

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

12/0011/LRB

**PLANNING PERMISSION SUBJECT TO CONDITIONS
FOR 4 AFFORDABLE FLATS AND
7 DWELLINGHOUSES**

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

**PLANNING PERMISSION REFERENCE NUMBER
11/02514/PPP**

17 AUGUST 2012

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Rhugarbh Ltd ('the appellant').

Planning Permission in Principle Reference Number 11/02514/PPP for site for 4 affordable flats and 7 dwellinghouses on land north east of Hayfield, Glenshellach Road, Oban ("the appeal site") was granted subject to conditions under delegated powers on 4 May 2012.

Condition 3 of the planning permission has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is generally gently sloping grassland with a large raised knoll near the centre and a low lying wetter area at the northern extremity. A single track road bounds the site to the north providing access to and from Oban town centre, and phase 1 housing lies to the south-west. Rising hillside lies across the single track road to the north-west and an approved housing development site lies to the north-east. Open, falling fields separate the site from the Glenshellach Business Park at a lower level to the south.

SITE HISTORY

The following two items relate to phase 1 housing:

01/01825/OUT – Formation of 12 house plots and access road – Approved (19/08/03)

05/00304/REM - Formation of access road, services, formation of 12 No. house plots inclusive of landscaping and play area – Approved (10/05/05)

The following item covers part of the current review site:

07/00522/OUT – Extension to access road, services and formation of 4 house plots – lapsed 05/09/10

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the planning condition is necessary to restrict the development from commencing until a commensurate road upgrade is completed on the adjacent public road in accordance with Policy LP TRAN 4; OR if the deletion of the condition would allow for a development to proceed which is served by a sub-

standard access arrangement with consequent adverse impacts on road safety. It is important to consider these issues in terms of fairness compared to adjacent developments and the wider context of ongoing incremental housing in this area of Oban and the long term aim for an improved public road network.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised are either covered in the Report of Handling (Appendix 1); responded to in the following section of this statement; or can be supported by further written input from the Roads Authority. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no overly complex or challenging issues and has not been the subject of significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANTS' SUBMISSION

The appellants submit a range of reasons for requesting the review. These are responded to in turn.

Planning policy/previous consents:

The site lies within Housing Allocation H-AL5/4 (23 units), which abuts allocation H-AL5/3 (40 units), which in turn abuts allocation H-AL5/2 (100 units), within which there is a Traffic Management Action point highlighted in the Argyll and Bute Local Plan (ma booklet page 73). The additional road link from Glengallon to Glenshellach Road supports the development of these three housing allocation sites, and the densities proposed represent a deliberate town structuring for this expansion area of Oban. Allocation H-AL5/4 lies at the edge of the current expansion area provided for by the Argyll and Bute Local Plan 2009.

Phase 1 development at Hayfield provides for 12 detached houses granted outline consent in 2003, then reserved matters approval in 2005. This phase is complete (with one house near completion and all others occupied). Planning application 11/02514/PP proposes the addition of 11 units between the existing phase 1 housing and the neighbouring undeveloped allocation site H-AL5/3. The review site currently relates more visually to the existing lower density housing at Hayfield phase 1, but in the longer term will also have a visual relationship to a housing development on site H-AL5/3, which may propose a higher density development (as indicated in plans attached to approval 09/01166/PP) but has yet to be the subject of a planning application.

The Housing Allocation Schedules attached to the Local Plan at Appendix E do not refer to whether road upgrade works will be required. Rather, the relevant policies of primacy in housing allocations are LP HOU 1 – General Housing Development, LP HOU 2 – Provision of Housing to meet Local Needs including Affordable Housing Provision, LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes, and LP TRAN 5 – Off-site Highway Improvements.

A previous outline consent (07/00522/OUT) was granted without a requirement to upgrade the wider public road network. That consent pre-dated the current Local Plan and lapsed in September 2010.

By contrast, the Roads Authority advice on this project for 11 houses was that an upgrade to the existing single track public road was necessary to facilitate the development. The upgrade requires to be to adoptive standards to comply with the above policies. The extent of upgrade required is limited to the stretch between a point already to be upgraded under an adjacent consent (09/01166/PP) and the review site entrance.

The densities of development on adjacent sites are noted. In the event that a higher density proposal was made on the review site, it would need to be fully evaluated.

