

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services  
Director: Nigel Stewart



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

27 January 2010

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **MEMBERS' ROOM, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 3 FEBRUARY 2010** at **12 NOON**, which you are requested to attend.

Nigel Stewart  
Director of Corporate Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH OF SWALLOWTALE COTTAGE, ACHNAGOUL, INVERARAY (09/0003/LRB)**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 30)
  - (b) Responses by Interested Parties (Pages 31 - 62)
  - (c) Applicant/Agent Response to Comments from Interested Parties (not applicable)

## LOCAL REVIEW BODY

Councillor Roderick McCuish (Chair)      Councillor Mary-Jean Devon  
Councillor Alex MacNaughton

Contact: Melissa Stewart

Tel. No. 01546 604331

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Ref:  
AB1

ARGYLL AND BUTE COUNCIL  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

23/11/09

Date Received

## 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

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

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

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

LAND NORTH OF SWALLOWTALE COTT.  
ACHTNAGOUL  
INVERARAY

(6) Description of Proposal

ERECTION OF DWELLING HOUSE  
& OFFICE

(7)

Please set out the detailed reasons for requesting the review:-

1. UPGRADED JUNCTION TO A83 NOT TAKEN INTO ACCOUNT
2. APPROVAL OF THIS APPLICATION WILL NOT INCREASE TRAFFIC TURNING RIGHT OFF THE A83 BY ANY SIGNIFICANT AMOUNT
3. STATING APPLICANT HAS NO POWER TO UPGRADE ACCESS TRACK IS PRESUMPTIVE. INSISTING ACCESS TRACK IS UPGRADED TO ADOPTIVE STANDARDS IS OUT OF COUNCIL'S POWERS
4. LEVEL OF COMMERCIAL ACTIVITY WAS CLARIFIED & NOT TAKEN INTO ACCOUNT
5. DESIGN WAS JUSTIFIED & CLARIFIED WITH MR DEREK HAY. NO MENTION GIVEN ON 4<sup>TH</sup> JUNE ABOUT CONCERNS

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

(8) Please indicate which of the following procedures you would prefer:-

- (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

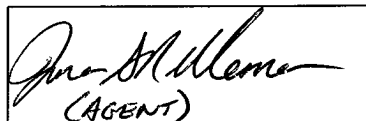
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note 3 copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	0255/300 SITE PLAN
2	0255/301 GROUND FLOOR PLAN
3	0255/302 FIRST FLOOR PLAN
4	0255/303 ELEVATIONS (1 OF 2)
5	0255/304 ELEVATIONS (1 OF 2) & SECTION
6	0255/305 PROPOSED OFFICE FLOOR PLAN /SECTION
7	0255/306 PROPOSE OFFICE ELEVATIONS /SECTIONS
8	0255/400 LOCATION PLAN
9	VARIOUS CORRESPONDANCE
10	

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

Submitted by  
(Please Sign)

  
(AGENT)

Dated

18/11/09.

**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 604331 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 604331 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)

Operational Services - Roads and Amenity Services

**OBSERVATIONS ON PLANNING APPLICATION**

Grid Reference 205950 705429 Dated

Applicant Mr + Mrs I MacArthur  
 Proposed Development Erection of dwelling house and office  
 Location Land North of Swallowtale, Achnagoul Inveraray  
 Type of consent Detailed Permission  
 Drawing Refs.

Application No. **09 00745 DET**  
 Contact James Ross  
 Tel. 01546-604655  
 Received 09/07/2009  
 Return By Date 28/07/2009  
 Call By Date  
 District Mid-Argyll  
**Recommendation**  
**Refuse**

**Comments**

**1. Scotland Transerv should be notified as the private access may have sub standard visibility.**

**Conditions/Reasons for refusal/deferment**

**REASON FOR REFUSAL**

**1. The private access serving the application site is unsuitable for further development due to the condition of the surface and insufficient passing places.**

**2. The private access already serves five existing dwellings. Developments of more than five dwellings requires a road to adoptable standard.**

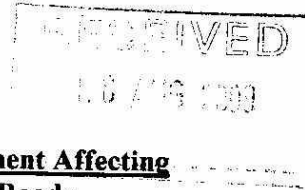
**Notes for Intimation to Applicant**

- (i) Construction Consent(S21)\* **Not Required**
- (ii) Road Bond (S17)\* **Not Required**
- (iii) Road Opening Permit (S56)\* **Not Required**
- (iv) No surface water discharge\* **Not Required**

\*Relevant Section of the Roads(Scotland) Act 1984

Signed: J. Ross Date 16/07/2009 ID 2741  
 Actual Return Date 16/07/2009 Replied

**Transport Scotland  
Trunk Roads Network Management**



**TR/NPA/2  
Form of Notification on Development Affecting  
Trunk Roads and Special Roads**

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (General Development Procedure)  
(Scotland) Order 1992 S.I. 1992 No 224 (S.18)**

Argyll & Bute Council Development Services 67 Chalmers Street Ardrishaig PA30 8DX	Council Reference:-	09/00745/DET
	TRNM Reference:-	NW/172/2009

Application made by Mr & Mrs MacArthur per Duncan MacLennan, Ormonde ADPM and received by or on behalf of the Council on 3<sup>rd</sup> July 2009 for Planning Permission for Erection of Dwellinghouse and Office on land north of Swallowtale, Achnagoul, Inveraray affecting the A83 Trunk Road.

Type of application:-

Planning permission	<input checked="" type="checkbox"/>
Outline Planning Permission	<input type="checkbox"/>
Approval of Reserved Matters	<input type="checkbox"/>
Notice of Intended Development	<input type="checkbox"/>

Type of development:-

Building or Engineering Operation	<input checked="" type="checkbox"/>
Mining or Quarrying Operation	<input type="checkbox"/>
Other Operation	<input type="checkbox"/>
Material Change in use of land or building	<input type="checkbox"/>

Director, Trunk Roads Network Management Advice

- |    |   |                                     |
|----|---|-------------------------------------|
| 1. | The Director does not propose to advise against the granting of permission  | <input type="checkbox"/>            |
| 2. | The Director advises that planning permission be refused (see overleaf for reasons).  | <input type="checkbox"/>            |
| 3. | The Director advises that the conditions shown overleaf be attached to any permission the Council may give (see overleaf for reasons).  | <input checked="" type="checkbox"/> |
| 4. | In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary and that he must consult with Transport Scotland, Trunk Roads Network Management through its Management Organisation (see below) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved (see overleaf for trunk road details). | <input type="checkbox"/>            |

Management Organisation:-	Scotland TranServ
Address:-	Broxden House Broxden Business Park Lamberkine Drive Perth PH1 1RA

**NB - SDD Circular 29/1988 - Notification of Applications - Annex D.**

Planning Authorities are requested to provide Transport Scotland, Trunk Roads Network Management with a copy of the decision notice. Reference should be made to the General Development Order regarding procedures to be adopted in the event that Trunk Roads Network Management advice is not accepted.

(July 1999)



**CONDITIONS to be attached to any permission the Council may give:-**

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**REASON for the advice at 2, or 3:-**

	(Refer to Item 2, overleaf)
1.	The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.
2.	The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.

**DETAILS of works necessary within the trunk road boundary:-**

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Signed:-



Date:- 4<sup>th</sup> August 2009

Shaun Phillips  
(on behalf of the Director)

Transport Scotland, Trunk Roads Network Management,  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF. (Tel No: 0141 272 7382)

Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



# Memorandum

**Legal & Protective Services**

**Date:** 14 July 2009

**To:** Development Services  
67 Chalmers Street, Ardrishaig

**Attn:** Derek Hay

**Our Ref:** GT/

**From:** Geoff Taylor,  
Environmental Health Officer

**Extension:** 4782

**Planning Application No: 09/00745/DET**  
**Site for the erection of dwelling house & office**  
**Land North of Swallowtale, Achnagoul, Inveraray**

If planning permission is granted for the above proposal I recommend that the following standard conditions be attached:

**C09002 Drainage/Sewage Works to be Completed in Accordance with Plans**

None of the dwellings shall be occupied until the drainage/sewage disposal works have been completed and are fully operational in accordance with the submitted plans.

Reason: In the interests of public health and amenity.

Yours sincerely,

Geoff Taylor  
**Environmental Health Officer**

**SCOTTISH  
WATER** **28th July 2009**

Argyll & Bute Council  
67 Chalmers Street  
ARDRISHAIG  
PA30 8DX

**SCOTTISH WATER**

Customer Connections  
419 Balmore Road  
Glasgow  
G22 6NU

**CUSTOMER HELPLINE****T: 0141 355 5511****W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)****Dear Sir/Madam**

**PLANNING APPLICATION NUMBER : 09/00745/DET**  
**DEVELOPMENT AT : Land North of Swallowtale Achnagoul**  
**Inveraray**  
**PROPOSAL : erection of dwellinghouse and office**

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).

Scottish Water has no objection to this planning application. However we are unable to reserve capacity at our water and wastewater treatment works in advance of formal agreement made with us. In view of this, the information provided in this letter will need to be reviewed if this proposal progresses to full planning approval.

Scottish Water has no objections to this planning application. Please note that although Scottish Water has given approval at this stage, this does not guarantee a connection to Scottish Water's infrastructure. A separate application should be made for connection to our infrastructure after full planning has been granted.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).

