

**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**

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**Reference No:** 18/01223/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr and Mrs M. Robertson

**Proposal:** Erection of Dwellinghouse

**Site Address:** Land West of Pretoria, Glenshellach Road, Oban

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**DECISION ROUTE**

**Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse
- Erection of timber fence

**(ii) Other specified operations**

- Utilisation of existing vehicular access
  - Connection to public water main
  - Connection to public drainage system
  - Installation of air source heat pump
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**(B) RECOMMENDATION:**

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

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**(C) HISTORY:**

12/01072/PP

Erection of dwellinghouse and detached garage – Granted: 11/07/12

09/00416/OUT

Renewal of 05/02409/OUT (site for erection of dwellinghouse) – Granted: 12/05/09

**(D) CONSULTATIONS:**

Area Roads Authority

Report dated 29/05/18 advising no objection subject to conditions regarding upgrade of access, clearance of visibility splays and provision of an appropriate parking and turning area within the site.

Scottish Water

Letter dated 29/05/18 advising no objection to the proposal but providing advisory comments for the applicant regarding connection to their infrastructure.

Health and Safety Executive (HSE)

Report dated 01/06/18 advising that the proposed development site does not lie within the consultation distance of a major accident hazard pipeline, therefore at present HSE does not need to be consulted on any developments on this site.

Environmental Health Unit (EHU)

Memo dated 27/07/18 advising no objection to the proposed development subject to a condition being imposed ensuring that the noise level from the operation of the air source heat pump does not exceed a certain level. They further advise that an informative should be added to the grant of planning permission to make the applicant aware of the close proximity of the railway line serving Oban which runs close to the development site.

Network Rail (NR)

Memo dated 18/06/18 advising that, whilst they have no issues with the principle of the proposed development, they would object unless conditions are imposed on the grant of planning permission requiring a suitable trespass fence erected adjacent to NRs boundary; a scheme of surface and foul drainage sited 10 metres from NRs boundary; a landscaping scheme which does not affect the railway and a noise impact assessment assessing the potential for occupants of the dwellinghouse to experience noise nuisance from the railway.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 28/06/18.

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**(F) REPRESENTATIONS:**

One objection has been received regarding the proposed development.

Maureen Gilmour, Caulfield Cottage, Glenshellach Road, Oban, PA34 4NQ (15/06/18)

**Summary of issues raised**

- The proposal represents over intensification of the site and space available with an imposing wall bordering the driveway/garden of Caulfield Cottage.
- The height and width of the northeast elevation will be unsightly, looking more like an industrial building and causing overshadowing of the driveway/garden of

Caulfield Cottage and will block natural light to the back of Caulfield Cottage where the kitchen/dining room are located. The blank wall on this elevation would be 7.8 metres high and 12.8 metres long and would be directly behind the existing hedge and within touching distance of the driveway/garden of Caulfield Cottage.

- The site could accommodate a similar building with the blank wall running parallel with the railway wall and set back more towards the southwest, more in keeping with the former Drimvargie House footprint which would have a lesser impact on other properties.

*Comment: During the processing of the application the Planning Service sought a number of design changes to the proposed dwellinghouse to reduce any adverse impact on the established privacy and amenity levels of the neighbouring property 'Caulfield Cottage'. The design changes comprise:*

- *Reduction in ridge and eaves height by approximately 567mm and 399mm respectively.*
- *The two storey element has been changed from a pitched to hipped roof.*
- *The dwellinghouse has been moved to the southwest of the site by approximately 2080mm.*
- *Resign of northwest wall of the proposed dwellinghouse to angle it away from the neighbouring property 'Caulfield Cottage'.*
- *Introduction of a fence ranging in height from 1.8 metres to 2.2 metres in height along the northeast elevation.*

*Furthermore the applicant's agent has demonstrated that the proposed dwellinghouse would not result in a loss of daylight/sunlight to 'Caulfield Cottage'.*

*Accordingly, it is the considered opinion of the Planning Service that the changes secured address any concerns regarding the impact of the proposed dwellinghouse on the established privacy and amenity levels currently afforded to 'Caulfield Cottage', particularly given the part-implemented detailed planning permission for a large two storey dwellinghouse which currently exists on the site and within a very similar position to the smaller dwellinghouse currently proposed. Whilst the development the subject of this current planning application is not ideal in terms of its design and its size in relation to the somewhat restricted site area of the plot and its relationship with existing neighbouring dwellinghouses in terms of the Council's usual minimum privacy and amenity standards, it is considered that the amendments to its design and siting represent a small element of 'planning gain' for the site given the existing planning permission and the prospect of completion of the development to which that permission relates.*

- There is a piece of overgrown ground to the front of this plot and Caulfield Cottage which is at the back of the properties of Cairnbhan and Kiloran on Albany Street which would be totally isolated and access blocked by a property of the proportion proposed.

