

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

9 August 2010

**RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY
16 AUGUST 2010 AT 11.15AM IN SANDBANK VILLAGE HALL, SANDBANK**

I refer to the above and enclose herewith further written submissions requested at the meeting of Argyll and Bute Local Review Body held on 17 June 2010.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND TO SOUTHWEST OF COTTAGE 3, BALLOCHYLE FARM PA23 8RD**
 - (a) **Further Written Submissions received from the Planning Section (Pages 1 - 6)**
 - (b) **Information received from Interested Parties in response to further Written Submissions (Pages 7 - 10)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly
Councillor Neil MacKay

Councillor David Kinniburgh

Contact: Hazel Kelly, Senior Committee Assistant Tel: 01546 604269

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Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607; Fax: (01369) 708609

Date: 9th July 2010

Our Ref: 09/01308/PP
Your Ref. 10/0005/LRB
Case Officer: Brian Close;
Direct Line: (01369) 708604

Local Review Body
c/o Committee Services
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll PA31 8RT

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008;
REFUSAL OF PLANNING PERMISSION REF. 09/01308/PP FOR THE ERECTION OF A DWELLINGHOUSE, FORMATION OF CAR PARKING, INSTALLATION OF SEPTIC TANK AND CREATION OF PRIVATE WATER SUPPLY AT LAND SOUTH WEST OF COTTAGE 3 BALLOCHYLE FARM, SANDBANK, DUNOON, ARGYLL PA23 8RD.**

With reference to the Notice and request for further information issued 28th June 2010 I enclose written submissions in respect of section (8) points 1-6.

I can also confirm that copies have also been sent to all relevant parties as specified in The Schedule.

I trust that this information is in order but please do not hesitate to contact the department at the number above should you require any further information.

Yours faithfully



Planning Officer,
Development Management
Bute and Cowal

Enc.

**REQUEST FOR FURTHER INFORMATION BY WRITTEN SUBMISSIONS FOLLOWING
APPEAL TO LOCAL REVIEW BODY 17TH JUNE 2010**

1. In terms of SuDS, insufficient information was provided at the time of the original Report of Handling hence a further reason for refusal. Only indicative information was lodged at this stage and contrary to the appellant's agent's comments that this is a matter for Building Control, full details also require to be submitted in support of the detailed planning application.

The additional information submitted in respect of a Sustainable Urban Drainage System could, in consultation with Building Standards, potentially be addressed via a suspensive planning condition.

Building Standards were consulted and their informal comments are attached.

2. The original Report of Handling dated 21st January 2010 numbered the reasons for refusal as 1-4. The numbers (1, 5, 6 and 7) in the Agenda Pack appear to have been a typographical error and the four reasons for refusal remain as originally recommended in the Report of Handling.

3. Building Standards and Public Protection have been contacted on the suitability of the proposed bore hole for drinking water and comments are attached.

The additional information submitted in respect of a private water supply could, in consultation with Building Standards and Public Protection, potentially be addressed via a suspensive planning condition.

4. The Appeal Statement indicates in the site history that a previous application (ref. 06/01964/DET) was refused where one of the reasons for refusal was the poor condition of the estate road connecting with the Glen Massan Road. The Appeal Statement does however indicate that this private road has recently been improved so is not an obstacle to development as was previously. For the avoidance of doubt, the private track from Ballochyle House to Glen Lean is considered unsuitable for additional vehicular traffic. [Refer also to Council's Statement of Case in the Agenda Pack p47-49 'description of site' and para 1.]

Attached is the original Roads response who have confirmed that they have no further comments to add.

5. The previous application ref. 06/01964/DET for the 'house on stilts' within the floodplain was refused on 6th December 2006. A letter from the department to the appellant's agent dated 17th January 2008 indicated that a revised scheme with alternative design that was still sited within the active floodplain could result in a similar recommendation. The agent was advised at that time to discuss the matter fully with SEPA where a Flood Risk

Assessment would be required in support of any future application. A pre-application meeting was held in Milton House at the request of the applicant on 29th May 2009, but while no minutes were taken, the discussion concentrated on matters regarding the provision of a private water supply and previous grounds for refusal. It is highly unlikely from the previous grounds of refusal that any form of acceptance would have been given by the Case Officer at this meeting to a revised scheme other than to advise the applicants of the risk in lodging such an application and the right of appeal should the revised scheme receive a similar recommendation. A revised application ref. 09/01308/PP was lodged 3rd September 2009. [Refer also to Council's Statement of Case in the Agenda Pack p48-49 para 1.]

6. The original Report of Handling indicated that, despite suggested floor levels, the department has adopted a precautionary approach regarding potential flooding and the need to develop within the functional floodplain of the Little Eachaig River when there are more suitable development sites (that would not require land raising) contained within the wider Rural Opportunity Area.