There are no public sewers in the vicinity of the proposed development.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

These proposals may involve the discharge of trade effluent to the public sewer and may be subject to control as defined in Part II of the Trade Effluent Control and Charging Scheme. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to

health.

Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

An appropriate water storage system is recommended for commercial premises. Details of such storage installations can be discussed Scottish Water's Customers Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

There may be contaminated land issues relevant to the development of this site. The developer must ensure that satisfactory precautionary measures are taken to protect public water and sewer pipes from any possible contamination. The developer may have to submit a full soil investigation report to Scottish Water. Customer Connections will be able to provide advice on this subject on request.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

Yours faithfully

**Neill Sillars**  
**Customer Connections**



Our Ref: **PCS/101962**  
Your Ref: **09/00745/DET**

**Argyll & Bute Council**  
**Planning Services**  
**67 Chalmers Street**  
**Ardrishaig**  
**PA30 8DX**

**FAO: Derek Hay**  
**By e-mail to [planning.maki@argyll-bute.gov.uk](mailto:planning.maki@argyll-bute.gov.uk)**

**6 August 2009**

Dear Mr Hay

**Town and Country Planning (Scotland) Acts**  
**Planning Application: 09/00745/DET**  
**Erection of dwelling house and office**  
**Land North of Swallowtale, Achnagoul, Inveraray, Argyll and Bute, PA32 8XT**

Thank you for your consultation letter of 7 July 2009 which SEPA received on 10 July 2009. I apologise for the delay in response. From a planning perspective we have **no objection** to this planning application. Please note the advice provided below.

**1. Foul Drainage**

- 1.1 The applicant proposes a septic tank and puraflo filtration system with an outfall to a burn. We expect applicants to demonstrate that the foul effluent disposal method chosen is the best environmental option for the site.
- 1.2 We operate a general presumption against discharges to the water environment unless it has been satisfactorily demonstrated that a land soakaway option (compatible with the domestic technical handbook for compliance with building regulations) has been investigated but discounted following adequate ground investigations. No such information has been provided to SEPA.
- 1.3 The formal authorisation of SEPA is required for any discharges of sewage to land or water under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). The applicant should undertake ground tests and investigate a discharge to a total land soakaway as SEPA's preferred discharge option. If a discharge to a total land soakaway is discounted, after undertaking ground test results, we **would not object** to the foul drainage scheme proposed provided the Population Equivalent (p.e.)\*\* is  $\leq 15$  and the right dilution is achieved in the burn around the point of discharge. If the p.e.  $> 15$  the applicant should contact a member of the Environment Protection & Improvement staff at SEPA's Lochgilphead office to discuss an appropriate sewage treatment method.
- 1.4 Please note, if this proposal to utilise a private system is within or close to the boundary of a settlement served by public sewer then we are likely to object to this, therefore please consult us again highlighting this issue and identifying why a connection cannot be made to the public sewer.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us. The decision may take into account factors not considered at the planning stage.

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PCS/101962  
Page 2  
6 August 2009

### **INFORMATION FOR THE PLANNING AUTHORITY – FLOOD RISK**

Note that the SEPA-Planning Authority Protocol Policy 41 states: "If the consultation does not specify that the planning authority would like SEPA to comment on the flood risk, this will not be assessed. In these circumstances, if SEPA makes no comment on flood risk, planning authorities should not assume that no such risk exists." If the planning authority is of the opinion that the site may be at risk from flooding please re-consult SEPA highlighting that flood risk is an issue. For your information the Indicative River & Coastal Flood Map (Scotland) can be found at [www.sepa.org.uk/flooding/mapping/](http://www.sepa.org.uk/flooding/mapping/).

#### **Detailed advice for the applicant**

#### **2. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR)**

2.1 For private foul drainage systems discharging to land or the water environment a CAR authorisation (registration or licence) from SEPA will be required. Whether or not a discharge to the water environment will receive authorisation from SEPA is dependent upon several factors including available all year round dilution, amenity and cumulative impacts. It should be noted that additional secondary treatment may be a requirement of any CAR authorisation.

2.2 A leaflet explaining how to apply for authorisation is available from our website at [www.sepa.org.uk/water/water\\_publications.aspx](http://www.sepa.org.uk/water/water_publications.aspx). The applicant should contact a member of the Environment Protection & Improvement staff at SEPA's Lochgilphead office to discuss any regulatory requirements further.

\*\* Population Equivalent (p.e.) is the measure of the organic bio-degradable load of an effluent prior to treatment. For domestic housing, a minimum of 5 p.e. is used for any house with up to and including three bedrooms. For houses with more than three bedrooms, add 1 p.e. for each additional Bedroom. The p.e. for non-domestic sewage discharges should be determined by calculating the total BOD load/day and dividing by 60 (60g is the average BOD load for one person in one day). The p.e. of the development is based on the British Water Code of Practice – Flows and Loads 2 Sizing Criteria, Treatment Capacity for Small Waste Water Treatment Systems. Further information on calculating the p.e. is available on our website at [www.sepa.org.uk](http://www.sepa.org.uk).

#### **3. Regulatory advice**

3.1 For further regulatory advice on foul drainage, surface water drainage and best practice regarding pollution prevention and waste management please refer to our website [www.sepa.org.uk/customer\\_information/planning.aspx](http://www.sepa.org.uk/customer_information/planning.aspx). For further information please contact SEPA's Lochgilphead office, at 2 Smithy Lane, Lochgilphead, PA31 8TA, tel:01546 602876.

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PCS/101962  
Page 3  
6 August 2009

If you have any queries relating to this letter, please contact me on 01224 424656 or e-mail at [planningaberdeen@sepa.org.uk](mailto:planningaberdeen@sepa.org.uk).

Yours sincerely

A handwritten signature in cursive script that reads 'Alison Wilson'.

Alison Wilson  
Planning Officer  
Planning Service

Copy to: Mr & Mrs I MacArthur, c/o Ormonde ADPM, 33 Mackenzie Place, Avoch, Ross-shire, IV9 8QW



Auchnagoul Cottage No. 1  
(Swallowtale)  
Inveraray  
Argyll  
PA32 8XT  
19.07.09

**Ref: 09/00745/DET Proposed Development Land North of Swallowtale Auchnagoul**  
Dear Sir/Madam

It has taken us 280,000 pounds and 5 years of work to sympathetically restore an old cottage and create an appropriate garden, hopefully blending it in with the surrounding rural landscape.

We are now faced with the possibility of a commercial enterprise, the boundary sited only 3 metres away, the width of the community access track.

**This would result in a loss of amenity for ourselves in that:-**

1. Due to removal of trees and hedges, along the trackside boundary of the site, we would be overlooked and consequently lose our privacy, especially in the winter. Is this total removal necessary or could hedging be pruned, lowered and retained? Re-planting takes time to reach any significant height.
2. Trees, hedging also provide shelter from N/NE winds.
3. Traffic on the main access track would increase considerably; this being very close to our dwelling would again result in loss of privacy as well as being a source of noise pollution.
4. Vehicles would turn into the house/office access track right in front of our gate where there is little space. Would oil tankers, delivery lorries etc. be able to make this turn?

**Other Concerns:-**

**Environmental Impact**

A commercial enterprise of this size is liable to make a major impact on a small rural community.

**Access Track**

This causes concern in that it is not suitable for additional traffic; with an office employing 4/6 people, an increase is inevitable. Also 2 adults plus family in the house?



What about access to properties? This needs to be retained at all times during the construction work.

**Deliveries**

A sizeable office is to be situated in a residential area; the assurance of no deliveries/visitors seems unlikely especially with a large reception area.

**Water**

The community has an ongoing problem with water pressure of which Scottish Water is aware; with an increase in permanent population by 150% the problem would be compounded.

There appears to be two bathrooms in the office each with shower, toilet and basin, in addition to four in the house.

**Septic Tank**

We have concerns as to the positioning of the septic tank in relation to our property. It is in close proximity, and it, and the partial soakaway, are on higher ground than our dwelling. The outfalls from existing properties enter the burn below the houses, not above, as would happen in this case.

**Trees**

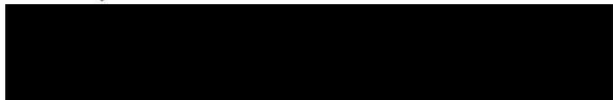
The development proposal includes the removal of a large number of mature trees and shrubs from the site; this will make a major impact both on the landscape, and the character and setting of the community. Re-planting is for the future and would not address the current environmental issue. More tree preservation is needed to retain the natural surroundings.

**Building Materials**

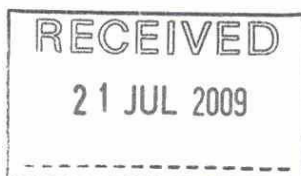
The proposed aluminium roof for the office is not in keeping; a reduction in vegetation, if this has to be, would make it very obvious. Existing residential buildings are similar in being roofed with slate.

We feel strongly that there are more suitable locations for office premises, especially if employing staff, than in a small rural development, whose history spans many generations and centuries.

Yours sincerely



C & G McCrae



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Auchnagoul Cottage  
Auchnagoul  
by Inveraray  
Argyll PA32 8XT

Mr Derek Hay  
Argyll and Bute Council Planning Office  
67 Chalmers Street  
Ardrishaig PA30 8DX

20th July 2009

Dear Mr Hay

**re: Planning application No. 09/00745/DET**

I am writing to lodge a formal objection to the above planning application for an office at Auchnagoul.

