



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
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27 July 2020

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held by Skype on **MONDAY, 3 AUGUST 2020 at 10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: SITE FOR THE ERECTION OF A DWELLINGHOUSE, PLOT 2, LAND EAST OF ARDTEATLE COTTAGE DALMALLY (REF: 20/0006/LRB)**
 - (a) Further Information from Planning Department (Pages 3 - 8)
 - (b) Further Information from Roads Department (Pages 9 - 10)
 - (c) Comments from Applicant (Pages 11 - 12)
 - (d) Comments from Interested Parties (Pages 13 - 14)

Argyll and Bute Local Review Body

Councillor Lorna Douglas
Councillor Jean Moffat

Councillor David Kinniburgh (Chair)

Contact: Adele Price-Williams - Senior Committee Assistant - 01546 604480

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**FURTHER INFORMATION FOR
ARGYLL AND BUTE COUNCIL LOCAL REVIEW BODY**

20/0006/LRB

SITE FOR THE ERECTION OF A DWELLINGHOUSE 19/01924/PP

**PLOT 2, LAND EAST OF ARDTEATLE COTTAGE,
DALMALLY**

09.06.2020

Further information as requested by the LRB in support of the aforementioned Reviews, namely:

- 1. Photographs and drawings of the site, if they are currently available.***
- 2. Confirmation that in terms of this application the Planning Service only require a written scheme of improvement works and should planning permission be granted in full, that the works detailed in the written scheme of improvements would become a condition of that planning permission.***
- 3. Confirmation that the improvement works required in relation to this application which were not required in relation to the previous application for the two properties, is due to supplementary guidance SG LDP 5 now being adopted.***
- 4. Confirmation around the reasoning why the Roads Department were not consulted on the application for an extension to the adjacent property which was received after the application currently being considered had been approved.***

The points raised are addressed as follows:

