

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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15 November 2012

**ARGYLL AND BUTE LOCAL REVIEW BODY – RECONVENED MEETING
THURSDAY 22 NOVEMBER 2012 AT 9.00AM IN THE COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD**

I attach hereto further written submissions that were requested by the Argyll and Bute Local Review Body at their meeting on 1 October 2012.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH WEST OF ARDARE, COLINTRAIVE**
 - (e) **Further Written Submissions from Planning Authority (Pages 1 - 4)**
 - (f) **Comments from Applicant on Further Written Submissions (Pages 5 - 6)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Sandy Taylor (Chair)
Councillor James McQueen

Councillor Robert Graham MacIntyre

Contact: Hazel MacInnes Tel: 01546 604269

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Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708623

4th October 2012

Your Ref: 12/0007/LRB
Our Ref: 12/00010/REFPLA
Contact: Steven Gove
Direct Line: (01369) 708603

Charles Reppke
Head of Governance and Law
Customer Services
Argyll & Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

Dear Mr Reppke,

**LOCAL REVIEW BODY REF. 12/0007/LRB
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPEAL REF. 12/00010/REFPLA
ERECTION OF DWELLINGHOUSE, LAND TO THE NORTH WEST OF ARDARE,
COLINTRAIVE**

I refer to the AB 7 form dated 2nd October 2012 in which further information was requested by the Local Review Body prior to making a determination on the appeal. In this regard, please find attached to this letter a copy of the recommended conditions, reasons and notes to applicant.

I would be grateful if you could convey the enclosed information to the Local Review Body.

Yours sincerely

Planning Officer
Development Management
Bute and Cowal

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CONDITIONS AND REASONS

1. The development shall be implemented in accordance with the details submitted in the application form dated 30th November 2012 and the approved drawings: Location Plan (scale 1:10,000); Drawing No. 1246 – LP1 A; Drawing No. 1246 – SP1 A; Drawing No. 1246 – SP2 B; and Drawing No. 1246 : p01b unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the dwellinghouse hereby approved, visibility splays of 42 metres shall be formed in both directions measured from a point 2.4 metres back from the edge of the carriageway at the centre of the vehicular access. All boundary walls, fencing or vegetation within the visibility splays shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

3. Unless otherwise agreed in writing with the Planning Authority, prior to the first occupation of the dwellinghouse hereby approved, the vehicular access shall be provided with a sealed surface for the first five metres back from the edge of the public carriageway and it shall have a gradient of no more than 5% for the same distance.

Reason: In the interests of road safety.

4. Prior to the commencement of the development, the following details shall be submitted:
 - i. The exact location of those trees that are to be retained and the means by which they shall be protected during construction works;
 - ii. The exact location of those trees that are to be felled;
 - iii. The results of a survey of the trees to be felled in respect of the presence of any bat activity;
 - iv. The exact location, species and standard of those trees that are to be planted within the site together with a timescale for the planting to occur;
 - v. A programme for the eradication of *Rhododendron Ponticum* within the site.

The tree removal, re-planting and woodland management shall be undertaken in accordance with the approved details and timescales unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of the woodland characteristics of the site and existence of a Tree Preservation Order and having due regard to the relevant Development Plan policies.

NOTES TO APPLICANT

- I. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- II. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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.
- III. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997, it is the responsibility of the developer to submit the attached 'Notice of Completion of Development' to the Planning Authority specifying the date on which the development was completed.
- IV. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (Section 56). The applicant is advised to contact the Area Roads Manager's representative (Mr Paul Farrell on 01369 708613) directly upon this matter.
- V. The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running onto the road. Failure to address this matter would be contrary to Section 99 of the Roads (Scotland) Act 1984.
- VI. Having regard to the recommendations contained within Wild Surveys Ltd's report dated 21st June 2011, the following best practice guidance during construction in respect of the potential impact upon otters and badgers should be followed:
 - A temporary ramp should be placed in trenches over 0.5 metres deep in order to allow a potentially trapped otter to exit the trench;
 - Site construction fencing should not interfere with the passage of otters through the riparian corridor;
 - Lighting should be directed away from the water course and any lighting on the bridges or within 20-30 metres of the burn should be low intensity lighting;
 - Existing vegetation along the water courses should be retained wherever possible and following construction works, bare ground within the standoff should be planted with tree species of native and local provenance.

James Barr

Our Ref: EA/PC56975
Your Ref: 12/0007/LRB

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Argyll & Bute Council
Committee Services
Local Review Body
Kilmory
LOCHGILPHEAD
PA31 8RT

16 October 2012

Dear Sir/Madam,

**LOCAL REVIEW BODY REF: 12/0007/LRB
ERECTION OF DWELLINGHOUSE ON LAND NORTH OF ARDARE, COLINTRAIVE**

I wish to take this opportunity to write to you on behalf of Mr. Nicholas Staunton in response to the draft conditions which have been provided by Argyll & Bute's Planning Department.

I can confirm, on behalf of my client, that the draft conditions proposed (conditions 1-4) are acceptable, and can be complied with in the event that planning permission is granted for the proposed dwellinghouse.

We trust that this is acceptable, and look forward to receiving notification of the next meeting of the Local Review Body to continue their consideration of this application.

If you require anything further please don't hesitate to contact me.

Yours sincerely



**Elaine Anderson MRTPI
Senior Planner**

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Enc

Cc: Mr. Nicholas Staunton

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