My wife and I are joint owners of Auchnagoul Cottage which is the dwelling house at the south west extremity of the settlement.

Our objection is to the proposed commercial development in the form of an office. This would result in loss of amenity and create nuisance of various types.

- a) The large size and the internal configuration of the office building indicates it will generate substantial traffic from staff, clients and visitors.
- b) The result would be to change the overall nature of the small residential settlement.
- c) The single track unmetalled approach road would not support the extra traffic.
- d) Commercial signage will be detrimental to the appearance of the settlement.
- e) Business use is likely to compromise the present limited broadband capacity which is supplied by copper cable. There is no plan to introduce a fibre optic cable supply.

We would also ask you to consider the following points which refer to details in the proposal.

- f) The septic tank and soakaway as proposed are uphill of and only 8 metres from Swallowtale Cottage and closer to the road through the settlement.
- g) The proposed aluminium roof of the office is inappropriate. Slate or corrugated iron would be more in keeping with adjacent buildings.
- h) There is no description of the proposed surface treatment of the new access driveway and parking areas.
- i) The species of new trees to be planted are not stated.
- j) We have concerns about the available mains cold water pressure. At present the pressure in our cottage will only support adequate flow from one tap at a time.

I look forward to your reply.

Yours sincerely

  
Jeffrey Jay 



Achnagoul House  
 Achnagoul  
 Inveraray  
 Argyll  
 PA32 8XT  
 21<sup>st</sup> July 2009

Area Team Leader  
 Development Control  
 Planning Services  
 67 Chalmers Street  
 Ardrishaig PA30 8DX

**Ref. No. 09/00745/DET**

I am a householder and full-time resident in Achnagoul. I would like to oppose Mr. & Mrs MacArthur's proposals for an office on the land north of Swallowtale.

Achnagoul is a rural settlement of 5 houses. I feel that to add any office at all to such a small residential area is inappropriate; it alters the whole character of the hamlet.

The office building itself is large <sup>i.e.</sup> (house-sized) and set in a prominent position at the start of the settlement. A hedge and several mature trees will be removed and a 1.2 meter fence will surround the whole site. Although a few trees will be planted, the site will appear more open and more urban, detracting from the rural appearance of the site and of the hamlet in general. There should be an indication of what the surface of the site will be, on that part which is not road or parking. Rural grass? Urban hard surface? In addition the lack of trees and hedging on the south boundary of the site will result in a lack of privacy for Achnagoul residents, especially for the residents who live in the cottage directly opposite the office.

Access to Achnagoul is by rough track; single track, no passing places, a large part of it has grass growing up the middle. Our track is hardly adequate for the traffic on it already, 6 more adults and their cars will be using this road regularly – 2 adults from the house, and 4 employees from the office – doubling the traffic, which will result in more wear and tear on the road, and more noise for the rest of us here. Although there will be no deliveries, will clients call at the office causing even more traffic? The residents and the local farmer share the cost and labour of repairing the upper part of the track – the more traffic on it, the more often we will be repairing it. The lower part of the track is maintained by the Forestry, but is still single track.

Access from this part of the track onto the A83 is difficult and needs great care because visibility is limited in both directions. Entering the track from the A83 is not easy either, especially from the Inveraray direction. Road safety is a real problem here already.

Some of my neighbours have difficulties with inadequate water pressure and I believe they have informed Scottish Water. I have no such difficulty, but will this still be the case when the daytime adult population is doubled? Water usage must go up when the house facilities, plus the kitchen, 2 toilets and 2 showers in the office are in daily use, and water pressure could be affected.



(J. A. AITKEN)

27<sup>th</sup> July 2009

Mr Derek Hay  
Case Officer - Planning Services  
67 Chalmers Street  
Ardrishaig  
PA30 8DX

Tigh Cuileann  
Achnagoul  
Inveraray  
Argyll  
PA32 8XT

Dear Mr Hay,

**Planning Application Ref: 09/00745/DET**

I hereby raise my objection to the proposed erection of a dwelling house and office as set out in the above application.

I am the owner of "Tigh Cuileann" contained within the settlement at Achnagoul and reside there permanently with my family. We chose to live in this location because of its peaceful setting and relative isolation.

My principal objection is to the proposed office development that I consider totally inappropriate in this quiet residential settlement and unnecessary as more appropriate locations for offices are available in the area. I refer, for example, to AFA 9/3, citing west Upper Riochan, Inveraray as an area for development/redevelopment or Kilmory Business Park in Lochgilphead where units are currently advertised.

The building and operating of an office would cause significant loss of amenity and nuisance for the residents of Achnagoul namely,

1. The single track road, with no passing places, is un-adopted and unsuitable for the regular extra traffic that the proposed operation of an office would bring from employees, customers, suppliers and other visitors. Zero deliveries as stated in the application are inconceivable.
2. Furthermore the existing track, that is adequate for the existing residents, adds to the character of Achnagoul and I would not wish that to be changed.
3. Signage for the business would inevitably lead to further ad-hoc traffic to the settlement and would also detract from its unspoilt character.
4. The daily population of the settlement would more than double leading to potential problems with water pressure and other services. I already have issues with the inconsistent water pressure resulting in inability to use the shower. Scottish Water has been called out on several occasions. The number of additional people potentially drawing water at any one time would more than double the existing usage. Problems have also been encountered on several occasions with the quality of the telephone and broadband lines. E-mail and internet are critical to me for my own employment.

5. Visibility at the junction with the A83 is poor when exiting the junction in the direction of Inveraray and when accessing the settlement from Inveraray. The additional traffic would increase the risk of accident.

Additionally I would ask you to consider the following,

6. The removal of hedges and trees, particularly to the south and east will detract from the appearance of the entrance to the settlement and remove the privacy currently enjoyed by the residents of Swallowtale Cottage.
7. The style of boundary fence is not specified. This should be post and wire to be in-keeping with surrounding fences. Is any fencing proposed to the west and south boundaries?
8. The soakaway from the septic tank is entering the burn close to the road and above Swallowtale Cottage.

I look forward to hearing from you.

Yours sincerely,

Michael J Holder

Auchnagoul,  
By Inveraray  
Argyllshire,  
PA32 8XT



Dear Mr Hay,

Planning Application Ref: 09/00745/DET

I have been made aware of the following application for development of a house and office at Auchnagoul and have considered the available information and its possible impact on the township and on my own property.

I would like to object to this proposal on the following grounds:

The scale of the development is too large and not in keeping with the character and use of the rest of the area

An office would put undue traffic onto the access road, which is difficult to maintain even with the present light use – staff transport, clients and postal deliveries would place great strain on the fabric of the road

The access point from the main road is hazardous, and increased traffic would increase the risk of traffic incidents on the main road

The introduction of commercial activity to the area would mean a loss of amenity in a residential area in terms of outlook, noise and privacy

Commercial activity would also adversely affect the current property values

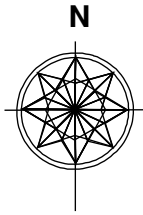
I understand there are issues related to tree-felling, stock-fencing and sewage disposal which may also have an adverse effect on the immediate environment

If however the Council is minded to grant the permission applied for, we are very concerned since we understand the office facility is for use in connection with the applicant's plant hire and contracting business, that their use of the property might expand, formally or informally, to the storage or worse the repair and maintenance of heavy plant on site. This of course would be an aggravation of the issues of access, loss of amenity and change in existing and zoned residential character of the township. So we would ask for the Council's protection from such an eventuality.

