

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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19 June 2013

**ARGYLL AND BUTE LOCAL REVIEW BODY – RECONVENED MEETING
WEDNESDAY 26 JUNE 2013 AT 11.15 AM IN THE COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD**

I enclose herewith further written submissions that were requested by the Argyll and Bute Local Review Body at their meeting on 22 May 2013.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH WEST OF ALDER HOUSE, KILMICHAEL, LOCHGILPHEAD, PA31 8QA**

(c) Further Written Submissions (Pages 1 - 6)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Gordon Blair
Councillor Fred Hall

Councillor Mary-Jean Devon (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services

Director: Sandy Mactaggart

Fiona MaCallum
Argyll & Bute Council
Committee Services

By-email

Development & Infrastructure Services
Mid Argyll, Kintyre & the Islands Area Office,
67 Chalmers St, Ardrishaig, Argyll PA30 8DX
Tel: 01546 604082 Fax : 01546 604081
E-mail: Peter.Bain@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Ask For: Peter Bain
Our Ref: 12/025888/PP
Your Ref: 13/0005/LRB
Date: 5th June 2013

Dear Fiona

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
LOCAL REVIEW BOARD 13/0006/LRB – REQUEST FOR FURTHER
INFORMATION

Further to the LRB's request for further information dated 23rd May 2013 I attach a schedule of suggested conditions and reasons.

In respect of the point of clarification it is advised that prior to consideration of application ref. 12/02588/PPP the Council had previously considered application 04/02547/OUT on a site further to the south west. The applicant in this case was identified as "Mr D. and Mrs J. Campbell" address c/o Agent on the documentation submitted at that time – this has subsequently caused the previous applicant's to be confused with the current applicant "Mr & Mrs Duncan Campbell". I would in the first instance offer apology for any confusion caused by assumptions made by Officers in their summary of planning history of the site and immediate surrounds in Section D. of the report of handling, and secondly note that any such misunderstanding has not prejudiced the determination of application ref. 12/02588/PP as the identity of the applicant has no bearing or material relevance to the issues considered in the determination of this planning application.

Yours faithfully

A handwritten signature in black ink that reads 'Peter Bain'.

Peter Bain
Area Team Leader – Planning Services
Mid Argyll, Kintyre & the Islands

c.c.
R T Hutton – Agent for application
Scottish Water - Consultee
ABC Area Roads – MAKI - Consultee
ABC Environmental Health - Consultee
West of Scotland Archaeology Service - Consultee
ABC Biodiversity Officer - Consultee

It is noted that the required access improvements set out in proposed condition 3. Would involve land which is both outwith the application site boundary pertaining to decision 12/02588/PPP and the control of the applicant. Accordingly, in the event that the LRB were minded to grant planning permission then it is recommended that any such decision be withheld until such time as a Planning Agreement under S75 of the Act securing the applicant's ability to carry out such works and maintain them in the future has been concluded.

SUGGESTED CONDITIONS AND REASONS RELATIVE TO LOCAL REVIEW BOARD 13/0005/LRB

1. Plans and particulars of the matters specified in conditions 3, 4, 5, and 6 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

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

2. The development shall be implemented in accordance with the details specified on the application form dated 19.11.2012; supporting information and the approved drawing refs 1 to 3 of 3 inclusive of the Design Statement.

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall provide for a shared means of access through the neighbouring plot to the east to ensure the trees along the road frontage can be retained and such details shall incorporate:

- i) Formation of the junction serving the development site in accordance with the Council's Standard Roads Drawing 'SD 08/006 Rev a' with an access width 5.50m and incorporating beside it a refuge collection point; with visibility splays measuring 53 metres by 2.40 metres;

- ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009, which effectively needs to provide for 2 vehicle spaces unless the property has 4 or more bedrooms in which case 3 vehicle spaces are required.

Prior to work starting on site, the approved scheme of works in respect of junction layout shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The final wearing surface on the bellmouth shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

- 4 Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;

ii) Local vernacular design;

iii) Maximum of one storeys in design;

iv) Rectangular footprint no greater than 120 square metres;

v) External building span of 7 metres;

vi) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;

vii) External walls finished in natural stone or wet dash render or, a mixture of both;

viii) Principal ridgeline parallel to the nearest public road;

ix) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;

x) Window openings with a vertical emphasis;

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

- 5 Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

i) Location, design and materials of proposed walls, fences and gates;

ii) Surface treatment of proposed means of access and hardstanding areas;

iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.

iv) Proposed hard and soft landscape works, specifying : (a) those trees to be retained which shall ensure a woodland context particularly safeguarding all trees along the road frontage, (b) those trees to be felled and (c) such other trees to be planted.

v) The management proposals for the retained woodland.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

6. Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

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

7. Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

ADVICE NOTES

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any

matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.

- The applicants attention is drawn to the attached copy letter from Scottish Water dated 28.00.2012.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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' to the Planning Authority specifying the date upon which the development was completed.

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