

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
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16 June 2010

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 JUNE 2010** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: MAMBEG HOUSE, MAMBEG, GARELOCHHEAD, G84 0EN**
 - (a) Notice of Review (Pages 1 - 4)
 - (b) Responses from Interested Parties (Pages 5 - 30)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville Councillor Donald MacMillan
Councillor Roderick McCuish (Chair)

Contact: Fiona McCallum Tel: 01546 604406

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Ref:
AB1

ARGYLL AND BUTE COUNCIL

WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

27/4/2010

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

(6) Description of Proposal

OUTLINE PLANNING
CONSIST FOR ONE PLOT
OF LAND.

(7)

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

THE GROUNDS OF REFUSAL STATE THAT THE APPLICATION WAS FOR TWO DWELLINGS, IN AUGUST⁽²⁰¹⁸⁾ THE APPLICATION WAS CHANGE TO ONE DWELLING ON ADVICE FROM PLANNING

WHEN THE APPLICATION WAS SUBMITTED THE ALTERATIONS WERE STATED WITH RESPECT TO ACCESS ETC. THIS HAS BEEN PUT DOWN AS A REASON FOR REFUSAL:

SURELY THE ACCESS CHANGES DON'T NEED TO BE DONE BEFORE OUTLINE PERMISSION IS GIVEN.

THE VISIBILITY SIGHTLINES OF 90M EITHER SIDE OF THE ACCESS HAVE EASILY BEEN ACHIEVED, HOWEVER THIS IS ANOTHER POINT OF REFUSAL! THE PROPOSED

DEVELOPMENT IS NOT VISABLE FROM THE ROAD

AGAIN ANOTHER POINT RAISE THAT IT WOULD HAVE A VISUAL IMPACT ON THE AREA. OTHER DEVELOPMENTS IN THE SURROUNDING AREAS AND ACROSS THE WATER DO NOT HAVE SO MANY POINTS TO FULFIL

IT JUST APPEARS TO BE A LITTLE UNFAIR TO

A SMALL SINGLE DEVELOPMENT, WHEN THE

REASONS GIVEN TO REFUSE APPEAR INEQUITABLE

AND NOT CONSISTANT WITH OTHER LOCAL

APPLICATIONS. I WOULD LIKE THE BOARD TO

REVIEW THE APPLICATIONS

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

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (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

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

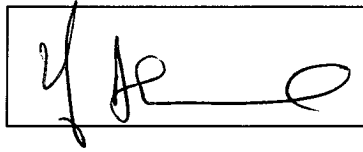
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

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

No.	Detail
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

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

Submitted by
(Please Sign)



Dated

20/04/2010

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/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to 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

For official use only

Date form issued

Issued by (please sign)

**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF TWO DWELLING HOUSES AND
INSTALLATION OF SEPTIC TANK**

**OUTLINE PLANNING PERMISSION (NOW PLANNING
PERMISSION IN PRINCIPLE) APPLICATION**

REFERENCE NUMBER 08/01234/OUT

4 MAY 2010

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mr D. J. Archard ('the appellant').

The outline planning permission application, reference number 08/01236/OUT, for the erection of two dwelling houses and the installation of a septic tank ('the appeal site') was refused under delegated powers on 10 February 2010. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is located on the Rosneath peninsula within the curtilage of Mambeg House which is located between Garelochhead and Clynder. It is accessed from the B833 with the application site sitting at a higher level than the road. Further details of the site, settlement pattern and landscape issues are contained within the Report of Handling which is attached (Appendix 1) to this report.

SITE HISTORY

99/01297/DET – Erection of boarding cattery. Approved 24/03/00.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and 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 and 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 & Bute Council considers the determining issue in relation to the case are as follows:

- Whether the proposed development for 2no dwellings and a private sewerage system accords with the Development Plan and Development Plan Policies and, if not, whether there are any material considerations which would overrule the reasons for refusal which have been stated by the Local Planning Authority.

In particular, two key issues for this application are whether the site is capable of accommodating two dwellings in a manner which would be sensitive to the character and settlement pattern of the Rural Opportunity Area and whether an acceptable access could be created which would have no adverse impacts on road safety and visual amenity.

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.