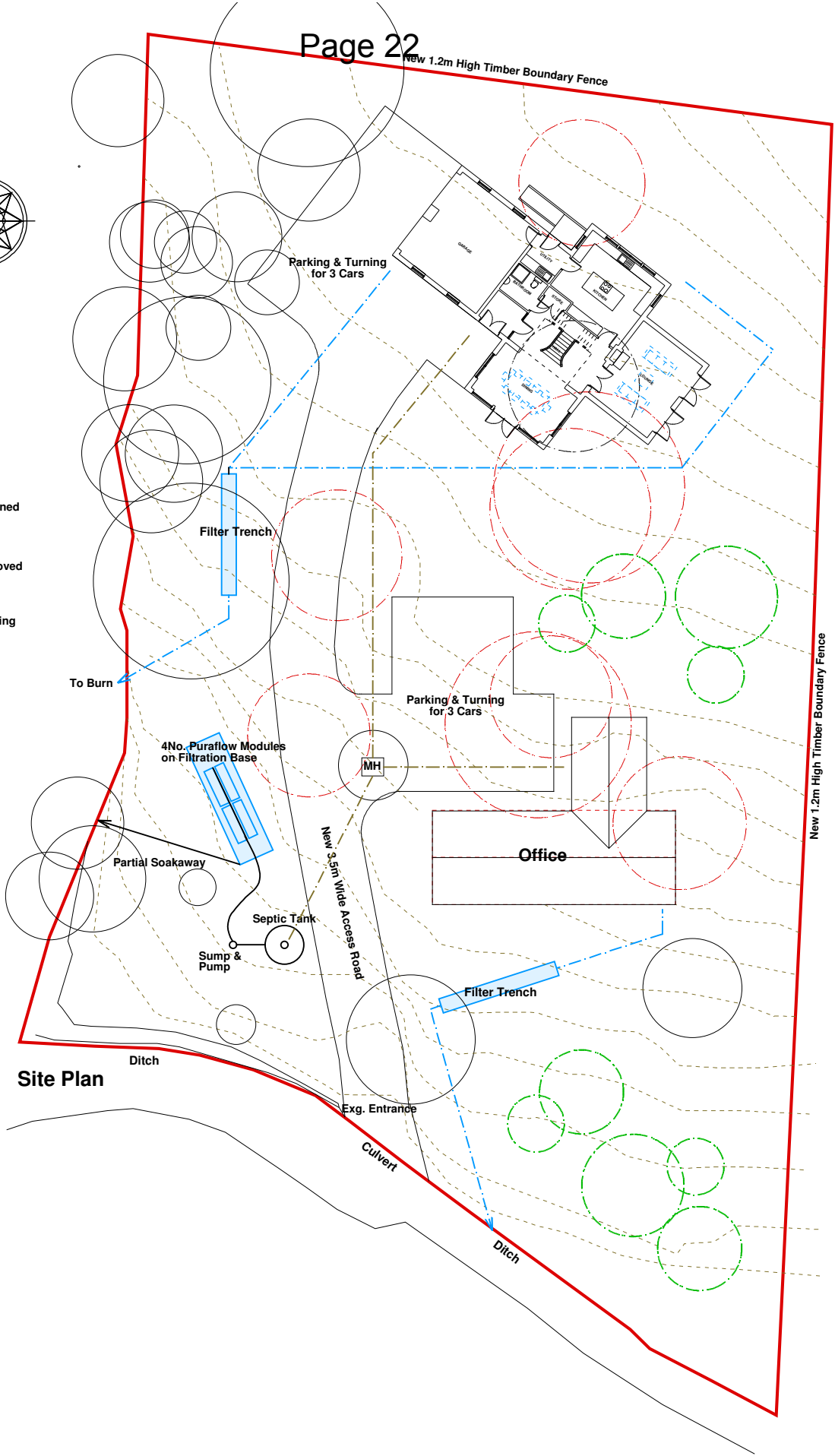
If there is a meeting to consider the proposal I would like the opportunity to attend and be heard.

Yours sincerely,

Ann McLaughlan (Westwood)



- Exg. Tree Retained
- Exg. Tree Removed
- New Tree Planting



Site Plan

**PROJECT:**  
Proposed House & Office  
Achnagoul  
By Inverary  
Argyll

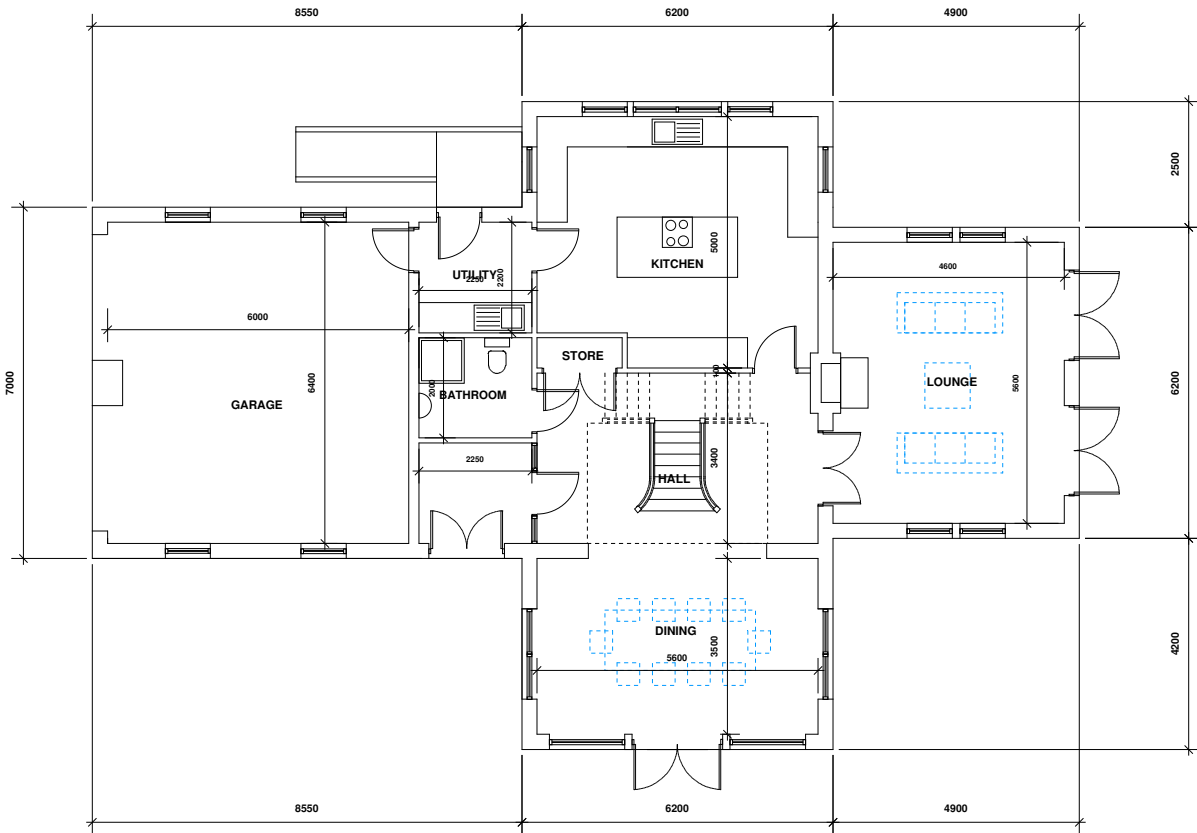
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DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE



**DRAWING TITLE:**  
Site Plan  
**CLIENT:**  
Mr I MacArthur

**SCALE:** 1:250 @ A3  
**DATE:** 29.06.2008  
**DRAWN:** D.M. **REV:** -  
**0255/300**





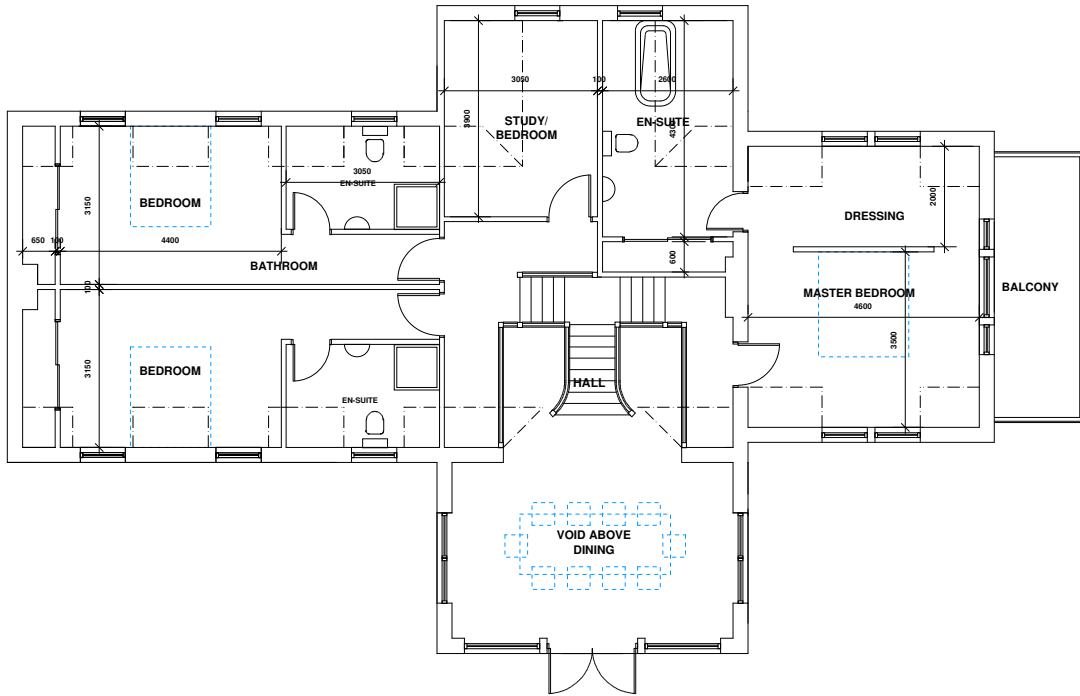
**PROJECT:**  
Proposed House & Office  
Achnagout  
By Inverary  
Argyll