In terms of any similar land raising schemes, a recent unimplemented permission (ref. 09/00566/DET) for the erection of two dwellinghouses on land to the north of 1 Dalinlongart Cottage, Sandbank was granted on the basis that no land raising was required and a suitable freeboard established for finished floor levels. Whilst a small part of the rear garden area lay within the indicative floodplain of the Little Eachaig River, this was regarded as insignificant in terms of the submitted Flood Risk Assessment and physical attributes of the river at this location. It is interesting to note that an earlier scheme for three dwellings (ref. 07/01836/DET) was refused where one of the two reasons for refusal was the requirement to land-raise by creating a platform for development. This was considered to result in an unnatural landform with the proposed development built on an artificial mound that would be incapable of integrating with its rural surroundings.

APPENDIX

(i) **Additional comments received from Garreth Garrett, Building Standards, Team Leader, Cowal and Bute – email dated 7th July 2010**

Flood risk: *the building regulations ask that Building Standards seek advice from the local planning authority and SEPA. From the documents provided it would seem that both SEPA and the Councils own flood alleviation officer have no objections to building on this site, and therefore neither would we. We would as a matter of course ask for field drains etc to be installed, depending upon lie of the land etc.*

SUDS system: *this is commonly used to disperse the rainwater from the building into the land, and in general we would have no objection to its installation. Without percolation tests having been undertaken, I could not comment as to how large a SUDS system would be required.*

Biodisk system using a ground soakaway: *again a commonly used system. Without percolation tests having been carried out it is difficult to comment, however we have allowed houses to be formed within poor draining land with the biodisk unit connected to `pods` containing peat, which are replaced every few years. Sorry that I cannot remember the name of this system right now.*

Provision of drinking water: *this is not covered within the building regulations.*

(ii) **Additional comments received from Jim Rennie, Public Protection, Environmental Health Officer, Cowal and Bute – internal memo dated 5th July 2010**

No further comment to add to the initial response to the application. In trying to answer Cllr. Kelly's enquiry regarding the suitability of the proposed bore hole, I would refer him to the Water Quality Assessment prepared by TransTech Limited (dated 9/7/2009) which advises:

1. *Water from a borehole is a practical proposal.*
2. *Water from the borehole will be recharged from the River Little Eachaig by percolation.*
3. *Chemical parameter failures (under the limits imposed by the Private Water Supplies (Scotland) Regulations 2006) is limited to Iron and colour, which can be treated by the methods detailed in the report. (Note that this sample was taken from the River Little Eachaig directly and not from any test bore).*
4. *Microbiological testing will be required but treatment is best achieved using a UV system.*

I note also that TransTech advises approaching a specialist contractor to offer further advice on this matter.

(iii) **Original Roads response to the application dated 12th October 2009 attached who confirm that they have no further comments to add.**

Please note that the informal comments from Building Standards, Public Protection and Roads above do not represent a formal response which may be made separately. They are included to address area of overlap raised in points 1,3 and 4 above.

**OPERATIONAL SERVICES
BUTE & COWAL AREA
OBSERVATIONS ON PLANNING APPLICATION**

Planning No: 09/01308/PP
Contact: FARRELL PR
Tel: 01369708600

Grid Reference: NS 1482

Dated: 08/08/09

Received: 21/09/09

Applicant: Mrs F Boyd
Proposed Development: Erection of dwelling
Location Ballochyle Farm
Type of Consent: Detailed
Ref No(s) of Drg(s) submitted: Location & Site plans and details (11 + report)

RECOMMENDATION	No objections subject to conditions
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Proposals Acceptable Y or N

1. General	
(a) General impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis	N
(d) Flooding Assessment	N

2. Existing Roads	
(a) Type of Connection (Road Junct/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sightlines 120 x2.5 m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable Y or N

3. New Roads N/A	
(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/ Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/Radii/Sightlines)	
(f) Provision for PU	

Proposals Acceptable Y or N

4. Servicing & Car Parking	
(a) Drainage	Y
(b) Car Parking Provision	Y
(c) Layout of Parking Bays/ Garages	Y
(d) Servicing Arrangements/ Driveways	Y

5. Signing N/A	
(a) Location	
(b) Illumination	

Item Ref	COMMENTS
1, 2 4	This development is accessed from A815 Sandbank via a private road. The available sightlines at the existing access on to the A815 meet the requirements. There should be parking available for 2 vehicles and a turning area within the development. At present access is not available from the A815 due to the condition of an existing bridge. Access to the site will be from U15 Glenmasson Road which has 7.5t weight 7'6" wide and 30' length restrictions in place or B836 from an existing access west of the Rumbling Bridge. The sightlines at this access to be a minimum of 120 x2.5m in both directions. Any hedge, wall or fence within the visibility splays must be maintained at a height not exceeding 1m above the carriageway.

Item Ref	CONDITIONS
2, 4	The available sightlines at the existing access on to the A815 meet the requirements. There should be parking available for 2 vehicles and a turning area within the development. The sightlines at the access to B836 to be a minimum of 120 x2.5m in both directions. Any hedge, wall or fence within the visibility splays must be maintained at a height not exceeding 1m above the carriageway.