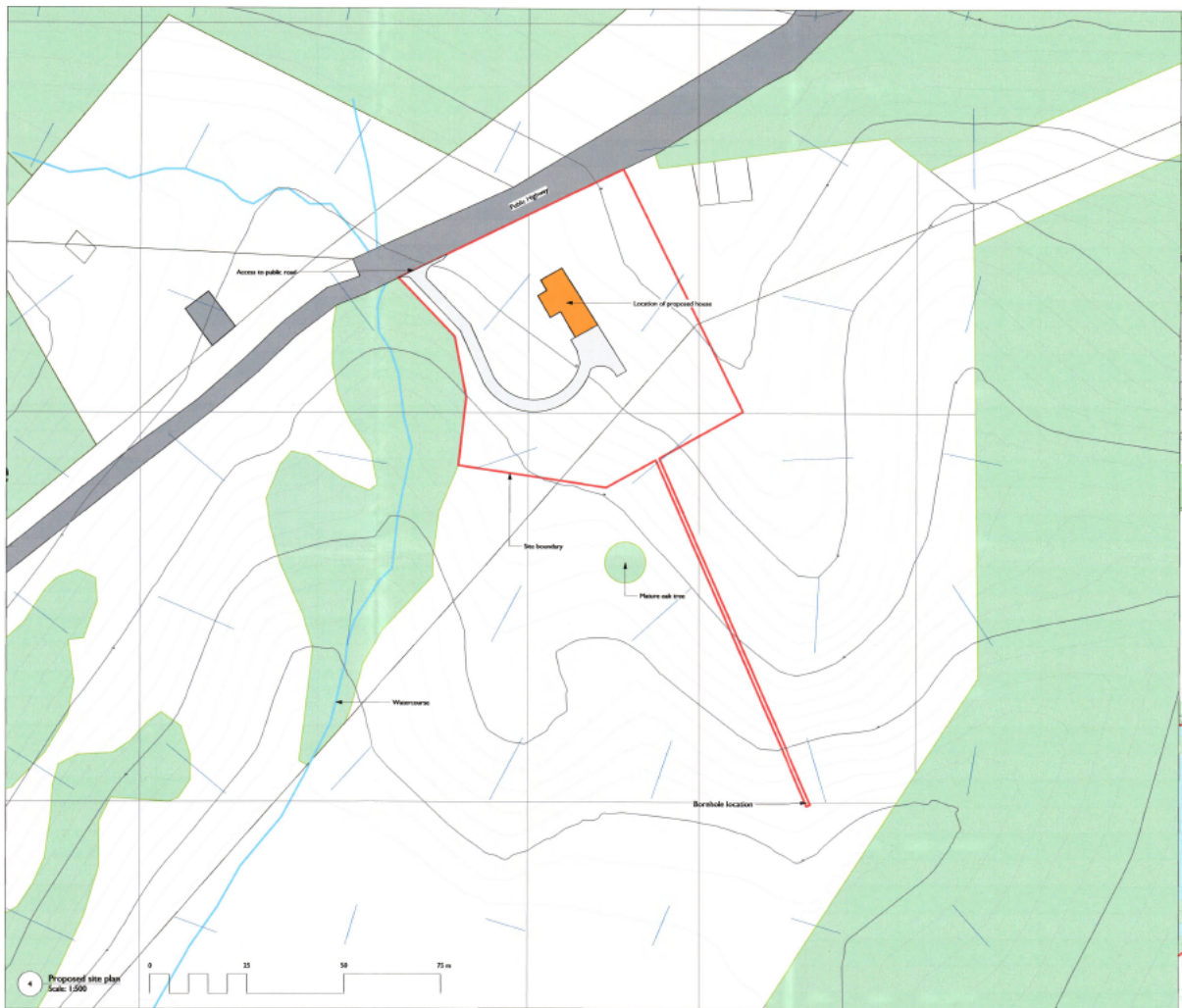
1. At the present time Development Management are not authorised to undertake site visits due to the current Covid-19 pandemic. The site was last visited by the Planning Officer responsible for the processing of the planning application on the 4th of November 2019. From the photos taken on site which were primarily of the site please see the only single photograph taken which shows a small section of the public road on attached Appendix A. The application plans can be observed on attached Appendix B.
2. As the planning permission is Planning permission in principle a written scheme of improvement works to the existing public road including surfacing with bitumen macadam to a depth of 100mm for a minimum length of 350m and the provision of two passing places are required by condition 4 of 19/01924/PPP. This condition further stipulates that the final wearing surface on the access shall be completed prior to the development first being brought into use.
3. In the consideration of planning permission in principle refs 15/02783/PPP and 15/02784/PPP (each for the erection of a single dwellinghouse at plots 1 and 2 respectfully) The Area Roads Engineer did request the appliance of a condition to secure upgrades to the public road for plot no 2 (15/02784/PP). At this time SG LDP 5 had been approved by the Council but had yet to be approved by the Scottish Government and therefore constituted a material consideration of significant weight, but less than that of adopted policy

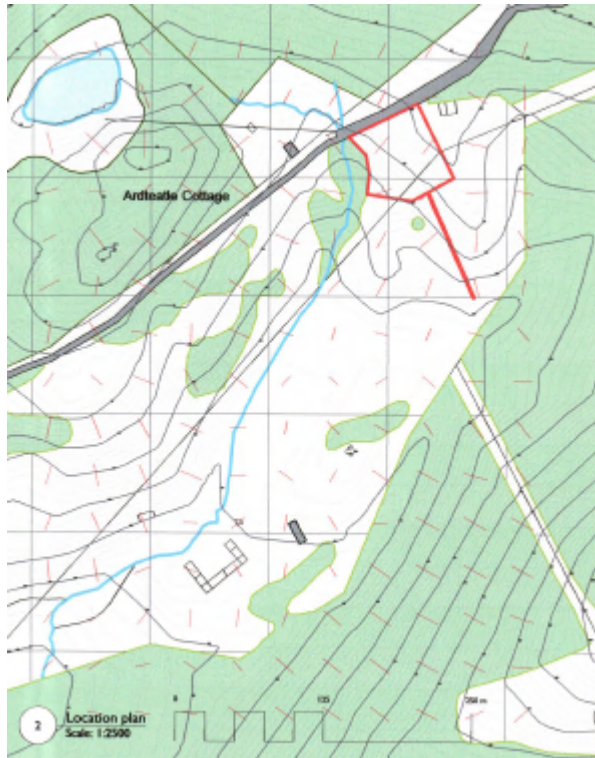
4. Planning permission ref 19/02623/PP was granted on the 6th of February 2020 for the erection of an extension at nearby Ardteatle Cottage. No changes were proposed to the current access regime and the proposed development did not represent an intensification in use of the site which would raise road safety issues. There was therefore no requirement for consultation with the Area Roads Engineer for this application.

