

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 applicant to be 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.