

FURTHER REPRESENTATION

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF DWELLINGHOUSE AT TIGH
MHUILLEAN, GLENCRUITTEN ROAD, OBAN,
ARGYLL**

**APPLICATION FOR PLANNING PERMISSION
REFERENCE NUMBER 09/00828/DET**

21st January 2010

FURTHER SUBMISSION

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr Kenneth Maclean Jnr ('the appellant').

The application for Planning Permission, reference number 09/00828/DET, for the erection of dwellinghouses at site south of Darla, Glencruitten, Oban, Argyll ("the appeal site") was refused under delegated powers on 15 October 2009. The decision is now subject of referral to the Local Review Body at the request of the applicant.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

FURTHER INFORMATION IN RELATION TO ROADS ISSUES

In responding to this local review, the current position relating to the proposed Oban Development Road has been confirmed with the Council's Roads and Amenity Services as some months have elapsed since the Report of Handling was prepared.

As a result of work undertaken on the possible alignment for the proposed Oban Development Road (as safeguarded through the Local Plan) it now appears unlikely that any future dwelling on the site now under consideration would be affected by the proposed new road provided that any dwelling were to be situated behind the line formed by the existing dwellings. It should however be noted that public consultation on the proposed road line has not yet taken place and is currently scheduled for late summer 2010 in anticipation of proceeding to planning application stage in April 2011.

Whilst it currently appears unlikely that the proposed development would prejudice the development of the proposed Oban Development Road, the absence of firm proposals for the proposed road line must also be acknowledged in considering this review and any development in this vicinity must currently be deemed premature.

Appendix 1

Argyll and Bute Council Development Services

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/00828/DET

Planning Hierarchy: Local

Applicant: Mr Kenneth Maclean Jnr

Proposal: Erection of dwelling house

Site Address: Tigh Mhuillean, Glencruitten Road, Oban

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

1. Erection of dwelling house

(ii) Other specified operations

1. Connection to existing private septic tank
 2. Connection to public water main
-

(B) RECOMMENDATION:

Refuse for the reasons below.

(C) HISTORY:

None relevant

(D) CONSULTATIONS:

Scottish water – No response to date.

Environmental Services – No objections subject to control of external lighting.

Roads – Confirm that the proposal would conflict with the provision of the Oban Development Road

Building Standards – No comment

Oban Airport - No Objections

(E) PUBLICITY: Article 9 Vacant Land closing date 02/07/09

(F) REPRESENTATIONS: *None*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No.

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

(iii) A design or design/access statement: No

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required: No**

Ref. No.	Location	Nature of Action
DRA 5/3	Oban – Pennyfuir Cemetery/ Glencruitten	Strategic; development road facilitating housing development and access improvements.
DRA 5/4	Oban – Glencruitten-railway corridor-Connel	Strategic; development road facilitating housing development and access improvements.
DRA 5/6	Oban – Glencruitten Golf Course route to Soroba Road	Strategic; development road facilitating housing development and access improvements.

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

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

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

Argyll and Bute Structure Plan 2002

PROP SI 1 - Oban investment and expansion potential

Argyll and Bute Local Plan for adoption June 2009

Implements the Structure Plan policy S1 2 above and incorporates a schedule of Potential Development Areas (PDA's) and also a schedule of Development Roads Actions (DRA's) into Appendix E of the Local Plan

P/AL 1 – incorporates the above allocations as contained in schedule E into the Proposals Maps of the Local Plan.

LP ENV 1 – Requires that all development should protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.

LP ENV 19 – Development shall be sited and positioned so as to pay regard to the context within which it is located.

Policy LP REC 2 Safeguarding of Recreational Land and Important Open Spaces

- (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 4/2009.**

The Town & Country Planning Act (Scotland), 1997

The Planning etc. (Scotland) Act, 2006

National Planning Framework, 2004 & Monitoring Report 2006

SPP1 The Planning System (Nov 2002)

NPPG 11 (Sport, Physical Recreation and Open Space)

SPP11: Open Space and Physical Activity 2007

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

This site lies to the east of Oban at Glencruitten Road east of its junction with Achavaich Road and is generally surrounded by Oban Golf Course. The area is currently recognised as 'Settlement' in the emerging Local Plan but is contained within an area allocated as an 'Open Space Protection Area' and within the area reserved for road improvements "DRA/6 (Oban – Glencruitten Golf Course route to Soroba Road)". This area forms part of wider area to which Structure Plan Policy "PROP SI 1 - Oban investment and expansion potential" applies. This area comprises a number of Development Roads Actions and also Potential Development Areas which together will cater for the phased expansion of Oban.

The Development Roads Allocations and the Potential Development Area referred to above were all subject to objections which were heard during the Public Local Inquiry into the Local Plan. The Reporters findings into the objection to the DRA's confirmed that

"the council has approached this undertaking entirely correctly.....by reserving potential road lines in the plan"

The Reporters went further in respect of the adjacent PDA's and stated

"it is accepted that an element of justification for Potential Development Areas 5/4 and 5/5 rests on the line of the Oban Development Road while Potential Development Areas 5/3 and 5/7 will be contained by the Oban Relief Road.....we consider that this is an area which should be the subject of a master plan, informed by an environmental appraisal"

This application site forms a small part of a planned extension of Oban the development of this site has to be considered in conjunction with other parts of this extension and in the context of the final roads layout for the By-pass and any possible relief road. The Council have agreed following the review of the Reporters findings into the Local Plan Inquiry that this should be undertaken through a Master Plan exercise. This proposal as submitted is premature and would prejudice the proper planning of the area.

In addition to the above the site is also allocated as part of a much larger Open Space Protection area where there is a presumption against development.

(Q) Is the proposal consistent with the Development Plan: No.

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

N/A

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

N/A

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

**Author of Report: Andrew Swain
05/08/09**

Date:

**Reviewing Officer: Howard Young
08/10/09**

Date:

**Angus Gilmour
Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO.
09/00828/DET**

1. The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within a Development Road Allocation (DRA5/6) which is an integral component of the overall expansion of Oban. It is therefore premature pending the future provision and detailed design and alignment of the Development Road.
2. The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
3. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 02/06/09 and the refused drawing reference numbers OB.09/05/01 and OB.09/05/02.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **09/00828/DET**

- (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.

No

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

1. The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within a Development Road Allocation (DRA5/6) which is an integral component of the overall expansion of Oban. It is therefore premature pending the future provision and detailed design and alignment of the Development Road.
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