

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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e.mail –douglas.hendry@argyll-bute.gov.uk

16 November 2011

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 NOVEMBER 2011** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW: PLOT 1, LAND SOUTH EAST OF DUNGRIANACH, CRANNAIG A' Mhinister, OBAN**
 - (a) Notice of Review and Supporting Documents (Pages 1 - 72)
 - (b) Comments from Interested Parties (Pages 73 - 88)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)
Councillor Alex McNaughton

Councillor Donald MacMillan

Contact: Fiona McCallum Tel: 01546 604406

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

10/10/11

Hazel Kelly

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Plot 1
Land South East of Dungrianach
Crannaig A'Mhinister
Oban PA34 4LU

(6) Description of Proposal

Site for single dwelling house

(7)

Please set out the detailed reasons for requesting the review:-

See attached note.

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

OB.08/27

PROJECT: DEVELOPMENT OF PLOTS EAST OF DUNGRIANACH HOUSE, CRANNAIG A'MHINISTER, OBAN
CLIENT: MACDOUGALLS OF OBAN LTD
SUBJECT: DETAILS OF REVIEW REQUEST TO SUPPLEMENT ITEM 7 ON THE NOTICE OF REVIEW FORM
RELATIVE TO PLANNING REFUSAL REFERENCE 11/00280/PPP (PLOT 1)
DATE: OCTOBER 2011

The Planning Application covered by this Review Request is similar to a simultaneous application (reference 11/00286/PPP) covering an adjacent plot of land. The separate applications for each plot were lodged simultaneously and refused on the same date for similar reasons. Accordingly, a separate Review Request is being lodged for each application, but on similar grounds.

The same Applicant made an Outline Planning Application for 4 housing plots in 2009. These plots covered the 2 plots involved in the current Review Requests and an adjacent 2 plots all on land under the Applicants ownership. The Applicant lodged an Appeal with Scottish Ministers on the grounds of Deemed Refusal following Non Determination by the Planning Authority within the prescribed timescale. Although the Councils Roads Manager had noted concerns on the adequacy of Crannaig A'Mhinister - the public road serving the application site, the main reasons for the impending refusal related to protection of the woodland covering the application site. The appeal to the Scottish Ministers was lodged prior to the application being determined by Committee following the Planning Officers recommendation for refusal.

Subsequent to the Refusal of Appeal and the lodging of the 2 simultaneous single plot applications, a site meeting was held with Planning Officials and the Councils own Arborist to discuss possible progress. At that stage it was agreed that a reduce scale of development would more likely be supported, with the Council Arborist agreeing that consideration for the established woodland would not necessarily inhibit any development on the site. On this basis, single simultaneous applications were lodge for 2 of the previous 4 sites, backed by a further updated detailed report by the Applicants own Arborist. During the processing of these applications, recommendations for refusal were received from the Area Roads Manager on the same grounds as the earlier 4 plot application. Each of the new PPP applications were subsequently refused under delegated powers on the sole basis of the Roads objection, leading to the current Request for Review.

Examination of other relatively recent Planning Applications relying on roads access from Crannaig A'Mhinister reveals inconsistencies in the Area Roads Managers response and further inconsistencies in the application of the Roads response by the Planning Authority in determining applications. The Review Panel is asked to consider the following applications:

08/00358/DET – Erection of dwelling house at Ard Mor, Crannaig A'Mhinister, Oban
10/01144/PPP – Site for erection of dwelling house, Ardtornish, Crannaig A'Mhinister, Oban
Each of these applications were refused, but not for reasons of inadequate roads access.

07/01748/DET – Erection of 6 semi detached dwelling houses, Pulpit Rock, Oban
09/00991/DET – Proposed dwelling house Ardtornish, Crannaig A'Mhinister, Oban
Each of these applications were approved despite the Roads Manager making a specific recommendation for refusal on grounds of roads safety on Crannaig A'Mhinister.

08/01128/OUT – Site for erection of dwelling house Ardtornish, Crannaig A'Mhinister, Oban
08/01135/OUT – Site for erection of dwelling house Ardtornish, Crannaig A'Mhinister, Oban
Each of these applications were approved. The Roads Managers response noted concerns on road safety on Crannaig A'Mhinister, but were presented as "No Objection".

The problems of lack of width, geometry and lack of pedestrian footpaths on Crannaig A'Mhinister have been recognised as an issue for many years, but not always to the extent of uniformly refusing further development off the road. The Area Roads Manager response on application references 08/01128/OUT and 08/01135/OUT detailed above notes their ongoing concerns but also observes that recent response from the Scottish Ministers is likely to overturn applications refused purely on Roads grounds. The most recent approval in the locality, application reference 09/00991/DET noted above has followed the full adoption of the current Local Plan on 6 August 2009, so it does not appear that a change in overall Council Policy can account for the refusal of the application covered by this Review.

In the absence of any specific moratorium on future development off Crannaig A'Mhinister, the Applicant requests that the Refusal decision is overturned on grounds of an inconsistent approach by the Council in addressing consultation responses from the Area Roads Manager.

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	Refer attached schedule
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

OB.08/27

PROJECT: DEVELOPMENT OF PLOTS EAST OF DUNGRIANACH HOUSE, CRANNAIG A'MHINISTER, OBAN

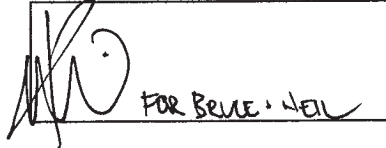
CLIENT: MACDOUGALLS OF OBAN LTD

SUBJECT: SCHEDULE OF DOCUMENTS SUBMITTED WITH NOTICE OF REVIEW TO SUPPLEMENT ITEM 9 ON THE NOTICE OF REVIEW FORM RELATIVE TO PLANNING REFUSAL REFERENCE 11/00280/PPP

DATE: OCTOBER 2011

1. PPP Application Form
2. Drawing reference OB.08.27/11 (Plot 1)
3. Drawing reference OB.08.27/12 (Plot 1)
4. Drawing reference OB.08.27/13(plot 1)
5. Written Design Statement (Plot 1)
6. MacArthur Stewart Letter dated 13 September 2011
7. Arborial Survey Report
8. Council Report and Roads Consultation on Application Reference 08/00358/DET
9. Council Report and Roads Consultation on Application Reference 10/01144/PPP
10. Council Report and Roads Consultation on Application Reference 07/01748/DET
11. Council Report and Roads Consultation on Application Reference 09/00991/DET
12. Council Report and Roads Consultation on Application Reference 08/01128/OUT
13. Council Report and Roads Consultation on Application Reference 08/01135/OUT

Submitted by
(Please Sign)

 FOR BRUCE WEL

Dated

7 October 2011

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



Reference No:

Application Type

National Major Local

Please send your completed application to: Planning Services, Dalriada House, Lochnell Street, Lochgilphead, PA31 8ST

The undernoted applicant hereby makes application for planning permission for the development on this form and on the accompanying plans.

This form should not be used for applications for Mineral Consent, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Certificate of Lawfulness or Prior Notification as separate application forms are available for these.

1(a) Applicant (IN BLOCK CAPITALS)	1(b) Agent (see note 1)
Full Name MacDougalls of Oban Ltd	Full Name Bruce & Neil Chartered Architects
Address c/o Agent	Address 26 Alexandra Place Corran Esplanade Oban
Post Code	Post Code PA34 5PU
e-mail	e-mail oban@bruceandneil.co.uk
Tel No	Tel No 01631 563222

2. Description of Proposed Development (see note 2)

Proposed Site for Single Dwellinghouse

3. Location of the land to which the development relates (see note 3)

(A) Postal address of development)

OR

(B) In the case where the land in question has no postal address, a description of the location of the land

Plot 1, Land South of Ard Ghillean, Crannaig-a-Mhinister, Oban

4. Site/Floor area (complete as appropriate) (see note 4)

Proposed site area of the development (site edged red – taking account of the definition in the notes for guidance)

2340sq.m

Floor area of building (including all floors)

5. Demolition (see note 5)

Will any buildings or structures be demolished in connection with the proposed development?

YES NO

If YES, identify the building(s) to be demolished on the site plan

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

6. Is a claim of locational need or special circumstances being made (see note 6)

(A) Is a claim of locational need being made (as in the noted for guidance?) If YES, please give details in a covering statement. YES NO

(B) Is a claim of special circumstances being made, after reference to the accompanying notes for guidance, including croft or farm diversification. If YES, please give details in a covering statement.

YES NO

7. Development affecting a Registered Croft (see note 7)

Does the site form part of a registered croft YES NO

If so, please supply the croft registration number/reference and show on a separate plan the croft boundary on edged in green

Has the croft been the subject of an operational plan approved or submitted to the Crofters Commission

If YES, please supply a copy YES NO

Is there an existing croft dwellinghouse(s) within the boundary of the croft? YES NO

If YES, please show the position of the dwellinghouse(s) on the separate plan of the croft boundary.

8. Access Arrangements (see note 8)

No change New vehicular access Existing vehicular access to be used

Existing vehicular access to be altered/improved Separate pedestrian access proposed

9. Off-site access/road improvements (see note 9)

Is it intended to provide "off-site" access/road improvements? YES NO

If YES, please give a description of the improvements proposed, which should be included on the application site edged red

10. Drainage Arrangements (tick one box only) (see note 10)

Connection existing public sewer

Connection to existing private sewer/septic tank Single septic tank or biodisc proposed

Two or more septic tanks or biodiscs proposed Other type of private system (specify on plans)

Please specify type of outfall for septic tank(s) or biodisc(s)

11. Water supply arrangements (tick one box only) (see note 11)

Connection to existing public main Proposed connection to public main

Existing private supply to be used Proposed private supply

Please identify the proposed private water supply source, any proposed pipes and storage arrangements on the Site Plan within the site edged in red.

12. Are any trees to be cleared from the site? (see note 12)

Not Applicable Yes No

If YES, show details of trees to be retained/felled/replanted on Site Plan.

THIS SECTION MUST BE COMPLETED IN EVERY CASE

Ownership Certificates Under Regulation 15(2) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Does the land or any part of the land to which this application relates constitute or form part of any agricultural holding (see note (b) overleaf) YES NO

I HEREBY CERTIFY THAT 21 DAYS BEFORE THE DATE OF THE APPLICATION : (Tick one box only)

No person (other than the applicant) was the owner of the any of the land to which the Application relates, or an agricultural tenant.	<input checked="" type="checkbox"/>
OR; The applicant DOES NOT OWN all the land involved in the application site, but has Given a copy of the requisite Regulation 15(1) Notice to the owner(s) (see note (a) Overleaf) or agricultural tenant (see note (b) overleaf) of any part of the application Site, who are listed below in Section A.	<input type="checkbox"/>
OR: The applicant has been unable to notify all owners / agricultural tenants of the Application site, after having taken the measures detailed in Section B to identify them.	<input type="checkbox"/>

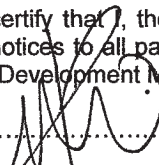
Those Notified in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 are:

SECTION A

Name of Owner/ Agricultural Tenant	Address	Date Notified
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Details of the measures taken to identify notifiable parties in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 who the applicant has been unable to notify under Regulation 15(1) of said Regulations:

SECTION B

<p>DECLARATION</p> <p>I hereby certify that, the applicant/applicant's agent, have given correct and complete information and given the requisite notices to all parties who have a notifiable interest in terms of Regulation 15(1) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008.</p> <p>SIGNED.....  for BRUCE & NEIL DATE <u>17 FEB 2011</u></p>

Warning:

If any person issues any certificate which purports to comply with the requirements of Regulation 15 of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

NOTES

- (a) In terms of Regulation 15 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, an owner is defined as any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired. In the case of Mineral Extraction Applications, the definition of owner also extends to persons entitled to an interest in any mineral in, or under the land.
- (b) In the Agricultural Holdings (Scotland) Act 1991, the expression "Agricultural Holding" means the aggregate of the agricultural land comprised in a lease, not being a lease under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord.

]

PERSONAL INFORMATION

The information provided by you and by other relevant parties will be used to help determine whether or not planning permission should be granted. Your planning application will be processed by employees of Argyll and Bute Council. The completed application form and any other information you provide will be available for public inspection in Council offices and may be shared with other appropriate professionals and service providers and will be displayed on the Council's website. However, in terms of the Council's website, personal information of the applicant in terms of phone number, signature and e-mail address will be deleted.

OB.08/27

PROJECT: PROPOSED DEVELOPMENT AT PLOT 1, LAND EAST OF DUNGRIANACH, PULPIT HILL, OBAN
CLIENT: MACDOUGALLS OF OBAN LTD
SUBJECT: PLANNING APPLICATION DESIGN STATEMENT
DATE: JANUARY 2011

1.0 PLANNING BACKGROUND

- 1.1 In the past, Planning Approval has been granted for significant flatted and housing developments on this portion of ground, although these Consents have now lapsed.
- 1.2 A more recent Outline Planning Application reference 09/00519/OUT for the development of 4 houses on the site was not determined by Argyll & Bute Council and was subsequently refused on appeal.
- 1.3 Although the Scottish Ministers Reporter acknowledged the level of tree survey information that had been prepared and the moves taken to minimise the impact on the existing woodland, it was considered that the impact of the development was contrary to stated Council Policy with regard to preservation of woodland. The Reporter also supported the Council concerns that the existing roadway was inadequate to support the proposed scale of development.
- 1.4 Based on this feedback, subsequent pre Application discussions with the Area Planning Officer have indicated that a smaller scale development would be more likely to be approved. This has been updated with a site meeting held on 7 September with the Applicant, their Arboreal Consultant, their Architect/Application Agent, Planning Area Team Leader and the Councils Tree Preservation officer. Following a careful examination of the site area, it was agreed that the existing wooded area was capable of accommodating 2 house plots without significantly affecting the quality of the wooded area. The Council officers also agreed that much of the wooded area is of low quality and can be enhanced with careful removal of some planting and protection of others, all as detailed in the Applicants Consultants reports

2.0 SITE APPRAISAL

- 2.1 The identified application site is relatively densely wooded ground in the Pulpit Hill area of Oban, bounded on the south by Pulpit Rock and the south east by Pulpit Hill/Crannaig a Mhinisteir. The site topography is illustrated on the application drawings, but generally rises towards the north west. The identified application site is part of a larger area of ground under the ownership of the Applicant as shown on the application drawings.
- 2.2 The Applicant is sensitive to the existence of the mixed woodland on the site. A topographical and Arborial Survey of the entire site area was commissioned in 2003 and the topographic element forms the basis of the application drawings. The Arborial component of the survey was updated in January 2009 and again in January 2010 and the detailed survey report forms part of the application submission. The Arborial Survey was commissioned after the preparation of some initial site layout proposals and these have subsequently been revised to suit the recommendations of the Arborial Consultant.
- 2.3 Traffic flow through the Pulpit Hill area is known to be difficult, but several developments have been successfully completed in recent years without any apparent problems. The proposals seek to improve the existing road access serving the site and the existing track across the site leading to Dungrianach.

