

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: 10/01531/PP

Planning Hierarchy: Local Development

Applicant: Economic Development and Strategic Transport, Argyll and Bute Council

Proposal: Upgrading and partial re-alignment of existing tracks and footpaths to form hard surfaced shared-use walking and cycling path.

Site Address: Dunollie Estate Woodland, Ganavan Road, Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Hardsurfacing, general upgrading and partial re-alignment of footpath
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(B) RECOMMENDATION:

It is recommended that the application be granted.

(C) HISTORY:

There is no relevant history.

(D) CONSULTATIONS:

Area Roads Manager_(report dated 19 November 2010) - no objections.

An initial response dated 13 October 2010 from Roads and Amenity Services originally objected for the following reasons:

- It is not permissible to have rumble strips installed within a residential area
- There are no signs indicating a cycle crossing point at Corran Brae
- Details of access/egress at Dunollie Cottage are required

- Gradients on part of the cycle way are indicated at 50% which is not within criteria for this type of path.

In order to address these concerns, the applicant has removed the proposed rumble strips and has proposed signage at the Corran Brae crossing point. The section of access onto the Esplanade at Dunollie Cottage has been removed from the proposal. The relevant gradients have now been reduced to below 50% in line with Roads and Amenity Services requirements.

West of Scotland Archaeology Service (e-mail dated 14 October 2010) - No objections.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 4 November 2010.

(F) REPRESENTATIONS:

Seven letters of representation have been received. Of these five are objections. One representation has been withdrawn at the request of the individual as the footpath has no impact on their property.

Mr John Ramage, Lancaster Hotel, Esplanade, Oban PA34 5AD (representation)
Ms Norma Dickison, Beechfield, Esplanade Lane, Oban PA32 5AQ (objection)
Ms Eleanor Walton, Brekka, Ganavan Road, Oban PA34 5AQ (objection)
Mr Derek Coupe, Whinbrae, Ganavan, Oban PA34 5TU (objection)
Ganavan Residents' Association, Whinbrae, Ganavan, Oban PA34 5TU (objection)
Ms Joyce Coupe, Whinbrae, Ganavan, Oban PA34 5TU (objection)

(i) Summary of issues raised

- There are concerns that the path will be able to take cars as apparently there are properties that use this path as access and the formalising of this path might encourage speeding.

Comment: Existing access rights are unaffected by the proposal. The Area Roads Engineer is agreeable to shared usage for access to the limited number of residential properties involved, subject to appropriate signage..

- The path might encourage people to park on it as an extension to the Corran Halls car park.

Comment: This is not a material planning consideration.

- Works on the road might cause damage internally to the Lancaster Hotel as previous works caused an internal wall to 'bulge'.

Comment: This is not a material planning consideration. An property damage arising from construction activities is a civil matter.

- The exit point at the war memorial is currently a danger and the proposal would exasperate the situation.

Comment: This aspect of the proposal has been deleted by the applicant.

- Pedestrians and cyclists are unlikely to use the path as they will prefer the more scenic Esplanade route.

Comment: Provisions of alternative off-road routes for walking and cycling meets strategic planning aims to increase walking and cycling.

- The finances should be re-directed toward providing a path along the stretch between Oban and Ganavan.

Comment: Opportunity costs are not material planning considerations.

- If this path goes ahead then it is feared that the owners of the former NHS site will be able to avoid having to install a footpath along the length of road between Ganavan and Oban.

Comment: This is not within the remit of this application, the determination of which will have not remove pre-existing obligations associated with other consents.

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 e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

General Supporting Document

Summary of main issues raised by each assessment/report

The applicant submitted a response to the objections received. The applicant has also met with some of the objectors to clarify issues and address concerns.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

(I) 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

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 7 – Impact on Tree/Woodland

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

(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

Scottish Planning Policy (SPP) February 2010

(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: Yes

(O) Requirement for a hearing: No

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

The proposal aims to upgrade and formalise an existing informal footpath from the Corran Halls, over the Corran Brae and to the end of the Esplanade at Dunollie Lodge opposite the War Memorial. As well as running almost parallel to the Esplanade the proposal also branches towards the North to the play area located adjacent Grahame Court in Dunollie. The proposal is primarily to improve the footpath as part of a safer travel route to Park Primary School in Dunollie.

The proposal will not have any adverse implication for nearby residential properties nor will it involve any tree removal.

It will provide a community benefit by formalising the existing path and making it more accessible to all members of the public. It is acknowledged that some residents use this path for access to their houses but this is limited and is an existing issue. The planning decision on this application has no bearing on any existing access rights.

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

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

1. The proposal will provide an upgrade to a regularly used path and will provide community benefits in terms of enhanced pedestrian and cycle path provision.
 2. The proposal conforms to the relevant development plan policies and that 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

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

Author of Report: David Love

Date: 25 November 2010

Reviewing Officer: Stephen Fair

Date: 25 November 2010

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01531/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 1 September 2010 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale of 1:2,500)
Plan 2 of 7 (Location Plan for Planning Consent at scale of 1:500)
Plan 3 of 7 (Location Plan for Planning Consent at scale of 1:500)
Plan 4 of 7 (General Arrangement at scale of 1:1,000)
Plan 5 of 7 (Details and Sections at scale 1:25, 1:50)
Plan 6 of 7 (Details and Sections at scale 1:25, 1:100)
Plan 7 of 7 (Details and Sections at scale 1:50, 1:200)

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

- 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 A – RELATIVE TO APPLICATION NUMBER: 10/01531/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal is located within the Oban settlement boundary and is therefore subject to policy STRAT DC1 (Development within the settlement zones). This policy encourages development subject to consistency with all other policies within the adopted development plan.

B. Location, Nature and Design of Proposed Development

The proposal aims to upgrade and formalise an existing footpath. The current path is mostly informal, rutted and during adverse conditions could be difficult to negotiate for less able bodied individuals. The path runs from the Corran Halls, over the Corran Brae and to the end of the Esplanade at Dunollie Lodge opposite the War Memorial. Original plans had been to upgrade the path to the road access opposite the War Memorial but due to safety concerns raised by members of the public this element has been removed. As well as running almost parallel to the Esplanade the proposal also branches towards the North to the play area located adjacent Grahame Court in Dunollie. The proposal is primarily to improve the footpath as part of a safer travel route to Park Primary School in Dunollie.

It is proposed to tarmac the footpath at 2.5m wide and provide a safe surface allowing access by all members of the public. There will be no bollards blocking the route at any point. Signs are proposed identifying the footpath for pedestrians and cyclists.

C. Built Environment

The proposal will have no impact on the existing built environment. In this instance the proposal runs along the back of several guest houses and hotels parallel to the Esplanade.

D. Impact on Woodland/Access to Countryside.

The path runs through existing mature woodland and it is not proposed to remove any trees from the woodland during works. The path slopes upwards through the woodland up towards a play area within Dunollie. The cycle track proposal has been amended since original plans to reduce the gradient at this point.

E. Conclusion.

In conclusion, the proposal will provide a community benefit by formalising the existing path and making it more accessible to all members of the public. It is acknowledged that some householders already use this path for access to their houses but this use is limited and is an existing issue, which has been taken into account by the applicants and by the Area Roads Engineer in his consultation response.

The proposal is considered consistent with the provisions of the adopted development plan and will provide a community benefit.