**NOTES:**  
DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE



**DRAWING TITLE:**  
Ground Floor Plan  
**CLIENT:**  
Mr I MacArthur

**SCALE:** 1:75 @ A3  
**DATE:** 29.06.2008  
**DRAWN:** D.M. **REV:** -  
**0255/301**



**PROJECT:**  
Proposed House & Office  
Achngout  
By Inverary  
Argyll

**NOTES:**  
DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE



**DRAWING TITLE:**  
First Floor Plan  
**CLIENT:**  
Mr I MacArthur

SCALE: 1:75 @ A3	
DATE: 29.06.2008	
DRAWN: D.M.	REV: -
0255/302	



**SOUTH EAST ELEVATION**



**SOUTH WEST ELEVATION**

**PROJECT:**  
Proposed House & Office  
Achnagoul  
By Inverary  
Argyll

**NOTES:**  
DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE



**DRAWING TITLE:**  
Elevations (Sheet 1 of 2)

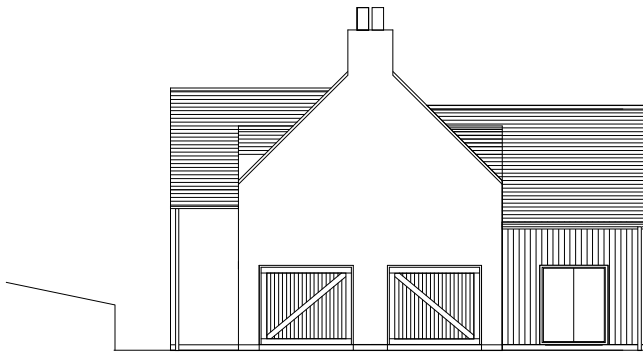
**CLIENT:**  
Mr I MacArthur

**SCALE:** 1:100 @ A3

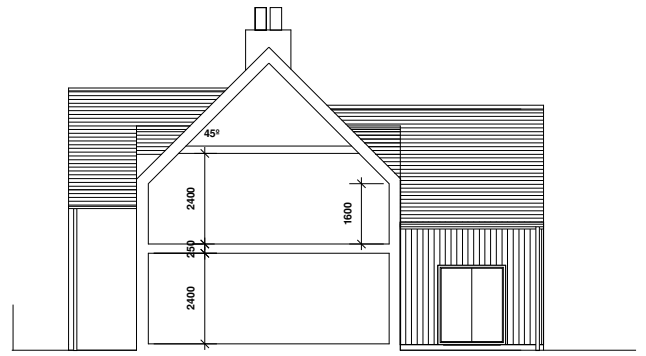
**DATE:** 29.06.2008

**DRAWN:** D.M. **REV:** -

**0255/303**



NORTH WEST ELEVATION



SECTION



NORTH EAST ELEVATION

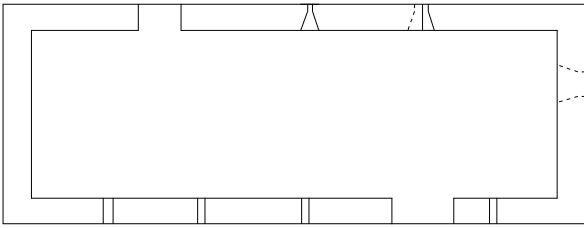
PROJECT:  
Proposed House & Office  
Achnagout  
By Inverary  
Argyll

NOTES:  
DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE

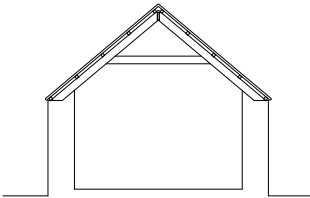
**ORMONDIE**  
ARCHITECTURE • DESIGN • PROJECT MANAGEMENT

DRAWING TITLE:  
Elevations (Sheet 2 of 2)  
CLIENT:  
Mr I MacArthur

SCALE: 1:100 @ A3  
DATE: 29.06.2008  
DRAWN: D.M. | REV: -  
**0255/304**



Existing Floor Plan



Section



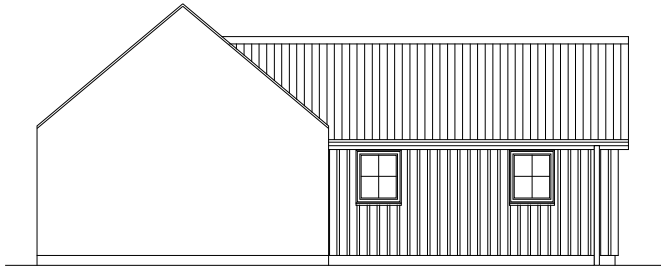
**PROJECT:**  
Proposed House & Office  
Achnagout  
By Inverary  
Argyll

**NOTES:**  
DO NOT SCALE  
ALL DRAWINGS MUST BE CHECKED  
PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE

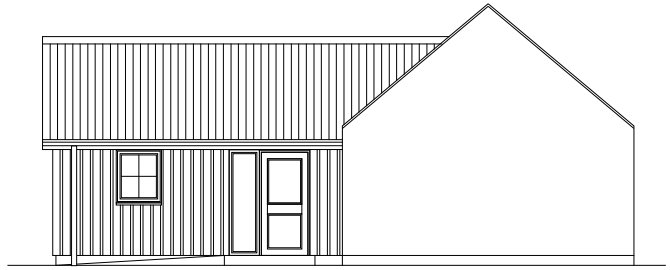


**DRAWING TITLE:**  
Proposed Office  
**CLIENT:**  
Mr I MacArthur

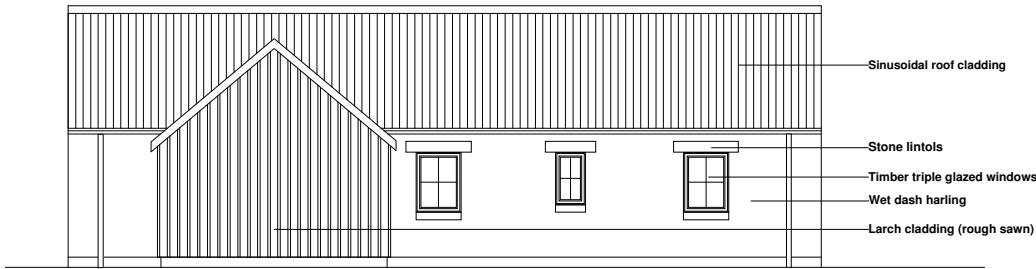
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**DATE:** 29.06.2008  
**DRAWN:** D.M. **REV:** -  
**0255/305**



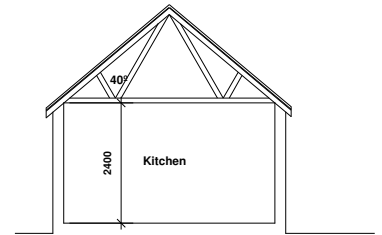
East Elevation



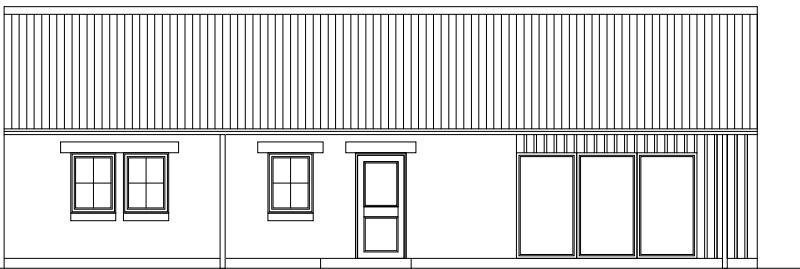
West Elevation



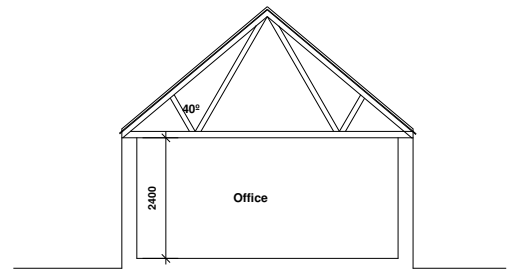
North Elevation



Section



South Elevation



Section

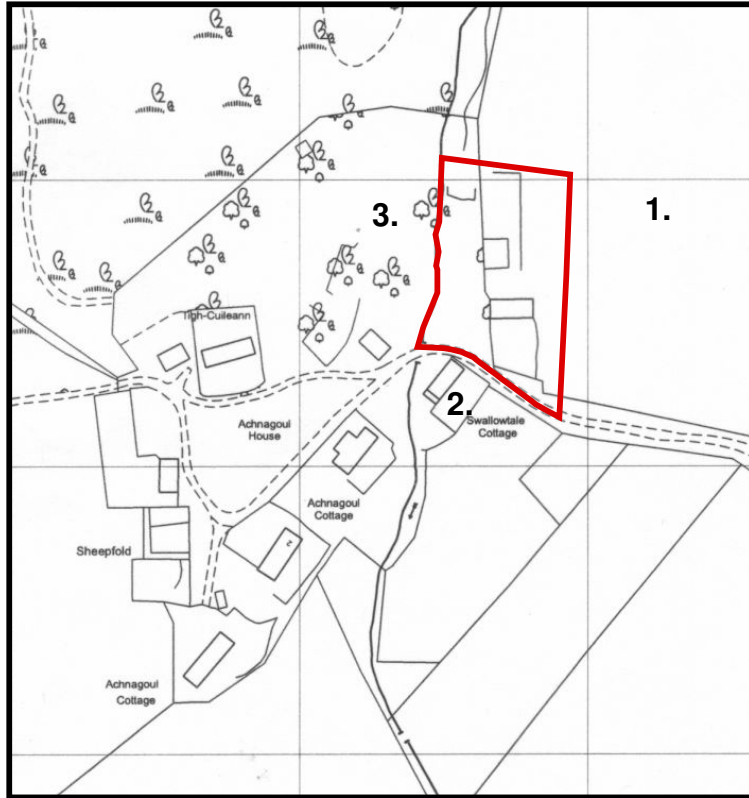
PROJECT:  
Proposed House & Office  
Achnagoul  
By Inverary  
Argyll