*Comment: This is not a material consideration in the determination of this current planning application. Furthermore the applicant owns all of the land involved in the current planning application which restricts access to this area of land.*

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

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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

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|-----|--|-----------|
| (i) | <b>Is a Section 75 agreement required:</b> | <b>No</b> |
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- |     |   |           |
|-----|---|-----------|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
|-----|---|-----------|
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**(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 (Settlement – Main Town of Oban)

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 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs) (North West Argyll (Coast))

SG LDP ENV 14 – Landscape

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

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

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

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

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

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

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**(O) Requirement for a hearing: No**

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

Planning permission is sought for the erection of a dwellinghouse on an area of ground to the west of Pretoria, Glenshellach Road, Oban.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the site is within the settlement of Oban where Policy LDP DM 1 gives encouragement to development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG). The appropriate Local Development Plan framework for the proposed development is discussed in Appendix A below.

The determining factors in the assessment of this application are whether or not the scale and design of the development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area and upon the privacy and amenity of the occupiers of neighbouring properties. It is also necessary to address access, infrastructure and servicing concerns.

The principle of a dwellinghouse on this site has been established by the granting of detailed planning permission 12/01072/PP on 11 July 2012 which benefits from a 'meaningful start' on site rendering the permission live in perpetuity and capable of implementation on site.

The alternative design proposed in the current application is considered to represent a small but welcome 'planning gain' over and above that which was previously granted permission and can be accommodated within the site without any significant material detriment to the character and amenity of surrounding properties or the wider streetscene and without any materially harmful and unacceptable loss of privacy and amenity to the occupiers of the adjacent dwellinghouses.

The application triggers the requirement to be determined by the Planning, Protective Services and Licensing Committee due to the applicant being an Elected Member of the Council.

The proposal has elicited one objection from a neighbouring property.

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**(Q) Is the proposal consistent with the Development Plan:** **Yes**

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**(R) Reasons why planning permission should be granted**

The principle of a dwellinghouse on this site has been established by the granting of planning permission 12/01072/PP on 11 July 2012.

The siting, design and finishing materials of the proposed dwellinghouse are considered to be acceptable within this area where there is a mix of architectural styles and finishing materials and there are no infrastructure constraints which would preclude development of the site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

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**Author of Report:** **Fiona Scott** **Date:** 27/09/18

**Reviewing Officer:** **Tim Williams** **Date:** 03/10/18

**Angus Gilmour**  
**Head of Planning, Housing and Regulatory Services**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/01223/PP

### GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 22/05/18 and the approved amended drawing reference numbers:

Plan 1 of 5 (Drawing Number 18.01.01)  
Plan 2 of 5 (Drawing Number 18.01.xxx)  
Plan 3 of 5 (Drawing Number 18.01.02 rev b)  
Plan 4 of 5 (Drawing Number 18.01.04 rev b)  
Plan 5 of 5 (Drawing Number 18.01.05 rev b)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

#### Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Regard should be given to the advice set out in the consultation response from Network Rail. You are advised to contact Network Rail directly to discuss the issues raised.

### ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, the proposed access shall be upgraded in accordance with the Council's Roads Standard Detail Drawing SD 08/002a and shall include visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays cleared of all obstructions over 1.05 metres above the public road carriageway. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be upgraded and drained to ensure that no surface water is discharged onto the public road.

## **SUDS**

3. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).

## **DESIGN AND FINISHES**

4. Notwithstanding the effect of Condition 1, no development shall commence until written details of the proposed roof covering to be used in the construction of the proposed dwellinghouse have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

## **LANDSCAPING**

5. Notwithstanding the provisions of Condition 2, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

Where trees/shrubs are to be planted adjacent to the railway boundary, these should be positioned a minimum distance from the boundary which is greater than their predicted mature height.



The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

Note to Applicant:

Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments.

## **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 2B, 3A, 3B, 3C, 3D and 3E of the aforementioned Schedule, as summarised below:

### **PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of

any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

### **AIR SOURCE HEAT PUMP**

7. The noise level from the operation of the air source heat pump hereby approved must not exceed 42dB LAeq (5 min) at 1 metre from the window of a habitable room on the façade of any neighbouring residential property. If, in the opinion of the Local Planning Authority the proposed air source heat pump result in any noise nuisance to the occupant of any neighbouring dwelling the Applicant shall install noise mitigation measures in agreement with the Planning Authority.