COMMENTS ON APPELLANT'S SUBMISSION

Number of Units

During the processing of this planning application there was ongoing discussions between the Council and the appellant (see Appendix 2). While the appellant was agreeable to a reduction to a single dwelling house, he was unwilling to withdraw the current application and resubmit.

Circular 4/2009 – Development Management Procedures states that “Applications for planning permission (including planning permission in principle) can be varied after submission with the agreement of the planning authority. However, if the planning authority consider the variation would result in a substantial change they are not to agree to it. Another application would be required to take forward such a variation.”

It is Council's view that a change in the proposal to one dwelling would represent a material amendment and therefore a fresh planning application would be required. A further application has been requested because it differs significantly and substantially from the proposal which was advertised and neighbour notified. The amendment to a single dwelling house would reduce the development applied for by 50 per cent and would change the overall appearance of the development from a multiple house plot to a single plot which would also have significant implications for plot ratios, landscaping and boundary treatment.

Roads / Access Issues

The appellant states in his submission that access changes do not need to be in place before outline permission is given. The Council were not requesting that the improvements be implemented prior to a decision being made. However, as this is a steeply sloping site there was concern about how the private access gradients would be formed and what the visual impact would be as a result of the change in landform and on the existing garden areas. The Council needs to be comfortable that this would not result in a degraded landscape with sharp cuts, infill and unsightly retaining walls. This information would be required in advance of any approval in order to demonstrate that these alterations could be achieved without adversely affecting visual amenity.

With regard to visibility sightlines, the criteria changed due to the issuing of new road guidelines and as a consequence the new sightline to the south is acceptable. However, due to the raised garden frontage to the north, the sight visibility is not currently to an acceptable standard. In accordance with recent applications along the B833, the requirement for a 2 metre footway along the frontage of the site would also have the advantage of allowing the sightline to be achieved. Again this would have an impact on the landform and garden area and no detail has been submitted by the applicant to allow a full assessment to be carried in order to ensure that it would be sympathetic to the countryside location.

CONCLUSION

It is considered that the current planning application for two dwellings is unacceptable and would not accord with the Development Plan which requires development in Rural Opportunity Areas to visually integrate with the landscape and settlement pattern. In addition, insufficient information has been submitted to give the Council confidence that the required roads improvements could be implemented in a way which is sensitive to this countryside location. Taking account of the above, it is respectfully requested that the appeal be dismissed.

Author: Sandra Davies
Contact No.: 01436 658884

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: 08/01234/OUT

Planning Hierarchy: Local Application

Applicant: David J. Archard

Proposal: Erection of two dwellinghouses and installation of septic tank

Site Address: Mambeg House, Mambeg, Garelochhead

DECISION ROUTE (delete as appropriate)

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of two dwellinghouses (In outline)

Installation of septic tank

(ii) Other specified operations

Connection to public water supply

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons detailed overleaf.

(C) HISTORY: None relevant to application.

(D) CONSULTATIONS:

Area Roads Manager (memos dated 20/8/08 and 22/7/09): In light of amended guidance no objections with sightline but gradients still need to be demonstrated.

Scottish Water (letter dated 18/7/08): No objections. There are no public sewers in the vicinity.

(E) PUBLICITY: ADVERT TYPE:

A18 Local Plan Potential Depart Adv (21)

EXPIRY DATE: 15.08.2008

ADVERT TYPE:

Article 9 Vacant Land - 14 Days

EXPIRY DATE: 08.08.2008

(F) REPRESENTATIONS:

(i) Summary of issues raised

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

Environmental Statement: No

An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

A design or design/access statement: No

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

Summary of main issues raised by each assessment/report

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 4 – Development in Rural Opportunity Areas

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

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

Appendix A – Sustainable Siting and Design Principles

Appendix B – Shop Front/Advertising Design Principles

Appendix C – Access and Parking Standards

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

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

Argyll and Bute Council Roads and Amenity Service: Roads Guidance for Developers: Small Housing Developments (1to 5 dwellings) (private driveways / accesses): Rural and Urban Locations. October 2008.