NOTES:  
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PRIOR TO COMMENCEMENT AND ANY  
DISCREPANCIES MUST BE REPORTED  
TO THIS OFFICE

**ORMONDIE**  
ARCHITECTURE • DESIGN • PROJECT MANAGEMENT

DRAWING TITLE:  
Proposed Office  
CLIENT:  
Mr I MacArthur

SCALE: 1:100 @ A3  
DATE: 29.06.2008  
DRAWN: D.M. | REV: -  
**0255/306**



**Location Plan**

**Notifiable Neighbours**

1. Owner of Adjacent Land  
**Mr D Crawford**  
**Benchoille Farm**  
**Furnace, Inveraray**  
**PA32 8XN**
  
2. Owner & Occupier  
**Swallowtail Cottage**  
**Achnagoul**  
**Inveraray**
  
3. Owner of Adjacent Land  
**Argyll Estates**  
**Estate Office**  
**Inveraray Castle**  
**Inveraray**

<b>PROJECT:</b> Proposed House & Office Achnagoul By Inveraray Argyll	<b>NOTES:</b> DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE		<b>DRAWING TITLE:</b> Location Plan	<b>SCALE:</b> 1:1250 @ A4
			<b>CLIENT:</b> Mr I MacArthur	<b>DATE:</b> 29.06.2008 <b>DRAWN:</b> D.M. <b>REV:</b> - <b>0255/400</b>

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR  
ERECTION OF DWELLINGHOUSE AND OFFICE  
AT LAND NORTH OF SWALLOWTALE,  
ACHNAGOUL, INVERARAY**

**OUTLINE PLANNING APPLICATION  
REFERENCE NUMBER 08/01119/OUT**

**11<sup>TH</sup> DECEMBER 2009**

## **STATEMENT OF CASE**

The planning authority is Argyll and Bute Council ('the Council'). The appellants are Mr and Mrs MacArthur ('the appellants').

The detailed planning application, reference number 09/00745/DET, for the erection of a dwellinghouse and office at Land North of Swallowtale, Achnagoul, Inveraray ("the appeal site") was refused under delegated powers on the 8<sup>th</sup> September 2009. The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

The application site is located to the north of a small settlement of 5 dwellinghouses in a rural setting to the north of the A83 Trunk Road at Achnagoul, Inveraray. Access to the site is via a private access from the A83 Trunk Road.

### **SITE HISTORY**

None in respect of the application site.

It is however noted that unrelated applications for planning permission have previously been considered in relation to the improvement of the junction with the A83 trunk road. Principally these proposals sought to improve the geometry of the junction of the private access and the A83 to facilitate the management of an existing commercial forest. The initial proposal (ref. 06/01969/DET) was refused on the advice of Transport Scotland; an amended proposal (ref. 07/00226/DET) was approved subject to conditions relating to the geometry, construction standard and gradient of the proposed improved access. These improvements have subsequently been implemented.

### **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 existing access arrangements serving the proposed development are suitable to accommodate the intensification in its use which would occur as a result of the development.
- Whether the proposed office development conflicts with adjoining land uses and the established amenity of the locale. In terms of the settlement strategy, the site lies within the 'settlement area' of Achnagoul wherein there is a general presumption in favour of business and industry development unless (c) the development would erode the residential character of the area, or adversely affect local residents, through and in traffic levels, noises, fumes or hours of operation, and that; (e) technical standards in terms of parking, traffic circulation, vehicular access and servicing are met in full.
- Whether the proposed location, siting, design and finishes of the proposed development have sufficient regard to the context of their setting.

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.

#### **DEFINITION OF OFFICE USE**

Having regard to the provisions of the Town and Country (Use Classes)(Scotland) Order 1997 the use of a building as an office can fall within either Use Class 2 – Financial, Professional & Other Services or Class 4 – Business.

Use Class 2 office premises are generally associated with town centre/high street functions (i.e. banks, building societies, betting offices, surgeries, solicitors) where services are principally provided to visiting members of the public.

Use Class 4 office premises would generally be defined as office premises which are not normally open to members of the public (i.e. call centres, research and development, back office functions, business park development).

The provisions of the Adopted 'Argyll and Bute Local Plan' 2009 differentiates between these differing office uses with proposals for Use Class 2 development being assessed under the provisions of policies LP RET 1 – LP RET 4 which relate primarily to 'retail' development (defined as Use Classes 1, 2 and 3 in the local plan). Use Class 4 development is addressed under the provisions of policies LP BUS 1 & 2 which relate to 'business and industry development' (defined as Use Classes 4, 5 and 6 in the local plan).

#### **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is considered that no new information has been raised in the appellants' submission. The issues raised were covered in the Report of Handling which is contained in Appendix 1, including a summary of the representations submitted from five households at Achnagoul. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

### **COMMENT ON APPELLANTS' SUBMISSION**

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following points are noted:

1. That the reason set out by the appellant under point (1.) is both ambiguous and lacks clarity in relation to the application as submitted by the appellant. On the part of the Planning Department it is assumed that the appellant is referring to a previous grant of planning permission (ref. 07/00226/DET) which specifically relates to the improvement of the junction of the private access and the A83 trunk road to facilitate the management of an existing commercial forest. In light of this query being raised, the Planning Department has sought clarification from Transport Scotland as to whether the previous grant of planning permission and the subsequent upgrade in the junction with the A83 was taken into consideration in their consultation response dated 4<sup>th</sup> August 2009. Transport Scotland have provided the Planning Department with verbal confirmation that their consultation comments recommending that planning permission be refused were issued following due consideration of the previous grant of planning permission and the subsequent improvement of the junction to facilitate timber operations – it is understood that Transport Scotland will provide detailed written confirmation in respect of this matter in their submission to the Local Review Board.
2. It is anticipated that Transport Scotland will provide a detailed comment on point (2.)
3. For the purpose of clarity, it is advised that the land required for necessary improvements to the junction with the A83 trunk road, improvement of forward visibility on to vehicles travelling west on the A83 trunk road and, upgrade of the existing private access to an adoptable standard are located both outwith the application site boundary and the land within the control of the applicant and as such could not be achieved by the imposition of conditions to a grant of planning permission. Whilst it might be possible to resolve these issues with a Planning Agreement involving affected third party land owners under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997 in view of the other issues of concern in respect of the design, scale and nature of the proposed development the Planning Department has not sought in this instance to establish

whether the applicant would be able to secure the consent of affected third party land owners to implement the necessary highway improvement works. It is further advised that the provisions of LP TRAN 4 set out the Council's policy in respect of the intensification of use of existing private access arrangements to serve additional development; in particular, development is to be resisted where an existing private access regime is considered to be of such poor standard as to be unsuitable for vehicular traffic and is not capable of commensurate improvements unless the private access is brought up to a full adoptable road.

4. It is advised that the proposed level of commercial activity is set out in the Report of Handling (Appendix 1). Having regard to the officer's Report of Handling it is noted that the proposal recommends refusal under the provisions of policy LP BUS 1 which relates to Use Classes 4, 5 and 6 (see definition above); however, within the main assessment of the officer's report the proposed office is referred to as Use Class 2 in error. For the purpose of clarification, it is confirmed that in light of the proposed rural location and the description provided by the applicant as an office which will be used "for the day to day running of their engineering business" the Planning Department would consider the proposed development to fall within the provisions of Use Class 4 and as such has been correctly assessed against the provisions of LP BUS 1 which would seek to resist development which would erode the residential character of an area through an increase in traffic levels and introduction of commercial activity which would be a source of nuisance and disturbance to residents.
5. It is noted that advice provided to an applicant prior to the submission of an application is provided on the basis of the information available at that time and is not binding; in the event of a formal application for planning permission being submitted this must be considered in the light of the comments of consultees and any third party representations and consequently the determination of the Planning Authority may differ from informal views previously expressed by planning officers.

## **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.

The application site is located within 'settlement area' which pertains to an existing group of five dwellinghouses at Achmagoul, by Inveraray as defined by the Adopted 'Argyll and Bute Structure Plan' 2002 and the Adopted 'Argyll and Bute Local Plan' 2009. Within this zone policies STRAT DC 1, LP BUS 1 and LP HOU 1 set out a general presumption in favour of 'small' scale business and industry development and 'small' scale residential development provided that such development is appropriately sited, is of a scale and

design which fits within the context of the locale, is compatible with the character and amenity of its surrounds and, does not give rise to adverse access or servicing implications.

In this particular instance Transport Scotland has advised that the existing junction with the A83 gives cause for concern in two respects:

- i) that the proposal will result in an increase in the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus causing interference with the safety and free flow of traffic on the trunk road, and;
- ii) that the proposal would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of traffic on the trunk road.

The Council's Area Roads Manager has advised that the private access serving the development already serves five dwellings and is considered to be unsuitable for further development due to the condition of the surface and insufficient passing places.

The provisions of policy LP TRAN 4 of the 'Argyll and Bute Local Plan' 2009 set out that the Council will seek to resist development where an existing private access regime is considered to be of such poor standard as to be unsuitable for vehicular traffic and is not capable of commensurate improvements unless the private access is brought up to a full adoptable road.

