

Our ref: DXC/AB/154623/J023503/L005

T +44 (0)141 226 8200
F +44 (0)141 226 8210
glhearn.com

Argyll and Bute Council
Customer Services
Kilmory
Lochgilphead
Argyll
PA31 8RT
Fao Fiona McCallum

14 August 2012

Dear Fiona

Local Review Body Reference: 12/0011/LRB
Planning Application Reference: 11/02514/PPP
Land North East of Hayfield, Glenshellach Road, Oban

I refer to your letter of 3 August 2012 notifying me of the Notice of Review that has been submitted relative to the above, and with particular reference to condition no. 3 of the permission that was granted under delegated powers. I now write on behalf of my clients, M&K MacLeod, to reiterate their views on this matter, as previously expressed in my letter of 31 January 2012 relative to the planning application.

Condition no. 3 of 11/02514/PP establishes that:

'no development shall commence or is hereby authorised until the existing single track Glenshellach Road is upgraded to the Council's adoptive standards, including widening to 6 metres wide with a 2 metre wide footway and a 2 metre wide verge between the existing access junction into Hayfield for a distance of 300 metres to the north-east where it can link in with the widened public road approved under planning permission 09/01166/PP, enabling access connections via the adjacent housing developments at McKelvie Road'.

The reason for this condition is then given as:

'in the interests of road safety, to accord with Policy LP TRAN4, on the advice of the Area Roads Engineer and to integrate with the wider road improvement and investments being made in conjunction with incremental housing development in the area'.

My clients are supportive of condition no. 3 being imposed on permission 11/02514/PP, and reiterate the view expressed in our earlier letter, particularly that this requirement is consistent with their experience of the same being imposed on permissions that they have secured for residential development in this area. This has been accepted by my client as being necessary to facilitate the proper planning of the area, to ensure that development here is afforded appropriate and safe vehicular and pedestrian access routes, and that road safety considerations and Council policy requirements are satisfied. This requirement has been appropriately designed into my client's developments, with consequent impact on developable area and project viability, and it is imperative

for all of these reasons that all equivalent developments in this area are affected by the same requirement.

The Notice of Review that has been submitted on behalf of Rhugarbh Ltd presents the case that condition no. 3 makes the proposed development 'uneconomic' and that Glenshellach Road is 'outwith the development site boundary'. The question of whether any condition makes a proposal 'uneconomic' is not material to the determination of the application where that condition is considered necessary to make the development acceptable relative to planning and other material considerations, and that is the case in this instance. Thereafter, if Glenshellach Road falls beyond the ownership of Rhugarbh Ltd then the onus falls on the applicant to secure control of that land in order to then be able to comply with the terms of the condition or alternatively re-design their proposals and apply for another permission within the confines of land that does fall within their ownership.

We commend the terms of condition no. 3 of permission 11/02514/PP, as this is consistent with previous Council decisions and is imposed in the interests of road safety and to comply with the Council's established policy requirements. In light of the foregoing we would strongly urge the Local Review Body to dismiss this application and to maintain the condition in its current form. I trust that the terms of this letter will be afforded due consideration and I would request written confirmation of receipt of this letter and then subsequently of the Local Review Body decision.

Regards.

Yours sincerely

A handwritten signature in black ink that reads "David Campbell". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

David Campbell
Planning Director

david.campbell@glhearn.com

c.c. Murdo MacLeod