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

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

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

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

- (O) **Requirement for a hearing (PAN41 or other): Not required**
-

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

Outline planning permission (now planning permission in principle) is sought for the erection of two dwellinghouses within the curtilage of Mambeg House, near Garelochhead. The site lies within a Rural Opportunity Area (ROA) as defined by the adopted Argyll and Bute Local Plan.

Structure Plan Policy STRAT DC4 supports development in the open countryside as well as existing building-focussed development within the ROAs. However, such developments are required to visually integrate with the landscape and settlement pattern. The prime determining issues in this case are whether the development of two houses would be in keeping with the character of the Mambeg Rural Area and whether acceptable access, turning and parking could be provided in accordance with Local Plan policy.

It is considered that this two house proposal would not meet the terms of this policy and that acceptable access, gradients and turning have not been demonstrated in terms of the requirements of Policy LP TRAN 4. While these may potentially be achieved it is not clear what the effects would be in terms of visual impact and an assessment of these would be required against Policies LP ENV 1 and LP ENV 19.

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

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

Not applicable

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

Not applicable.

(T) **Need for notification to Scottish Ministers or Historic Scotland:** Not required.

Author of Report: Sandra Davies

Date: 22/12/09

Reviewing Officer: Howard Young

Date: 11/01/10

Angus Gilmour

Head of Planning

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 08/01234/OUT

1. The site forms part of Mambeg Rural Opportunity Area (ROA) which is characterised by small clusters of houses set back from the road on generally large plots with intermediate open undeveloped spaces between these groupings. The introduction of two dwellings within the site edged red would introduce a feu pattern which is smaller and more regular than other more organic development in the vicinity. This would give the impression of a more ordered suburban layout which would be visually discordant, visually intrusive and would be contrary to the aims of Argyll and Bute Structure Plan Policy STRAT DC 4 which is only supportive of development which visually integrates with the landscape and settlement pattern. In this respect the development would also be contrary to point (A) and (B) of Policy LP ENV 19 of the Argyll and Bute Local Plan that requires all development be sited to pay regard to the context within which it is located and that layout and density effectively integrate with the countryside setting.
2. The existing vehicle access is unsuitable for additional traffic due to its current condition. The existing sightline to the south is acceptable, however, the built up area of the frontage significantly restricts the view of oncoming vehicles approaching from the north. The entrance is narrow and not capable of accepting passing vehicles. The existing access is steep resulting in surface water and

loose material cascading onto the public road. There is no suitable service and emergency vehicle turning area and no intervisible passing places.

In line with Local Plan Policy LP TRAN 4 improvements are required in order to accommodate further development. While it may be possible to incorporate these improvements within the development, they have not been demonstrated in order to ensure that they will not have a significant detrimental visual impact. Of particular concern would be the effects of the creation of a visibility sightline measuring 2.4m x 75m x 1.05m to the north and the formation of the reduced gradients which may require embankments and retaining walls. In addition, a significant area of the existing garden would be required to provide increase access widths, passing places and a turning area in accordance with Roads and Amenity Services: Roads Guidance for Developers. The combination of a visibility sightline measuring 2.4m x 75m x 1.05m to the north, the formation of the reduced gradients which may require embankments and retaining walls and the requirement for a significant area of the existing garden to provide increase access widths, passing places and a turning could be visually discordant, visually intrusive and have a detrimental impact on the character and amenity of the area. As such the proposal is contrary to Policies LP ENV 1 and LP ENV 19 of the Argyll and Bute Local Plan which, inter alia, resist development proposals which do not protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 2 July 2008 and the refused drawing reference numbers 1/1.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01234/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Outline planning permission (now planning permission in principle) is sought for the erection of two dwellinghouses within the curtilage of Mambeg House, near Garelochhead. The site lies within a Rural Opportunity Area (ROA) as defined by the adopted Argyll and Bute Local Plan.

Structure Plan Policy STRAT DC4 supports development in the open countryside as well as existing building-focussed development within the ROAs.

B. Location, Nature and Design of Proposed Development

The development would be located to the south of Mambeg House and Mambeg Cottage to the west of the access track. The site measures approximately 1400 sqm. The northmost plot measures approximately 48 m x 17m and the southmost plot measures approximately 37m x 17 m. Visually the site would be located within the curtilage of Mambeg House and would form a small grouping with Mambeg House and Mambeg Cottage. I consider that the site may be acceptable for a single dwelling in terms of fitting in with the settlement character of the area however I am concerned that the two small plots proposed would be too suburban in appearance and would not complement the rural character of this area.

