

**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:** 17/02692/PP  
**Planning Hierarchy:** Local Development  
**Applicant:** Mr David Sturrock  
**Proposal:** Erection of Chalet  
**Site Address:** Westwood, Polvinister Road, Oban

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**DECISION ROUTE**

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

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**(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
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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 refused for the reasons appended to this report.

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**(C) HISTORY:**

No relevant history

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**(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>.

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**(E) PUBLICITY:**

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

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**(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>.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |   |           |
|---|-----------|
| <b>(i) Environmental Statement:</b>   | <b>No</b> |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b> |
| <b>(iii) A design or design/access statement:</b>   | <b>No</b> |
| <b>(iv) 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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|---|-----------|
| <b>(i) Is a Section 75 obligation required:</b> | <b>No</b> |
|---|-----------|
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|---|-----------|
| <b>(I) 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

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.**

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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**(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.

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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 refused**

See reasons for refusal below.

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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 Environment Scotland:  
No**

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**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**

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

**No**

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- (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**

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- (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
<b>Issue Latest Date</b>	<b>Expired</b>
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>	<b>Standard Conditions/Notes to include</b>					
<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			<b>Refusal</b>					

\*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	