

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: 13/00064/PP

Planning Hierarchy: Local Development

Applicant: Glenfeochan Estate

Proposal: Erection of 2 Dwellinghouses, Formation of Vehicular Access and Installation of Private Wastewater Treatment Systems

Site Address: Land East of Balnagowan, Kilmore, by Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 2 dwellinghouses
- Formation of vehicular access and parking
- Installation of private wastewater treatment systems, with outfalls to a watercourse

(ii) Other specified operations

- Connection to public water main
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(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:

12/01215/PP

Erection of 2 dwellinghouses, installation of 2 septic tanks and formation of new vehicular access – Withdrawn: 23/08/12

(D) CONSULTATIONS:

Area Roads Manager

Initial response dated 27/02/13 advising 'deferred decision' to allow a Section 75 Agreement to be investigated with the owners of 'Balnagowan' to secure the necessary visibility splays. However, it came to light that the wrong drawing had been examined by Roads when compiling that response, and an amended report dated 04/03/13 was submitted advising 'no objection subject to conditions' regarding the construction of the access, clearance of visibility splays, provision of parking and commensurate improvements on the public road by means of one additional passing place.

Scottish Water

Letter dated 27/03/13 advising no objection to the proposed development advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

Environmental Health Unit

Memo dated 07/03/13 advising no objection to the proposed developments.

West of Scotland Archaeology Service

E-mail dated 01/03/13 advising that despite lying within an area of heightened archaeological sensitivity, the scale and detailed location of the proposals mean that it is unlikely that any significant archaeological remains would be directly affected and therefore no substantive archaeological issues are raised by the application.

Kilmore Community Council

E-mail dated 15/03/13 advising that the author had consulted with members of the Kilmore Community Council and agreed that they held no valid objections to the application. Expressed concern regarding the increased volume of traffic using the Musdale Road and would hope for the provision of an additional passing place and turning points.

A further e-mail dated 05/04/13 was received from the Community Council stating: *"following a meeting we wish to make an observation regarding the Development Plan on behalf of the Kilmore community. We live in a scattered rural area and consider that future development within our community should follow the traditional nature of small "townships". We have made our views known to our Councillors in the past and have encouraged new development to ensure the continued vibrancy of the community. The type of development we favour is demonstrated in the small "clachan" at Kilmore Farm on the Musdale road. This is a mix of 10 old and new buildings and sits well in its situation. We consider that it has reached an ideal level. There are a number of other developments which have been recently been completed to this pattern and have been welcomed, however a proposed development of 22 houses in one site at Barran gave rise to a strong local opposition at the public meeting held before the Planning Committee. We ask that these matters be considered within the proposed plan for future development."*

Comment: *The Area Roads Authority was consulted on the proposed development and in their response advised no objection subject to conditions. The Roads assessment includes consideration of all road safety matters. The conditions recommended include a requirement for one additional passing place, in addition to the site specific requirements for the access, clearance of visibility splays, provision of parking and prevention of surface water run-off onto the public road.*

The secondary observations of the Community Council are noted. The emerging Local Development Plan is currently out to consultation and can not be a material consideration before 29th April 2013. Even after that, any provisions of the LDP will only

be afforded weight in the event that a change in policy has not been the subject of any objection. At the time of writing it is not known whether this is the case. At present, the provisions of the LDP do not represent a material consideration in the determination of any planning applications. The current Local Plan identifies the site within settlement.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 21/03/13.

(F) REPRESENTATIONS:

24 objections have been received regarding the proposed development:

Alex Darby, 12 Goldacre Close, Leamington Spa, Warwickshire, CV31 2TW, (07/03/13)

Heather Gossage, 17 Bladon Close, Mapperley, Nottingham, NG3 5FY, (Undated)

Graham Gossage, 15 Dendys, Hemingford Grey, Huntingdon, Cambs, PE28 9EU, (12/03/13)

Karen Gossage, 15 Dendys, Hemingford Grey, Huntingdon, Cambs, PE28 9EU, (12/03/13)

Mark & Fiona Haward, 73 Bradham Lane, Exmouth, Devon, EX8 4AW, (11/03/13)

Mr & Mrs John Mittelstein, PO Box 787, Emirate Of Fujairah, United Arab Emirates, (11/03/13)

Kerrie Reece, 63 Willow Way, Chelmsley Wood, Birmingham, B37 7PJ, (Undated)

Mark L. Jones, 2 Court Gardens, Hallsenna Road, Seascale, Cumbria, CA20 1JS, (06/03/13)