C. Landscape Character

The Mambeg Rural Opportunity Area is characterised by small groupings of development on the eastern side of the B 833 lying parallel with the road. The dwellings are set back from the road by varying degrees and have generous curtilages which slope upwards from east to west. The site lies within the curtilage of Mambeg House and while the site is largely clear it is bounded by mature trees to the rear as is the access drive. The introduction of two dwellings within the site edged red would introduce a feu pattern which is smaller and more regular than other more organic development in the vicinity. This would give the impression of a more ordered suburban layout which would be visually discordant, visually intrusive and would be contrary to the aims of Argyll and Bute Structure Plan Policy STRAT DC 4 which is only supportive of development which visually integrates with the landscape and settlement pattern. In this respect the development would also be contrary to point (A) and (B) of Policy LP ENV 19 of the Argyll and Bute Local Plan that requires

all development be sited to pay regard to the context within which it is located and that layout and density effectively integrate with the countryside setting.

D. Road Network, Parking and Associated Transport Matters.

Since the submission of this planning application new roads guidelines have been produced and this has resulted in a reduced visibility splay requirement of 2.4 x 75 x 1.05 metres. The Area Roads Manager has recommended that in the interest of continuous improvement the applicant should include within the development the construction of a 2 metre footway along the frontage of the site. This would create the necessary space to achieve the recommended sightline to the north. The visibility splay to the south can be achieved without the need to cut back vegetation on the opposite side of the carriageway and therefore all sightlines could be created within the ownership of the applicant.

There are still concerns regarding whether acceptable access gradients can be achieved, the impact of increasing the driveway width to 4.5 metres and the inclusion of a turning area and intervisible passing places. These issues have been raised with the applicant but he has failed to provide further information to demonstrate they can be achieved without a detrimental impact on visual amenity.

E. Infrastructure

It is proposed that the house be served by the public water supply and a private sewerage system. Scottish Water would have no objections.

F. Conclusion.

In conclusion, it is considered that the erection of two dwelling houses on this site would not accord with Local Plan policy as it would result in a built form which would be incompatible with the character of this rural area. In addition, the applicant has failed to demonstrate that the access improvements required to accord with Policy LP TRAN 4 of the adopted Local Plan. The Planning Authority has not been given the opportunity due to the lack of information to make a full assessment of the visual impact of any alterations required in terms of Policies LP ENV 1 and LP ENV 19.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **08/01234/OUT**

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

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 08/01234/OUT

1. The site forms part of Mambeg Rural Opportunity Area (ROA) which is characterised by small clusters of houses set back from the road on generally large plots with intermediate open undeveloped spaces between these groupings. The introduction of two dwellings within the site edged red would introduce a feu pattern which is smaller and more regular than other more organic development in the vicinity. This would give the impression of a more ordered suburban layout which would be visually discordant, visually intrusive and would be contrary to the aims of Argyll and Bute Structure Plan Policy STRAT DC 4 which is only supportive of development which visually integrates with the landscape and settlement pattern. In this respect the development would also be contrary to point (A) and (B) of Policy LP ENV 19 of the Argyll and Bute Local Plan that requires all development be sited to pay regard to the context within which it is located and that layout and density effectively integrate with the countryside setting.
2. The existing vehicle access is unsuitable for additional traffic due to its current condition. The existing sightline to the south is acceptable, however, the built up area of the frontage significantly restricts the view of oncoming vehicles approaching from the north. The entrance is narrow and not capable of accepting passing vehicles. The existing access is steep resulting in surface water and loose material cascading onto the public road. There is no suitable service and emergency vehicle turning area and no intervisible passing places.

