

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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20 November 2014

## **NOTICE OF RECONVENED MEETING OF LOCAL REVIEW BODY**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **THURSDAY 27 NOVEMBER 2014** at **9:00 AM** which you are requested to attend.

I refer to the above and enclose herewith a further written submission requested by the Local Review Body at their meeting on 20 October 2014 along with comments from interested parties on this submission.

Douglas Hendry  
Executive Director - Customer Services

### **BUSINESS**

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND WEST OF TIGH NA CROIS, PORTNACROISH, APPIN, ARGYLL (REF: 14/0006/LRB)**

- (c) Further Written Submission (Pages 1 - 6)
- (d) Comments on Further Written Submission (Pages 7 - 8)

### **ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor George Freeman  
Councillor Roderick McCuish

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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**DRAFT PLANNING CONDITIONS**

**REQUESTED BY**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**14/0006/LRB**

**REFUSAL OF PLANNING PERMISSION FOR THE  
SITE FOR THE ERECTION OF DWELLINGHOUSE  
RELATIVE TO PLANNING APPLICATION  
REFERENCE 14/01166/PPP**

**LAND WEST OF TIGH NA CROIS, PORTNACROISH,  
ARGYLL AND BUTE**

**04/11/2014**

**DRAFT CONDITIONS AND REASONS TO BE APPLIED IN THE EVENT THAT NOTICE OF REVIEW 14/0006/LRB IS SUCCESSFUL:**

**APPLICATION REFERENCE 14/01313/PPP**

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8 and 13 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: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).*

Note to Applicant:

- 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.

2. The development is granted in principle accordance with the details specified on the application form dated 21/05/14 and the approved drawing reference number:

Plan 1 of 1 (Annotated Site Plan Revision A at scale of 1:1250)

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

3. 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 the following:

- i) be finished in white wet dash render or natural stone or a mixture of both;
- ii) have a roof covering of natural blue/grey slate;
- iii) be single storeys in height (with or without rooms in roof space);
- iv) incorporate windows with a strong vertical emphasis;
- v) have a roof pitch of not less than 37 and not greater than 42 degrees;
- vi) details of the proposed finished floor level of the dwellinghouse relative to an identifiable fixed datum located outwith the application site;
- vii) be sited within the northern half of the site, generally in line with the adjacent house Tigh-Na-Crois and parallel to the A828 trunk road.

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

4. Pursuant to Condition 1 – no development shall be commenced until plans and particulars of the parking/turning arrangements to serve the dwellinghouse have been submitted to and approved by the Planning Authority. The parking provision shall be commensurate to the size of house to be provided, per Local Plan Appendix C or any updated Council guidance as may be in force at the time. The approved parking and turning layout to serve the dwellinghouse shall be implemented in full prior to it being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interests of road safety and to accord with Policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.*

5. Pursuant to Condition 1 – no development shall commence on site until full details of a system for the foul drainage has been submitted by way of an application for approval of matters subject to condition and approval has been given in writing by the Planning Authority.

*Reason: In the interests of residential amenity and public health*

6. Pursuant to Condition 1 - full details of the proposed means of surface water drainage for the site and the car park entrance shall be submitted to the Planning Authority. Such measures shall show the provision of a surface water drainage regime compliant with a SuDS (Sustainable Urban Drainage System) in line with Planning Advice Note 61 (PAN61) "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook which shall be separate to the foul drainage system which shall be compliant with the other Building Warrant Standards/SEPA's requirements as appropriate. Measures shall be employed to prevent surface water run off from the car parking area onto the adjacent road. Such details as are approved shall be fully implemented prior to the occupation of the first residential unit hereby approved.

*Reason: To ensure that surface water drainage is adequately managed.*

Note to Applicant: Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).

7. Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

Note to Applicant: Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.

8. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;
- vi) An unclimbable barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority shall be provided and maintained along the boundary of the site with the trunk road.

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

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

Reason: *To assist with the integration of the proposal with its surroundings in the interests of amenity, and to ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.*

9. Visibility splays shall be provided and maintained on each side of the existing access to the satisfaction of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside A828 Trunk Road carriageway measuring 120 metres (the y dimension) in both directions from the intersection of the access with the A828 Trunk Road.

In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

These visibility splays thereafter shall be maintained clear of all obstructions over 1.05 metres in height in perpetuity and to the satisfaction of the Planning Authority.

*Reason: To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the A828 Trunk Road is not diminished.*

10. There shall be no means of direct access to the trunk road either pedestrian or vehicular.

*Reason: To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.*

11. There shall be no drainage connections to the trunk road drainage system.

*Reason: To ensure that the efficiency of the trunk road drainage network is not affected.*

12. No development shall commence or is hereby authorised until the existing private access road proposed to serve the development has been brought up to adoptable standards up to a point 12.5 metres south-west of the proposed entrance to the proposed car parking area, and clear visibility splays measuring 42 x 2.4m in each direction are provided to each side of the proposed entrance to the car parking area, which shall thereafter be so maintained free of obstruction.

*Reason: In the interests of road safety, to secure commensurate improvements to the existing access regime, taking account of the existing traffic usage of the access.*

13. Pursuant to condition 1 – no development shall be commenced until plans and particulars of the detailed access arrangements to serve the car parking area hereby approved in principle have been submitted to and approved by the Planning Authority. The details shall show an access width of a minimum of 5.5 metres for a distance of 5 metres back from the edge of the upgraded private access and the access shall be surfaced in a bound material across the first 5 metres back from the edge of the upgraded private road. The details shall also show a service bay at the car park entrance in accordance with Roads Standard drawing SD 08/006a, to be surfaced in a bound

material. The approved access and service bay shall be implemented in full prior to the initial occupation of the house hereby approved in principle and shall be so maintained thereafter.

*Reason: In the interests of road safety and to accord with Policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.*



**McCallum, Fiona**

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**From:** Rattray, Brian  
**Sent:** 05 November 2014 11:12  
**To:** localreviewprocess  
**Subject:** Notice of Review Case Ref No: 14/0006/LRB (Planning Ref: 14/01166/PPP) Land West of Tigh Na Crois, Portnacraish, Appin [OFFICIAL]

**Classification: OFFICIAL**

Hi,

I have just read the Draft Planning Conditions proposed by OLI Planning and agree with the proposed access conditions. However, vehicular access for emergency services has not been considered.

The original proposal was for the owner and visitors to park in a public car park which is the subject of a separate planning application. This car park is approximately 50m from the proposed dwellinghouse and residents / visitors would access the house via a pedestrian access across the field.

A vehicular access, minimum width 3.7m, will be required for emergency services attending the proposed dwellinghouse.

Regards

Brian Rattray  
Technical Officer  
Argyll & Bute Council  
01546 604682

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