Frances Darby, 52 Frederick Road, Sutton Coldfield, Birmingham, B73 5QN, (07/03/13)

John Beaton, Primrose Bank, McKelvie Heights, Oban, PA34 4PP, (12/03/13)

Trevor Davies, Fioryn, Clachan Seil, Oban, PA34 4TJ, (11/03/13)

Derek Cowan, Brae Of Ganavan, Ganavan Road, Oban, PA34 5TU, (Undated)

Mr Tristan Carre, Akaroa, Musdale Road, Kilmore, PA34 4XX, (11/03/13)

Mrs Alison Carre, Akaroa, Musdale Road, Kilmore, PA34 4XX, (11/03/13)

Caroline Booth & John Turnbull, Meadow Croft, Musdale Road, Kilmore, PA34 4XX (10/03/13)

Karen Nelson, Balnagowan, Musdale Road, Kilmore, PA34 4XX, (12/03/13)

Mr Brian Nelson, Balnagowan, Musdale Road, Kilmore, PA34 4XX, (Undated)

Mrs Jane Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (2 representations, 11/03/13, 16/03/13 & 03/05/13)

Joseph Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (11/03/13)

JE Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (Undated)

Donald M. Morrison, Ruaidheabhal, Kilmore, PA34 4XX, (Undated)

Donald E. Morrison, Ruaidheabhal, Kilmore, PA34 4XX (Undated)

Mary M. Morrison, Ruaidheabhal, Kilmore, PA34 4XX, (Undated)

Mrs Ann Ferguson, Dalantobair, Musdale Road, Kilmore, PA34 4XX, (20/03/13)

(i) Summary of issues raised

- Road and pedestrian safety issues: the public road is narrow, single track, with a narrow bridge, no footpath, soft verges, a lack of passing places, school children have to walk the road to the bus stop, question over when last road survey was undertaken, increased traffic in recent years, nowhere for lorries to turn, visibility, parking requirements, access being on a bend, questions raised in terms of compliance with LP TRAN 4.

Comment: The Area Roads Authority was consulted on the proposed development and in their response advised no objection on road or pedestrian safety grounds subject to conditions being imposed. The conditions relate to: the construction of the access, clearance of visibility splays, provision of parking and turning areas within the site and commensurate improvements by way of an additional passing place provided on the public road. The visibility splays are within the applicant's control or within the road verge only.

- Construction vehicles accessing the site during the construction of the dwellinghouses will block the road and could have an adverse impact in emergency situations.

Comment: Blocking the public road is a matter for the Area Roads Authority and the police in the event that it occurs.

- Neighbours have 'heritable and irredeemable servitude right of wayleave' over the ground involved in the application site. An existing septic tank/soakaway is situated within plot 1 close to the proposed house position and the access crosses over existing private drainage pipes, which could be damaged.

Comment: The existing rights would be unaffected by a planning decision and access rights and damage to property would be civil matters between the affected parties. At building warrant stage, minimum distances must be achieved between septic tanks and proposed buildings. The septic tanks proposed to serve both plots are shown on the site plan accompanying the application, but the location of any existing tanks are not shown. No details of the proposed septic tanks other than their position have been submitted and therefore it is appropriate to impose a condition reserving this aspect of the scheme for further approval.

The site plan has been updated to show the position of the existing septic tank. However this is for information only as the existence of the septic tank

on site and any potential impact as a result of the proposed development is not a material consideration in the determination of this current planning application but a matter between affected parties.

- Concerns over the number of septic tanks (6 houses already) discharging to the burn, and query over SEPA involvement and whether appropriate testing has been undertaken to BS6297:1983. Concerns regarding pollution of the burn, impact on migratory fish and other wildlife.

Comment: BS6297 relates to percolation tests, which is only relevant for ground based soakaway design. The discharge in this case is proposed to a watercourse. These arrangements need SEPA's direct consent under separate legislation. If the burn can not cope with the additional discharge, then consent will not be forthcoming. SEPA regulate and control the prevention of pollution of water air and land. As there are no public sewers within the vicinity of the proposed development to allow connection, Policy LP SERV 1 allows for private systems to serve developments.

- There is insufficient water, electricity and telecoms to serve a further two dwellinghouses.

Comment: Scottish Water was consulted with regard to water supply and raised no objection advising that Tullich Water Treatment Works had sufficient capacity to serve the proposed development. With regards to electricity and telecoms, these are not material considerations in the determination of this planning application.