3.0 DESIGN PROPOSALS

- 3.1 The design proposals are illustrated on the application drawings and seek to create a plot for a single dwellinghouse, with associated parking and turning areas within the site.
- 3.2 To minimise the impact on the existing woodlands, the line of the existing track will be maintained as far as possible, with widening and surface improvements and a realignment of the junction with Crannaig-a-Mhinisteir. Water, electricity, sewerage and telephone services for the new house will be contained as far as possible within the line of the enhanced track to avoid disturbance to the existing trees. As noted on the application drawings and in the Arborists Report, protection areas will be set up around the building plot and access track during construction to avoid damage to surrounding trees.
- 3.3 The size and location of the house within the development has been devised to take maximum advantage of an existing clearing in the existing woodland, with minimal tree removal being required. As shown on the application drawings, the development does not affect any trees on the perimeter of the site. The only specimens identified for removal on the perimeter are those highlighted in the Arborists Report by reason of age or health.
- 3.4 While the specific design of the house is not identified at this stage, there is nothing to prevent full compliance with the Councils published design guidelines. Due to the careful positioning of the house to suit the surrounding trees, the general size and location of the plot can be relatively accurately dictated at PPP Application stage.

4.0 SUMMARY

- 4.1 The site has a background of previous Planning Consent for housing development.
- 4.2 The current proposals seek to preserve and enhance the existing woodland setting through a detailed survey and analysis of the Consultant Arborists Report.
- 4.3 Roads access to the site can be adequately achieved through improvement to the existing access track through the site and its junction with the public road.



Bruce & Neil

Chartered Architects

Project Managers

Development Consultants

MacArthur Stewart

SOLICITORS & ESTATE AGENTS

Date: 13 September, 2011

Please Reply to: Oban

Our Ref: TCM/has/MACD133.99

Your Ref:

Argyll and Bute Council,
Department of Planning and Development Control,
Kilmory,
Lochgilphead,
Argyll.

Dear Sirs,

McDougalls of Oban Limited
Proposed Development of Land at Dungrianach, Crannaig a'Mhinister,
Pulpit Hill, Oban

My client, McDougalls of Oban Limited, which is a family Company, currently owned by Mrs. J.M. McDougall who resides at Ard-Ghillean, Pulpit Hill, Oban; Mrs. Jacqueline Chase, who resides at Flat One, Eighteen Grantham Road, Brighton; Mr. John McDougall, who resides at Foothills, Ganavan, Oban; and Mrs. Stephanie Irvine, who resides at 2, Glen Park, Connel, are the proprietors of land, formerly part of the garden of Dungrianach, Crannaig a'Mhinister, Pulpit Hill, Oban and which has been the subject of two recent Planning refusals for housing development, the most recent being Application Ref. No. 11/00286/PPP.

McDougalls of Oban Limited is the successor to J. & A. McDougall (Builders) Limited who, in turn, is the successor to Messrs. J. & A. McDougall whose history of building and development in the Oban area goes back to the mid 19th century. This Company was always regarded as a quality and reliable builder and many examples of development by them in Oban and district exist. These include many of the houses at Ganavan, many of the houses at Pulpit Rock and Pulpit Hill and perhaps most recently, the fine apartment building "Albany Apartments" in Albany Street, Oban.

In the late 1970s the Company bought the dwellinghouse, then owned by Councillor David Webster and known as Dungrianach, Pulpit Hill, Oban with all the land which pertained to it and they agreed to sell the house and a limited area of garden to Mr. Michael Robertson, local solicitor and his wife, Mrs. Elaine Robertson who, as it happens, is now a local councillor.

At that time, Mr. Webster had been granted an Outline Consent to turn his property into an hotel.

Visit our website at:
www.macarthurstewart.co.uk

Boswell House, Argyll Square, Oban, PA34 4BD Tel: 01631 562215 Fax: 01631-565490 DX OB3 Oban & LP3 Oban
e-mail address: oban@macarthurstewart.co.uk

87 High Street, Fort William PH33 6DG Tel: 01397 702455 Fax: 01397 705949 DX 531402 Fort William & LP1 Fort William
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e-mail address: lochgilphead@macarthurstewart.co.uk

Clydesdale Bank Buildings, Main Street, Tobermory, Isle of Mull PA75 6NU Tel: 01688 302300

Directors:
Alexander M. Murray
M. Anne Wilson
Paul M. McFatrige

Associates:
Craig G. Murray
Fiona A. McLeod
Robin Currie
David P. Dewar

Consultant:
T. C. Macnair

MacArthur Stewart is a trading name of MacArthur Stewart and Company Limited, registered in Scotland under the Companies Acts, number SC101685, and having their Registered Office at Boswell House, Argyll Square, Oban, Argyll



-2-

My client, who were builders and developers and had bought this land as part of their land bank, discussed matters with the Local Authority at that time and were encouraged to submit an Application for Planning Consent for twelve houses within the remaining grounds of Dungrianach which had not been sold to Mr. and Mrs. Robertson. This Planning Consent was granted and my personal view is that, having granted Planning Consent for twelve houses on this land, subsequent decisions made by the Planning Authority in regard to the development on Pulpit Hill and using the access to Pulpit Hill should have taken account of that as being a probable future development.

For business reasons, the Company did not proceed with this development and the Planning Consent has been deemed to have lapsed because, although work was done in the grounds of the former garden of Dungrianach, which would only have been done because the development was due to take place, none of it was intimated to the Planning Authority as being a meaningful start to that development.

In my experience, however, the Planning Authority usually takes account of Consents previously granted when considering further Applications within the vicinity – prudent planning.

Over the years since the 1980s numerous individual house Consents and some larger developments have been granted Consent using the access and infrastructure which currently serves Pulpit Hill.

I believe when my client made their Application for five houses within the grounds of Dungrianach, it was refused for two reasons:- (1) because of a Tree Preservation Order (which did not exist) and (2) because of bad road access.

In the light of the history I have given, namely that twelve houses had been approved using the same ground with the same trees on it and the same road access, refusal of Planning for five houses, could not possibly have been a sensible decision, albeit that for his own reasons a Scottish Office Reporter upheld the decision or indeed made the decision.

I am told that the most recent Application, which was for only three houses on the site, was submitted after an invitation by a senior member of the Planning Department's staff and on this occasion it has been refused simply on road traffic grounds.

I assume that the Road Department staff who recommended the refusal on these grounds made it quite clear to the Councillors who made the decision

-3-

that absolutely no further houses could be built using the current access road and this must now be the policy of the Council for this area; otherwise any further Consent granted using the Pulpit Hill main access must surely be in breach of the human rights of my client.

The fact that the Planning Department tried to rely on a non-existent Tree Preservation Order to block this development for many years is another aspect of this case which is disturbing.

The Managing Director of my client Company, until he died in 2003, was Mr. Allan McDougall, who had been the Managing Director, throughout the period between the 1970s and his death, and the Planning Department lead him a merry dance to try to conform with their non-existent Tree Preservation Order for a considerable number of years before he died and they persisted with this approach after he died when the family wished to proceed with development.

All the while, the same Department continued to grant Planning Consents for single houses and multiple-house developments using the infrastructure, including the access road.

Now, having delayed the potential development of this site for well over fifteen years, on various pretexts, they are now accepting the Roads Department's embargo on further development on Pulpit Hill, or so it would appear.

I understand that my client plans to appeal the latest decision and I am submitting this letter in support of their Appeal and in the hope that the Council will reconsider their decision in the light of the foregoing history and indeed sit down with my client and negotiate a suitable layout of housing to provide quality houses within this site of a number appropriate to the size of the site and the average house garden or house plot on Pulpit Hill,

In conclusion, I consider that the treatment of my client by the Planning Authority over all these years has been, to say the least, surprising and possibly verging on the disgraceful.

Yours faithfully,



T.C. Macnair



Alan R Motion

Chartered Forester, Arboricultural Consultant

Tree Survey and Arboricultural Constraints

ARD GHILLEAN, PULPIT HILL, OBAN

For

MRS MCDUGALL

Revised 21 January 2011

 Institute of
Chartered Foresters
Registered Consultant

GENERAL INTRODUCTION AND SUMMARY

This tree survey has been carried out for Mrs Mcdougall, in relation to proposed residential development of land at Ard Ghillean, Pulpit Hill, Oban. It relates to 142 trees within the survey boundary shown on the plans appended to the report. Further areas of undergrowth are described in general terms, but are not surveyed in detail. The survey has been carried out in accordance with the recommendations of BS5837:2005 "Trees in Relation to Construction – Recommendations".

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of the foregoing or any other factor not specifically referred to, which may give rise to a decline or death of the tree.
2. Where further investigation is required, either by climbing or the use of specialised decay detection equipment, this will be identified in the report.
3. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change - it is strongly recommended that they are inspected at regular intervals for reasons of safety.
4. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.

5. This report has been prepared for the sole use of Mrs Mcdougall and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

General Description

The site is located at Pulpit Hill, Oban, immediately to the south of the property Ard Ghillean, and to the north of Pulpit Rock. Access to the property Dungrianach runs through the site from its eastern boundary. It is covered in mature, mixed woodland dominated by Sitka spruce, silver fir, western red cedar and Scots pine, with silver birch, downy birch and beech making up the broadleaved component. Parts of the understorey are dominated by dense growth of cherry laurel, Portuguese laurel and Rhododendron ponticum. The ground slopes down to the east, and a steep wooded gully extends beyond the limit of the survey in the west. The drier central area is dominated by small-sized birch trees, mostly less than 25cm stem diameter. A rocky escarpment runs through the north-western part of the site where the remains of a small quarry extends from the grounds of Dungrianach. There is an area of waterlogging, resulting in windblown trees, in the north-east corner, and minor instances of fire damage and fly tipping along the southern boundary.

Tree Survey and Analysis

A detailed survey has been carried out from the ground level of 142 trees within the site. The location of the trees is plotted on the attached plan, and their condition and recommended remedial works are recorded in detail in the schedule that follows. This records the relevant details in accordance with the recommendations contained in BS 5837:2005 "Trees in Relation to Construction – Recommendations", and includes:

- Tree number (last three digits of tree tags)
- Tree species
- Stem diameter at breast height (1.5m above ground level)
- Canopy spread in metres
- Tree height (estimate in metres)
- Crown height (clearance to lowest branches in metres)

- Tree Condition Category
- General condition (good, fair, poor, dead)
- Age (Young, middle-aged, mature, over-mature, veteran)
- Comments and observations on the overall health and condition of the tree, highlighting any problems or defects
- Recommended remedial works, where necessary.

Recommendations have been made on appropriate remedial action such as tree surgery or felling. These are specified where there is likely to be significant risk to safety or tree health. All recommendations are consistent and in line with BS 3998:1989, 'Recommendations for Tree Work'.

The trees have been tagged with round 4-digit tags ranging from 0374-0515 (the first digit is omitted on the plan and schedule).

Trees and groups have been categorised in accordance with the guidelines contained in BS 5837 as follows:

- # 63 Category A
- # 33 Category B,
- # 41 Category C
- # 5 Category R.

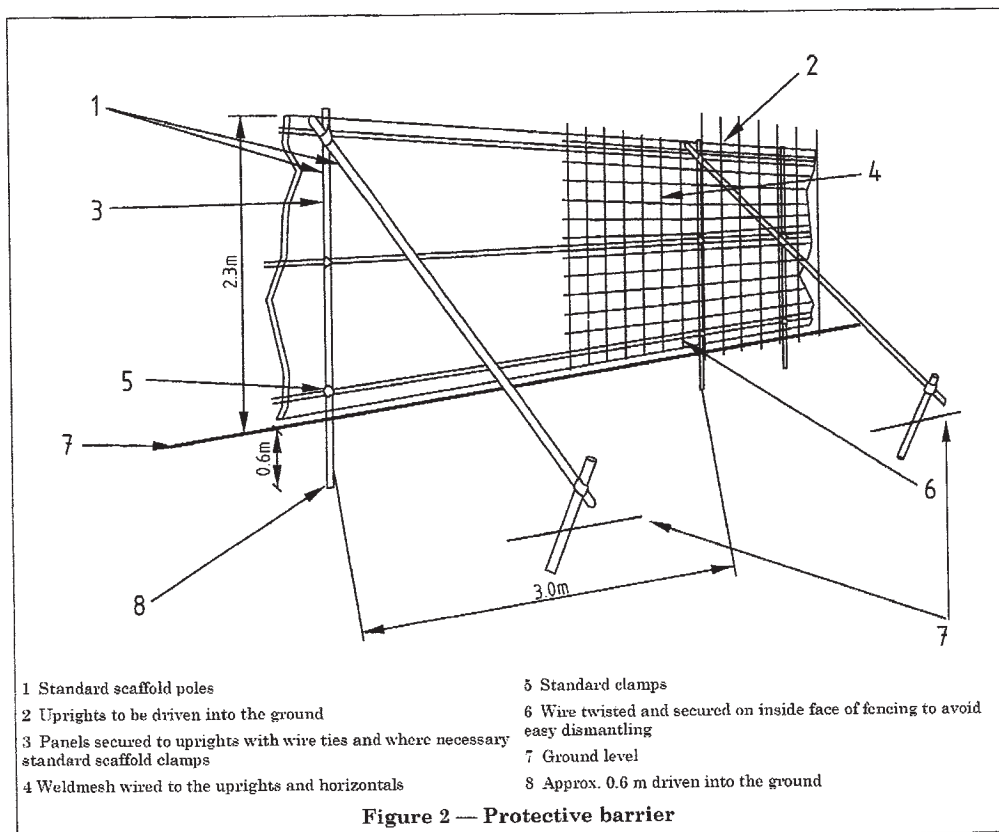
For details of the tree categorisation, refer to the table on P 7.