Consultation:

There was pre-application discussion with planning officers on the development of this site, including a range of indicative layouts for discussion leading to the proposal for 11 units as granted planning permission in principle. At no time did these pre-application discussions involve the Roads Authority and so Roads input was late in the process, as a formal consultation response to the planning application. Whilst regrettable, this does not make the condition unreasonable.

Land ownership:

It is noted and understood that the majority of the land required to enable the road upgrade is beyond the ownership of the applicant. This does not make the condition unreasonable.

It is a common, well established and lawful practice for planning authorities to impose suspensive planning conditions where they consider that a development must not proceed until an off-site factor, such as a road upgrade, occurs or is implemented. The case law surrounding the use of "Grampian" conditions is well known and the wording of the condition is robust. In the event that the adjacent road upgrade does not occur, then the planning permission can not be implemented.

The matter for determination here should be limited to simply whether the road upgrade is necessary before the development is allowed to progress. The validity of the use of a suspensive condition, including the different land ownership involved, should not be open to challenge.

No evidence has been supplied to confirm that any "extreme difficulties" have been experienced by the applicant in negotiating the rights to upgrade the road on the adjacent landowners property. No evidence has been submitted confirming that any approach has in fact been made as yet. The adjacent landowner is understood to be an established house builder, who submitted a representation against planning application 11/02514/PPP to the effect that a road upgrade should be required as part of any approval that is granted. There is no evidence to suggest that the adjacent landowner is unwilling to allow rights to upgrade the road should such rights be sought. Indeed, as the adjacent owner has wider land interests it is conceivable that they may stand to benefit from any road upgrade that does occur, and it is therefore possible that the cost might not be as significant as the appellant fears.

Cost:

Whilst cost and viability will inevitably affect whether a development actually progresses or not, it is not the main determining factor on this request for review, nor is it a deciding factor on planning applications.

Albeit not relevant to the current review, there are alternative solutions to the issue of cost in the event that the review is dismissed and the condition remains. The developer could devise alternative proposals on the site that would reduce or spread the actual cost of the road upgrade. Such alternatives could be to provide a site entrance to the north edge of the site, reducing the length of road upgrade by 90 – 100m. Higher density development might be acceptable on this site, as it has been on the adjacent housing allocations H-AL5/2 and H-AL5/3. The internal site layout could also be subject to amendment during detailed design to reduce costs of internal infrastructure which could be used to secure the upgrade to the main road instead.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

This is a development site near the edge of an ongoing expansion area of Oban, where traffic management action is required to ensure that suitable standard infrastructure is provided along with the incremental developments that are occurring.

The essence of this request for review is whether the requirement for an upgrade of the existing single track public road to double track width is necessary before this housing development occurs or not. If it is, then the planning condition should stand. If it is not, then the planning condition should be deleted.

APPENDIX 1

Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/02514/PPP

Planning Hierarchy: Local Development

Applicant: Rhugarbh Ltd

Proposal: Site for the erection of new housing development comprising of 4 affordable flats and 7 dwellinghouses

Site Address: Land North East of 1 Hayfield, Glenshellach Road, Oban, Argyll and Bute

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Planning Permission in Principle (PPP) for 4 affordable flats and 7 dwelling houses
- New road formation
- Connection to public services
- Installation of SuDS

(ii) Other specified operations

- Planting proposals
 - Diversion of existing electricity cables to run underground
-

(B) RECOMMENDATION:

It is recommended that the application is approved subject to the conditions and reasons below.

(C) HISTORY:

01/01825/OUT – Formation of 12 house plots and access road – Approved (19/08/03)
05/00304/REM - Formation of access road, services, formation of 12 No. house plots inclusive of landscaping and play area – Approved (10/05/05)
07/00522/OUT – Extension to access road, services and formation of 4 house plots – approved (05/09/07)

Note: History relates to adjacent housing site also within allocation area as detailed below.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 5/1/12

No objection subject to the following requirements being attached as conditions to any issued consent:

- Access at junction of public road to be a continuation of existing road construction and type of Hayfield. Existing Glenshellach Road to be widened to 6m with 2m wide footway and 2m wide verge between existing access at Hayfield and MacLeod's new site within Glenshellach.
- No walls, hedges, fences etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 35m x 2.4m to be cleared and maintained.
- Road width to be 5.5m.
- Footways of 2m on both sides to be provided.
- Minimum alignment as per Development Guidelines.
- Turning facilities required at both ends of development road.
- Minimum radii to be as per Guidelines for development.
- Provision for PU services to be as per Development Guidelines.
- A system of surface water drainage is required to prevent water from passing onto public road.
- Parking for vehicles commensurate with size of dwelling to be provided.