- The proposed dwellinghouses will overshadow Balnagowan and Meadow Croft and result in a loss of sunlight to the garden ground. The houses will be overlooked and will cause overlooking of neighbouring houses, creating poor privacy and amenity standards, contrary to LP ENV19.

Comment: The dwellinghouse on plot 2 is 3.15 metres from the boundary of Balnagowan and 16 metres from the dwellinghouse itself. It is 25 metres from the boundary of Meadow Croft and 30 metres from the dwellinghouse itself. The house on plot 2 will introduce a small degree of overshadowing of the south-eastern corner of garden ground but no overshadowing of the buildings will occur as tested against the recognised industry standard assessment as set out by the BRE. It is not considered the impacts of the development are such that conflict exists with LP ENV19. The separation distances, combined with the orientation proposed, and the proposed window positions, will ensure that the proposed dwellinghouses do not result in any significant adverse impact on the current privacy and amenity levels afforded to the neighbouring properties. A condition is proposed on the grant of planning permission to seek a scheme of boundary and landscaping treatment to help integrate the dwellinghouses into their setting. The proposed plots are sufficiently separated from buildings across the road as to suffer no unacceptable overlooking.

- The proposal would result in noise and light pollution due to increased vehicular activity, external lights and general commuting.

Comment: The site has been identified within the settlement zone alongside existing residential development. It is not considered that the additional traffic lighting or noise generated by the 2 proposed houses will be incompatible with the existing housing at the settlement.

- The proposal involves insensitive siting and design, contrary to PAN72, and PPG15 and STRAT DC2. The orientation of the dwellinghouse proposed on plot 2 does not fit with the existing development at this location and the design of the dwellinghouses is not in keeping with development in the surrounding area. The proposal would create a dense cluster of development with insufficient spacing, to the detriment of the rural ambience of the settlement.

Comment: There is no distinct architectural style evident in the settlement, nor any rigid building lines. There are a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary and incorporating a variety of finishing materials. Whilst the dwellinghouses subject of this current application are contemporary designed structures, they are of a scale, design and finish which is considered to be acceptable and will not detract from the setting and character of the existing houses. The orientation of the house on plot 2 is considered acceptable on the basis of the variation in orientation already at the settlement. The orientation strikes a balance between the realigned overhead power lines and still retaining an open outlook and appropriate daylight into the frontage of Balnagowan. Part of the existing character of the settlement is the variation in building orientation, which the application proposes to continue. The Local Plan identifies additional land as settlement beyond just the existing houses, which indicates policy support for limited growth of the settlement. The application site fits the allocation in the existing Local Plan.

- The proposed dwellinghouses will result in a loss of views/open aspect.

Comment: This is not a material consideration in the determination of this planning application.

- Has the application been subject of an Environmental Impact Assessment (EIA) with regards to the works on the Feochan Burn.

Comment: The application does not fall within any of the criteria which would require it to be accompanied by an EIA.

- Will the Council be required to carry insurance for any damage to adjacent properties as a result of any problem connected with the development.

Comment: Any damage caused by the development would be a matter for the developer and affected parties.

- The proposed development would set a precedent for further development in the area. Concerns are expressed that the development proposed may simply be a tactic to justify development of 'easier' sites elsewhere later.

Comment: The granting of planning permission for dwellinghouses on this site would accord with the adopted Development Plan. It would not establish a precedent for any further development beyond the allocated settlement zone. Every planning application is considered on its own merits and assessed against the terms of the Development Plan in force at the time. An approval on this site would not justify a development elsewhere as feared by the objectors.

- The open land is an important habitat for biodiversity, migratory birds and wildlife, as well as representing good or prime quality agricultural land and its development is contrary to PPG15, Local Plan paragraphs 2.16 and 5.5 and LP HOU1.

Comment: The site is not located within or adjacent to any Nature Conservation sites. No known protected species are affected by the development. Although currently open pasture, the site fits within the identified settlement per the Local Plan, and as such, a supportive presumption exists for its appropriate development for small scale housing under STRAT DC1 and LP HOU1.

- Kilmore Community Council has submitted representations about the size of the settlement being ideal and the building of additional houses would significantly affect this situation.

Comment: The site has been included within the settlement zone of Kilmore in the adopted Argyll and Bute Local Plan, 2009. Any representations to the forthcoming Local Development Plan are not material considerations in the determination of this current application. It is noted that the Community Council has not objected to the planning application.

- The burn that currently delineates the extent of the community is a natural feature and development should not project beyond this point. The burn will be adversely affected.

