

**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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<b>Reference No:</b>	12/01854/PPP
<b>Planning Hierarchy:</b>	Local Development
<b>Applicant:</b>	Melfort Care Limited
<b>Proposal:</b>	Site for the erection of 24 flats
<b>Site Address:</b>	Ossians Retirement Home, North Connel, Oban

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**SUPPLEMENTARY REPORT No 1**

**A) INTRODUCTION**

This report advises Members of a late representation received from a third party in respect of this proposal

**B) ADDITIONAL INFORMATION**

A further representation has been received from one of the original objectors to the application – Mr I. S. MacLean 4 Falls View Apartments, North Connel (e-mail 20/02/13).

The matters raised are as follows:

- As the applicants own a field adjacent to the application site, in conformity with the usual convention, this land should be outlined in blue on the plans to indicate such. The attention of the committee should be drawn to this, as an incomplete application should be debarred from determination.

*Comment: Land outwith application sites but within the same ownership as that of the applicant may be indicated in blue to show such a relationship, as this can be important where planning conditions might necessitate control over adjacent land to fulfil obligations outwith the application site edged red (such as the maintenance of visibility splays, for example). As there is no requirement for such in this case, the fact that there may be additional land in the applicant's ownership is irrelevant to the merits of this application.*

- Further reference is made over disputed land ownership and the extent to which the application correctly represents the actual ownership situation.

*Comment: Ownership notification was served by the applicants on Mr MacLean in December last year and this fulfils their procedural responsibilities relative to any land within the site edged red which Mr MacLean may own. Landowner rights are not*

*affected by planning decisions and any dispute over boundaries would be a civil legal matter rather than a material planning consideration.*

- The application has been the subject of changes which ought to be regarded as being material in nature prompting resubmission and further opportunity for public comment.

*Comment: This is an application for permission in principle rather than for the details of development. The site layout and section plans provided for the initial and the final suggested forms of development are for illustrative purposes only, and therefore the replacement of an initial layout with a revised layout to satisfy concerns expressed by officers does not amount to a material change in the development proposed. In actual fact, the amended illustrative layout has reduced the overall number of units from 27 to 24 which represents a reduction in the development. In the event of Permission in Principle being granted, final details of the precise form of development will be required by condition, and any application for Approval of Matters Specified in Condition will be the subject of further opportunity for comment by interested parties.*

### **C) RECOMMENDATION**

It is recommended that the application be granted subject to the conditions and reasons set out in the original report to the Committee of 20<sup>th</sup> February 2013.

**Author of Report:** Richard Kerr

**Date:** 21<sup>st</sup> February 2013

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