

**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**

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**Reference No:** 11/02170/PP

**Planning Hierarchy:** Local Development

**Applicant:** Argyll and Bute Council

**Proposal:** Construction of 2.5m wide tarmacadam foot/cycle path including installation of access control bollard and dropped kerbs and erection of stock-proof fencing, safety handrail and cycle shelter.

**Site Address:** Dalmally Community Centre, Dalmally

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**DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Construction of 2.5m tarmacadem foot/cycle path
- Installation of access controlled bollard
- Erection of stock proof fencing
- Cycle shelter

**(ii) Other specified operations**

- Dropped kerb
  - Installation of culvert
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**(B) RECOMMENDATION:**

It is recommended that the application is approved subject to the conditions and reasons appended below.

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**(C) HISTORY:**

None

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**(D) CONSULTATIONS:**

Area Roads Manager - report dated 6/12/11 - no objection.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of regulation 20, closing date 22/12/11.

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**(F) REPRESENTATIONS:**

There have been 2 objections received as detailed below.

Ms Alison Livingstone, Kilmorich, Dalmally, PA33 1BE (25/11/11)  
R J Diram, Drumfriemull, Glenview Dalmally Argyll PA33 1BE (5/12/11)

**(i) Summary of issues raised**

- Proposal would direct school children down a private road to the access the village hall.

*Comment: It is likely that the works will increase the usage of this route however there are other routes available to access the community hall therefore it is not considered that traffic will be significant. Maintenance of and access across privately owned land falls outwith the planning remit.*

- Current situation of accessing the hall via the public road is adequate.

*Comment: This proposal provides a formal alternative which is shorter and safer, by taking pedestrians away from a busy trunk road, albeit within a low speed limit area and with an established roadside footpath.*

- People using this footpath will disturb residents.

*Comment: There is nothing to suggest that users will be particularly noisy and many properties within the village lie alongside public footpaths without conflicts between activities.*

- Application location should be described as 'Glenview' not Dalmally Community Centre.

*Comment: The application address is considered accurate. Changing the address does not affect the extent of the works, nor would it affect the number of notifiable neighbours to the site. The proposal has also been advertised and as such is adequately placed in the public domain.*

- Potential to create an overflow car park in Glenview

*Comment: The application is for a footpath not a car park. There is an existing car park at the community centre. There is nothing to suggest the path will encourage parking in Glenview. Parking controls over public roads can address any congestion issues there and parking on private land can be dealt with as a civil matter by the landowners if it becomes a problem.*

- Route will not be adequate for anything with small wheels.

*Comment: The footpath will provide an alternative access and it is up to users to determine whether it is appropriate for their needs. The path itself is*

*to be a bound surface suitable for all users. The existing road to which it adjoins may not be to the same standard, but this need not prevent the current proposal from being supported.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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|-------|--|----|
| (i)   | <b>Environmental Statement:</b>  | No |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | No |
| (iii) | <b>A design or design/access statement:</b>  | No |
| (iv)  | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |
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**(H) PLANNING OBLIGATIONS**

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|-----|--|----|
| (i) | <b>Is a Section 75 agreement required:</b> | No |
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|-----|---|----|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | 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 19 – Development Setting, Layout and Design  
LP TRAN 1 – Public Access and Rights of Way  
LP REC 1 – Sport, Leisure and Recreation  
LP COM 1 – Community Facility Development

- (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

<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	No
<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No
<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	No
<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	Yes
<b>(O)</b>	<b>Requirement for a hearing:</b>	No
<b>(P)</b>	<b>Assessment and summary of determining issues and material considerations</b>	
	<p>The proposal is for the installation of a footpath from Glenview to the village hall in Dalmally. The proposal will involve laying down a tarmac surface, entry control bollards, a post and wire fence and a bicycle shelter.</p>	
	<p>There have been two objections from members of the public raising issues as discussed above. The Council's Area Roads Engineer has not raised any issue with the proposal, nor is it considered that the objectors raise matters of such weight that the development should be resisted.</p>	
	<p>The proposal does not raise any planning issues that would warrant anything other than a positive recommendation.</p>	
<b>(Q)</b>	<b>Is the proposal consistent with the Development Plan:</b>	Yes
<b>(R)</b>	<b>Reasons why planning permission or a Planning Permission in Principle should be granted</b>	
	<ol style="list-style-type: none"> <li>1. The proposal will provide greater pedestrian and cycle permeability to this area of Dalmally.</li> <li>2. The proposal will result in a positive benefit to the community, by enhancing the local path network.</li> <li>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.</li> </ol>	
<b>(S)</b>	<b>Reasoned justification for a departure to the provisions of the Development Plan</b>	
	N/A	
<b>(T)</b>	<b>Need for notification to Scottish Ministers or Historic Scotland:</b>	No