Comment: This comment is noted, however the site has been identified within settlement suitable for small scale residential development by the adopted Development Plan. The burn already runs between housing sites on the both side of the road.

- The development will have an adverse visual impact and will adversely affect tourism at adjacent guest house/B&B's.

Comment: The proposal is for two houses only, on land within the existing settlement. The proposal fits the provisions of the development plan. It is not considered that undue visual impacts will be generated, nor is it considered that tourism will be affected.

- The proposal does not address any particular local community need, is no enhancement to the community, and is primarily a commercial development.

Comment: A development of two additional houses would make a small positive contribution to the local housing supply. A development of this scale, within the settlement zone, need not demonstrate that it serves a specific local need, or that it directly enhances the existing community. The financial benefit of the proposal is not a material planning consideration.

The above represents a summary of the issues raised. Full details of the letters of representation are available 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:	No
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(H)	PLANNING OBLIGATIONS	
(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.	
	<u>Argyll and Bute Structure Plan 2002</u>	
	STRAT DC 1 – Development within the Settlements	
	STRAT SI 1 – Sustainable Development	
	<u>Argyll and Bute Local Plan 2009</u>	
	LP ENV 1 – Impact on the General Environment	
	LP ENV 19 – Development Setting, Layout and Design	
	LP HOU 1 – General Housing Development	
	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 A – Sustainable Siting and Design Principles	
	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.	

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

In this case, the site has been allocated as suitable for small scale residential development by the adopted Development Plan, by virtue of being within the identified settlement zone. The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against relevant Local Plan policies.

The application has been the subject of 24 representations with 13 of those representations being from respondents occupying 6 households in the immediate vicinity of the application site. The Community Council does not object to the development.

It is not considered that the application raises any complex or technical issues and that the photographs and plans of the site give a good representation of the topography and character of the settlement. The objections received are very detailed and provide the information required to enable an informed assessment. It is therefore recommended that Members ought not to hold a hearing prior to the application being determined as it is unlikely that this would add value to the process.

(P)	Assessment and summary of determining issues and material considerations
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Planning permission is sought for erection of two dwellinghouses on an area of ground to the east of Balnagowan, Kilmore, by Oban.

In terms of the adopted 'Argyll and Bute Local Plan' the site is situated within the Settlement Zone of Kilmore where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives a presumption in favour of development within the minor settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off, and redevelopment sites, subject to compliance with other relevant local plan policies. Small scale residential development comprises proposals up to five houses.

Policy LP HOU 1 gives encouragement to housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact with Policy LP ENV 1 requiring applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The principle of the development is consistent with current Local Plan Policy subject to assessment against Local Plan Policy LP HOU1 along with other associated relevant Local Plan policies.

The proposal has elicited 24 representations, 13 from respondents occupying 6 households in the immediate vicinity of the application site.

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

(R) Reasons why planning permission should be granted

It is considered that the site offers a suitable opportunity for development with two dwellinghouses which would consolidate the extent of built development at this location. The development makes use of the currently undeveloped land within the allocated settlement zone, in accordance with Development Plan policy. The scale, design and finish of the dwellinghouses is considered acceptable within this location where there is no distinct architectural style evident, and their position and orientation within the site will ensure that they will do not give rise to any adverse privacy or amenity concerns with neighbouring properties. The varied orientation reflects the variety already found at the settlement and is considered to be acceptable in this instance. Furthermore, there are no infrastructural constraints which are known to preclude the development of this site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP HOU 1, LP SERV 1, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and 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: **Fiona Scott** **Date:** 12/04/13

Reviewing Officer: **Stephen Fair** **Date:** 24/04/13

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 13/00064/PP

1. No development shall commence on site, or is hereby authorised, until the vehicular access at the junction with the public road has been constructed in accordance with the Council's Roads Engineer Drawing Number SD 08/004a with visibility splays of 53m x 2.4m in each direction formed from the centre line of the proposed access, and measures to prevent surface water run –off onto the public road. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouses which it is intended to serve and the final wearing surface of the road shall be applied prior to the first occupation of the dwellinghouses.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

2. No development shall commence on site, or is hereby authorised, until an additional passing place has been completed alongside the UC25 Musdale public road between the A816 and the site entrance in accordance with the Council's Roads Engineer Drawing Number SD 08/003a in a location that must first be submitted in plan form to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access with commensurate improvements to the existing access regime in accordance with Local Plan Policy LP TRAN 4 part D.