Development Implications and Tree Protection During Construction Works

Outline proposals have been prepared for the erection of two new detached dwellings within the woodland, with access taken from the existing driveway to Dungrianach. The proposals will necessitate the removal of a small number of existing trees, to allow for widening of the existing driveway and the proposed house locations. A total of 19 trees have been identified for removal in addition to 3 R-category specimens that are in poor condition. In wider landscape terms the proposals have very little impact on the treescape of Pulpit Hill.

The accompanying Tree Constraints Plan indicates the probable impact of tree removal, together with the requirements for Root Protection Areas and Construction Exclusion Zones which will need to be enforced in order to maintain and protect the retained woodland.

Where trees are being retained they must be secured by suitable protective fencing prior to commencement of any development works. Barriers should consist of a scaffold framework in accordance with Figure 2 of BS 5837, comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 m. Onto this, weld mesh panels or 2 m high shuttering board should be securely fixed with wire or scaffold clamps. Weldmesh panels on rubber or concrete feet (e.g. Heras Fencing) are not resistant to impact and should not be used.



Recommended protective fence specification, BS 5837:2005

There should be no movement of machinery, stockpiling of materials, excavations (including service runs), or changes in existing ground levels within the construction exclusion zone throughout the duration of the construction works. Where service runs must pass through the

protected area, excavations should be dug by hand, and all tree roots encountered that are greater than 25mm diameter should be retained intact. Cables, pipes and ducts should be fed below roots, and trenches should be backfilled as soon as possible to prevent desiccation of roots.

The survey plan indicates appropriate Construction Exclusion Zones, which are based on tree quality and required Root Protection Areas. The Construction Exclusion Zone takes into account additional factors, including tree species, vigour, and amenity values.

Long-term Management of Retained Woodland

Development within the woodland presents an opportunity to ensure that long-term management is implemented and maintained. There is a need to control the invasive understorey shrubs through a programme of cutting and stump treatment. The woodland boundaries, particularly along the south and west, should be reinforced through a programme of underplanting using species native the site, which will maintain the screening to existing properties in Pulpit Rock.

At present the woodland is used informally by local residents for play and dog walking. There may be an opportunity to formalise access to the remaining parts of the site, which will help to reduce current misuse such as fly tipping and fires.

21/01/2011

BS 5837:2005 Tree Categorisation

TREES FOR REMOVAL		Criteria		Identification on plan
Category and definition				
Category R Trees which in the current context should be removed for reasons of sound arboricultural management	<ul style="list-style-type: none"> - Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other R Category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) - Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline - Trees infected with pathogens of significance to the health and/or safety of other trees nearby (e.g. Dutch elm disease), or very low quality trees suppressing adjacent trees of better quality <p>NOTE Habitat reinstatement may be appropriate (e.g. R Category tree used as a bat roost; installation of bat box in nearby tree).</p>			Red
TREES TO BE CONSIDERED FOR RETENTION				
Criteria – Subcategories				
1 Mainly arboricultural values		2 Mainly landscape values		3 Mainly cultural values, including conservation
Category A Trees of high quality and value: in such a condition as to be able to make a lasting contribution (a minimum of 40 years is suggested)	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups)	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Green
Category B Trees of moderate quality and value: Those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)	Trees that might be included in the high category, but are downgraded because of slightly impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage)	Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals, but which are not, individually, essential components of formal or semi-formal arboricultural features (e.g. trees of moderate quality within an avenue that includes better, A category specimens), or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality	Trees with clearly identifiable conservation or other cultural benefits	Blue
Category C Trees of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm	Trees whose retention would not require disproportionate expenditure of resources, including young trees with a stem diameter of less than 150mm (at 1.5m above adjacent ground level)	Trees present in groups or woodlands, but without this conferring on them a greater landscape value, or trees offering little or no screening benefit	Trees with very limited conservation or other cultural benefits	Grey
NOTE Whilst C Category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150mm should be considered for relocation.				

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
374	Sitka spruce	0.65	4	25	4	A1	Good	M		Remove to accommodate development
375	Sitka spruce	0.55	4	25	4	A1	Good	M		Remove to accommodate development
376	Sitka spruce	0.25	3	12	4	C1	Poor	M-A	Suppressed and poor crown form.	
377	Sitka spruce	0.35	4	15	3	B1	Fair	M-A	Slightly suppressed.	
378	Noble fir	0.65	3	23	3	A1	Good	M		
379	Lime	0.80	8	17	1	C1	Fair	M	Significant cavity and decay in stem. Minor cavity and decay in main scaffold.	Remove to accommodate development
380	Larch	0.65	5	18	5	C1	Fair	M	Significant cavity and decay in main scaffold. 2 lowest limbs snapped, decay fungi present.	
381	Ash	0.80	6	16	3	B1	Good	M	Weak fork and included bark at main fork at ground level. Ivy through crown.	
382	Western red cedar	0.30	3	10	3	C1	Fair	M-A	Line of 7 stems along road edge.	
383	Western red cedar	0.65	5	14	3	A1	Good	M-A		
384	Western red cedar	0.40	4	16	3	A1	Fair	M-A		
385	Western red cedar	0.45	4	16	4	A1	Good	M-A		
386	Silver fir	0.60	5	25	6	A1	Good	M	Forks at 3m into 3.	
387	Silver fir	0.50	5	24	4	B2	Fair	M	Fork at 6m into 2	
388	Silver fir	0.50	5	25	4	B1	Fair	M	Dead stem among group.	
389	Silver fir	0.35	5	23	>6	A1	Good	M	Canopy 1-sided, suppressed.	
390	Scots pine	0.55	5	18	3	B1	Fair	M	Minor cavity and decay in stem. Dead branch.	Remove dead wood.
391	Scots pine	0.65	6	18	5	A1	Good	M		
392	Silver fir	0.65	5	22	3	A1	Good	M		
393	Silver fir	0.30	3	14	6	C1	Fair	M-A	Minor cavity and decay in stem at 1m, will degrade.	
394	Silver fir	0.25	3	14	5	C1	Fair	M-A	Fire damage.	
395	Silver fir	0.50	5	14	3	B1	Fair	M-A	Slightly suppressed	
396	Scots pine	0.65	5	18	>6	A1	Good	M		
397	Silver fir	0.65	4	16	4	C1	Fair	M	Weak fork/included bark in main scaffold at 6m	
398	Silver fir	0.35	3	16	4	A1	Good	M-A		

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
399	Sycamore	0.80	7	13	2	C1	Fair	M-A	Weak fork and included bark at main fork. Regrown from old stump.	
400	Corsican pine	0.30	3	11	5	C1	Fair	M-A	Suppressed and poor crown form.	
401	Beech	0.35	4	16	3	B1	Fair	M-A	Canopy 1-sided.	
402	Scots pine	0.65	5	15	5	A2	Good	M	Minor dead wood.	
403	Silver birch	0.40	4	10	3	C1	Fair	M	Canopy 1-sided.	
404	Scots pine	0.50	4	16	>6	A1	Good	M		
405	Scots pine	0.55	5	18	>6	A1	Good	M		
406	Scots pine	0.55	5	18	5	A1	Good	M		
407	Scots pine	0.60	6	16	3	A1	Good	M	Rope swing from lower branch. Branches overhanging footpath and road.	Crown lift to give clearance over roads/footpaths.
408	Larch	0.25	3	11	5	C1	Fair	M-A	Suppressed and poor crown form.	
409	Corsican pine	0.40	5	11	5	C1	Fair	M-A	Weak fork/included bark in main scaffold. Broken limb at 4m, decaying.	
410	Corsican pine	0.65	6	18	>6	A1	Good	M		
411	Larch	0.40	4	15	5	C1	Fair	M-A	Canopy 1-sided. Minor dead wood and storm damage overhanging road.	Crown clean.
412	Larch	0.45	4	16	5	C1	Fair	M	Dead damaged branch.	Crown clean.
413	Sitka spruce	0.35	4	18	5	A1	Good	M-A		
414	Sitka spruce	0.55	4	19	2	A1	Good	M		
415	Scots pine	0.55	4	18	3	R	Dead	M-A		Fell.
416	Silver birch	0.30	4	13	4	C1	Fair	M-A	Physical damage to bark. Low vigour/poor shoot extension.	Monitor condition of decay.
417	Beech	0.40	6	10	3	C1	Fair	M-A	Minor cavity and decay in stem. Suppressed and poor crown form.	
418	Scots pine	0.45	4	18	3	C1	Fair	M	Physical damage to bark. Partially ringed and decaying.	
419	Scots pine	0.50	4	17	>6	A1	Good	M	Minor dead wood.	
420	Beech	0.55	6	17	3	A1	Good	M	Significant cavity and decay in stem.	
421	Redwood - coast	0.80	5	23	3	A1	Good	M		
422	Beech	0.30	4	10	3	C1	Fair	M-A	Canopy 1-sided.	
423	Silver birch	0.30	4	13	>6	C1	Fair	M	Minor crown dieback. Tall drawn	
424	Scots pine	0.45	4	20	>6	A1	Good	M		
425	Scots pine	0.55	5	19	>6	A1	Good	M	Minor dead wood.	

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
426	Beech	0.40	4	17	3	C1	Fair	M-A	Physical damage to bark, wound ground level-1m.. Canopy 1-sided.	
427	Sessile oak	0.40	5	17	>6	A1	Good	M-A		
428	Beech	0.40	5	12	2	B1	Fair	M-A	Suppressed and poor crown form.	
429	Silver birch	0.25	3	15	3	B1	Fair	M-A	Suppressed by beech	
430	Scots pine	0.50	5	18	6	A1	Good	M	Minor dead wood.	
431	Silver birch	0.35	5	18	>6	B1	Good	M		
432	Western hemlock	0.40	4	16	1	A2	Good	M-A		
433	Silver birch	0.30	5	14	2	B1	Fair	M	Canopy 1-sided.	
434	Beech	0.35	4	10	2	B2	Fair	M-A	Suppressed and poor crown form.	Clear competing stems
435	Scots pine	0.40	4	10	3	R	Dead	O-M		Fell.
436	Downy birch	0.30	3	14	>6	B1	Fair	M		
437	Downy birch	0.30	4	14	5	B1	Fair	M		
438	Downy birch	0.40	6	16	5	B1	Fair	M		
439	Scots pine	0.65	5	18	6	A2	Good	M		
440	Scots pine	0.30	4	10	>6	C1	Fair	M-A	Suppressed and poor crown form.	
441	Scots pine	0.35	3	16	3	B1	Fair	M	Kink in stem at 5m, potential weak point.	Monitor.
442	Scots pine	0.45	5	20	6	A1	Good	M	Tight fork at 7m, into 3 upright stems.	Monitor condition of fork.
443	Silver fir	0.35	3	14	5	A1	Good	M-A		
444	Beech	0.40	4	13	2	A1	Good	M-A	On rock outcrop edge.	
445	Beech	0.40	5	14	1	A1	Good	M-A	On rock edge	
446	Silver birch	0.35	4	15	6	A1	Good	M-A	Weak fork and included bark at main fork.	
447	Larch	0.40	4	18	3	C1	Fair	M	Significant cavity and decay in stem.	
448	Scots pine	0.45	4	18	>6	A2	Good	M		
449	Douglas fir	0.55	4	18	3	C1	Fair	M-A	Low vigour/poor shoot extension. No live canopy until 12m, then thin.	
450	Goat willow	0.35	4	11	3	R	Fair	M	Significant cavity and decay in stem. Minor crown dieback.	
451	Larch	0.40	4	16	3	A2	Good	M-A		
452	Silver fir	0.85	4	22	4	A1	Good	M		
453	Sitka spruce	0.40	3	20	2	A1	Good	M-A		
454	Larch	0.45	4	20	>6	A2	Good	M-A		

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
455	Larch	0.50	4	22	>6	A1	Good	M-A		
456	Noble fir	0.80	5	25	4	A1	Good	M		
457	Sycamore	0.45	4	11	2	B1	Fair	M-A	Weak fork and included bark at main fork. 3 stems from ground level.	
458	Goat willow	0.40	4	12	5	C1	Poor	M-A	Stem lean. Low vigour/poor shoot extension. 2 adjacent stems both in decline, overhanging road.	
459	Yew	0.60	6	9	1	B1	Fair	M-A	Canopy 1-sided.	
460	Horse chestnut	0.85	7	14	3	B1	Good	M-A	Minor cavity and decay in stem. Minor cavity and decay in main scaffold from old pruning wounds.	Monitor condition of fork.
461	Ash	0.30	4	12	>6	C1	Fair	M-A	In quarry	
462	Wych elm	0.50	5	16	4	B1	Good	M-A		
463	Ash	0.30	5	11	3	C1	Fair	M-A	Ivy growth obscuring assessment. Branches affecting adjacent power lines	Tip back to remove conflict with wires.
464	Ash	0.50	5	12	2	C1	Fair	M-A	Ivy growth obscuring assessment. Branches affecting adjacent wires.	Tip back to remove conflict with wires.
465	Downy birch	0.35	4	12	3	B1	Fair	M		Remove to accommodate development
466	Scots pine	0.65	5	17	3	A2	Good	M	Minor wound at 2.5m.	Remove to accommodate development
467	Goat willow	0.35	4	12	3	R	Poor	M-A	Significant decay in buttress. Minor dead wood. One stem collapsed.	Fell.
468	Downy birch	0.30	3	14	3	R	Poor	M	Movement/instability in root plate.	Fell.
469	Western hemlock	0.95	5	25	3	A2	Good	M	Weak fork/included bark in main scaffold at 8m	Remove to accommodate development
470	Downy birch	0.25	3	13	>6	C1	Fair	M	Minor dead wood.	Remove to accommodate development
471	Downy birch	0.40	4	15	5	R	Poor	M	Movement/instability in root plate.	Fell.
472	Downy birch	0.30	4	15	5	B2	Fair	M		
473	Downy birch	0.25	3	14	6	B2	Fair	M		
474	Silver birch	0.30	4	16	>6	B1	Fair	M		
475	Sitka spruce	0.30	3	15	3	A2	Fair	M-A		
476	Sitka spruce	0.85	4	25	4	A1	Good	M		Remove to accommodate development