APPENDIX A



APPENDIX B





Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services
Director: Pippa Milne

To Whom It May Concern

Development & Infrastructure Services
Jackson Quarry, Mill park Road, Oban, PA34 4NH

Tel: (01631) 567983
e mail : James.jackson@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Ask For: James Jackson
Our Ref: 20/0006/LRB
Your Ref:
Date: 3rd June 2020

Dear Sir/Madam

REQUEST FOR FURTHER INFORMATION - 20/0006/LRB (19/01924/PPP)
PLOT 2 LAND EAST OF ARDTEATLE COTTAGE, DALMALLY

- i) in relation to the Road Scotland Act (1984) confirmation on who currently has responsibility to undertake maintenance on the UC63 Old Monument Road and why the council are permitted to make the upgrade and maintenance of it a planning condition;

The Roads (Scotland) Act 1984 (RAS84), Section 1 states that “.....a local roads authority shall manage and maintain all such roads in their area as are for the time being entered in a list (in this Act referred to as their “list of public roads”) prepared and kept by them under this section...”.

Argyll and Bute Council acts as the roads authority for all local (non Trunk or Motorway) roads within its defined area. As the roads authority, the Council is responsible for the maintenance and management of the UC63 Old Monument Road. Any intensification of use on this road will, in the view of Officers, have a detrimental effect on the long term availability of this route to the travelling public. While there are sections with the RAS84 that permit the roads authority to pursue offenders for costs arising from damage to roads, the Roads (Scotland) Act 1984 is not planning legislation. A planning condition can only be made under the Town and Country Planning Acts and its supplementary regulations.

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations Act 2013 defines a roads authority as a statutory consultee. As a planning consultee, the road authority will make such comments as is considered reasonable in relation to a specific application. The extent of improvements requested will be based on the Officers technical assessment and will typically include consideration of the type of road, its environment, geometry and current versus expected use. Roads comments may consider design documents such as the National Roads Development Guide or the Design Manual for Roads and Bridges, for example. A roads response will also be made in consideration of the Councils policy documents. The Councils Local Development Plan Supplementary Guidance TRAN 5 permits the Council to seek contributions from developers for improvements to the public road where it is considered that the development “will significantly increase vehicular or pedestrian traffic on a substandard private or public approach roads”.



- ii) confirmation on the parameters that define an increase in vehicle or pedestrian traffic and why they are considered significant in regard to this particular planning application; and

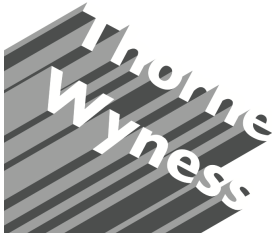
Extract from SG LDP TRANS 5;

“When the judgment of the Planning and Roads Authority that the development because of its projected traffic generation, is likely to result in unacceptable road safety conditions, and this will consequently place an unreasonable burden on The Roads Authority to improve a significantly substandard road”

It should also be noted that in cases such as this it is the opinion of experienced officers that determine the road condition and the risk of deterioration due to developments. The section of the UC63 most at risk of deterioration and damage due to the development is an historic unbound (not surfaced with bitumen macadam) carriageway. It is a single lane road with no passing places. It is of narrow width and has not been constructed to current industry standards with regards to depth of foundation construction, widths, verges or finished surface materials. The road currently serves one dwelling and terminates just a few meters beyond the access to Ardteatle Cottage. It is not a through road. Any additional developments served by this substandard section of carriageway could be deemed to cause an increase in vehicular and pedestrian traffic, especially during the construction phase when larger, heavier vehicles can be expected to use the road but also post construction with additional delivery, service, residents, visitor traffic, for example.

Yours Sincerely

James C Jackson
Traffic and Development Officer.



