

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: 10/02167/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs G Nicholsby

Proposal: Erection of three timber cabins ('studicons') for holiday letting purposes

Site Address: Dundonald, North Connel, Oban

DECISION ROUTE

Local Government Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of three timber cabins ('studicons') for holiday letting;
- Installation of access and parking area for 8 vehicles;
- Installation of private waste water system.

(ii) Other specified operations

- Removal of trees;
 - Connection to public water supply.
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(B) RECOMMENDATION:

It is recommended that the application be granted subject to the conditions listed.

(C) HISTORY:

10/00658/PP – Erection of 4 chalets for holiday letting purposes - Withdrawn

(D) CONSULTATIONS:

Area Roads Manager (report dated 18th January 2011) no objection subject to conditions as outlined below:

- Access at junction of public road to be constructed in accordance with Roads Services drawing SD 08/004a,
- No walls, hedges, fences etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 53m x 2.4m to be cleared and maintained,
- A system of surface water drainage is required to prevent water from passing onto the public road,
- Parking and turning for six vehicles to be provided, and
- No access to Dundonald will be permitted from the new access.

Scottish Water (letter dated 17th January 2011) - no objection.

Public Protection Unit (memo dated 13th January 2011) - no objection subject to a condition covering external lighting.

Scottish Natural Heritage (Email received 13th January 2011) - no objection.

West of Scotland Archaeology Service (Email received 13th January 2011) - no objection.

Scottish Environment Protection Agency (letter dated 17th January 2011) - no comment.

Ardchattan Community Council (Email dated 31st January 2011) - objections on the grounds of unsuitable development in a residential area, intensity of traffic use on the main road and intensity of existing uses on land owned by the applicant.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 10th February 2011.

(F) REPRESENTATIONS:

12 objections have been received from:

Hazel M Robertson, Tigh Geal, North Connel, Oban PA37 1QZ
J Tollan, Birch Hill, Achnacreebeag, North Connel, PA37 1RE
SN Tollan, Birch Hill, Achnacreebeag, North Connel, PA37 1RE
Andrew Henderson, Birkmoss, North Connel, PA37 1RE
Doreen Henderson, Birkmoss, North Connel, PA37 1RE
Mrs Andrea Shuttleworth, Achnacreebeag, North Connel, Oban PA37 1RD
Dr Neil Bennett, Rowan House, North Connel PA37 1RE
Dr Donna Bennet, Rowan House, North Connel, PA37 1RE
Mr Norman Nicholson, Whitecroft, North Connel, Argyll PA37 1RE
Mr Richard Wilson, Rathan, North PA37 1RE
Ms Geraldine Deighan, Rathan, North PA37 1RE
Mr Geoff Miller, Stoneyburn, 1 Mossbank, North Connel PA37 1TD

Summary of issues raised

- The development could be noisy.

Comment: Holiday units are residential in nature do not generally involve excessive noise generation.

- The proposal is unsuitable for a residential area.

Comment: The local plan encourages tourist development in settlement zones. The proposal complies with this policy. Holiday accommodation is compatible with residential surroundings.

- Visual impact on surrounding area.

Comment: The proposed chalets will sit in a contained area, set behind the larger main dwelling house and backed by significant tree planting on rising ground to the north. Visual impacts associated with the development would be minimal.

- Overdevelopment on a small garden area.

Comment: The garden is of a significant size. The applicant has withdrawn a previous proposal for four units in favour of the current submission. On balance, it is considered that three units could be accommodated within the site, subject to significant tree retention, such that neighbouring properties will not be unduly affected.

- The 'studicons' are too small to provide adequate holiday accommodation.

Comment: This is not a material planning consideration. It is for the applicant to decide whether or not the accommodation proposed is suitable for the intended purpose and whether or not the proposal is viable.

- Road safety issues

Comment: The Council's Roads Department are content with the safety of the access subject to conditions.

- Loss of habitat and trees

Comment: Although there will be a loss of some mature trees, planning conditions could secure the retention of the majority of trees and secure replacement planting for those trees requiring to be felled to make way for the development. The site is not covered by any landscape or habitat designation. Neither SNH nor the Council's Biodiversity Officer have objected to the proposals.