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
477	Downy birch	0.25	2	14	3	C1	Fair	M	Stem leans over road.	Remove to accommodate development
478	Downy birch	0.25	3	16	5	B1	Fair	M		Remove to accommodate development
479	Downy birch	0.30	3	15	3	B1	Fair	M		
480	Downy birch	0.35	4	15	3	B1	Fair	M		
481	Downy birch	0.30	4	15	4	B1	Fair	M-A		
482	Downy birch	0.35	4	16	>6	C1	Poor	M	Minor dead wood. Limited live crown	
483	Sitka spruce	0.30	3	15	1	A1	Good	M-A		
484	Scots pine	0.30	3	17	6	A2	Good	M-A		
485	Downy birch	0.25	3	15	4	B2	Fair	M		
486	Downy birch	0.25	4	10	3	C1	Fair	M-A		
487	Downy birch	0.30	4	10	3	C1	Fair	M-A		
488	Downy birch	0.30	4	10	3	C1	Fair	M-A		
489	Scots pine	0.30	4	14	>6	C1	Poor	M-A	Significant cavity and decay in stem. Several wounds at base-2m.	Monitor condition of decay.
490	Sitka spruce	0.40	4	18	3	A2	Good	M-A		
491	Beech	0.50	5	14	2	A1	Good	M-A		
492	Scots pine	0.45	4	18	>6	A1	Good	M		
493	Scots pine	0.65	5	19	6	A1	Good	M		
494	Sitka spruce	0.35	3	20	3	A2	Good	M-A		
495	Sitka spruce	0.45	4	19	2	A1	Good	M-A		
496	Scots pine	0.40	4	17	>6	A2	Good	M-A		
497	Beech	0.85	5	15	3	B1	Fair	M-A	Weak fork and included bark at main fork. Breaks into 5 uprights.	
498	Scots pine	0.50	4	16	4	C1	Poor	M	Longitudinal crack in main stem. Potential to fall onto roa.	Monitor condition of decay. Consider early removal.
499	Beech	0.85	6	15	3	C1	Fair	M-A	Weak fork and included bark at main fork. Decay into one stem from old branch wound.	Remove to accommodate development
500	Common alder	0.55	5	17	>6	C1	Fair	M	Minor cavity and decay in stem.	Monitor condition of decay.
501	Beech	0.60	6	15	1	A2	Good	M-A		Remove to accommodate development
502	Scots pine	0.30	3	15	>6	A1	Good	M-A		Remove to accommodate development
503	Common alder	0.25	4	14	4	B2	Good	M-A	2 stems from ground level.	Remove to accommodate development

21/01/2011

Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Comments	Recommendations
504	Common alder	0.60	6	10	3	C1	Poor	M	Significant cavity and decay in main scaffold. One limb collapsed, minor decay in limb over road. Dead wood.	Remove to accommodate development
505	Ash	0.45	5	16	5	B1	Good	M	2 secondary stems with weak fork. Main stem good.	Remove to accommodate development
506	Sycamore	0.45	4	17	4	A1	Good	M-A		Remove to accommodate development
507	Beech	0.60	6	17	1	A1	Good	M-A		Remove to accommodate development
508	Douglas fir	0.40	3	15	4	A1	Good	M-A		
509	Wych elm	0.35	4	14	1	B1	Good	M-A		
510	Ash	0.30	3	16	3	A2	Good	M-A		
511	Sycamore	0.30	3	14	2	A1	Good	M-A	Spoil tipped around base.	
512	Ash	0.30	4	15	3	A1	Good	M-A		
513	Downy birch	0.35	4	14	3	C1	Fair	M	Ivy growth obscuring assessment. Fork at 1m, dense ivy both stems.	Remove to accommodate development
514	Western red cedar	0.90	4	18	2	A1	Good	M-A		Remove to accommodate development
515	Ash	0.30	4	12	3	C1	Fair	M-A	Ivy growth obscuring assessment. 2 stems grafted.	Remove to accommodate development

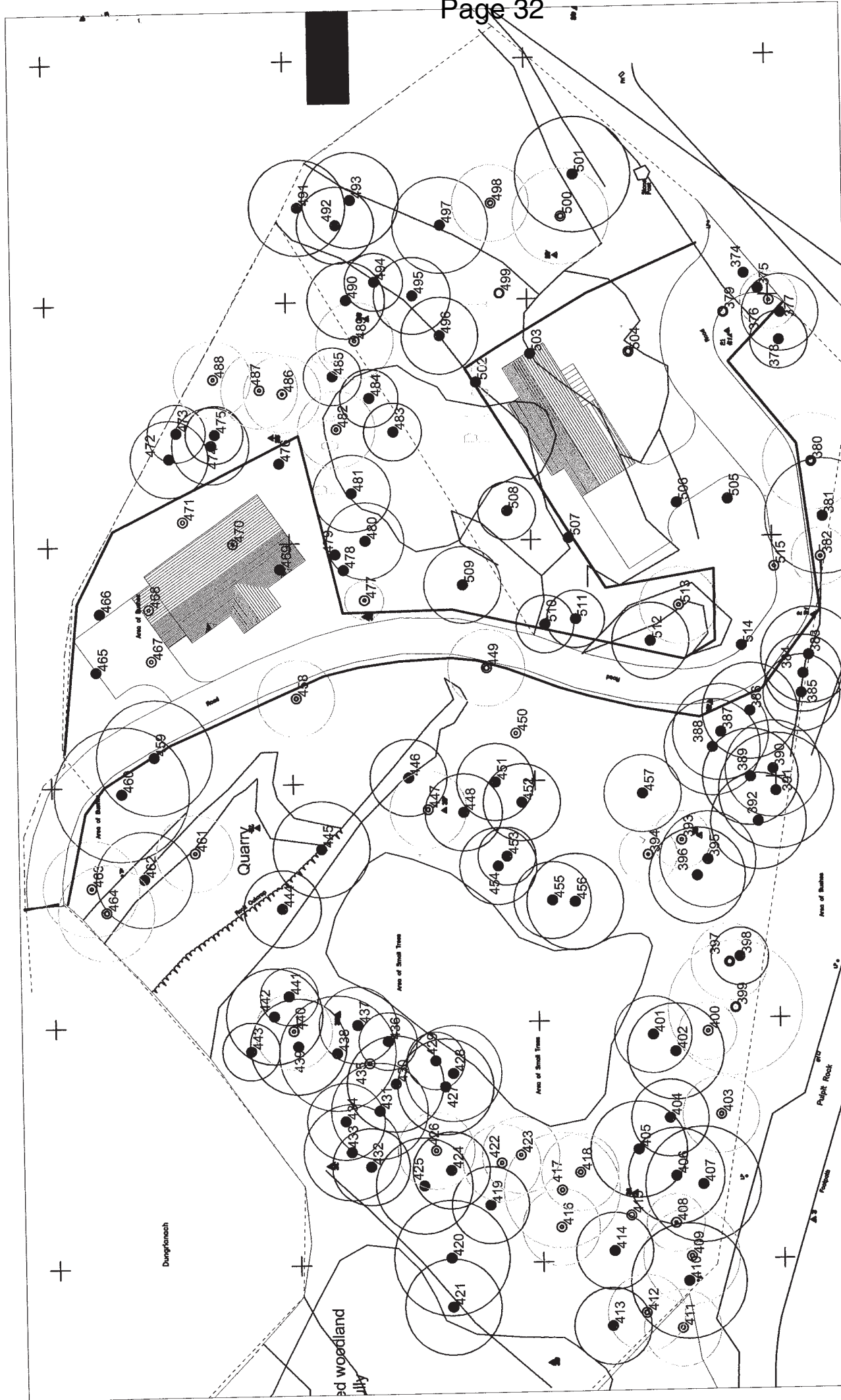
Tree Survey Schedule

KEY TO TREE SURVEY SCHEDULE

No	Number as shown on survey plan
Species	Common name
DBH	Stem Diameter at Breast Height, measured at 1.5m above ground level, or immediately below fork. Diameter measured in 0.05m bands and rounded up to next 0.05m.
Canopy	Average canopy radius in metres.
Ht	Approximate tree height, estimated in metres
C Ht	Crown height, indicating clearance from ground level to lowest branches, measured in metres
BS Cat	British Standard 5837:2005 tree categorisation
Condition	General overall description of condition: Good, Fair, Poor, Dead
Age	Age class (Young, Middle-Aged, Mature, Over-Mature, Veteran)
Comments	Comments on any observed defects within the root zone or affecting visible buttress root system; on the main stem up to and including the point of the first main fork; and affecting main scaffold branch system or secondary branch structure. May be left blank where no defects are noted
Recommendations	Description of any recommended remedial tree work operations to be carried out in accordance with BS 3998:1989, and following the specifications identified in the Arboricultural Association Specification for Tree Works. May be left blank where no work is required



		Tag number and stem diameter shown for each tree
<input type="radio"/> TREES CATEGORY A <input type="radio"/> TREES CATEGORY B <input type="radio"/> TREES CATEGORY C <input type="radio"/> TREES CATEGORY R	Tree survey details recorded in accordance with BS5837:2016. Numbers refer to accompanying report and schedule for tree details.	
Ard Ghilleán, Pulpit Hill, Oban Tree Survey for Mrs MacDougall		
Date: Jan 09	Scale: 1:500 at A4	Do not scale from drawing
Failife House, Main Street, Buchlyvie, Shiring FK8 3LX Mob: 07866 889284, T/F: 01360 850634 E: alan@alanmotion.co.uk		



NOTES:
 Protective fencing erected in accordance with Section 5.2 of BS 5897:2005 prior to commencement of demolition or construction works. No excavations, level changes, movement of machinery, stockpiling of materials or fires within the protected area throughout the duration of the works.

<p>Ard Ghilleain, Pulpit Hill, Oban Tree Survey Proposed Layout for Mrs MacDougall</p>		<p>Tag number and stem diameter shown for each tree</p>
<p>• TREES CATEGORY A • TREES REMOVED □ CONSTRUCTION EXCLUSION ZONE</p>	<p>Tree survey details recorded in accordance with BS5897:2005. Numbers refer to tree tags. Refer to accompanying report and schedule for tree details.</p>	
<p>Date: Jan 11</p>	<p>Scale: 1:500 at A4</p>	<p>Do not scale from drawing</p>
<p>Alan K Motion Fairlie House, Main Street, Buchlyvie, Stirling FK8 3LX Mob: 07866 369284 T/F: 01360 850534 E: alan@alanmotion.co.uk</p>		



Development Services

Delegated Report

(A) Reference Number	08/00358/DET Mr & Mrs Murray Erection of Dwellinghouse Site at Ardmore, Crannaig a' Mhinisteir, Oban
(B) Consistent With Policy	Yes
(C) Consultees	<u>Area Roads Manager</u> Report dated 28/03/08 – raises no objections subject to conditions. <u>Scottish Water</u> Letter dated 28/02/08 – raises no objections.
(D) Planning History	No history relevant to this site.
(E) Publicity	N/A
(F) Comments:	<p>Detailed planning permission is sought for erection of a dwellinghouse within the garden ground of a dwelling known as Ardmore, Crannaig a' Mhinisteir, Oban.</p> <p>In terms of the Modified Finalised Draft Argyll and Bute Local Plan, the site is within the settlement zone designation within which Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to appropriate small scale infill, rounding-off and redevelopment when related to the existing built form.</p> <p>The local plan, through its sustainable siting and design principles specifies that the location of any new housing in the settlement must reflect or recreate the settlement pattern or built form and furthermore that the layout must reflect local patterns and be compatible with neighbouring uses. Policy LP HOU 1 aims to ensure that new housing in settlements does not have an adverse environmental impact.</p> <p>The proposed site is very limited in extent situated adjacent to the road at the bottom of the steep dogleg driveway leading to the donor house 'Ardmore'. It is considered that development of this area of ground with a dwellinghouse would have a cramped and awkward visual appearance and would represent overdevelopment of a severely restricted plot, resulting in a dwellinghouse with very poor standards of privacy and amenity. This would be contrary to the established settlement pattern of the surrounding area and detrimental to its established residential amenity.</p>

	Accordingly, as the proposed site does not relate to the existing built form of the surrounding area, and its development would result in a dwellinghouse with very poor standards of privacy and amenity, it is considered to be contrary to current planning policy and should therefore be refused for the reasons detailed on the following page.
(G) Recommendation:	Recommend that planning permission be REFUSED for the reasons detailed on the following page.
Signature Caseload Officer: Date:	
Signature Area Team Leader: Date:	

REASONS FOR REFUSAL RELATIVE TO APPLICATION 08/00358/DET

1. Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan provides encouragement for development within the main towns of Argyll and Bute provided that it is of a scale and form compatible with the surrounding area. The current application is out of keeping with the settlement pattern of the area and would detract from the character of the area as a whole.

2. Policy LP HOU 1 of the Modified Finalised Argyll and Bute Local Plan does not encourage or give support to housing development where there is likely to be an unacceptable environmental impact. The proposal is considered to be unacceptable in terms of this policy because it will result in a development with inadequate levels of privacy or amenity. This adverse environmental impact renders the proposal unacceptable within the terms of LP HOU 1 of the Modified Finalised Draft Argyll and Bute Local Plan.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 08/00358/DET

Contact: John F Heron

Tel: 01631 562125

Planning Application No: 08/00358/DET Dated: 25/02/2008 Received: 26/02/2008

Applicant: Mr & Mrs M Murray

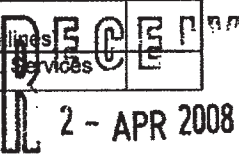
Proposed Development: Erection of a dwelling house

Location: Site at Ardmore Crannag A' Mhinisteir Oban

Type of Consent: Detailed

Ref. No(s) of Drg(s) submitted: Series of Plans

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable	Y/N	Proposals Acceptable	Y/N	Proposals Acceptable	Y/N
1. General		3. New Roads n/a		4. Servicing and Car Parking	
(a) General Impact of development	Y	(a) Widths		(a) Drainage	Y
(b) Safety Audit Required	N	(b) Pedestrian Provision		(b) Car parking Provision	Y
(c) Traffic Impact Analysis Required	N	(c) Layout (Horizontal/Vertical alignment)		(c) Layout of Parking bays/Garages	Y
(d) Drainage Impact/Flooding Assessment Required	N	(d) Turning Facilities (Circles/Hammerheads)		(d) Servicing Arrangements/Driveways	Y
(e) Sustainable Drainage System (SUDS) Provision	N	(e) Junction Details (Locations/radii/sightlines)			
2. Existing Roads		(f) Provision for P.U. Services		5. Signing n/a	
(a) Type of connection (Road Junction/Footway Crossing)	Y			(a) Location	
(b) Location(s) of Connection(s)	Y			(b) Illumination	
(c) Sight-lines 35m x 2m	Y				
(d) Pedestrian Provision	Y				

Item Ref.	COMMENTS
1	The proposal is served by an existing access situated off the UC55 Crannag ' Mhinisteir within an urban 20mph speed restriction.
2a	Access at junction of public road is adequate
2c	Sightlines are achievable with the public road, no walls, hedges, fences, etc will be permitted within verge. The access roads in this area are not safe to take additional traffic, as they are narrow, poorly aligned and lack footways, however as a Reporter is likely to deal with an individual dwelling it is unlikely that this will be taken into account

Item Ref.	CONDITIONS
2c	No walls, hedges, fences, etc will be permitted or to be greater in height than 1.05m above road level within the first 2.4m from the channel line. Footprint of dwelling to be outwith visibility splay.
4c	Parking and turning for two vehicles to be provided

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
Area Roads Manager

Date: 28/03/2008

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: 10/01144/PPP

Refused, but not for RWD

Planning Hierarchy: Local Development

Applicant: Mrs Elizabeth Martin

Proposal: Site for erection of dwellinghouse

Site Address: Ardtornish, Crannaig A' Mhinisteir, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Upgrade of existing vehicular access

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission in Principle be refused for the reasons appended to this report.