For the attention of the Local Review Board, % Adele Price Williams

Tuesday, 23 June 2020

RE: 20/006/LRB (19/01924/PPP) Plot 2, Land East of Ardteatle Cottage, Dalmally

Dear Sir/Madam,

Please see further comments with regards to the information requested by the review board from the planning department:

With regard to point 3 of the document 'Further Information for Argyll and Bute Local Review Body 20/0006/LRB Site for the erection of a dwellinghouse 19/01924/PP Plot 2, Land East of Ardteatle Cottage, Dalmally. 09.06.2020' The point states:

In the consideration of planning permission in principle refs 15/02783/PPP and 15/02784/PPP (each for the erection of a single dwellinghouse at plots 1 and 2 respectfully) The Area Roads Engineer did request the appliance of a condition to secure upgrades to the public road for plot no 2 (15/02784/PP). At this time SG LDP 5 had been approved by the Council but had yet to be approved by the Scottish Government and therefore constituted a material consideration of significant weight, but less than that of adopted policy

However the report of handling of the original application 15/02784/PPP states in the last paragraphs of section (j):

Supplementary Guidance

SG LDP 2 – Sustainable Siting and Design Principles

SG LDP ENV 6 – Development Impact on Trees/Woodland

SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)

SG LDP ENV 14 – Landscape

SG LDP HOU 1 – General Housing Development including Affordable Housing Provision

SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

Note: The above supplementary guidance has been approved by the Council but has yet to be approved by the Scottish Government. It therefore constitutes a material consideration of significant weight, but less than that of adopted policy.

The last paragraph of the quote above states that the supplementary guidance was considered. SG LDP TRAN 5 existed at the time, but it was not listed here and therefore it would have been considered but not found to be not material to the application.

The appendix to decision approval notice states:

It is considered that the site represents a suitable opportunity to accommodate one dwelling house without causing any detrimental impact on the immediate area and is considered to be consistent with the wider development pattern of the area. The proposal accords with the current development plan. There are no other material planning considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

So the planning decision notice reiterates that there are no other material considerations other than those listed in the report of handling, in other words SG LDP 5 was considered and found not material to this application.

We also note that the original condition from the roads department was as follows:

5.

Pursuant to Condition 1 – no development shall be commenced until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

(i) The junction with the existing public highway formed and/or improved to have visibility splays of 7.5m x 2.4m clear of any obstruction over 1.05m in height above the level of the adjoining carriageway.

(ii) The junction with the existing public highway formed in accordance with the Council's Highway Drawing No. SD 08/004 Rev.A with a refuse collection point to be provided adjacent to the public road.

(iii) The provision of on-site parking and turning within the curtilage of the dwelling to a standard compliant with the provisions of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.

Prior to any works starting on-site the required visibility splays shall be cleared of all obstructions measuring over 1 metre in height above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority. No walls, hedges, fences etc will be permitted within 2.4 metres from the nearside edge of the public road.

The proposed private vehicular access hereby approved shall be constructed to at least base course level prior to any works starting on-site and the final wearing surface of the road shall be applied prior to occupation of any of the dwellinghouses hereby approved.

The approved parking and turning layout and refuse collection point to serve the building shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

These are typical of the roads conditions usually applied to a single domestic dwelling and amount to approximately £15k of work. We note that the previous roads engineer retired in Autumn 2019, the only difference between this application and the previous one is that there is a new roads engineer.

Yours Faithfully,

Will Thorne,

or and on behalf of Dan Taylor.

Following on from the first meeting of the LRB and responses from Roads and Planning we would like to reiterate the fact that the road is only “suitable” for Ardteatle cottage and it is barely suitable for that. We would also once again wish to reiterate that when planning permission was granted in 2015 for 2 plots the applicant was the owner of Ardteatle cottage and therefore had no interest in noting the unsuitability of the road or access issues. We would also note that the access to this plot is in a completely different place to the application granted in 2015

Neither council waste services nor Royal Mail will travel to the cottage due to access issues. Our waste has to be dropped off by us in Dalnally village and our mail has to be collected from a box almost 2 miles from our property. For the purposes of our extension all deliveries have to be made 400m from Ardteatle and manhandled to our property.

Steve Shields & Sonja de Rijk

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