**Author of Report: David Love**

**Date: 27/1/12**

**Reviewing Officer: Stephen Fair**

**Date: 01/02/12**

**Angus Gilmour  
Head of Planning and Regulatory Services**

#### **CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 11/02170/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 1/11/11 and the approved drawing reference numbers:

Plan 1 of 4 (Location Plan at scale of 1:1250)

Plan 2 of 4 (Site Plan at scale of 1:250, 1:20)

Plan 3 of 4 (Detail Sheet 1 at scale of 1:50, 1:20)

Plan 4 of 4 (Detail Sheet 2 at scale of 1:50, 1:20)

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.

2. The development shall not begin until details of a scheme of boundary treatment and landscaping works to specifically alleviate the potential for overlooking of path users into the property known as Dumfriemull and the associated rear garden area have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include –

- i) Location of the proposed works (for avoidance of doubt this should be the section of the path passing the property known as Dumfriemill and associated garden area);
- ii) Height of any bunding arrangement;
- iii) Species of any planting to be used.

All the soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Council as planning authority, within six months of the footpath being brought into use. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In the interests of visual amenity and to protect the privacy of adjoining households.

#### **NOTES 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.
- **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

## APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **11/02170/PP**

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

**No**

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**(B)** 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**

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

1. The proposal will provide greater pedestrian and cycle permeability to this area of Dalmally.
2. The proposal will result in a positive benefit to the community, by enhancing the local path network.
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.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02170/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The proposal is within the settlement zone for Dalmally and subject to structure plan policy STRAT DC1. This policy encourages development on suitable sites within the settlement zone so long as the proposal is consistent with the built and natural environment of the settlement.

#### **B. Location, Nature and Design of Proposed Development**

The proposal will extend a footpath from the Glenview in the eastern part of Dalmally to the community centre. The path will be 2.5m wide tarmac with access controlled bollards at either end. Some existing vegetation will be removed and a post and wire fence will be installed along the edge of the footpath. A culvert to maintain the existing surface water drainage arrangement will be renewed and the path developed over the top. At the eastern end a 4.1m x 2.14m x 2.15m bicycle shelter will be installed near the village hall. Existing lighting columns will be maintained.

The proposal will provide a formal footpath thus providing users of the village hall a shorter route to nearby residential parts of the village, and avoiding the longer route via the current trunk road footpath. It is considered that the nature of this footpath will not impact significantly on the amenity of adjoining properties. However, it will likely have some impact therefore it is proposed to attach a planning condition requiring the applicant to submit a detailed landscape/boundary treatment scheme to mitigate against possible visual intrusion into the garden area of the property known as Dumfriemull.

Local Plan policy LP REC 1 (Sport, Leisure and Recreation) encourages the provision of facilities to encourage recreation activities. Mixed use footpaths can provide a catalyst for additional walking and cycling, which bolsters the health of the local population and contribute to reduced road use. It is considered that this proposal is consistent with the aims of this policy and will make a positive contribution, albeit small, towards these goals. Proposals which entail community benefits are encouraged under local plan policy LP COM 1 (Community Facility Development) so long as they are of a form, location and scale consistent with policy STRAT DC 1. Additionally, proposals should respect the amenity of the surrounding area and be readily accessible. In this instance the proposal is accessible to a range of users and is considered to be consistent with this policy.

Although two objections have been received, it is not considered that these raise matters of such weight as to resist the development when the proposal is considered consistent with local plan policies LP ENV1, LP ENV19, LP COM 1 and LP REC1.

#### **I. Road Network, Parking and Associated Transport Matters.**

The Council's Area Roads Engineer has not raised any road safety concerns.

#### **J. Infrastructure**

The applicant intends to install a culvert to ensure the appropriate flow of water at the western end of the path. There are no known surface water issues and the proposal is not expected to raise any surface water drainage issues due to the porous nature of the soils either side. The applicant is proposing a Sustainable Drainage System (SuDS) to ensure the introduction of a non-porous material will not raise any substantive surface water issues.