3. The proposed on-site vehicular parking areas shall provide parking for three vehicles within each plot and shall be formed in accordance with the approved plans and brought into use on each plot prior to the first occupation of the dwellinghouse on each respective plot hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. No development shall commence on site, or is hereby authorised, until full details of the proposed means of private foul drainage to serve the development, including evidence of SEPA's consent to the proposed discharge to a watercourse, has been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first occupation of the dwellinghouses.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

5. No development shall commence on site, or is hereby authorised, until full details of the proposed means of crossing the burn within the site to enable access into plot 2 has been submitted in plan form to and agreed in writing by the Planning Authority in consultation with SEPA. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the absence of any details having been submitted and to ensure that the burn is not adversely affected by the method of implementing the development hereby approved.

6. No development shall commence on site, or is hereby authorised, until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. No development shall commence on site, or is hereby authorised, until full details of the proposed material, texture and colour for all external materials have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the absence of any details having been submitted and to ensure that the development integrates with its setting.

8. The development shall be implemented in accordance with the details specified on the application form dated 11/01/13 and the approved drawing reference numbers:

- Plan 1 of 7 (Drawing Number L(Ex)K001 Rev A)
- Plan 2 of 7 (Drawing Number L(Ex)K001)
- Plan 3 of 7 (Drawing Number L(PL)K105 Rev B)
- Plan 4 of 7 (Drawing Number L(PL)K101)
- Plan 5 of 7 (Drawing Number L(PL)K104)
- Plan 6 of 7 (Drawing Number L(PL)K102)
- Plan 7 of 7 (Drawing Number L(PL)K103)

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

- **Length of the 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)].
- 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 Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/00064/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for erection of two dwellinghouses on an area of ground to the east of Balnagowan, Kilmore, by Oban.

In terms of the adopted 'Argyll and Bute Local Plan' the site is situated within the Settlement Zone of Kilmore where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives a presumption in favour of development within the minor settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off, and redevelopment sites, subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact with Policy LP ENV 1 requiring applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against Local Plan Policy LP HOU 1 along with other associated relevant Local Plan policies.

B. Location, Nature and Design of Proposed Development

The application details two detached dwellinghouses on an area of land to the south-east and east of Balnagowan, Kilmore, by Oban.

The site is a flat area of open pasture situated within the minor settlement of Kilmore, bounded on its north and west boundaries existing dwellinghouses and to the south by open farmland. The eastern boundary tapers back to meet the public road. The site is bisected by a small watercourse.

It is considered that the site offers a suitable opportunity for development with the proposed dwellinghouses which would consolidate the extent of built development at this location.

The application shows two contemporary designed one and a half storey dwellinghouses finished in what appears to be white render, dark grey roof finish and areas of timber cladding. There is no distinct architectural style evident in the residential development surrounding the application site or in the wider area which comprises a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary incorporating a variety of finishing materials. Whilst the dwellinghouses subject of this current application are contemporary designed structures, they are of a scale, design and finish which is considered to be acceptable within this location and will

not detract from the setting and character of the existing houses. A condition is necessary to control the external finishes in detail.

Furthermore, the positioning and orientation of the dwellinghouses within the site will ensure there are no significant adverse privacy or amenity issues affecting neighbouring properties. The orientation proposed reflects the variety that already exists at the settlement, which forms part of its visual interest, and also accounts for the other constraints of the site including overhead power lines, and the desire to retain an open aspect to the front of Balnagowan. In this regard the proposal is considered to comply with the terms of Policy LP ENV 19 and Appendix A.

C. Natural Environment

The proposed development is not located within or adjacent to any Nature Conservation sites.

D. Road Network, Parking and Associated Transport Matters.

The application proposes to form a new vehicular access from the unclassified Musdale road to serve the proposed dwellinghouses. The Area Roads Authority was consulted on the proposed development and in their response raised no objection subject to conditions. The conditions required relate to the formation of the access at the junction of the public road, clearance of visibility splays, provision of an appropriate level of parking and turning to serve each dwellinghouse and commensurate improvements to the public road by way of provision of a single passing place.

With conditions, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area.

E. Infrastructure

The application indicates that drainage is via installation of two private septic tanks with the outfall to the adjacent stream. No details of the tanks have been submitted in support of the application and therefore it is considered appropriate to impose a condition reserving this aspect of the scheme for further approval. Building Standards and SEPA will apply sufficient control over the detailed arrangements of the system to ensure that no pollution of the burn occurs.

The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.

The application indicates connection to the public water main. Scottish Water has been consulted on the proposal and raised no objection advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

The proposal is considered acceptable in terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.