The land necessary for the upgrade of the existing junction with the A83, improvement of forward visibility to westbound traffic on the A83 and, the improvement of the private access to adoptable standard is located both outwith the application site boundary and land within the control of the applicant and consequently the requisite offsite highway improvements cannot be secured within the confines of the application as submitted and the proposed development is consequently, in view of the above, considered likely to have a significant adverse impact upon highway safety.

The proposal seeks to introduce a commercial development within a relatively secluded, rural and essentially residential context of a small settlement which at present contains 5 dwellinghouses. The nature and scale of the proposed development is considered likely to give rise to a significant increase in traffic levels and the potential to give rise to a source of nuisance which would be to the detriment of the existing residential amenity of the area and as such is viewed as contrary to the provisions of LP BUS 1.

Having regard to combined scale of the proposed residential and office development, the loss of mature trees which contribute to the setting of Achnagoul, together with some elements of the design and materials of the buildings which are uncharacteristic of their surroundings such as the

projecting glazed/timber front wing of the dwelling and the metal profiled roof of the office building, it is considered that the proposed development does not have sufficient regard in its siting and design to the context within which it would sit and as such is viewed as contrary to the provisions of policy LP ENV 19.

Therefore the proposed development is contrary to the provisions of Policy STRAT DC 1 of the Adopted 'Argyll and Bute Structure Plan' 2002 and policies LP ENV 1, LP ENV 19, LP BUS 1, LP HOU 1 and LP TRAN 4 of the Adopted 'Argyll and Bute Local Plan' 2009. Taking account of the above, it is respectfully requested that the appeal be dismissed.

**Appendix 1 – Report of Handling**

**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:** 09/00745/DET

**Planning Hierarchy:** Local Application

**Applicant:** Mr. And Mrs MacArthur

**Proposal:** Erection of dwelling house and office

**Site Address:** Land north of Swallowtale, Achnagoul, near Inveraray

---

**DECISION ROUTE**

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

---

**(A) THE APPLICATION**

(i) **Development Requiring Express Planning Permission**

- Erection of dwellinghouse
- Erection of office
- Formation of new access
- Installation of septic tank and puraflo modules

(ii) **Other specified operations**

- Connection to public water main
- 

**(B) RECOMMENDATION:**

It is recommended that this development be refused for the reasons attached.

---

**(C) HISTORY**

None applicable



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**(D) CONSULTATIONS:**

- Transport Scotland: recommend refusal in view of highway safety issues where the private road meets trunk road (sub-standard visibility)..
- Area Roads Engineer: recommends refusal because as the private access already serves 5 dwellings this development would now require the private road to be brought up to adoptable standard, suitably surfaced and with appropriate passing places.
- SEPA: no objections, subject to condition/advice note seeking first a preference for total soakaway otherwise if unattainable the submitted puraflo system with an outfall to the burn which would be capable of meeting CAR license standard.
- Scottish Water: no objections to this planning application in terms of water supply although in the event of an approval an advice note required expressing no guarantee of water supply connection and likelihood of Development Impact Assessment application needing to be separately submitted to and assessed by Scottish Water. Conditions to be imposed in any consent.
- Environmental Health Officer: no objections subject to condition about drainage.

---

**(E) PUBLICITY:**

Advertised under Article 9 (Vacant Land) on 17.07.09; publicity period expired.

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**(F) REPRESENTATIONS:**

Six letters/e-mails of objecting representation received from the following persons all residing in the small settlement of Achnagoul:

C and G McCrae, Achnagoul Cottage No. 1 (Swallowtale)  
Jeffrey Jay, Achnagoul Cottage  
Ann MacLaughlan, Achnagoul  
J A Aitken, Achnagoul House  
Michael J Holder, Tigh Cuileann, Achnagoul (two letters/email).

The details of their representations are held in the public file; the principle concerns may be summarised as follows:

- Dangerous traffic implication at the junction with the A83(T).
- Objection to office, as it would create a major environmental impact, nuisance and result in loss of amenity, particularly because:

- it will change the overall nature and character of the small residential Settlement;
  - its large size and internal configuration indicates it will generate substantial traffic from, staff, clients and visitors;
  - the single un-metalled, un-adopted approach road would not support the extra traffic;
  - likely commercial signage would be detrimental to the appearance of the settlement;
  - business use is likely to compromise the present limited broadband capacity supplied by copper not fibre optic cable, a critical issue for present householder business use;
  - A concern that the applicant's plant hire and contacting business might, - although not applied for here (other than an office activity) – gravitate to the site.
- Objections to development in general as it would result in loss of amenity through:
    - Removal of trees and hedges along trackside boundary of site, linked to location of development, affecting privacy of Achnagoul Cottage No. 1;
    - Loss of trees will affect the landscape and visual impact of this development, particularly during the lengthy time required for the establishment and growth of new specimens. Tree preservation needed;
    - Scale of development is too large and out of character;
    - Noise pollution of traffic to Achnagoul Cottage No. 1;
    - Proximity of drainage system, with outfall to burn above Achnagoul Cottage No. 1;
    - Aluminium roof to office inappropriate;
    - Concerns about implications to present low public mains water pressure;
    - Affect on property values.

*Comments: It will be apparent from the reasons for refusal that most of these concerns are relevant planning considerations which the Council supports. Issues of valuation, broadband efficiency and mains water pressure are however not relevant planning matters. Finally the fear that if this development were allowed a Class 5 or Class 6 use might arise is irrelevant, as that is not what has been applied for and the Council would be able to enforce as necessary in those circumstances.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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

- (v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
- 

**(H) PLANNING OBLIGATIONS**

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

- (l) **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 settlement

Argyll and Bute Local Plan 2009 :

LP ENV 1 ... development impact on the general environment

LP ENV 7 ... development impact on trees/woodland

LP ENV 19 ... development setting, layout and design

LP BUS 1 ... business and industry proposals in existing settlements

LP HOU 1 ... general housing development

LP SERV 1 ... private sewage treatment plants and wastewater systems

LP SERV 2 ... incorporation of natural features / sustainable drainage systems

LP TRAN 4 ... new and existing, public roads and private access regimes

LP TRAN 6 ... vehicle parking provision

- (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.**

None applicable

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

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

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

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

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**(O) Requirement for a hearing (PAN41 or other): No**

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

This proposal is of serious concern for a number of reasons. Whilst the development is sought within a zoned "settlement" area, it is for a proportionally large amount of development within this existing small settlement of only 5 dwellings and a few other buildings such as the redundant byre which would be demolished in connection with this proposal.

Within the existing settlement the present buildings are either single or one and a half storey, one of which has a mansard roof design. There is notable tree growth amongst the settlement which assists the groups integration within the overall landscape.

The proposal seeks the development of a substantial one and three quarter storey 4 bedroomed dwelling with a variety of en-suites, the building measuring some 19 m x 7m with wings to front and back increasing the overall width to 12.5m. Compared with the other dwellings in the locality the mass of this building would be significant. Whilst there are many features in the design of this slated and harled dwelling which almost presents a traditional design, the proposal is marred by the large incongruous forward projecting timber wing with cathedral style glazing.

Linked in with this proposal is the large detached class 2 office building, incorporating reception, shower and kitchen facilities within which it is noted 6 persons will be employed (it being mentioned that 2 of those would be occupants of the dwelling). This building is single storey, measuring some 14.5m x 5.5m with rear wing to the back of 5.6m in length. It would be harled in wet dash (with larch clad extension to rear) and roof with sinusoidal roof profile as yet unknown. The office building would sit on a raised platform within a forward position of the site in the vicinity of the byre which would be demolished.

A significant number of mature trees within this well treed site would be felled to accommodate the buildings, private driveway and sizeable parking/turning area.

In addition to the extent and form of the development which in view of its nature and scale would have adverse implications for the existing character of the settlement, not only physically but through the introduction of a commercial use, there are also serious concerns about safety issues in relation to the traffic generation. The junction with the trunk road has serious visibility issues, in addition to the A83 at this junction not being designed for stopping and turning movements, without them interfering with the free flow of traffic. Additionally, the private road is sub-standard in width and length without required passing places. Had the junction with the trunk road been safe, the proposal could still not be supported on access grounds without the access road being upgraded to adoptable standard, which is not part of this application.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why planning permission or a Planning Permission in Principle should not be granted**

See stated reasons for refusal

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**(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**

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**Author of Report: Derek Hay      Date: 27.08.09**

**Reviewing Officer: Richard Kerr      Date: 27.08.09**

**Angus Gilmour  
Head of Planning**

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application: 09/00745/DET

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- (A) 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

---

- (B) For the purpose of clarity, the list of drawings refused is as follows: 0255/400, 0255/300, 0255/303, 0255/304, 0255/301, 0255/302, 0255/305 and 0255/306.
- 

- (C) The reasons why planning permission has been refused.

