

12th May 2005

Reference Number: 05/00455/OUT
Applicants Name: Mr and Mrs J Drummond
Application Type: Outline Planning
Application Description: Site for a holiday chalet
Location: Adjacent to Chalet 30, Lochaweside, DALAVICH

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Site for a holiday chalet (restricted Class 9 Houses Use)
- Access to the site
- Water supply and drainage.

(B) RECOMMENDATION

Approval subject to conditions including the submission of an expert report on the capacity of the private sewerage system.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Development Plan – Adopted Lorn Local Plan

The policy relating to self catering holiday accommodation, Policy TOUR 4, states that the Council will allow for the development of additional accommodation. Dalavich is not within the list of priority locations but this does not undermine the general presumption in favour.

The site is in a local scenic area. Policies RUR 1 and RUR 2 apply and require consideration of the following:

Environmental impact: The site is within the Dalavich chalet site which was developed by the Forestry Commission. That development is of a very high quality combining chalets of pleasing design carefully sited through woodland and along the shore. The overall impression is intensely rural and the relationship of buildings to spaces has been successfully balanced.

The application site is at the edge of a group of chalets and between Chalet 30 (owned by the applicant) and the loch shore. It is in a relatively open area without dense tree cover.

The proposal will not be prominent and will not affect the visual quality of the scenic area. In addition the proposal will not upset the balance of open land and buildings in the chalet development as a whole.

Locational/operational need: There is no locational need in the normally accepted meaning of the term.

Economic benefit: Tourism development is considered to benefit the local economy.

Infrastructure and servicing: The chalet development is privately serviced. The development can therefore be granted conditionally upon satisfactory arrangements being established.

On balance, the proposal appears to be satisfactory in terms of the consideration required by Policy RUR 1 and 2.

Argyll and Bute Finalised Local Plan

The site is within a Potential Development Area which is set aside for tourism/leisure use. An application was submitted in 2004 for the erection of 34 new chalets. That application is still the subject of detailed discussions, but it appears that there is no conflict between this present proposal and the aspirations of the wider development scheme.

(D) CONCLUSION

The proposal appears to meet the tests of policy and can be accommodated, subject to detailed design, without detracting from the particular quality of the overall development.

Angus J Gilmour
Head of Planning

Author: Robert Walker 01631 567954

CONDITIONS AND REASONS RELATIVE TO APPLICATION 05/00455/OUT

1. This permission is granted under the provisions 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 under mentioned 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 Condition 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 submitted under 1(a) above shall show a chalet of similar appearance and scale to the existing chalet.

Reason: To ensure that the development has an appropriate appearance in relation to its surroundings.

5. The chalet hereby permitted shall be used for holiday purposes only and not as a main residence and shall not be occupied by any family, group or individual for more than three months in any calendar year, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the site or the chalet does not become in permanent residential use in the interest of the areas amenities and in accordance with the use applied for.

6 Any details pursuant to Condition 1 above shall show full details of the foul drainage system.

Reason : In the interests of public health in order to provide adequate foul drainage arrangements to serve the development.

7. Any details pursuant to Condition 1 above shall include a report on the proposed private water supply arrangements. This Report shall be prepared by the suitably qualified person and shall indicate the suitability of the existing water supply to serve the development with regards to the quality and quantity of water available and include, if necessary, any methods needed to improve the supply.

Reason : In the interests of public health in order to provide an adequate water supply to serve the development.

8. Notwithstanding the provisions of Article 3 and Class 1 (the extension, enlargement, improvement, alteration of the dwelling) and Class 3 (building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilage of the dwellinghouse hereby permitted without the prior written consent of the Planning Authority.