(C) HISTORY:

No history relevant to this particular site, however two permissions within the garden ground of Ardtornish have recently been granted.

10/00721/PPP

Site for erection of dwellinghouse – withdrawn – 30/06/10

00/00000/000

09/00991/DET

Erection of dwellinghouse to south of Ardtornish – Granted: 19/11/09

(D) CONSULTATIONS:

Area Roads Manager

Report dated 01/09/10 advising no objection subject to conditions.

Scottish Water

Letter dated 19/08/10 advising no objection but providing advisory comments for the applicant.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 09/09/10.

(F) REPRESENTATIONS:

Two representations have been received regarding the proposed development.

Mr C. MacNiven, 1 Burnbank Terrace, Oban, PA34 5PB (07/06/10)

Lorne MacLeod, Orasaig, Crannag a' Mhinisteir, Oban (31/05/10)

(i) Summary of issues raised

- The cumulative impact of this site, together with the previous approvals require to be considered when determining this application.
 - Any development on this site will have an adverse impact on the visual amenity of the area.
 - The application shows the access included within the site edged red which is a legal right of access for the adjacent plot.
 - The proposal will represent overdevelopment of the garden ground of Ardtornish.
 - The site contains a surface water drainage pipe and any disruption to this pipe could result in flooding of neighbouring properties.
 - The proposal is out of keeping with the amenity of the area.
 - The proposal will result in an increase in vehicular activity.
 - The proposal has the potential to result in the loss of water and wastewater network services to neighbouring properties.
-

(G) SUPPORTING INFORMATION

- (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**
No
e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:

(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 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

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**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 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:	No
(O)	Requirement for a hearing (PAN41 or other):	No

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

In terms of the adopted Argyll and Bute Local Plan the site is situated within the Settlement Zone of Oban, within which Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives a presumption in favour of development on an appropriate infill, rounding off and redevelopment basis, subject to developments not resulting in settlement cramming (overdeveloping valuable open space in settlements) and subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to housing development provided it will not result in an unacceptable environmental, servicing or access impact or development underpinned by an operational need and Policy LP ENV 1 assesses applications 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 development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

An existing vehicular access is to be upgraded used to serve the proposed dwellinghouse with water supply and drainage via connection to the public systems.

Whilst the acceptability of the principle of infill development within this area of Oban has been established by current policy, this is qualified by the requirement to avoid inappropriate densities or the loss of valuable open areas. This site only has a limited level of access at road level and then slopes away steeply, its location adjoining the road frontage is such that it makes a contribution to the mix of development relieved by green space which is characteristic of the immediate locality. It is not considered that the site

underbuilding, would entail the loss of an open area contributing to the amenity of the area, and would result in a development with poor levels of amenity contrary to current Development Plan policy

(O) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused

The proposal is contrary to Development Plan policy for the reasons for refusal recommended below.

(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: 09/09/10

Reviewing Officer: Richard Kerr



Date: 10/09/10

Angus Gilmour
Head of Planning

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 10/01144/PPP

1. In terms of the adopted Argyll and Bute Local Plan, the application site is located within the Settlement Zone of Oban which is subject to the effect of Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' 2002 and LP HOU 1 of the adopted 'Argyll and Bute Local Plan' 2009, which establish a presumption in favour of infill housing development within settlements, provided it is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas.

The site which is subject of this application slopes steeply down towards the public Gaianach Road and any development of the site would require either significant excavations or a dwellinghouse with a large area of underbuilding. Due to its location on the road frontage, the undeveloped nature of the site makes a contribution to the mix of development relieved by green space which is characteristic of the immediate locality. The development of the site proposed would, cumulatively with the loss of other open land to the development (as a result of permission having previously been granted for two dwellings within the grounds of Ardtornish), result in the loss of undeveloped land to the point at which the characteristics and amenity of the locality would be undermined by the extent of built development unrelieved by green space, contrary to the requirements of Policy STRAT DC 1. Furthermore, it is unlikely that the site could accommodate a dwelling with its attendant access and parking requirements whilst also providing a suitable level of useable private amenity space, which would be contrary to advice contained within Policy LP ENV 19 and Appendix A, Sustainable Siting and Design Principles.

The proposal is considered contrary to the provisions of Development Plan policies STRAT DC 1, LP ENV 1, LP ENV 19 and LP HOU 1, which collectively seek to resist housing development which will have an unacceptable environmental, servicing or access impact.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/01144/PPP

- (A) 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

- (B) The reason why planning permission has been refused.

The proposal is contrary to Development Plan policy for the reason for refusal attached

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01144/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Plan' the site is situated within the Settlement Zone of Oban within which Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives a presumption in favour of development on an appropriate infill, rounding off and redevelopment basis, subject to developments not resulting in settlement cramming (overdeveloping valuable open space in settlements) and subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to infill housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact and Policy LP ENV 1 requires 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.

Whilst the principle of infill development within this area of Oban has been established by current policy, it is not considered that this sloping site is suitable for development for a dwellinghouse as it would require major excavations or a building with a significant area of underbuilding, and furthermore, would be unlikely to provide sufficient useable garden ground resulting in a development with poor levels of amenity contrary to current Development Plan policy. Additionally, the undeveloped nature of the site makes a contribution to the mix of development relieved by green space which is characteristic of the immediate locality. The development of the site proposed would, cumulatively with the loss of other open land to the development (as a result of permission having previously been granted for two dwellings within the grounds of Ardtornish), result in the loss of undeveloped land to the point at which the characteristics and amenity of the locality would be undermined by the extent of built development unrelieved by green space, contrary to the requirements of Policy STRAT DC 1.

B. Location, Nature and Design of Proposed Development

The site is located within the eastern section of the garden ground of the donor house Ardtornish adjacent to the public road.

There have been two permissions recently granted for dwellinghouses within the garden ground of Ardtornish, one to the northeast and one to the south.

The site subject of this application slopes steeply down towards the public Gallanach Road and, due to its restricted size and the levels involved, is not considered suitable for development with a dwellinghouse for the reasons given in A above.

As the application is for Planning Permission in Principle, only no details of a how a dwellinghouse could be accommodated within the site have been submitted in support of the application.

C. Road Network, Parking and Associated Transport Matters.

site. The Area Roads Manager was consulted on the proposal and advised no objection subject to conditions regarding the resurfacing of the access and the clearance of appropriate visibility splays. Parking and turning facilities for vehicles would require to be provided within the boundaries of the application site.

In this regard it is considered that the proposal complies with Policy LP TRAN 4 which seeks to ensure that developments are served by an appropriate means of vehicular access.

D. Infrastructure

Water supply and drainage are via connection to the existing public systems. Scottish Water was consulted and, whilst not objecting to the proposed development, has advised that augmentation at the developer's expense may be required.

In this regard, it is considered that the proposal complies with the terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 10/01144/PPP
Contact: John F Heron
Tel: 01631 569170

Planning Application No: 10/01144/PPP Dated: 13/08/10 Received: 18/08/10

Applicant: Mrs Elizabeth Martin

Proposed Development: Site for the erection of a dwelling house

Location: Land East of Ardtornish Crannag A'Mhinisteir Oban PA34 4LU

Type of Consent: Planning Permission in Principle

Ref. No(s) of Drg(s) submitted: Series of Plans

RECEIVED
03 SEP 2010

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable	Y/N
----------------------	-----

1. General	
(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads	
(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sight-lines 25m x 2.4m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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3. New Roads n/a	
(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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4. Servicing and Car Parking	
(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

5. Signing n/a	
(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is served by a private access situated off the UC55 Crannaig a Mhinisteir within an urban 20mph speed restriction.
2c	Sightlines are achievable with the public road, no walls, hedges, fences, etc will be permitted within verge
NB	The roads in this area are not safe to take additional traffic, as they are narrow, poorly aligned and lack footways, however as a Reporter is likely to deal with an individual dwelling favorably it is unlikely that this will be taken into account.

Item Ref.	CONDITIONS
2a	Existing access at junction of public road to be upgraded in accordance with Operational Services drawing SD 08/004a
2c	No walls, hedges, fences, etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 25m x 2.4m to be cleared and maintained.
4a	A system of surface water drainage is required to prevent water from passing onto public road
4b	Parking and turning for vehicles commensurate with size of dwelling to be provided

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Approved - Disput
 Roads OBJ
 Rez. For Refuse

ISSUE EARLIEST:

ISSUE LATEST:



Development Services

Delegated Report

(A) Reference Number	07/01748/DET Erection of 6 semi-detached dwellinghouses Land north east of Tigh na Creag, Pulpit Rock, Oban	
(B) Consistent With Policy	Yes	
(C) Consultees	ROADS [various emails]: Recommend refusal SCOTTISH WATER [26.9.07]: No objections OBAN AIRPORT [2.10.07]: No objections BUILDING STANDARDS: No response received	
(D) Planning History	07/00148/DET – previous application for 10 units now withdrawn following advice from this Department	
(E) Publicity	Advert Type: Closing Date: Representations:	None required n/a Yes, representations received from Lynda Pennington of Dunoran, Pulpit Hill (letter dated 24/9/07, referring also to letter of 9 th February in response to previous application). Points raised: The additional vehicular traffic would place an increased burden on the busy road network. <i>Comments: See main body of report below.</i> The development would not be in keeping with the area and would devalue adjacent properties and generate noise pollution. <i>Comments: it is felt that the development is acceptable in terms of design and visual impact; see main body of report below. Property values are not planning considerations, and there is no reason to expect that the development would result in significant noise.</i>
(F) Comments:	Detailed planning permission is sought for 6 semi-detached dwellings on a site on Pulpit Hill in Oban. The site is at the junction of Crannag a'Mhinisteir and Pulpit Rock and comprises an area of scrubby waste	

ground with some garages at the western edge. It is very roughly square in shape and fairly level. To the west of the site are the flatted dwellings of the Lighthouse Buildings, to the south is the more modern residential development of Pulpit Road, and to the east are dwellings that have been built in individual plots in a more piecemeal fashion. To the north of the site on the other side of Pulpit Rock lies an area of established woodland.

The site presently offers little in the way of visual amenity or valued open space and therefore its development is considered acceptable in principle. The site is within the settlement of Oban under adopted and emerging Local Plans and therefore in general policy terms suitable infill housing development is acceptable.

An original scheme for 10 units on the site was withdrawn following advice from this Department, as this was felt to be too high a density for the site. The present application proposes 6 semi-detached dwellings running roughly north-south but with a staggered building line. Vehicular access is to remain at the existing point (serving the garages) but the garages will be removed and a parking and turning area will be formed.

The scale and form of the proposed dwellings has similarities with that of the adjacent Lighthouse Buildings, in terms of being 2 storeys high, with a 30 degree roof pitch, and with materials of wetdash render and a slate substitute roof. In general design terms it is considered that this design is appropriate to the area and will contribute to its character and amenity. Various possible layouts were discussed at pre-application stage but it was felt that the current arrangement would present an attractive appearance to the main road (Crannag a'Mhinisteir) and would minimise potential overlooking and inter-visibility problems between the units that might arise with other possible arrangements. The dwellings will have a reasonable level of garden ground and amenity space and therefore in terms of density and amenity the site is felt to be suitable to take 6 modest dwellings as proposed. Moreover, the provision of medium-density housing of this scale is welcomed given the general problems of easily affordable housing within Oban.

A downside of the proposed layout is, however, the fact that the rear gardens will back onto the main road and therefore will not be as private as might ideally be wished for. In such circumstances it is common for householders to erect unsightly fencing adjacent to the road, which can substantially reduce the attractiveness of a development. However, it is proposed in this application that a 1.8m high rendered wall is located on the eastern boundary of the gardens, and it is considered that this is an appropriate solution that should afford the gardens some privacy. A condition is proposed to ensure that this wall is built and maintained.

As mentioned above, access is to be taken from the existing site access, with parking to be formed to the west of the dwellings, and additionally car ports are also proposed. 12 parking spaces are proposed, which is the level that would be expected for a development with this number of bedrooms. An additional pedestrian access is proposed to link to Pulpit Rock.

The Area Roads Manager has raised objections to the proposals on the basis that the road network on Pulpit Hill is unsuitable to accommodate the additional traffic that the development would generate. However he has not identified any off-site commensurate

	<p>improvements to the local road network that could be made or funded by the developer, although it might be reasonable to request improvements that are proportionate to the impact of the development, if any could be identified.</p> <p>On balance, it is considered that, while the road network is certainly constrained in this area, that an additional six dwellings would have a minimal overall impact, and that this issue is outweighed by the desirability of developing one of the few remaining undeveloped sites in this area, both in terms of housing provision and in terms of providing an attractive development on what is presently a fairly unattractive site. It is therefore not considered appropriate in this instance to refuse the application for this reason alone. It should perhaps be borne in mind that the Council has recently introduced a bus service in the area which is apparently operating without difficulty despite the physical constraints of the road network; this also might be expected to limit the extent of car usage from this development and also more generally within the area.</p> <p>Connections to existing water and sewer infrastructure are proposed, with no objections being received from Scottish Water.</p> <p>Note: a claim of special circumstances or need has been made for this site, on the basis that some of the accommodation will be used by the developer for staff employed in his business ventures. It is considered that this lends some limited support to the proposals, although it does not provide a fully substantiated justification for the development as proposed on this site.</p>
<p>(G) Recommendation:</p>	<p>Recommend that planning permission be granted subject to the standard condition and reason and the following conditions and reasons.</p>
<p>Signature Caseload Officer: Date: 20th Dec 2007</p> <p>Signature Area Team Leader: Date:</p>	

CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/01748/DET

1. Standard.

Reason: Standard.

