

Ref:  
AB1

# ARGYLL AND BUTE COUNCIL

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## 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	RHUGARBH LTD
Address	Per CP ARCHITECTS
	110 GEORGE STREET
	OBAN, ARGYLL.
Postcode	PA34 5NT
Tel. No.	01631 563177
Email	mail@cparchitects.net

(2) AGENT (if any)	
Name	CP ARCHITECTS
Address	110 GEORGE STREET
	OBAN
	ARGYLL
Postcode	PA34 5NT
Tel. No.	01631 563177
Email	mail@cparchitects.net

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

(4) (a) Reference Number of Planning Application

11/02514/PPP

(b) Date of Submission

19 DECEMBER 2011

(c) Date of Decision Notice (if applicable)

4 MAY 2012

(5) Address of Appeal Property

LAND NORTH EAST OF HAYFIELD,  
GLENSHELLACH ROAD, OBAN,  
ARGYLL,

(6) Description of Proposal

SITE FOR THE ERECTION OF NEW  
HOUSING DEVELOPMENT COMPRISING  
4 AFFORDABLE FLATS AND 7  
DWELLINGHOUSES.

(7)

Please set out the detailed reasons for requesting the review:-  
CONDITION 3 .

REQUIREMENT TO UPGRADE APPROX 300M OF PUBLIC ROAD :  
REFER ATTACHED SUPPLEMENTARY SHEET.

☐ If insufficient space please continue on a separate page. Is this is

**NOTICE OF REVIEW – PLANNING CONSENT 11/01514/PPP**  
**Question 7 – Detail reasons for requesting a review.**

The condition no3 Roads Improvement to Glenshellach Road has been imposed by Roads Department / Planning after the numerous pre application consultations and during the processing period of the application and after representation from adjoining landowners / developers.

This condition as it stands makes the development for private and affordable housing uneconomic and therefore this site development will not be able to address the severe shortage and demand for affordable housing in this area.

There are various reasons why this condition is unreasonable and should be reviewed :

1. Planning Policy / Previous Consents.

The site forms part of a PDA (H-AL5/4) with the Phase 1 development of 12 units already complete. The density of the PDA is limited to 23 units with 25% affordable housing quota requirement and makes no reference to wholesale upgrade of the public road.

A previous outline consent for 4 no plots Ref 07/00522/OUT was granted in September 2008 with no condition applied for upgrade of Glenshellach Road included.

The adjacent site to the North under PDA (H-AL5/3) has a much higher density designation of 40 units which has subsequently been significantly increased to 70 no total under Planning Consent Ref 09/01166/PP issued 18 December 2009. This development of 38 no units (plus 32 future provision) has significantly increased density provided to take account of any road upgrade requirements.

It is unlikely that a comparable increase in density of 75% (from 14 units to 25 units) within Phase 2 would be achievable or acceptable given the Phase 1 development layout and density already built.

2. Consultation.

There has been considerable consultation with Planning in August 2010, January 2011, March 2011 and September 2011 to finalise and agree the layout and density of the scheme including footpath links to Glenshellach Road.

At no point during this consultation period did Planning raise any issue with regard to any upgrade of the public Glenshellach Road despite the consent already granted for 38 units within land to the North under PDA (H-AL5/3) and consent Ref 09/01166/PP.

It is therefore deemed unreasonable that Planning apply this onerous condition at this stage.

3. Land Ownership

The condition no3 requires provision of a 6m wide road, 2m footpath and 2m verge on land outwith the development site boundary and on land under different ownership.

As a significant portion of the land is outwith our clients ownership and control this will result in extreme difficulties in seeking legal agreement and will add significant additional cost (and time delay) to obtain sufficient ground to comply with the said condition.

4. Cost

The development of Phase 2 under the previous consent Ref 07/00522/OUT granted September 2008 was not able to be progressed as a result of the changing economic climate and funding restrictions.

This required an increased density which was previously agreed through extensive consultation with Planning to 14 units total including provision of 4 units of affordable housing.

The 300m road upgrade of Glenshellach Road to 6m wide with 2m footpath and verge will result in approx. additional development costs of £1000/linear metre (£300k at present) and if rock is encountered could rise to 1M.

This results in the current scheme being economically unviable given the 14 unit scheme currently proposed.

In addition there would also be legal and ground acquisition costs to enable the road upgrade on land outwith the clients ownership. (approx. 230m)

(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	DRAWING CP:268:L10 SITE PLAN AS PROPOSED PHASE 2
2	DRAWING CP:268;L-01 LOCATION PLAN
3	DRAWING J161/C/02 REV E ENGINEERS DRAINAGE LAYOUT
4	SUPPLEMENTARY SHEET TO QUESTION 7.
5	
6	
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10	

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

Submitted by  
(Please Sign)

  
On behalf of CP Architects

Dated 2<sup>nd</sup> AUGUST 2012

### 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/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto: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](mailto:localreviewprocess@argyll-bute.gov.uk)

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### For official use only

Date form issued

Issued by (please sign)