Reason: *In the interests of visual amenity and in order to protect the privacy and amenity of adjacent residential properties from developments normally carried out without Planning Permission, these normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.*

APPENDIX RELATIVE TO 05/00455/OUT

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

Lorn Local Plan

RUR 1	<p>The Council will seek to maintain and where possible enhance the landscape quality of National and Regional Scenic Areas and coasts and areas of local landscape significance and within these areas will resist prominent or sporadic development which would have an adverse environmental impact:</p> <p>(a) National Scenic Area : (I)Lynn of Lorn; (ii) Ben Nevis and Glencoe (b) Regional Scenic Areas : (I) Knapdale/Melfort; (ii) North Argyll (c) Regional Scenic Coasts : North West Argyll (d) Areas of local landscape significance : (I) Loch Etive/Benderloch Coast; (ii) Loch Awe; (iii) Loch Nell; (iv) Glen Lonan; (v) Loch Avich; (vi) Glen Gallain/Loch Scammadale.</p>
RUR 2	<p>Proposals for development in or affecting National Scenic Areas, Regional Scenic Areas and Coasts or areas of local landscape significance will require to be justified against the following criteria</p> <p>(a) economic benefit (b) infrastructure implications (c) specific locational/operational need (d) environmental impact</p>

TOUR 4	<p>The district Council will allow for the development of additional self-catering accommodation during the plan period. Priority locations identified in the Structure Plan First Review are: List includes Taynuilt.</p>
TOUR 9	<p>The District Council will especially encourage and promote the provision and improvement of facilities linked together on a tourist/scenic route basis. The following scenic routes are designated: List included Glen Lonan: Oban –Taynuilt.</p>

Government Advice/Guidance

PAN 72	<p><u>Siting and Design of New Housing in the Countryside</u></p> <p>The principal objectives are to encourage a more sympathetic approach to siting and a more widespread adoption of house design which pays greater regard to variations in landscape and building design within Scotland.</p> <p>The principle on which the policy on housing in the countryside is based are: -</p> <ul style="list-style-type: none"> • Development should be encouraged on suitable sites in existing settlements. • Urban sprawl, the coalescence of settlements and ribbon development should be avoided. • Isolated development should be discouraged in the open countryside except where provision is made in development plans or there are special needs.
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(B) OTHER MATERIAL CONSIDERATIONS

(e) Site History

The overall chalet development was carried out by the Forestry Commission under its permitted development powers.

04/00859/DET. Application for 34 chalets which is still the subject of discussions.

(ii) Consultations

	Response Date	Comment
Area Roads Engineer		None received.
Scottish Environmental Protection Agency	21 st April 2005	No objection subject to conditions.
Public Protection Unit		None received

(iii) Publicity and Representations

Advert Type : Section 34 and Article 9

Closing Date: 31st March 2005

Representations : Yes

Name	Address	Letter date
P and L Wright	29 Dalavich, Dalavich	18 th March 2005
Mr and Mrs Unwin	Bishops Meadow, Weedon	10 th April and 19 th May 2005
Mr and Mrs Risley	Gardeners Farm, Goosnargh	8 th and 26 th April 2005
Linda Milroy	10 White Wisp gardens, DOLLAR	31 st March 2005
Mr and Mrs Blades	Eaglescliffe, Stockton on Tees	30 th March 2005
C. Wilke	18 Dalavich, Dalavich	12 th April 2005
C. Perry	37 Dalavich, Dalavich	12 th April 2005
Mr and Mrs Littlejones	30 Dalavich, Dalavich	31 st March 2005

Summary of points raised:

- The services for the site are inadequate.

Comment: Subject to the confirmation of details, there is no overriding concern that this single cabin will overstretch the local services. The wider development referred to in the report will require the upgrading of the services.

- The terms under which cabins were purchased do not allow development of this type and this proposal is outwith the areas indicated for development to the purchasers.

Comment: This matter is not a material planning consideration.

- The development would spoil the rural character of the chalet development.

Comment: It is noted in the report above that there is capacity for this particular development without detracting from the character of the area.

- the development would create a precedent.

Comment: Each site must be treated on its merits within an overall awareness of the rural character of the site.

- The roads within the site are inadequate.

There are no specific standards for roads in holiday chalet developments. It appears that one additional chalet will not make intolerable demands on the access tracks.

NOTE TO APPLICANT RELATIVE TO APPLICATION CLICK HERE TO ENTER APP NO.

Scottish Water have advised as follows:

Click here to insert comments

You are advised to contact them direct to discuss this matter

Contact:

Scottish Water
Developer Services
Prestwick Office
35 Glenburn Road
Prestwick
Ayrshire
KA9 2NS

Tel : 0845 601 8855

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

Click here to insert comments

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

Contact:

Area Roads Engineer
Transportation and Property Services
Argyll and Bute Council
Kilbowie House
Gallanach Road
Oban

Tel: 01631 562125