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

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Local Review Group
Argyll & Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

1 Ballochyle Estate
Sandbank
Dunoon
Argyll
PA23 8RD

Tel/Fax: 01369 701 173
Mob: 07831 386 601
Date: 26th July 2010

Dear Sirs

**Refusal of Planning Permission Ref. 09/01308/PP
Erection of a Dwellinghouse, Formation of Car Parking, Installation of Septic Tank and
Creation of Private Water Supply at Land South West of Cottage 3 Ballochyle Farm.**

I refer to my letter of 27th October 2009 to Planning Services at Milton House in Dunoon concerning the planning application regarding the above proposal. I raised three concerns at the time covering 1. Private water supply from a bore hole, 2. Vehicle access to the site and 3. Future access over the track that would separate the proposed house from its parking area.

From correspondence that I have received from Argyll & Bute Council's Planning Department in Dunoon it would seem that drinking water from a bore hole is a practical proposal and any water treatment that may be required could be dealt with using a UV system. I would however still like an assurance that bore hole testing to assess its feasibility would be carried out before any building took place as the Ballochyle Estate private water supply could not be expected to extend to yet another additional user. The granting of planning permission four or five years ago to allow the splitting of the two original houses in the Ballochyle Farm steading into four dwellings has already doubled the potential water demand from that building.

With regard to my points 2 and 3 I have still not had any assurance that these issues will be dealt with so as to protect the rights of existing estate residents.

I would also like to raise the issue of flood risk. SEPA state in their submission of 19 November 2009 that at point 1.3 their assessment is based on historic records, namely the maximum water level recorded at their former Dalinlongart Gauging Station during November 1979. I was living on the estate at that time and working out of Economic Forestry's office on the estate (now the SNH/National Park office) and although the river level may have been high during that month the office did not suffer any flood damage.

However on October 20th 1998, after twelve hours of constant heavy rain in the Dunoon area the Little Eachaig burst its banks upstream of Ballochyle Farm and all the fields on the west side of the river were flooded and the water entered the forestry office and rose to a height of 150mm above floor level.

The forestry office was sold to SNH in 2000 and a similar flooding incident happened within the first two years of the new ownership when flood water again entered the building.

During 2008/09 two gabion basket walls were erected on either side of the Little Eachaig River at the point where the Dalinlongart Gauging Station and weir used to be located. The walls were built on the river bed thus reducing the width of the river bed. I am not a water engineer but my fear is that by reducing the river bed width and by preventing the river from spreading outwards, due to the walls, as it rises in a flood situation the effect would be to raise the level of the river upsteam from the walls which would increase the likelihood of the river bursting its banks.

The house proposed by Ffiona Boyd may not be at risk of flooding due to the preventative land raising measures that have been proposed but it has been brought to my attention recently that house building is being considered for other sites close to and on the fields that have flooded in the past. The risk of flooding is a serious issue and I would like it to be given due consideration by the local review body.

Yours Sincerely



Tom Pierson

CC

Local Review Body, Argyll & Bute Council

Ffiona Boyd C/O Linearchitecture

Ross McLaughlin, Argyll & Bute Council

Senior Roads Engineer, Argyll & Bute Council

Area Roads Manager, Bute & Cowal, Argyll & Bute Council

Area Environmental Health Manager, Argyll & Bute Council

SEPA, East Kilbride

SEPA, Aberdeen

Kirsteen Manual, Ballochyle

BALLOCHYLE

BY DUNOON

ARGYLL

PA23 8RD

Local Review Body

Review reference number: **10/0005/LRB**

Planning Application Reference: **09/01308/PP**

To whom it may concern,

I would like to make 2 comments in response to the request for further information, Potable Water and Flooding.

Water Supply:

Is the Little Echaig River drinkable?

Drinking or **potable water** is water of sufficiently high quality that can be consumed or used without risk of immediate or long term harm. Free from disease-producing organisms, poisonous substances, chemical, biological & radioactive contaminations which would make it unfit for human consumption & many other uses.

As previously mentioned, the Glen Kin burn joins the little Echaig at the rumbling bridge. Seepage, from the original local tip at Straunshaul, runs into the Glen Kin burn & in turn the Little Echaig. I would be most interested to see the full documentation of water testing, based on the points noted. One would assume that clarification of whether or not the little Echaig is a suitable water source to be paramount in planning being accepted as the bore hole is now the only form of water supply.

If the water does not pass, does the subsoil through which the water passes on its way to the borehole filter out everything detrimental, bacteria and virus, thus making it safe to drink by humans? On Page 3, point ii analysis is limited to iron content and colour. As stated, a microbiological test is required at an early stage.

Flooding & Drainage:

It is suggested the surrounding land should have a field drainage system. Presumably they empty into the Little Echaig River? When that river is in flood what stops the river flowing up the pipes and thus depositing silt and soil, blocking them up?

Have SEPA changed their mind? Initially they acknowledged flood risk, now they say there is none. Have they taken into account the eye witness account of those in the Scottish Woodlands offices nearby who graphically describe the river flooding with photographs, for it invaded their offices, this has happened twice in the past decade, let alone the 1-200 year time span detailed by Trans Tech Limited.

Yours sincerely,

Kirsteen Manuel

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