- Infrastructure unsuitable for increased load.

Comment: It is assumed this relates to waste water infrastructure. The application includes provision of a biodisk system discharging to the loch to which Scottish Environment Protection Agency have not objected

- Conditions would not be adhered to.

Comment: This is speculation and it would be for the Council to enforce any non-compliance.

- There are bats on the site.

Comment: The department has no evidence of the presence of bats on site. Neither SNH or the Council's Biodiversity Officer has raised concerns in this regard.

(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: | No |

(H) PLANNING OBLIGATIONS

- | | | |
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| (i) | Is a Section 75 agreement required: | No |
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- | | | |
|-----|---|----|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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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 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 – Development Impact upon Trees/Woodland

LP ENV 19 – Development Setting, Layout and Design

LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 6 – Vehicle Parking Provision

Appendix C – Access and Parking Standards

(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
SPP, Scottish Planning Policy, 2010

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|------------|--|-----|
| (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): Although there has been significant local opposition, the issues do not raise complex policy or technical issues which would warrant a hearing in this case. | No. |
| (P) | Assessment and summary of determining issues and material considerations | |

The site is located within the local plan 'settlement' boundary of North Connel in the garden ground of the property known as 'Dundonald'. Policy STRAT DC 1 of the 'Argyll and Bute Structure Plan' 2002 supports 'appropriate infill, rounding-off and redevelopment within settlements'. In the context of this application, the proposal may be considered 'appropriate infill development' insofar as the structures are relatively small scale in the context of a large rear curtilage where domestic outbuildings would be permissible. Although the proposal would result in tandem development in circumstances where this is not a feature of the established settlement pattern in the immediate locality, the fact that the rear garden area is well contained would limit the presence of the buildings and any influence upon the character of the surrounding area as a whole. Although there is an absence of backland development, the nature and scale of the three units is such that they would be subservient to 'Dundonald' within a single plot, as opposed to plot sub-division and therefore they would not represent the introduction of second tier development which might otherwise erode the character of this part of North Connel. Furthermore, Local Plan policy encourages tourism development within the 'settlement' zone and therefore the principle of tourist accommodation associated with residential areas is accepted.

The location of the cabins will be to the rear of the house. The main property is of significant size set within a significant wooded garden area and the timber cabins will remain subservient to this. The trees will provide a backdrop to the studicons and allow the creation of a setting that will minimise their impact on the built and natural environment. Although the main settlement pattern is of single tier adjacent the main road it is considered that this development does not encourage a second tier development in that it does not involve plot sub-division but a development that is more akin to that of outbuildings subservient to the main house.

The proposal will involve the felling of 14 trees but it should be noted these trees are in a back garden situation, are not protected by means of a Tree Preservation Order, and the majority of trees within the site are shown for retention and this can be secured through planning conditions. Without the effect of planning conditions, there is no current control over trees within the site. It is also proposed to include a landscaping and boundary treatment condition to any consent to ensure the loss of these trees is duly compensated as part of the development.

The proposal consists of 3 No. small timber chalets known as 'studicons' each measuring 6.96m x 12.19m x 5.2m. A 'studicon' is a chalet style self-catering cabin for holiday accommodation purposes. Each 'studicon' will have 2 bedrooms and an open plan kitchen, lounge and dining area.

The external walls will be finished in timber and the roof in metal. Final details of these materials should be controlled by planning condition.

The 'studicons' will sit in the garden ground of 'Dundonald' which is a substantial private dwelling house with an extensive garden area. The 'studicons' at their closest will be 10m from the main house but sited at an angle to avoid any undue privacy impacts.

With regard to neighbouring properties there are no direct interfacing windows and a combination of existing trees and additional planting will ensure that privacy of adjacent garden spaces will not be compromised. Notwithstanding the removal of the trees which is necessary to accommodate these units, this will remain a well contained site which will not have adverse implications for its immediate surroundings or in terms of the appreciation of the wider landscape setting of the application property and the surrounding buildings.