Scottish Water

Letter dated 16/1/12

No objection.

Scottish Natural Heritage

Email dated 6/1/12

No comment.

West of Scotland Archaeology Services (WoSAS)

Letter dated 16/1/12

This area has already been cleared of archaeological remains by Scotia Archaeology in 2004, 2007 and 2008.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 2/2/12.

(F) REPRESENTATIONS:

GL Hearn, 16 Gordon Street, Glasgow, G1 3PT (on behalf of M&K MacLeod's Ltd)

Issues Raised:

Road improvements should be as those stipulated to M&K MacLeod's during recent developments, i.e. 6m wide road with 2m wide footpath, as being propose by the Area Roads Engineer.

Comment: Conditions are attached that require road improvements as per the Area Road Manager's response, as they are suitable commensurate upgrades that are consistent with practice on adjacent development sites and find backing under LP TRAN 4.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|------------|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement:

Design Statement | Yes |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

- | | | |
|-----|--|-----------|
| (i) | Is a Section 75 agreement required: | No |
|-----|--|-----------|
-

- | | | |
|-----|---|-----------|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|-----|---|-----------|
-

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 17 – Impact on Sites of Archaeological Importance

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision

LP HOU 4 – Housing Green-Space

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 5 – Off-site Highway Improvements

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Appendix E – Allocations, Potential Development Area Schedules and Area for Action Schedules

- (ii) List of all other material planning considerations taken into account in**

the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)
The Town & Country Planning Act (Scotland) 1997
The Planning etc. (Scotland) Act, 2006
SPP, Scottish Planning Policy, 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
------------	---	-----------

(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
------------	--	-----------

(M)	Has a sustainability check list been submitted:	No
------------	--	-----------

(N)	Does the Council have an interest in the site:	No
------------	---	-----------

(O)	Requirement for a hearing:	No
------------	-----------------------------------	-----------

(P) Assessment and summary of determining issues and material considerations

The proposal is located within the settlement zone for Oban at Hayfield to the south west of the town adjacent to the on-going Glenshellach housing development as per the adopted local plan. The development is subject to structure plan policy STRAT DC1 which supports general development within the identified settlement zone on suitable sites. This is further reinforced by adopted local plan policy LP HOU1.

The site forms part of housing allocation H-AL 5/4 which outlines a requirement of 23 units with 25% affordable housing. This policy came into force after the phase 1 units received consent; therefore the applicant is only required to provide the affordable housing on phase 2, not the total unit numbers at Hayfield. The proposal is for 7 dwelling houses and 4 affordable flats. The flats are intended to serve as the affordable housing contribution, which is satisfactory. The applicant has detailed that the flats will be retained and rented out at 20% below mid-market rental values as set by the district valuer for a period of 7 years minimum in accordance with the Council's technical note on Affordable Housing.

The site is generally gently sloping grassland with a large raised knoll near the centre and a low lying wetter area at the northern extremity. A single track road bounds the site to the north providing access to and from Oban town centre, and phase 1 housing lies to the south-west. Rising hillside lies across the single track road to the north-west and an approved housing development site lies to the north-east. Open, falling fields separate the site from the Glenshellach Business Park at a lower level to the south.

The site is adjacent to an existing housing development which received the benefit of planning consent for housing previously, which made provision for future expansion into phase 2. There are 12 dwellings on the adjacent site with one plot (3 Hayfield) having recently been granted detailed consent. The houses are a mixture of modern styles ranging from bungalows to 2-storey units with a mix of detached and attached garages. There is no set style within the site but a general cohesion in external materials and the use of pitched roofs provides some recognisable overall character.