1. The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream on the A83 (T) at a point where visibility is restricted, thus creating interference with the safety and free flow of the traffic on the trunk road.
2. The proposed development would result in an intensification of waiting and right turning manoeuvres from the A83 (T) trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.
3. The development conflicts with policy LP TRAN 4 of the adopted Argyll and Bute Local Plan 2009 in so much as the lengthy sub standard private access which already serves 5 dwellings would need to be brought up to adoptable standard to serve the development proposed; being suitably surfaced and provided with appropriate passing places, and over which the applicant has no control, given that land required for such improvement lies beyond the application site and outside the ownership of the applicant.
4. The proposal conflicts with policy LP BUS 1 of the adopted Argyll and Bute Local Plan as the office element of the proposal would erode the residential character of the area and adversely affect local residents and the amenity of the area through an increase in traffic levels and the introduction of commercial activity, which would be a source of nuisance and disturbance to residents contrary to the interests of the residential amenity of the area..
5. Having regard to the combined scale of the built development associated with the provision of the residential and office accommodation proposed along with the associated parking area, their location and the consequential loss of some mature trees which contribute to the setting of the settlement, together with elements of the design and materials of the buildings which are uncharacteristic of its surroundings, such as the

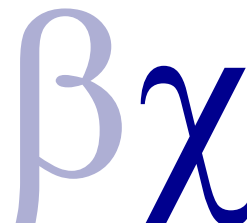
projecting glazed/timber extension to the dwelling and the metal profiled roof of the office building, it is considered that the proposal in its siting and design fails to accord with LP ENV 19 and Appendix A of the adopted Argyll and Bute Local Plan 2009.

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Network Operations  
**Trunk Roads: Network Management**

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7387, Fax: 0141 272 7373  
ken.aitken@transportscotland.gsi.gov.uk



Your ref:  
09/0003/LRB

Our ref:  
NW/172/2009

Date:  
14 December 2009

Argyll & Bute Council  
Corporate Services  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

FAO Melissa Stewart

Dear Madam

**LOCAL REVIEW BODY REFERENCE: 09/0003/LB**  
**PLANNING APPLICATION REFERENCE: 09/00745/DET**  
**LAND NORTH OF SWALLOWTALE COTTAGE, ACHNAGOUL, INVERARAY**

I refer to your letter of the 17 November 2009 regarding the above appeal.

Transport Scotland recommended refusal for the application and wish to maintain that recommendation.

Accordingly, I have attached my statement in support of that position.

Please do not hesitate to contact me if you have any further questions regarding Transport Scotland's position.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ken Aitken', with a long horizontal flourish extending to the right.

Ken Aitken  
Transport Scotland

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(SCOTLAND) DIRECTION 1997

ERECTION OF DWELLING HOUSE AND OFFICE ON LAND NORTH OF  
SWALLOWTALE, ACHNAGOUL, INVERARAY

STATEMENT OF OBSERVATIONS BY KEN AITKEN  
DEVELOPMENT MANAGEMENT  
TRANSPORT SCOTLAND - TRUNK ROAD NETWORK MANAGEMENT

Review Ref : 09/0003/LRB  
LA Ref: 09/00745/DET  
TRNMD Ref: NW/172/2009

1 Details of Application

- 1.1 The application for planning permission by Mr and Mrs MacArthur, was submitted to Argyll & Bute Council on 3<sup>rd</sup> July 2009.
- 1.2 The application refers to planning permission for the erection of a house and office on land to the north of Swallowtale, Achnagoul, Inveraray, Argyll & Bute

2 Response

- 2.1 This planning application was referred to the Transport Scotland - Trunk Road Network Management (TRNM) by Argyll & Bute Council, on the 21<sup>st</sup> July 2009, on the basis of its potential impact by the proposed development taking access from the A83 Trunk Road.
- 2.2 Transport Scotland -TRNM responded to Argyll & Bute Council in the form of a TR/NPA/2 dated 4<sup>th</sup> August 2009, recommending that planning permission be refused for the following reasons:

The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.

The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.

3 Key Issues

- 3.1 The proposal was checked against the requirements of PAN 66 (Best Practice in Handling Planning Applications Affecting Trunk Roads) and in particular Annex A (Advice on Minor Developments Affecting Trunk Roads) and SPP17.

- 3.2 Pan 66 Annex A: Advice on minor Application affecting Trunk Roads, details in paragraph 8  
“Traffic generation is the main impact a development has on the trunk road. Increased traffic can affect the capacity and more importantly, in the case of minor developments, the safety of the trunk road. Even a small increase in traffic using a substandard access can have a significant impact.”
- 3.3 SPP 17 states that  
“Development likely to affect trunk road and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of strategic traffic.”
- 3.4 The site was visited by Scotland TranServ as the Operating Company responsible for this area of Scotland and it was noted that the visibility from the access for the proposed development met the 215m visibility requirement to the right but was significantly substandard to the left. Instead of achieving the required 215m a distance of only 70m was available.
- 3.5 In addition the access is located such that if a vehicle is waiting, on the trunk road, to turn right into the access then it is hidden beyond the crest on the road such that it is not seen by vehicles travelling in a southbound direction until they are 80m from the waiting right turning vehicle which is substantially less than the required 215m and as such a collision could not be avoided.
- 3.6 Transport Scotland require to ensure that the efficient and safe operation of the Trunk Road Network is maintained and that any development should not compromise the operational efficiency or future network management of the Trunk Road Network or the safety of drivers, pedestrians or other Trunk Road users.
- 3.7 Consequently, the response was that the application should be recommended for refusal on the basis that the proposed development significantly increased the number of vehicles entering and exiting an access which had substandard visibility for both exiting traffic being unable to see traffic on the trunk road from the access and also for forward visibility of southbound traffic being unable to see right turning traffic waiting to turn into the access.

#### 4 Background

- 4.1 This access was subject to a previous application in September 2006 to upgrade the access to allow its use for forestry extraction.
- 4.2 Transport Scotland initially responded that the access was unsuitable not only on visibility grounds but also on the standard of the access where it would require timber lorries to turn onto the southbound carriageway if they were turning to the north from the access.
- 4.3 The applicant requested a site meeting where all these points were examined in more detail. It was identified that the additional height of the driver in a lorry cab was such that they could see over the crest to the north of the access which was acceptable for timber lorries turning south but for timber lorries exiting to the north then the turn would still require them to cross over into the southbound carriageway. Given the approach speeds that was considered to be dangerous. It was also identified that the additional height of the timber lorries allowed them to be seen in sufficient time by southbound traffic to allow them to stop safely.

- 4.4 Consequently, the access arrangement was examined and suitable improvements were identified such that a modified TR/NPA/2 was issued in January 2007 with the following junction amendments conditioned.

The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) similar to Layout 3 except that a radius of 12 meters will be provided and the taper for vehicles joining the Trunk Road shall be 23 metres long.. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.

The gradient of the access road shall not exceed 1 in 50 metres for a distance of 7 metres from the nearside edge of the trunk road carriageway, and the first 7 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

The throat width of the access shall be 8 metres at a distance of 10 metres from the edge of the Trunk Road.

- 4.5 Therefore, it was accepted that, in this instance, as the application was for timber extraction and the only additional traffic would be HGVs for timber extraction their additional height and the junction improvements would be sufficient to overcome the safety concerns of Transport Scotland.
- 4.6 It should be noted that while these improvements have been carried out the same safety concerns highlighted by Transport Scotland regarding cars still remain. Namely that they cannot see approaching traffic from the access to exit safely to the south and approaching southbound trunk road traffic cannot see right turning traffic waiting to turn into the access in sufficient time to stop safely.
- 4.7 It should also be noted that the timber extraction is a commercial activity, limited to that location, for a temporary period by regular users whereas the house and the office, which have no need to be at this location, are permanent and the office could be accessed by visitors who are not familiar with either the road or the access.

## 5 Conclusions

- 5.1 Pan 66 Annex A: Advice on minor Application affecting Trunk Roads, details in paragraph 8  
“Traffic generation is the main impact a development has on the trunk road. Increased traffic can affect the capacity and more importantly, in the case of minor developments, the safety of the trunk road. Even a small increase in traffic using a substandard access can have a significant impact.”
- 5.2 SPP 17 states that  
“Development likely to affect trunk road and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of strategic traffic.”
- 5.3 Transport Scotland require to ensure that the efficient and safe operation of the Trunk Road Network is maintained. Consequently, the effect of any development should not compromise the operational efficiency or future network management of the Trunk Road Network or the safety of drivers, pedestrians or other Trunk Road users

6 Recommendations

- 6.1 Therefore Transport Scotland's position is such that the effect of this development would compromise road safety by increasing the number of vehicles entering and exiting an access which had substandard visibility both from the exiting traffic being unable to see traffic on the trunk road from the access and for forward visibility of southbound traffic being unable to see right turning traffic waiting to turn into the access. Consequently, Transport Scotland TRNM would continue to maintain their objection to the proposal.

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Ken Aitken  
Transport Scotland - TRNM  
Buchanan House  
14 December 2009

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From: Ross, James  
Sent: 02 December 2009 15:21  
To: Stewart, Melissa  
Cc: Bain, Peter  
Subject: LOCAL REVIEW BODY REF. 09/0003/LRB. Planning ref 09/00745/DET.

Attachments: Achnagoul 008.jpg; Achnagoul 001.jpg; Achnagoul 002.jpg;  
Achnagoul 003.jpg; Achnagoul 004.jpg; Achnagoul 005.jpg; Achnagoul  
006.jpg; Achnagoul 007.jpg

Melissa,

Please find attached, photos of the private access and connection to the A83 Arrochar-Kennacraig Trunk Road. Although the connection to the A83 is a matter for Transport Scotland, the photos do show the existing visibility.

Regards

James Ross  
Operational Services  
Network & Environment



















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