*Reason: In the interests of amenity in order to avoid noise nuisance which could otherwise occur.*

### **TRESPASS FENCING**

8. Notwithstanding the provisions of Condition 2, no development shall commence until full details of a scheme for protecting the adjacent Network Rail land asset from trespass, and maintaining that protection, has been submitted to the planning authority and agreed in writing following consultation with Network Rail. The agreed anti-trespass boundary shall thereafter be installed (should additional boundary treatment be deemed necessary following the submission and assessment of the required mitigation strategy) before the development is first occupied and shall thereafter be maintained in accordance with the agreed scheme of maintenance and renewal.

*Reason: In the interests of public safety and the protection of Network Rail infrastructure.*

## **NOISE IMPACT ASSESSMENT**

9. Notwithstanding the provisions of Condition 2, no development shall commence on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. The noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the railway line. Should a potential for materially harmful noise disturbance be identified, proposals for the attenuation of that noise disturbance shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented alongside the development and shall be completed before the dwellinghouse hereby approved is first occupied. Any noise attenuation measures deemed necessary and appropriate shall thereafter be retained in accordance with the approved scheme.

*Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise sources.*

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01223/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is within the settlement of Oban where Policy LDP DM 1 gives encouragement to development on appropriate sites 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. The site is situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where SG LDP ENV 13 seeks to resist development where its scale, location or design will have a significant adverse impact on the character of an APQ.

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 seeks 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. SG 2 expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties 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.

The proposal has elicited one objection from a neighbouring property.

It is considered that the proposed dwellinghouse accords with the established settlement pattern for the area and the settlement growth strategy for the main town of Oban and is of an appropriate scale and design which will ensure it does not have any significant adverse impact on the character of the site, its setting within the streetscene or the wider APQ. Furthermore, it is considered that the proposed development will not result in any materially harmful adverse impact upon the privacy and amenity of existing neighbouring dwellinghouses and raises no access or servicing issues. Accordingly, the proposed development is consistent with the terms of Policy LDP DM 1, LDP 3, LDP 8, LDP 9 and LDP 11 and supplementary guidance SG 2, SG LDP ENV 13, SG LDP HOU 1, SG LDP TRAN 4 and SG LDP TRAN 6.

## **B. Location, Nature and Design of Proposed Development**

The application site is situated within the main town centre of Oban, comprising a triangular area of ground measuring approximately 820 square metres in size.

The site is bounded along its southern boundary, at a lower level, by Glenshellach Road with the Oban railway line running along its western boundary. To the east are a single storey detached dwellinghouse, 'Caulfield Cottage' and 2 no. two storey semi-detached dwellinghouses 'Pretoria' and 'Gavicaid' with an area of vacant ground to the north.

The principle of a dwellinghouse on this site has been established by the granting of planning permission 12/01072/PP on 11 July 2012 which benefits from a 'meaningful start' on site rendering the permission live in perpetuity and capable of implementation on site.

The current application seeks permission for an alternative design to that previously approved for the site.

During the processing of the application concerns were raised by the Planning Service regarding the impact the siting and design of the proposed dwellinghouse would have on neighbouring properties, particularly 'Caulfield Cottage'. As a result of these concerns the Planning Service negotiated a number of changes to the siting and design of the proposed dwellinghouse to reduce any impact on the established privacy and amenity levels of 'Caulfield Cottage'. In summary, the changes comprise a reduction in ridge and eaves height by approximately 567mm and 399mm respectively; change of the roof on the two storey element from a pitch to hipped roof; relocation of the dwellinghouse to the southwest of the site by approximately 2080mm; and the redesign of the northwest wall of the proposed dwellinghouse to angle it away from 'Caulfield Cottage' eliminating any overlooking issues from windows in this elevation. Furthermore a timber fence, ranging in height from 1.8 metres to 2.2 metres, has been proposed along the northeast boundary of the application site to further protect the amenity of 'Caulfield Cottage' and the other neighbouring properties.

The changes now result in a dwellinghouse which comprises a single storey pitched roof structure with a two storey hipped roof element to its eastern elevation. The dwellinghouse takes an 'H' shaped form with its main elevation orientated north to allow the two storey element to take advantage of views out over Oban Bay. The dwellinghouse will be built at the same level as the neighbouring dwellinghouses to the east with finishing materials comprising a mix of off-white coloured render, natural stone with a slate substitute roof covering and dark grey aluclad windows. The proposal incorporates 8 pv cells to the southwest roofplane of the two storey element of the dwellinghouse.