2. Prior to the commencement of work on site the vehicular access to the site shall be constructed in accordance with the approved plans with radii of 4.5 metres, and shall be surfaced in dense bitumen macadam for the first 5 metres from the edge of the public road.

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

3. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of any dwelling within the development.

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

4. 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 and design, including materials, of all 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 Council as planning authority, within six months of the dwelling house being occupied or 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, in order to integrate the development with its surroundings and maintain the residential character and amenity of the area.

5. The landscaping scheme required by condition 4 above shall include details of the proposed 1.8m high rendered block wall on the eastern edge of the site. This wall shall thereafter be constructed in accordance with the approved details prior to the first occupation of any dwelling within the development, and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of residential privacy and amenity, and in order to secure a suitably designed and finished boundary treatment in the interests of visual amenity.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 07/01748/DET
Contact: John F Heron
Tel: 01631 562125

Planning Application No: 07/01748/DET Dated: 15/09/2007 Received: 18/09/2007
Applicant: John MacLachlan
Proposed Development: Erection of 6 terraced dwelling houses
Location: Land north east of Tigh na Creag Pulpit Rock Oban
Type of Consent: Detailed
Ref. No(s) of Drg(s) submitted: Series of Plans

RECOMMENDATION: Refuse

Proposals Acceptable	Y/N
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1. General	
(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads	
(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sight-lines 35m x 2m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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3. New Roads n/a	
(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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4. Servicing and Car Parking	
(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

5. Signing n/a	
(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is situated off the UC56 Pulpit Rock within an urban 20mph speed restriction.
2a	Access at junction of public road is to be constructed with 4.5m radius
2c	Sightlines are adequate. No walls, hedges, fences, etc will be permitted within the verge or to be greater in height than 1.05m above road level within the first 2m from channel line.
4a	A system of surface water drainage is required to prevent water passing onto road
4c	Parking and turning for two vehicles per dwelling to be provided

Item Ref.	REASONS FOR REFUSAL
1	The access road to Pulpit Rock is not safe to take additional traffic, as they are narrow, poorly aligned and lack footways. The Local plan does not show any allocations for this type of housing development. Same response to previous application 07/00148/DET

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 

Area Roads Manager

Date: 03/03/2008

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 09/00/991/DET
Contact: W Weston
Tel: 01631 589160

Approved Despite
Rampy Reasons
Refuse

Planning Application No: 09/00991/DET Dated: 24 July 2009 Received: 29 July 2009

Applicant: Mario Di Ciacca

Proposed Development: Proposed erection of dwelling house

Location: Ardtornish Crannaig A Mhinisteir Oban

Type of Consent:

Ref. No(s) of Drg(s) submitted: Series of Plans

RECEIVED
31 AUG 2009

RECOMMENDATION: Refuse

Proposals Acceptable	Y/N
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1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	
(b) Location(s) of Connection(s)	
(b) Sight-lines 25 x 2.4m	
(d) Pedestrian Provision	

Proposals Acceptable	Y/N
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3. New Roads n/a

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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4. Servicing and Car Parking

(a) Drainage	
(b) Car parking Provision	
(c) Layout of Parking bays/Garages	
(d) Servicing Arrangements/Driveways	

5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
	Crannaig A Mhinister is narrow, poorly aligned and has no refuge for pedestrians

Item Ref.	CONDITIONS
	Crannaig A Mhinister cannot safely accept further development. Access formed in accordance with SD/08/004a access drive at 90° to public road visibility splays of 25 x 2.4m to be provided cleared and maintained. Gradient of first 5m of driveway to be 5% or less. Drainage arranged to prevent surface water onto public road. No walls fences or hedges higher than 1.2m within 2.4m of public road

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Required/Not Required
(ii) Road Bond (S17)*	Required/Not Required
(iii) Road openings Permit/(S56)*	Required/Not-Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed:


Area Roads Manager

Date: 27 August 2009

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

PLANNING PERMISSION

REFERENCE NUMBER: 09/00991/DET

**Mario Di Ciacca
Beaton And McMurphy Architects
The Studio
Tigh Na Glai
Taynuilt
Argyll
PA35 1JW**

I refer to your application dated 6th July 2009 for planning permission in respect of the following development:

Proposed erection of dwelling house

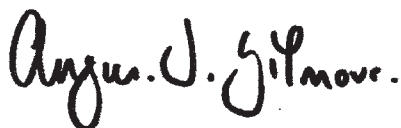
AT:

Ardtornish Crannag A' Mhinisteir Oban Argyll And Bute PA34 4LU

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 19 November 2009



Angus J. Gilmour
Head of Planning

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 09/00991/DET

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

No

- 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

- C) The reason why planning permission has been approved.

1. The proposed development is in keeping with the established character of the area and is of a suitable scale, form and design which will not detract from this character consistent with the terms of Policy ENV 1 which seeks to protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.
2. The proposed development is compatible with the surrounding area and is of a design which is considered compatible with existing development and therefore accords with the provisions of Policy ENV 19 which seeks to ensure a high standard of design.
3. There are no infrastructural constraints which would preclude development of this site and therefore the proposal is consistent with Policy ENV 1 which seeks to ensure availability of suitable infrastructure and an appropriate means of access.
4. There will be no adverse environmental, servicing or access impact resulting from the proposed development and therefore it is consistent with Policy LP HOU 1 which gives a general presumption in favour of housing developments provided there is no unacceptable impact relating to the aforementioned.
5. 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.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/00991/DET

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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.

- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 562125 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.

REFERENCE NUMBER: 09/00991/DET

Proposed erection of dwelling house

AT:

Ardtornish Crannag A' Mhinisteir Oban Argyll And Bute PA34 4LU

The planning application as detailed above is subject to the following conditions:

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 (as amended).

2. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with Operational Services Drawing No. SD 08/002 with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

3. The proposed access shall be formed in accordance with Operational Services Drawing No. SD 08/002 and shall have visibility splays of 35 X 2 metres in each direction 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 one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse 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 and to accord with Policy TRAN 6 of the adopted Argyll and Bute Local Plan.

5. Prior to work starting on site, full details of all external finishing materials shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

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.

6. Prior to work starting on site, details of the scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

i) location and design, including materials, of walls, fences and gates

- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development and allow the buildings to integrate with the landscape.

7. Prior to work starting on site, full details, in plan form, of the land drainage design for the site shall be submitted to and approved in writing by the Planning Authority. Such details shall show a drainage system designed in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland : March 2000 and Planning Advice Note 61 : Planning and Sustainable Urban Drainage Systems.

Reason: In order to safeguard the development from the possibility of flooding.

8. Notwithstanding the provisions of Article 3, Part 1, Classes 1, 3 and 4 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any Order re-enacting or revoking that Order with or without revision), no extensions to the dwellinghouse, outbuildings, swimming or other pools, or hardstandings shall be built on the site which is the subject of this application. Construction of extensions to the dwellinghouse, outbuildings, swimming or other pools, or hardstandings cannot be carried out without planning permission being granted on an application made to the planning authority.

Reason: In the interests of visual amenity, to protect the visual qualities of the area and the setting of the proposed dwellinghouse from unsympathetic siting and design of developments normally carried out without planning permission, these normally being permitted under Article 3 of the Town and Country (General Permitted Development) (Scotland) Order 1992.

9. The development shall be implemented in accordance with the details specified on the application form dated 03/07/09 and the approved drawing reference numbers: Drawing Number 0829 01 c

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.

APPROVED

RATED 'No objection'

DEPT OBS 041

INFORMATION

ISSUE EARLIEST: Upon Member Clearance

ISSUE LATEST:



Development Services

Delegated Report Checklist

(A) Reference Number	08/01128/OUT Site for the erection of a dwellinghouse, South East of Ardtornish, Crannaig a' Mhinisteir, Oban.	
(B) Consistent With Policy	Yes.	
(C) Consultees	ROADS: [11.07.2008] No objections subject to conditions. Notes. SCOTTISH WATER: [30.06.2008] No objections. Notes.	
(D) Planning History	No recent history.	
(E) Publicity	Advert Type: Closing Date: Representations:	Article 9 – Vacant land 17.07.2008 3 representations received:- 1. Mrs M.H. Preston, Craighton, Crannaig a' Mhinister. Oban. PA34 4LU 2. Mr martin Dunne and Mrs Iseabal Dunne, Glenstrae, Crannaig a' Mhinister, Oban. PA34 4LU 3. Mrs J.M. McDougall, per MacArthur Stewart, Boswell House, Argyll Square, Oban. PA34 4BD (Ard-Ghillean, Crannaig a' Mhinister, Oban, PA34 4LU) Details of the representations are included within the comments section below.
(F) Comments:	<p>The site is located within a section of the curtilage of Ardtornish between that dwellinghouse and the public road Crannaig a' Mhinisteir. This is a long established residential neighbourhood where there is considerable diversity in the scale and design of existing dwellings.</p> <p>This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general environment) assesses applications for planning permission for their</p>	

impact on both the natural, human and built environment. The current application is in outline only but the submission gives an indication that any proposed house would be contemporary in design ensuring that the massing and scale of the building were appropriate to the site. The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. This site meets the current site area standards and any new dwelling that occupies the plot should not infringe the privacy of nearby properties. Considerable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations.

It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Large trees on the site have been felled during the bird breeding season, without permission.

Comment: The felling of trees at this location is not a material planning consideration.

4. The area allocated to on site parking provision is inadequate.

Comment: The Area Roads Manager has raised no objection to the proposal with regard to inadequacy of parking provision. Parking commensurate with the size of the proposed dwelling will require to be provided on site and it is considered that there is sufficient ground under the control of the applicant to provide parking to the required standards.

5. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

6. The submitted plans do not show the comparative ground levels with ground levels of adjacent sites and the indicated levels do not indicate if this is Ordnance datum.

Comment: The juxtaposition of properties is evaluated and examined during the site inspection and levels indicated on plans do not require to be tied to Ordnance Datum.

7. The vehicular access is unsuitable to serve the proposed development in terms of visibility and layout.

Comment: The Area Roads Manager has raised no objections to the proposed access in terms of inadequate visibility and layout.

8. The proposed dwellinghouse exceeds the Council's guidance that detached houses should only occupy 33% of their site, and it is not in context with the setting of existing development on Pulpit Hill.

Comment: The house plan is indicative only and any subsequent

	<p>detailed planning application will require to comply with relevant Council planning policies. There are mixed plot ratios in this area of Pulpit Hill and the proposal is not radically different in terms of density from other residential properties in this area.</p> <p>9. The proposed development will increase surface water run-off from the site. <i>Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.</i></p> <p>10. The form and layout of the proposed development does not complement the area, and will not integrate into its surroundings. <i>Comment: The proposed development is considered to be appropriate in this developed area of Pulpit Hill and will not be out-of-keeping in terms of density and siting. The design, scale, exact siting and massing of the proposed new building will be reserved for subsequent approval, through the imposition of appropriate conditions on any consent that might be granted.</i></p> <p>11. Concerns about accuracy of land ownership information. <i>Comment: The applicant's agent has signed the application form and the appropriate land ownership certificates. If there is a dispute over ownership boundaries this is deemed to be a civil legal matter and not a planning issue.</i></p> <p>12. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities. <i>Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.</i></p> <p>13. Terms and conditions as stated in the title deeds would be breached by such a proposal. <i>Comment: This is not a material planning consideration.</i></p> <p>14. That the proposed development on this site should not prejudice future development at Ard-Ghillean a property lying close to but not adjacent to the application site. <i>Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghillean.</i></p> <p>15. That any new house should be restricted to one storey above current ground level. <i>Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.</i></p>
<p>(G) Recommendation:</p>	<p>Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.</p>
<p>Signature Caseload Officer: Date: 09.09.2008</p> <p>Signature Senior Planning Officer: Date:</p>	

CONDITIONS AND REASONS RELATIVE TO APPLICATION

08/01128/OUT

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.
- a. The siting, design and external appearance of the proposed development.
 - b. The landscaping of the site of the proposed development.
 - c. Details of the access arrangements.
 - d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

4. Any details pursuant to condition (1) above shall incorporate the following elements:-
- i) finished in white coloured wet dash render.
 - ii) with roof coverings of natural slate or good quality slate substitute.
 - iii) shall be single or one and a half storey in height..
 - iv) incorporate windows with a strong vertical emphasis.
 - v) a roof pitch of not less than 40 degrees and not greater than 45 degrees.
 - vi) which is predominantly rectangular in shape with traditional gable ends.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

5. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

6. The proposed access shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a and shall have visibility splays of 35 X 2 metres in each direction 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 one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

7. The access to the development site shall be improved to ensure that no surface water is discharged to the public highway to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

8. Prior to work starting on site full details of a turning area and parking provision for cars within the curtilage of each dwellinghouse drawn up in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking and turning area shall be provided prior to the occupation of each dwellinghouses and shall be commensurate with the size of the dwellinghouse.

Reason: In the interests of road safety.

NOTE TO APPLICANT RELATIVE TO APPLICATION 08/01128/OUT

Scottish Water has advised as follows:

You are advised to contact them direct to discuss this matter

Scottish Water
Developer Services
Clyde House
419 Balmore Road
Glasgow
G22 6NU
Tel: 0845 601 8855

The Council's **Area Roads Manager** has advised as follows:

Road openings permit required.

You are advised to contact them direct to discuss this matter:

Area Roads Engineer
Operational Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban Tel: 01631 562125

NB Reserved Matters or Detailed application submission:

Detailed cross sections of the application site shall be submitted with levels clearly shown and related to existing levels on surrounding land/road.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 08/01128/OUT
Contact: John F Heron
Tel: 01631 562125

Planning Application No: 08/01128/OUT Dated: 23/06/08

Applicant: Mario Di Ciacca

Proposed Development: Site for erection of dwellinghouse

Location: Site South East of Ardtornish, Crannag a Mhinisteir, Oban

Type of Consent: Outline

Ref. No(s) of Drg(s) submitted: Series of Plans

Received: 24/06/08

11 JUL 2008

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable	Y/N
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1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sight-lines 35m x 2m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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3. New Roads n/a

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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4. Servicing and Car Parking

(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is situated off the UC55 Crannaig a Mhinisteir within an urban 20mph speed restriction.
2c	Sightlines are achievable with the public road, no walls, hedges, fences, etc will be permitted within verge
NB	The roads in this area are not safe to take additional traffic, as they are narrow, poorly aligned and lack footways, however as a Reporter is likely to deal with an individual dwelling it is unlikely that this will be taken into account.