The application is for PPP therefore no design details have been provided but it is envisaged that the site could be developed as per the adjacent site i.e. each plot sold separately and developed by individuals. There has been no detail provided as to the timing of the delivery of the affordable units nor the building scale or design. Prior to development of any plot the applicant will be required to submit details of how and when these affordable units will be delivered (within some prescribed parameters), which may back up the current intention for private reduced rental for 7 years, or may in fact opt for a Section 75 Agreement as an alternative mechanism for control over this aspect. It is envisaged that a cottage flat style would readily fit the site, with a maximum building height of two storeys.

Due to the existing range of styles of the houses already at Hayfield, and the future relationship of the site to the housing development approved to the north-east, the proposed plots will need to integrate with both developments. Dormer windows are encouraged and buildings should be no more than 2-storey in height. The applicant is maintaining the existing mounded area as an informal open space. According to policy LP HOU4 there is no need for the applicant to provide communal playspace which only applies to new developments of 20 units or more. In this instance the current developed part of the site has been built prior to the implementation of this policy.

The site has been known to previously be of archaeological importance but WoSAS has confirmed that the site has been subject to excavations and survey work by Scotia Archaeology previously. With this in mind it is not necessary to attach a watching brief condition to any issued consent.

The council's Area Roads Engineer has not raised any objection subject to road widening improvements along the single track road down toward the Glenshellach housing development. This involves a 6m widening of the road with a 2m footpath installed. Additionally, the applicant should maintain the quality of the road within the adjacent housing site throughout the proposed site. The applicant should also provide visibility splays of 53m x 2.4m to be cleared and maintained in perpetuity. The improvement works are not entirely within the public road corridor or the applicants' ownership and therefore these aspects require to be controlled through a suspensive condition, preventing housing development from proceeding before the road upgrade outside the site occurs. The extent of upgrade is around 300m, running from the existing Hayfield site entrance, heading north-east as far as the proposed upgraded road already forming part of planning permission 09/01166/PP, which will itself provide for all road users to have a direct link on a higher standard twin lane road to Oban, via Glengallan. The applicant should contact to council's Roads Department for further details for the roads openings permit, road bond and construction consent. This approach is consistent with other developments in the area under LP TRAN4.

The applicant intends to connect to existing public water supply and foul drainage infrastructure. Scottish Water has not raised any concerns relating to the proposal. A SuDS system will need to be provided to relieve the boggy area in the north of the site, which is required as part of the conditions recommended below.

The submitted drawings and Design Statement provide some planting details but this will be firmed up at the detailed design stage for each unit as per a planning condition below.

It is recommended that the application is approved subject to the conditions and reasons set out below.

(Q)	Is the proposal consistent with the Development Plan:	Yes
------------	--	------------

(R)	Reasons why planning permission or a Planning Permission in Principle should be granted
------------	--

1. The proposal is within a housing allocation H-AL5/4 within the Oban settlement zone and it accords with this allocation.
2. The density of housing is generally consistent with the form and layout of the existing units at Hayfield and the proposal will provide a mix of housing requirements including 4 affordable flats.
3. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: David Love

Date: 3/2/12

Reviewing Officer: Stephen Fair

SF

Date: 01/05/12

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 11/02514/PPP

1. That the permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on the basis of an application (or applications) for planning permission in principle that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application must be made before whichever is the later of the following:-

- a) the expiration of a period of 3 years from the date of this permission.
- b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
- c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

And in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997

2. No development shall commence on site until the following information has been submitted by way of an application(s) for approval of matters subject to condition and approval has been given in writing by the Planning Authority.

- a) A detailed site layout plan at a scale of 1:500 showing the proposed dwellinghouses/flats and their respective residential curtilages and any communal garden ground along with details of the provisions for ongoing maintenance and aftercare of such areas.
- b) Full details of the water supply, access, landscaping, surface and foul drainage arrangements.
- c) Plans and elevations of the proposed dwellinghouses/flats which shall incorporate the following elements:
 - i) The dwellings/flats shall be no more than two storey in height.
 - ii) The window openings shall have a strong vertical emphasis.
 - iii) The walls shall be predominantly finished in a white wet dash render / smooth coursed cement render / natural stone or a mix of these materials.
 - iv) The roof shall be symmetrically pitched between 37 and 42 degrees and be finished in natural slate or a good quality substitute slate.
 - v) The buildings shall be of a general rectangular footprint with gable ends;
 - vi) Any porches or dormers shall have traditional "pitched" roofs.
 - vii) Details of the proposed finished floor level of the dwellings relative to an identifiable fixed datum located outwith the application site.
 - viii) Boundary treatment details consistent with adjacent developments.

