEN AREAS
5	PLAN OF SITES BOTTOM AND TOP AND ASHLEA
6	REASONS FOR REQUESTING REVIEW.
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

30 JUNE 2018

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 604331 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 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



Planning & Regulatory Services

Seirbheisean Planaidh is Riaghlaidh

Development Management • Policy

Building Standards • Animal Health

Trading Standards • Environmental Health

Municipal Buildings Albany Street Oban PA34 4AW

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 17/03128/PP

**Dunollie Estate Per Bell Ingram Ltd
Beaton And McMurphy Architects
The Studio
Tigh Na Glaic
Taynuilt
Argyll
PA35 1JW**

I refer to your application dated 6th December 2017 for planning permission in respect of the following development:

Erection of dwellinghouse

AT:

Plot 2 Land North West Of Ashlea Croft Drive Oban Argyll And Bute

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

Dated: 13 April 2018

Angus J. Gilmour
Head of Planning, Housing and Regulatory Services

www.argyll-bute.gov.uk



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Municipal Buildings Albany Street Oban PA34 4AW

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

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 14/02799/PPP

**Dunollie Estate
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR**

I refer to your application dated 20th November 2014 for planning permission in principle for the following development:

Site for the erection of one dwellinghouse (renewal of 11/01463/PPP)

AT:

Land To Northwest Of Ashlea Croft Drive Oban

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

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

Dated: 18 January 2015

Angus J. Gilmour
Head of Planning and Regulatory Services

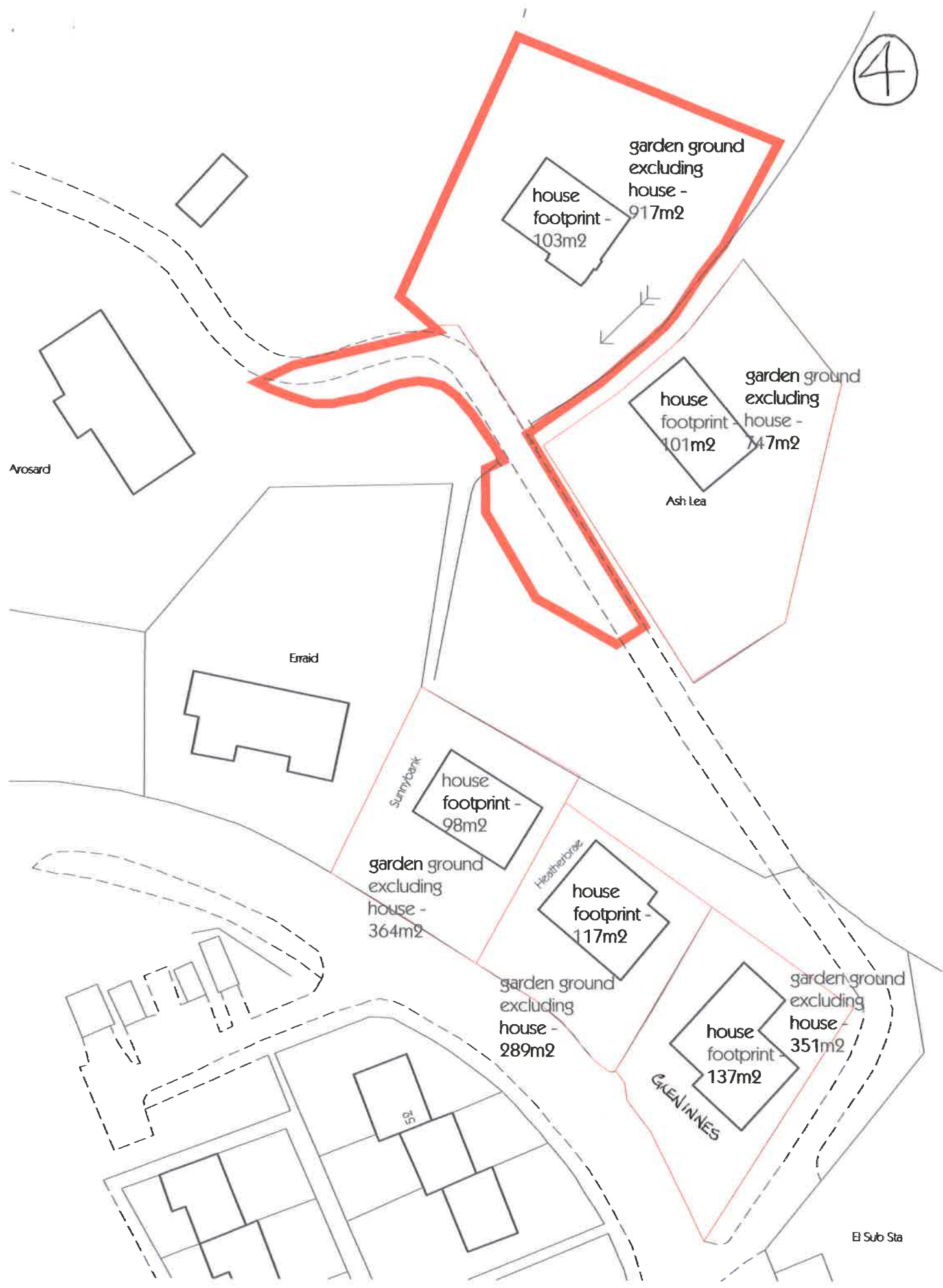
www.argyll-bute.gov.uk



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 17/03128/PP

1. The site subject of this application is the lower part of a larger site which has been subdivided contrary to the advice of the Planning Service with a detailed planning permission having been recently granted for development on the higher part of the site. The development of the lower site in addition to the consented development of the upper site would result in overdevelopment contrary to the provisions of Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.
2. The proposed development would result in the intensification in vehicular use of a sub-standard private access road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 which resist intensification in the use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

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BOTTOM & TOP SITES OUTLINED IN RED TOTAL AREA 2317sqm
ASHLEA GARDEN AREA IN BLUE WITH FOOT PRINT 847sqm



REQUEST FOR REVIEW OF REFUSAL OF PLANNING PERMISSION REF: 17/03128/PP FOR THE ERECTION OF A DWELLING HOUSE ON PLOT 2 ON LAND NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN PA34 5JN

Planning permission was submitted on 6 December 2017 for the erection of a dwelling house on the above site and a refusal issued on 13 April 2018 (Document No1). The principle of a dwelling house on the site was established by the granting of permission in principle Ref: 14/02799/PPP on 18 January 2015 (Document No.2) and application No 17/03128/PP was lodged within the lifetime of the previous permission. Therefore the site had planning permission in principle when the application, the subject of the Review was lodged.

Two reasons were given for the refusal. The first reason was on the grounds of over development of the site (Document No.3). This is clearly not the case and Document No.4 is attached showing a plan of the house footprints of neighbouring sites with the surrounding garden ground according to the Ordnance Survey. The nearest site is "Ashlea" and the ratio of houseprint to garden area is 101sq m to 747 sq m. Plot 2, the subject of the Review, is 103 sq m to 917 sq m.

Other houses nearby on Croft Road are as follows:-

Sunnybank 98 sq m to 364 sq m

Heatherbrae 117sq m to 289 sq m

Gleninnes 137 sq m to 351 sq m

When the plan is studied it is obvious that all the other sites have garden areas much less than the site under Review. Document No.5 clearly shows the two sites beside the site occupied by Ashlea.

The Handling Report refers to approval being given for a site above the site under Review. Again this site cannot be considered to be over developed as the footprint of the house is 78 sq m and the garden area 1219 sq m.

The Handling Report states that the site (ie the one under Review) was deemed to represent a suitable opportunity for development with a single dwelling house without any detrimental impact on the wider area. The siting and design of the proposed dwelling house is considered to be acceptable and would be supported by the Planning Service if the higher site was not developed. Development of both sites would represent overdevelopment contrary to the provisions of Policy LDP9 and SG2. The Handling Report states that the lower site could accommodate the proposed

dwelling house but that would be on the basis that there was no development on the higher site. The neighbouring site to the West under different ownership has planning permission for two sites. The area of the two sites is 2317 sq m and that site can easily accommodate two dwelling houses with garden areas greater than the nearby established houses.

The second reason for refusal (Document No.3) was because the road was not in the control of the applicant and therefore improvements could not be carried out. That is not correct as Dunollie Estate owns the road and the ground on the North alongside the road. The road to the site measures approximately 127 metres and the access already has a bituminous surface. A passing place has been formed approximately 33 metres from the junction of Croft Road. Any reasonable improvements can of course be implemented.

There are no objections from Statutory Consultees or members of the public and the reasons given for refusal cannot be substantiated. Therefore the Review Panel should give approval for application 17/03128/PP.