Item Ref.	CONDITIONS
2a	Access at junction of public road to be constructed in accordance with Roads Services drawing number NA/32/05/2a
2c	No walls, hedges, fences, etc will be permitted or to be greater in height than 1.05m above road level within the first 2.4m from the channel line. Shrubbery to be cleared and maintained.
4a	A system of surface water drainage is required to prevent water passing onto public road.
4c	Parking and turning for vehicles commensurate with size of dwelling to be provided

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 

Date: 9 June 2008

Amo - same as
08/0128/07

ISSUE EARLIEST: Upon Member Clearance

ISSUE LATEST:



Development Services

Delegated Report Checklist

(A) Reference Number	08/01135/OUT Site for the erection of a dwellinghouse, North East of Ardtornish, Crannag a' Mhinisteir, Oban.	
(B) Consistent With Policy	Yes.	
(C) Consultees	ROADS: [11.07.2008] No objections subject to conditions. Notes. SCOTTISH WATER: [30.06.2008] No objections. Notes.	
(D) Planning History	No recent history.	
(E) Publicity	Advert Type: Closing Date: Representations:	Article 9 – Vacant land 17.07.2008 3 representations received:- 1. Lorne B. MacLeod, Orasaig Crannaig a' Mhinister. Oban. PA34 4LU 2. Mr Martin Dunne and Mrs Iseabal Dunne, Glenstrae, Crannaig a' Mhinister, Oban. PA34 4LU 3. Mrs J.M. McDougall, per MacArthur Stewart, Boswell House, Argyll Square, Oban. PA34 4BD (Ard-Ghillean, Crannaig a' Mhinister, Oban, PA34 4LU) Details of the representations are included within the comments section below.
(F) Comments:	<p>The site is located within a section of the curtilage of Ardtornish to the north of that dwellinghouse and the escarpment that drops steeply to the public Gallanach Road. This is a long established residential neighbourhood where there is considerable diversity in the scale, design and positioning of existing dwellings.</p> <p>This area of Oban is clearly within the settlement area as defined in both the adopted Lorn Local Plan and the Modified Finalised Draft Local Plan. Both plans indicate a presumption in favour of development within settlement areas subject to compliance with the relevant local plan policies. Policy HOU 1 (general housing development) supports applications for dwellinghouses unless there is an unacceptable environmental, servicing or access impact. In this regard Policy LP ENV 1 (development impact on the general</p>	

environment) assesses applications for planning permission for their impact on both the natural, human and built environment. The current application is in outline only but the submission gives an indication that any proposed house would be contemporary in design ensuring that the massing and scale of the building were appropriate to the site. The wider residential area within which the site is set has a considerable diversity of plot/garden size ratio and in this particular area there is no clearly defined settlement pattern. Buildings are placed on both steeply sloping and relatively level ground. The upper portion of the site will accommodate a small dwelling with parking provision; the incline on the remainder of the site is generally too steep to accommodate development. This site meets the current site area standards and any new dwelling that occupies the plot should not infringe the privacy of nearby properties. Reasonable ground works will be required to accommodate a house on this plot along with the required vehicle manoeuvring space but this practice is evident in existing development situations.

It is considered therefore that the current proposal does not infringe the Council's policies as laid out in the emerging local plan.

Representations were made on the following grounds:-

1. That the site works will cause instability within the adjacent ground and this could lead to damage to neighbouring properties.

Comment: This is a civil legal matter between or amongst the parties concerned and it not a material planning consideration.

2. That the groundworks, which will be necessary in order to properly develop the site, will be highly visible from viewpoints throughout Oban, from Oban Bay, from the public road and from nearby properties.

Comment: The necessary siteworks will not be unduly prominent in the townscape because the visual impact will be mitigated by the irregular pattern and nature of development around Pulpit Hill.

3. Any house to be built on the site should reflect the vernacular architecture of the surrounding houses.

Comment: There is no obvious architectural style local to this part of Pulpit Hill where there are Victorian/Edwardian properties intermingled with more contemporary architecture. The proposal for the detailed design of the dwelling will require to take into account the Council's adopted Sustainable Design Guidance.

4. The proposed development does not reflect the traditional and neighbouring settlement pattern and built form and should be viewed in conjunction with a proposed development on a nearby site.

Comment: There is no clearly discernable pattern to the development on this area of Pulpit Hill apart from a loose orientation overlooking Oban Bay. The current proposal "fits-in" with the neighbouring built form.

5. The proposed development will increase surface water run-off from the site.

Comment: The disposal of surface water is a matter more properly controlled under the Building Standards Regulations.

6. A ground investigation survey should be carried out to show that the proposed development/groundworks will not impact on the surrounding properties, land and existing utilities.

Comment: The stability and suitability of the ground within the site for development is a matter more properly addressed through the Building Standards Regulations. It is not a material planning consideration.

7. Terms and conditions as stated in the title deeds would be breached by such a proposal.

Comment: This is not a material planning consideration.

8. That the proposed development on this site should not prejudice

	<p>future development at Ard-Ghilleán a property lying close to but not adjacent to the application site. <i>Comment: The erection of a dwelling on the application site will in no way prejudice future proposals within the grounds of Ard-Ghilleán.</i> 9. That any new house should be restricted to one storey above current ground level. <i>Comment: The height of the building will be appropriately controlled by the imposition of suitable conditions and any new dwelling would require to respect the heights of buildings in the vicinity in accordance with the Council's adopted sustainable design guidance.</i></p>
<p>(G) Recommendation:</p>	<p>Recommend that outline planning permission be granted subject to the standard conditions and reasons and the following conditions and reasons.</p>
<p>Signature Caseload Officer: Date: 09.09.2008</p> <p>Signature Senior Planning Officer: Date:</p>	

CONDITIONS AND REASONS RELATIVE TO APPLICATION

08/01135/OUT

1. This permission is granted under the provision of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced.
- a. The siting, design and external appearance of the proposed development.
 - b. The landscaping of the site of the proposed development.
 - c. Details of the access arrangements.
 - d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997

4. Any details pursuant to condition (1) above shall incorporate the following elements:-
- i) finished in white coloured wet dash render.
 - ii) with roof coverings of natural slate or good quality slate substitute.
 - iii) shall be single or one and a half storey in height.
 - iv) incorporate windows with a strong vertical emphasis.
 - v) a roof pitch of not less than 40 degrees and not greater than 45 degrees.
 - vi) which is predominantly rectangular in shape with traditional gable ends.

Reason: In the interests of visual amenity and in order to integrate the proposed dwelling house with its surroundings.

5. Prior to work starting on site the vehicular access with the public road shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a with the bellmouth area surfaced in tar macadam or similar hardbound material for a distance of 5 metres back from the nearside edge of the road carriageway.

Reason: In the interests of road safety.

6. The proposed access shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a and shall have visibility splays of 35 X 2 metres in each direction 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 one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

7. The access to the development site shall be improved to ensure that no surface water is discharged to the public highway to the satisfaction of the Planning Authority.

Reason. In the interests of road safety.

8. Prior to work starting on site full details of a turning area and parking provision for cars within the curtilage of each dwellinghouse drawn up in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Planning Authority. The parking and turning area shall be provided prior to the occupation of each dwellinghouses and shall be commensurate with the size of the dwellinghouse.

Reason: In the interests of road safety.

NOTE TO APPLICANT RELATIVE TO APPLICATION 08/01135/OUT

Scottish Water has advised as follows:

You are advised to contact them direct to discuss this matter

Scottish Water
Developer Services
Clyde House
419 Balmore Road
Glasgow
G22 6NU
Tel: 0845 601 8855

The Council's **Area Roads Manager** has advised as follows:

Road openings permit required.

You are advised to contact them direct to discuss this matter:

Area Roads Engineer
Operational Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban Tel: 01631 562125

NB Reserved Matters or Detailed application submission:

Detailed cross sections of the application site shall be submitted with levels clearly shown and related to existing levels on surrounding land/road.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 08/01135/OUT
Contact: John F Heron
Tel: 01631 562125

Planning Application No: 08/01135/OUT Dated: 23/06/08 Received: 24/06/08

Applicant: Colin MacNiven

Proposed Development: Site for erection of dwellinghouse

Location: Site North East of Ardtornish, Crannag A Mhinisteir, Oban

Type of Consent: Outline

Ref. No(s) of Drg(s) submitted: Series of Plans

RECEIVED
11 JUL 2008

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable	Y/N
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1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sight-lines 35m x 2m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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3. New Roads n/a

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
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4. Servicing and Car Parking

(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is situated off the UC55 Crannaig a Mhinisteir within an urban 20mph speed restriction.
2a	Existing access is adequate
2c	Sightlines are achievable with the public road, no walls, hedges, fences, etc will be permitted within verge
NB	The roads in this area are not safe to take additional traffic, as they are narrow, poorly aligned and lack footways, however as a Reporter is likely to deal with an individual dwelling it is unlikely that this will be taken into account.

Item Ref.	CONDITIONS
2c	No walls, hedges, fences, etc will be permitted or to be greater in height than 1.05m above road level within the first 2.4m from the channel line. Shrubbery to be cleared and maintained.
4a	A system of surface water drainage is required to prevent water passing onto public road.
4c	Parking and turning for vehicles commensurate with size of dwelling to be provided

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
Technical Officer

Date: 9 July 2008

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF A DWELLINGHOUSE AT LAND
SOUTH EAST OF DUNGRIANACH (PLOT 1),
CRANNAG A' MHINISTEIR, OBAN, ARGYLL,
PA34 4LU**

**PLANNING APPLICATION REFERENCE NUMBER
11/00280/PP**

01 NOVEMBER 2011

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the council'). The appellant is MacDougalls Of Oban Ltd ('the appellant').

Planning permission reference number 11/00280/PP for the erection of a dwellinghouse at land south east Of Dungalach (Plot 1) ("the appeal site") was refused planning permission on 14.07.2011.

The reason for refusal was that the proposed development would result in the intensification in vehicular use of a sub-standard public road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Argyll and Bute Local Plan policies LP HOU 1, LP ENV 1 and LP TRAN 4, which resist intensification in the use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

DESCRIPTION OF SITE

The site is bound to the north by woodland, to the east by residential garden ground, to the south by a public road and to the west by a residential access track then woodland.

This site is within the Oban settlement zone and includes land within a designated Tree Preservation Order.

SITE HISTORY

The site forms part of a previous application for outline planning permission to build four dwellinghouses (planning reference 09/00519/OUT). The applicant appealed this application as the council had failed to give a decision (deemed refusal). The appeal was dismissed by the Scottish Government on 05.10.2009 on the basis of road safety and impact on trees.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

The determining issues in relation to the case are as follows:

Whether or not the Crannaig a' Mhinisteir road is so sub-standard that it is unable to accommodate any additional traffic. And whether or not the road authority's recommendation should outweigh all other material considerations.

The Report of Handling (Appendix 1) sets out the planning assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that the Local Review Body will have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any substantial public representation, it is not considered that a hearing is required. The Review Body may seek additional information from the Roads Authority if it sees fit.

COMMENT ON APPELLANT'S SUBMISSION

In terms of the other recent planning applications mentioned in the appellant's submission, the planning service responds as follows:

- 07/01748/DET - the roads authority recommended refusal on the grounds that the Crannaig a' Mhinisteir road was sub-standard. The planning officer considered that an additional 6 houses would have a "minimal overall impact" which elected members agreed with and approved as a delegated members report.
- 08/00358/DET – the roads authority recommended no objections subject to conditions for this development, whilst highlighting that the Crannaig a' Mhinisteir road was sub-standard.
- 08/01128/OUT - the roads authority recommended no objections subject to conditions for this development, whilst highlighting that the Crannaig a' Mhinisteir road was sub-standard.
- 08/01135/OUT - the roads authority recommended no objections subject to conditions for this development, whilst highlighting that the Crannaig a' Mhinisteir road was sub-standard.
- 09/00991/DET - The roads authority originally recommended refusal on the ground that the Crannaig a' Mhinisteir road was sub-standard. However, the site already benefited from an extant outline permission which could have been implemented subject to a reserved matters application, and the objection was withdrawn.
- 10/01144/PPP - the roads authority recommended no objections subject to conditions for this development, whilst highlighting that the Crannaig a' Mhinisteir road was sub-standard.

The sub-standard condition of the Crannaig a' Mhinisteir road has been identified for a number of years and has been highlighted as a comment on the roads authority's response in the past. More recently (2011), the roads authority has consistently recommended that any new houses should be refused on the ground that the Crannaig a' Mhinisteir road is sub-standard. This position is supported by the Scottish Government reporter's decision on appeal under reference 09/00519/OUT.

The report of handling shows how the impact on trees has been effectively addressed by the applicant since the 2009 refusal on appeal. However, there is nothing submitted by the applicant to address the road safety issue.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking account of the above, it is considered that the review should be dismissed on the basis that commensurate improvements cannot be made to the public road network and therefore the proposal is contrary to Local Plan policy LP TRAN 4 and if approved would exacerbate an existing road safety issue.

Stephen Fair
Area Team Leader
Oban, Lorn & the Isles

APPENDIX 1 – DELEGATED REPORT OF HANDLING

**Argyll and Bute Council
Development Services**

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: 11/00280/PPP

Planning Hierarchy: Local Development

Applicant: MacDougalls of Oban Ltd

Proposal: Site for the erection of a dwellinghouse

Site Address: Land South East Of Dungrianach (Plot 1), Crannag A' Mhinisteir, Oban

DECISION ROUTE (delete as appropriate)

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
- Upgrade a private access onto a public road

(ii) Other specified operations

- Connect to existing public sewer
 - Connect to existing public mains water supply
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission in principle be refused for the reasons appended to this report.

(C) HISTORY:

09/00519/OUT - Proposed development of 4 dwellinghouses – refused 05.10.2009.