Reason: In the interest of visual amenity, in order to integrate the proposed dwellinghouse with its surrounds and, no such details having been submitted.

3. No development shall commence or is hereby authorised until the existing single track Glenshellach Road is upgraded to the Councils 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.

Reason: In the interests of road safety, to accord with policy LP TRAN 4, 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.

4. No development shall commence until details of the internal means of vehicular access and parking turning provision to serve the development have been submitted to and approved by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, such details shall show:

- Access at junction of the existing Hayfield Road to be a continuation of the existing road construction and type at Hayfield, and for the extended road and footpath connection between the development site and Glenshellach Road to be a “road” over which the public has a right of access under the provisions of the Roads (Scotland) Act 1984.
- No walls, hedges, fences etc will be permitted within 2m from the channel line of the public road.
- Visibility splays measuring 53m x 2.4m to be cleared and maintained.
- Road width within the site edged red to match the existing road.
- Footways of 2m on both sides to be provided.
- A system of surface water drainage is required to prevent water from passing onto public road.

Thereafter the required access, footpath, parking and turning arrangements shall be fully implemented in accordance with the duly approved details prior to the occupation of the fifth residential unit hereby approved.

Reason: In the interests of road safety and to ensure commensurate provision of a suitable standard road to serve the development.

5. No development shall commence on the site until full details of the means of affordable housing provision (as defined below) have been submitted to and approved in writing by the Planning Authority. The scheme shall be in accordance with the Councils adopted policies on affordable housing and shall:

- Provide that a minimum of 25% of the units are affordable homes;
- Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable)
- The timing of provision of the affordable housing units, which must be completed prior to the initial occupation of the seventh market unit within the site.

The development shall be implemented and occupied thereafter in perpetuity in accordance with the duly approved scheme for affordable housing provision at the site, or for such other period of time as is approved by the Planning Authority as acceptable as details pursuant to this condition, and in accordance with current planning policy for affordable housing provision within the Council area.

Reason: To ensure that this development will make timeous affordable housing provision not otherwise supplied by the market in accordance with the provisions of Policy LP HOU 2 and to augment the submissions made to date to demonstrate conclusively that affordable housing provision will be made in accordance with the Council’s adopted development plan policies.

6. As details pursuant to condition 2 above, full details of any proposed landscape and boundary treatment, including details of location, height and materials of any

walls/fences/gates, and all proposed tree planting shall be submitted to the Planning Authority. Such details as may be approved shall be fully implemented within each respective plot to the satisfaction of the Planning Authority no later than the first planting and seeding season following the initial occupation of the residential unit on the respective plot and thereafter shall be maintained to the satisfaction of the Planning Authority for a period of five years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason: In the interest of visual amenity, in order to integrate the proposed development with its surroundings.

7. As details pursuant to condition 2 above, full details of the proposed means of surface water drainage 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. 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.

8. As details pursuant to condition 2 above, a minimum of six site cross sections showing existing ground levels, proposed ground levels, and proposed finished ground floor levels of the residential units hereby approved, all relative to a fixed datum point outwith the site and including the levels of existing housing development at phase 1 of Hayfield, shall be submitted to the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: To ensure that the development integrates with its landscape setting and is not overly dominant or detrimental to the setting if existing or proposed housing development on adjacent land.

9. The development shall be implemented in accordance with the details specified on the application form dated 15/12/11 and the approved drawing reference numbers:

Plan 1 of 3 (Location Plan at scale of 1:5000)
Plan 2 of 3 (Site Plan at scale of 1:1250)
Plan 3 of 3 (Proposed Drainage Layout at scale of 1:500)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.
- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.
- **The length of this planning permission in principle:** The application(s) required under conditions above must be submitted within three years from the date of this decision notice, otherwise this permission shall lapse in accordance with section 59(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **11/02514/PPP**

-
- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C)** The reason why planning permission has been approved.

1. The proposal is within a housing allocation H-AL5/4 within the Oban settlement zone and it accords with this allocation.
2. The density of housing is generally consistent with the form and layout of the existing units at Hayfield and the proposal will provide a mix of housing requirements including 4 affordable flats.
3. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.