

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: 10/01498/PP

Planning Hierarchy: Local Development

Applicant: Argyll and Bute Council

Proposal: Formation of shared use walking and cycle path

Site Address: Land North of Ford Spence Court, Benderloch, By Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of shared use walking and cycle path
- Formation of 2 additional car parking spaces

(ii) Other specified operations

None

(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.

(C) HISTORY:

No previous history for this particular site, however this proposal will eventually form part of the Oban to Fort William cycle network of which the following stages have already been granted planning permission:

06/02616/COU - Cycle Track from Sea Life Centre to South Creagan, Barcaldine.
Granted 8th June 2007

06/02620/COU - Cycle Track from Strath of Appin to Argyll and Bute Boundary. Granted 8th June 2007

07/00635/DET - Cycle Track from Ganavan to Dunbeg, Ganavan Road. Granted 31st May 2007

10/00567/PP - Land between the Allt an Duine Mhoir And Barcaldine Castle Road. Granted 28th May 2010-10-29

A further application (Our ref: 10/01531/PP) is currently pending consideration for the formation of a shared use walking and cycling path at Dunollie Estate Woodland, Ganavan Road, Oban.

(D) CONSULTATIONS:

Area Roads Manager - No objections. Report dated 13th October 2010

Trunk Roads Authority - No objections. Report dated 13th October 2010

West of Scotland Archaeology Service - No archaeological issues raised. E-mail dated 14th October 2010

Access Officer - No response at time of report

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 28th October 2010.

(F) REPRESENTATIONS:

Four letters of representation were received during the determination process of this planning application. The letters of representation were received from:

1. D.W. Taxford, J.A. Tite, J.W. Lite, An Cala, Benderloch, By Oban, PA37 1QP (letter dated 4th October 2010)
2. Louise MacBrayne, 2 Station Cottages, Benderloch, By Oban, PA37 1RT (e-mail dated 7th October 2010)
3. Suzanne McPhillips, Dun na Mara, Benderloch, By Oban, PA37 1RT (letter dated 10th October 2010)
4. Susan Lowe, 4 Station Cottages, Benderloch, By Oban PA37 1RT (e-mail dated 18th October 2010)

(i) Summary of issues raised

- Neighbour notification carried out incorrectly

Comment: It has been established that neighbour notification was carried out correctly in accordance with Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2008. The contributor has been notified accordingly.

- Concerns regarding privacy and amenity. Requests that a boundary fence be erected including gate to facilitate access to the path from Ford Spence Court and Station Cottages

Comment: Given the nature of the proposed path and the character of its surroundings it is considered that the erection of a section of fencing would be an inappropriate isolated feature. Station Road properties have a defined curtilage and an additional parcel of land between themselves and the proposed path providing reasonable separation. However, the level of privacy and amenity the occupiers of these properties enjoy could be safeguarded by some less formal screening by way of planting, which could be an option, and the applicants have been asked to consider this (the outcome will be reported at the meeting) There is mature foliage and shrubbery to one side of the route at the rear of Ford Spence Court so a fence to the other would create a very confined section of route. Again an element of planting could assist here. The path follows the boundary of ACHA's property along the edge of the car park and they are agreeable to this route subject to a seating area and a couple of extra parking spaces being provided for residents.

- Concern regarding the provision for the turning of gas delivery lorries where the proposed path meets the existing path adjacent to An Cala.

Comment: The proposal involves the formation of a bound surface at ground level. There are no physical obstacles proposed that would impede whatever area is currently accessed by gas delivery vehicles.

The above represents a summary of the issues raised. Full details of the letters of representation can be viewed on the Council's public access system by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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** No
e.g. retail impact, transport impact, noise impact, flood risk,
drainage impact etc:
-

(H) PLANNING OBLIGATIONS

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

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

(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

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 16 – Impact on Scheduled Ancient Monuments

LP ENV 17 – Impact on Sites of Archaeological Importance

LP TRAN 1 – Public Access and Rights of Way

LP REC 1 – Sport, Leisure and Recreation

LP REC 2 – Safeguarding of 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.**

Town and Country Planning (Scotland) Acts 1997 (as amended by 2006 Act)

Scottish Planning Policy

Consultation responses

Representations

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

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

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

(N) Does the Council have an interest in the site: Yes

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

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

Planning permission is sought for the formation of a shared use walking and cycling path on land north of Ford Spence Court, Benderloch, by Oban.

The area of path to be formed measures approximately 410m in length and comprises the formation of a 2.5m wide dense bitumen macadam path and follows the alignment of the disused railway line. The path will extend from the existing community viewing area to the south and link up with the existing path network adjacent to the Ben Lora car park to the north, which in turn runs through the village leading to the primary school. The path will run adjacent to Station Cottages, being approximately 17m at its closest point, and within the grounds of Ford Spence Court, between the car parking area and the boundary, being approximately 6m at its closest point from the building.

The proposal also involves the creation of 2 additional parking spaces at Ford Spence Court, and the creation of a paved seating area and direct access to the path from Ford Spence Court. These works have been agreed with ACHA as a consideration for taking the route across their property.

The site lies within the Settlement Zone where policy Structure Plan policy STRAT DC 1, and Local Plan policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 apply.

There will be minimal environmental impact as the proposal mainly follows the course of the former railway line and it is considered that this is an appropriate route. Although the path is located approximately 95m from the New Selma Standing Stone, it is considered that the path will have no adverse effect on the standing stone or its setting. No objections have been raised by West of Scotland Archaeology Service. A short section of the proposed route passes through an Open Space Protection Area subject to the effect of Policy LP REC 2. However given that the route runs along the boundary of the designated area, the land take is small, and the nature of the development does not affect the openness or amenity value of the land involved, the consequences of the proposal are considered insignificant in terms of the effect of the policy.

Concerns have been raised regarding privacy and amenity and objectors suggest that screen fencing should be erected along the length of the path along with gated access to the path from the properties at Station Cottages. The proposal is related to outdoor recreation and will eventually form part of the Oban to Fort William cycle network and will be of benefit to the residents of both Station Cottages and Ford Spence Court. As detailed in section (F) (i) of this report, screen fencing is not considered an appropriate solution to any intrusion which the path may cause to residential amenity, although the applicants have been asked to explore the opportunities for a more natural solution by way of planting, and the outcome of this and any requirement for condition will be reported at the meeting.

The application is judged to accord with relevant planning policy and will form part of the wider cycle network, to the benefit of the wider community. There are no material considerations identified, including matters raised by third parties, of sufficient weight to merit refusing the application. It is recommended that planning permission be granted.

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

(R) Reasons why planning permission should be granted

The application site is situated within the Settlement Zone for Benderloch where the proposal sufficiently satisfies Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan. The proposal is considered to be a suitable development within the defined settlement boundary and accords with Policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 of the 'Argyll and Bute Local Plan' 2009. 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.

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

N/A – Proposal is in accordance with the development plan

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

Author of Report: Andrew Barrie

Date: 1st November 2010

Reviewing Officer: Stephen Fair

Date: 1st November 2010

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01498/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 9th September 2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:5000)
Plan 2 of 2 (Site Plan at scale of 1:1250)

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.

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **10/01498/PP**

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

No

- (B)** Has the application been the subject of a 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

- (C)** The reason why planning permission has been approved.

The application site is situated within the Settlement Zone for Benderloch where the proposal sufficiently satisfies Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan. The proposal is considered to be a suitable development within the defined settlement boundary and accords with Policies LP ENV 1, LP ENV 16, LP ENV 17, LP TRAN 1 and LP REC 1 of the 'Argyll and Bute Local Plan' 2009. 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.