(D) CONSULTATIONS:

Area Roads Manager

Revised report dated 19 April 2011. Refuse on the grounds that the Crannaig a' Mhinisteir road is sub-standard and unable to accommodate any additional traffic

Scottish Water

Letter dated 23 February 2011. No objection

Oban Airport

No response at time of report

Scottish Natural Heritage

Email dated 11 March 2011. No advice or comment

Local Biodiversity Officer (Marina Curran-Colthart)

Email dated 03 May 2011. No objection subject to conditions

Horticultural Service (Alison McIlroy)

Email dated 04 March 2011. No objection

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 24.03.2011

(F) REPRESENTATIONS:

One representation has been received against this application. The representation was received from Mr Mike Robertson of Dungrianach, Crannag A' Mhinisteir, Oban.

(i) Summary of issues raised

- The title of the site on which the proposal has been made includes the name of his property 'Dungrianach' and this may cause confusion in terms of who is applying for the permission.

Comment: It is recognised that Dungrianach is a separate property in separate ownership, however it is close to the application site and serves to describe the location of the proposal. All applications for new plots are set in their context in this way i.e. a compass direction from a nearby existing property, which is often in different ownership.

The above represents a summary of the issues raised. Full details of the letters of representation can be viewed on the online Council's public access system.

(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:** **Yes**

A design and access statement has been submitted by the applicant's agent. It comments on the planning background, planning appraisal and design proposals. Full details of the document can be viewed online through the Council's website.

(iv) **A report on the impact of the proposed development** **Yes**

Tree Survey and Arboriculture Constraints by Alan Motion, 11 January 2011.

Summary of main issues raised by each assessment/report

The report records and details 142 trees present within the area of land owned by the applicants. The report details the type, size, condition, age and offers recommendations for each tree. Following this, the report plots each of the 142 trees in plan form and superimposes the proposed house plots onto the plan. The report identifies twelve trees which will require to be felled to accommodate the development. The report also gives best practice guidance for ensuring that remaining trees are adequately protected during the construction phase.

(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
STRAT FW 2 – Development impact on Woodland

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
LP ENV 2 Development Impact on Biodiversity
LP ENV 7 – Impact on Tree/Woodland
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 SERV 4 – Water Supply
 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

(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

Scottish Planning Series: Planning Circular 1/2011: Tree Preservation Orders

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 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: No

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission in principle is sought for the erection of a dwellinghouse at Land South East of Dungrianach (Plot 1), Crannag A' Mhinisteir, Oban. The site is bound to the north by woodland, to the east by residential garden ground, to the south by a public road and to the west by a residential access track then woodland.

A previous planning application – reference 09/00519/OUT – for outline permission for the erection of four houses on and around this site was dismissed on appeal. The Reporter's main reasons for dismissing the appeal were 1) impact on protected woodland – both to facilitate development and pressure from future property owners

(i.e. increased natural light/garden ground); and 2) access restrictions – where the Roads Authority recommended refusal on the grounds that the public road to Crannag A' Mhinisteir was sub-standard and could not accept additional traffic for four houses. The current application is for one of the previous four plots as applied for.

Trees

The woodland in which the site lies is covered by a tree preservation order (Argyll and Bute Council reference 01/10 'Land at Crannag-a-Mhinisteir'). Alison McIlroy (Argyll and Bute Council arborist) confirmed following a site visit, that the woodland is of varying quality dominated by generally commercially planted species such as sitka spruce with deciduous species including birch and beech. The understorey, whilst generally not covered by the tree preservation order, suffers from non-native species such as laurel and rhododendron ponticum which, from a forest management perspective, should be removed and treated to allow a more indigenous forest to establish itself. The impact of the proposal on the TPO is further discussed later in the report.

Since the dismissal on appeal of the previous application, a joint site visit has been undertaken with the land owner, their arborist, their architect, representatives from the Planning Service and the Council's arborist. At that meeting it was suggested that a reduced scheme, with a reduced impact on the woodland setting with any loss of trees offset with an appropriate woodland management plan, may be viewed favourably by the Planning Service. The two sites on the east and south east would require fewer significant trees to be removed, and benefit from existing natural light as they are on the edge of the woodland, and are more readily accessible compared to the north west of the site which is nearer residential properties and contains denser areas of mature trees.

At the site meeting it was highlighted that there would likely be issues from the Roads Authority concerning the Crannag A' Mhinisteir road, however the applicant/agent felt that this position was challengeable due to recent development in the vicinity and contradictory roads responses in the past. This current application, in conjunction with another plot to the north of the site (reference 11/00286/PPP), represents a 50% reduction of development impacts on the woodland setting and the Crannag A' Mhinisteir road, from the previous refusal of four house plots under 09/00519/OUT.

The Council's Arborist has confirmed the condition of the trees on site is largely poor when they are assessed individually and that without proper management, including felling and pruning, this situation will not improve. She considers that the removal of some trees will benefit the site overall and that replanting will enhance the site and make the area a more sustainable woodland.

The Council's biodiversity officer advises that given the established nature of the woodland there may be protected species (bats and red squirrels) on the site. Consequently, appropriate survey work would be required prior to any development being supported on the site. She has also commented that no tree felling works should be undertaken during the bird nesting season i.e. between 1st March - 1st September and that trees to be retained need to be adequately protected during the development phase.

It is considered that on balance, the loss of trees for the two plots currently proposed could be accepted, provided there are no protected species using the site, or their presence can be suitably mitigated, and provided the remaining woodland is subject

to a pro-active woodland management plan, such that the quality of the remaining woodland is enhanced.

Road network

The Roads Authority initially (mistakenly) recommended that the current application be approved subject to conditions in response dated 04 March 2011. However, on identification of the error, a revised recommendation of refusal has been submitted. The revised recommendation for refusal is due to the sub-standard Crannaig a' Mhinisteir public road being unable to accommodate any additional traffic as it is poorly aligned and lacks footways. This is similar to the response to the previous application 09/00519/OUT. There is no indication that the applicant has the ability or necessary consents to undertake any improvements to the wider road network and accordingly, the proposal generates an unacceptable adverse impact on road safety and would increase pedestrian/vehicular conflict on the existing public road.

Policy

The site is subject to Structure Plan policy STRAT DC 1 which encourages development of small, medium and large within the settlement boundaries on suitable sites. The proposal for a small scale housing development within Oban settlement zone complies with the ethos of this policy provided the detailed layout, density, access and environmental impacts are acceptable.

Whilst the acceptability of the principle of infill development within this area of Oban has been established by current policy, this is qualified by the requirement to ensure developments do not result in an unacceptable environmental, servicing or access impact.

Structure Plan policy STRAT FW 2 seeks to ensure that development will not damage nor undermine the key environmental features of protected woodlands. It is acknowledged that 12 trees will have to be removed from the site to accommodate the proposed dwellinghouse however the removal of these trees will be offset by the implementation of a pro-active woodland management plan which will in time lead to a healthier and more sustainable woodland area on the rest of the woodland setting. Following two site visits, The Council's Arborist is satisfied that the trees to be felled for this proposal are generally of poor quality or are non-native species and their loss will not undermine the key environmental features of the woodland area. Having assessed the visual amenity value of the woodland it is considered that the loss of the trees to accommodate the proposal will not have a significant detrimental impact on the level of amenity preserved by the tree preservation order.

The proposal generally accords with Local Plan policy LP ENV 1 as it does not have an unacceptable impact on either the natural, human or built environment. The proposal would reflect the established low density residential character of the area and, subject to an appropriate design being submitted, contribute to the overall built environment. However, given the recommendation from the Roads Authority, the application is deemed contrary to LP ENV 1, because it does not take sufficient account of the standard of the existing roads network.

Local Plan policy LP ENV 7 seeks to protect the integrity, appearance and prized features of woodlands from the impact of development. With the benefit of a detailed tree report, as submitted by the applicants, it is possible to examine what trees will be removed to accommodate the proposal and in turn assess their removal against the key features of the woodland area. In order to implement this proposal seven trees

will require to be felled on the site and five trees will require to be felled at the access and along the access road. Of these twelve trees four are non-native species. Of the seven trees on the site, one is of poor condition, one is fair condition and five are of good condition. Of the five trees at the access and along the access road, two are of fair condition and three are of good condition. The loss of the trees will have an impact on the tree preservation order however their loss is unlikely to undermine its key environmental features. The submission of a woodland management scheme for the remainder of the site would result in a net gain for the remainder of the woodland covered by the tree preservation order which will in time allow for a better managed and healthier woodland area in accordance with the aims of Local Plan policy LP ENV 7. The limited tree loss is considered acceptable in this instance.

Local Plan policy LP ENV 19 advocates good setting, layout and design of developments. In terms of setting, layout and density, the proposal is in keeping with the built context of the area i.e. low density housing with ample amenity space. Specific building design details have not been submitted however it is likely, largely due to the positioning of existing trees, that the current indicative footprints (both size and position) will be similar on any subsequent application.

Local Plan policy LP HOU1 states that there is a general presumption in favour of housing except where there is an unacceptable environmental, servicing or access impact. The roads department have recommended refusal on the grounds that the Crannaig a' Mhinisteir road is sub-standard and unable to accommodate any additional traffic. As a result of this objection it is considered that the proposal is unacceptable on road safety/access grounds and therefore contrary to this policy.

Local Plan policies LP SERV 1 and LP SERV 4 concern water supply and waste water treatment. The proposal will connect to existing public water supply and public sewer system and therefore complies with these policies.

Local Plan policies LP TRAN 4 and LP TRAN 6 concern existing private accesses and parking provision. The proposal indicates that an existing access will be upgraded in accordance with the roads department requirements. The proposal will benefit from parking and turning space for at least two cars. In this case, the adjacent public road is deemed to be at capacity and cannot readily be ungraded with commensurate improvements. The development is deemed to conflict with LP TRAN 4.

Notwithstanding that the settlement strategy and woodland impacts could be considered acceptable (subject to protected species surveys and mitigation), it is recommended that the application be refused on the grounds that the Crannaig a' Mhinisteir road is sub-standard and unable to accommodate additional traffic. There is no indication that the applicant can secure commensurate improvements to the public road and as such, the matter is decisive. Adverse impacts on road safety render the application contrary to LP ENV 1, LP HOU 1 and LP TRAN 4.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission in principle should be refused

The development will result in an increased level of traffic on the Crannaig a' Mhinisteir public road which has been deemed sub-standard and unable to accommodate any additional traffic by the Roads Authority, due to its alignment and

lack of pedestrian footpaths. The development will therefore have an unacceptable impact on road safety and increase pedestrian/vehicular conflict and is therefore contrary to local plan policy LP HOU 1, LP TRAN 4 and LP ENV 1.

(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: Daniel Addis **Date: 07 June 2011**

Reviewing Officer: Stephen Fair **Date: 14 July 2011**

**On behalf of
Angus Gilmour
Head of Planning & Regulatory Services**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 11/00280/PPP

1. The proposed development would result in the intensification in vehicular use of a sub standard public road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Argyll and Bute Local Plan policies LP HOU 1, LP ENV 1 and LP TRAN 4, which resist intensification in the use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **11/00280/PPP**

- (A)** Has the application been the subject of a 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

APPENDIX 2 – SCOTTISH GOVERNMENT DISMISSAL REFERENCE 09/00519/OUT

Directorate for Planning and Environmental Appeals

Telephone: 01324 696486 F: 01324 696444
E: dpea@scotland.gsi.gov.uk



Andrew Swain
Planning and Building Control
Argyll and Bute Council
Lorne House
Albany Street
OBAN



RECEIVED
- 6 OCT 2009

Our ref: PPA-130-241

5 October 2009

Dear Mr Swain

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: SITE SOUTH EAST OF DUNGRANACH, CRANNAG A'
MHNISTER, OBAN, ARGYLL AND BUTE PA34 4LU**

I enclose for your information a copy of the decision letter on this appeal.

The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within six weeks from the date of the decision conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

Yours sincerely

EMMA BROWN

Enc.

4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR
DX 557005 FALKIRK
www.scotland.gov.uk/Topics/Planning/Appeals



Directorate for Planning and Environmental Appeals

Appeal Decision Notice

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Decision by Ronald W Jackson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/130/241
- Site address: Site south east of Dungrianach, Crannag a' Mhinisteir, Oban PA34 4LU
- Appeal by McDougalls of Oban against the decision by Argyll and Bute Council
- Application for outline planning permission ref. 09/00519/OUT dated 8 April 2009 and not determined
- The development proposed: 4 dwelling houses
- Date of site visit by Reporter: 24 September 2009

Date of appeal decision: 5 October 2009

Decision

I dismiss the appeal and refuse outline planning permission.


Reasoning

1. The determining issues in this appeal are whether the proposal is consistent with policy ENV 7 of the Modified Argyll and Bute Local Plan and, if not, whether other material considerations justify a development plan departure. The foregoing policy states, in summary, that the council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders where this appears necessary in the interests of amenity. In addition the council will resist development likely to have an adverse impact on trees and will ensure that adequate provision is made for the preservation of woodland/trees.
2. The proposed development comprises the erection of 4 dwelling houses, with associated parking and turning areas, within a relatively dense woodland area in the Pulpit Hill area of Oban. The woodland contains, among others, Sitka Spruce, Silver Fir, Western Red Cedar, Scots Pine, Silver Birch, and Beech. The application is supported by a detailed tree survey that has assessed the condition of all trees on the site and recommended remedial works including tree surgery and felling where appropriate. The proposed development would necessitate the removal of a number of good quality, mature trees as shown on the drawings and schedule accompanying the application. It follows that the proposal offends Policy ENV 7.

3. I accept that the number of trees identified by the appellant for removal would be sufficient to permit the construction of the dwellings. However, from the submitted plans and based on my observations on site, I agree with the council that the remaining trees would seriously restrict the amount of daylight and sunlight that would reach the properties. That would almost inevitably lead to pressure for further tree removal in order to allow light into the dwellings and garden areas. In my view the cumulative effect would be an unacceptable adverse impact upon the woodland and the character of the surrounding area.

4. Turning to the issue of material considerations, the site is accessed from the UC55 Crannag a' Mhinisteir which is a narrow, poorly aligned road with passing places and no footpaths. Although the Pulpit Hill area accommodates a considerable number of residential properties and planning permission exists for a small residential development of 6 houses in Pulpit Rock, immediately to the south of the site, I agree with the council that further development would be undesirable without significant road improvements.

5. From my site visit I accept that because of the topography of the site the impact of the proposal on views from Oban and the west would be very limited but that is insufficient to overcome the various other tensions. I have taken account of all other matters raised in the submissions but find none that outweigh the considerations on which my decision is based.


R W JACKSON
Reporter