The proposed dwellinghouse will sit below the ridge line of the 2 storey semi-detached dwellinghouses 'Pretoria' and 'Gavicaid' when viewed from the west and lower than the ridge line of the dwellinghouse previously approved for the site. However, the proposed dwellinghouse will, like the one previously approved for this site, be substantially taller than the existing adjacent bungalow Caulfield Cottage.

As detailed above, the application now proposes a timber fence along the northeast boundary of the site ranging in height from 1.8 metres to 2.2 metres to further protect the amenity of the neighbouring properties.

It is the considered opinion of the Planning Service that the changes secured address any concerns regarding the impact of the proposed dwellinghouse on the established privacy and amenity levels currently afforded to 'Caulfield Cottage', particularly given the part-implemented detailed planning permission for a large two storey dwellinghouse which currently exists on the site and within a very similar position to the smaller dwellinghouse currently proposed. Whilst the development the subject of this current planning application

is not ideal in terms of its design and its size in relation to the somewhat restricted site area of the plot and its relationship with existing neighbouring dwellinghouses in terms of the Council's usual minimum privacy and amenity standards, it is considered that the amendments to its design and siting represent a small element of 'planning gain' for the site given the existing planning permission and the prospect of completion of the development to which that permission relates.

The proposal is considered to comply with the terms of Policy LDP 9 and SG 2 which seek to ensure developments are of a suitable scale, design and finish and do not have an adverse impact on the privacy and amenity of neighbouring properties.

### **C. Natural and Built Environment**

The site is situated within the North West Argyll (Coast) Area of Panoramic Quality (APQ) where SG LDP ENV 13 seeks to resist development where its scale, location or design will have a significant adverse impact on the character of an APQ.

It is considered that the proposed dwellinghouse respects the established settlement pattern of the surrounding area and is of a scale and design which will ensure it does not have any significant adverse impact on the character of the site, its setting within the streetscene or the wider APQ consistent with the terms of Policy LDP 3, SG LDP ENV 13 and SG LDP ENV 14.

### **D. Road Network, Parking and Associated Transport Matters.**

The application proposes to utilise the existing vehicular access serving the site to which the Roads Authority raised no objection subject to conditions regarding its upgrade, clearance of visibility splays and provision of an appropriate parking and turning area within the site.

With conditions to achieve the requirements of the Roads Authority, the proposal is considered acceptable from a road safety perspective and complies with the terms of Policy LDP DM 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site.

### **E. Railway Infrastructure**

Due to the proximity of the site to the Oban railway line, comments were submitted by Network Rail (NR) regarding the impact of the proposed development on their infrastructure. NR commented that they would object to the proposed development unless a number of planning conditions are imposed on the grant of planning permission. Such conditions require the provision of a trespass proof boundary adjacent to the railway cutting; details of a scheme for the treatment of surface and foul drainage; details of a landscaping scheme; and submission of a noise impact assessment of the potential for occupants of the proposed dwellinghouse to experience noise nuisance arising from the railway line with subsequent appropriate noise mitigation measures should the assessment require them.

Conditions are therefore proposed on the grant of permission as requested by NR with the exception of a scheme for the treatment of foul drainage as the application indicates connection to existing Scottish Water infrastructure and therefore there should be no impact on NR infrastructure.

In further consideration of the conditions required by NR it is noted that the site currently has the benefit of an intact and substantial stone wall of approximately 1 metre in height along the entire boundary between the proposed development site and the NR land asset.

It is not known whether NR are aware of this existing boundary or, if they are, whether the existing boundary is required to be increased in height or otherwise altered or replaced. It is therefore proposed that planning permission be granted subject to a condition that requires the applicant/developer to submit a scheme of anti-trespass measures to the planning authority to assess alongside detailed consultation with NR. Should the approved scheme require any further boundary treatment than that which exists at present, these additional anti-trespass measures will be expected to be installed in accordance with the approved scheme before the dwellinghouse is first occupied and thereafter maintained in perpetuity.

With conditions to secure the requirements of NR it is not considered that the proposed development would have any significant adverse impact on the operation of the railway line.

#### **F. Infrastructure**

The application shows water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and raised no objection but provided advisory comments for the applicant regarding connection to their infrastructure. Accordingly, should planning permission be granted, an informative should be added to the grant of planning permission advising the applicant to contact Scottish Water to discuss connection to their infrastructure.

The proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.