No details of external lighting have been provided, however the Council's Environmental Health Department has requested that all proposed external lighting be approved in writing by the Council prior to installation. Due to the location of the proposal and proximity to neighbouring properties, such a condition would be appropriate in this instance.

It is proposed to supply parking for 8 vehicles and a new access road separate from the one serving 'Dundonald'. Visibility splays can be achieved within the scope of the application and conditions are proposed to ensure they are kept clear.

It is intended to connect to the water supply network and provide a private waste water treatment system.

(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 not have an undue detrimental impact on neighbouring properties;
2. The proposal will provide a tourist facility;
3. 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.

(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: 23/2/2011

Reviewing Officer: Stephen Fair

Date: 23/2/2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/02167/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. Prior to the commencement of work on site, the vehicular access at the junction of the public road leading to the site shall be formed in accordance with Argyll & Bute Council Roads Department drawing number SD 08/004 with the access details as shown on the submitted drawing from the new back edge of the carriageway and shall have visibility splays of 2.4m x 53m in both directions formed from the centre line of the proposed access. Prior to work starting on site, these visibility splays shall be cleared of all obstructions over 1.05m in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05m in height in perpetuity.

Reason: In the interest of road safety, in order to ensure that the proposed house is served by a safe means of vehicular access.

3. The proposed access will not provide any form of access to the property known as 'Dundonald' and will provide access only to development hereby approved, unless otherwise first agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

4. Prior to the commencement of development, full details of all external finishing materials shall be submitted to and approved in writing by the Planning Authority. The development shall be completed in strict accordance with the approved details prior to the initial use of the holiday letting units hereby approved, and shall be so maintained thereafter in perpetuity.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings and maintains the landscape character of the area.

5. The development shall not begin until details of a scheme of boundary treatment, surface treatment and landscaping works have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include:

- i) location, design and material finish of any walls, fences, hedges and gates;
- ii) surface treatment of means of access and hardstanding areas.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority, within six months of the initial use of the holiday letting units hereby approved. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the initial use of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to integrate the development with its surroundings and maintain the landscape character of the area.

6. The three holiday letting units hereby approved shall be used for holiday occupation only and shall not be occupied by any one person, family or group for any more than three months in any one calendar year, unless otherwise agreed in writing by the Planning Authority.

Reason: In accordance with the use applied for, and by virtue of the close proximity to each other and to the main dwellinghouse, by reason of its siting and lack of curtilage the holiday units would be unsuitable for use as permanent residential accommodation.

7. Prior to work starting on site, full details of any external lighting to be used within the site or along its access shall be submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. The development shall be completed and maintained in strict accordance with such details as are approved.

Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties.

8. No development shall commence on site until details of a Sustainable Urban Drainage System (SUDS) have been submitted and approved by the Planning Authority in writing. Such details shall include a drainage layout plan which shall include full details of the surface and foul water discharge from the site and shall include any mitigation measures required to address surface water run off from the site. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: To ensure that there is a satisfactory drainage system in place for the development in the interests of health and amenity.

9. The development shall be implemented in accordance with the details specified on the application form dated 22nd December 2010 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale NTS)
Plan 2 of 7 (Location Plan at scale not specified)
Plan 3 of 7 (Site Plan as Proposed at scale of 1:500)
Plan 4 of 7 (Elevations, Floor Plans, Roof Plans, Site Plan at scale of 1:100)
Plan 5 of 7 (Elevations, Floor Plans, Roof Plans, Site Plan, Location Plan at scale of 1:100, 1:1,500 and 1:10,000)
Plan 6 of 7 (Part Site Plan Dimensions to Boundary at scale of 1:200)
Plan 7 of 7 (Photograph)

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.

10. From the date of this permission, and with the exception of the trees shown on the approved plans for removal, no trees within the site shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority.

Reason: To protect the established wooded setting of the site in the interests of nature conservation and to minimise the visual impacts associated with the development.

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.