In line with Local Plan Policy LP TRAN 4 improvements are required in order to accommodate further development. While it may be possible to incorporate these improvements within the development, they have not been demonstrated in order to ensure that they will not have a significant detrimental visual impact. Of particular concern would be the effects of the creation of a visibility sightline measuring 2.4m x 75m x 1.05m to the north and the formation of the reduced gradients which may require embankments and retaining walls. In addition, a significant area of the existing garden would be required to provide increase access widths, passing places and a turning area in accordance with Roads and Amenity Services: Roads Guidance for Developers. The combination of a visibility sightline measuring 2.4m x 75m x 1.05m to the north, the formation of the reduced gradients which may require embankments and retaining walls and the requirement for a significant area of the existing garden to provide increase access widths, passing places and a turning could be visually discordant, visually intrusive and have a detrimental impact on the character and amenity of the area. As such the proposal is contrary to Policies LP ENV 1 and LP ENV 19 of the Argyll and Bute Local Plan which, inter alia, resist development proposals which do not protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design.

APPENDIX 2
Correspondence

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

Development Services

Director: George Harper



Blairvadach, Shandon, By Helensburgh G84 8ND
Tel: (01436) 658882 or 658883

10 September 2009

Our Ref. : 08/01234/OUT
Your Ref. :

Contact : Sandra Davies
Direct Line : (01436) 658884
e-mail address: Sandra.davies@argyll-bute.gov.uk

David Archard
Mambeg House
Mambeg
Garélochhead
G84 0EN

Dear Sir

PROPOSED DEVELOPMENT AT MAMBEG HOUSE

I refer to your email dated 4 September 2009 in connection with the above.

Once an application has been submitted and registered the fee cannot be refunded. However, if a planning application is withdrawn, a further application of a similar character is exempt from a fee providing that this is submitted within a year of the registration of this application. As the current application has been in for over a year this would not apply. If the current application is refused, a further application of a similar character would be exempt from a fee within a year of the date of refusal.

With regard to the visibility sightlines, from the time of your application submission the road guidelines have been amended resulting in a lesser distance being required. This change has removed the need to clear any vegetation to the south and the result of you providing a 2 metre footway along the frontage would create the open space needed to allow good forward visibility to the north. A further benefit of the construction of this footway would ensure that the sightline is maintained in perpetuity therefore the manoeuvre to exit your property and the potential additional property would be safer.

Referring to the driveway improvements, it is necessary to increase the width to 4.5 metres for the first 10 metres to allow vehicles entering and exiting opportunities to pass each other within the access therefore not delaying vehicle movements on the main shore road.

I note your comments with regard to your own consultation with a roads engineer. I have no concerns with the driveway gradients provided you can submit plans to show that the required levels can be achieved along with the intervisible passing places and the turning area for service and emergency vehicles as this is necessary to be in accordance with Argyll and Bute Council Local Plan policy LP TRAN 4.



My letter of 5 September 2008 outlines my concerns about the proposal to built two houses on this site (copy attached). Should you decide to submit a further application for one house I consider that the main determining issues would be the siting of the house and the impact of the vehicular access.

As you have confirmed that you do not wish to withdraw the application if the fee cannot be refunded, it would be my intention to make a recommendation based upon the submitted plans. I can confirm that the application will not be determined within 4 weeks of the date of this letter to allow you time to reconsider.

Yours faithfully



Sandra Davies
Senior Planner
Development Services

08/01234/OUT
General Correspondence

Davies, Sandra

From: David Archard (Mambeg Country Guest House) [dave@mambeghouse.co.uk]
Sent: 03 September 2009 21:26
To: Davies, Sandra
Subject: re-planning 08/01234/out

Ref 08/01234/OUT

Dear Sandra

I thank you for your reply to my e-mail dated 27th July, I apologize for the delay in replying, we are about to leave the area for some time so I thought I would touch base once again with you to see if we can clarify some of the points raised in previous correspondence.

Firstly, I have no intention of withdrawing the application unless the fee would be refunded in – order to allow a re-submission of a new application.

With regards to your letter, I still do not understand how sightlines have been achieved, when technically nothing has been done, so I must assume that the roads department were incorrect in their initial appraisal of the application. It was not our intention to alter the driveway or put a public footpath along the B833 road that passes our property frontage, these are requests that you have asked for and which we assumed would help the application. On the footpath item, I would have thought that it would be very simple for you to obtain the information required from the roads department on the specs required for a public footpath, after all it is a fairly common thing in this area, and as to the visual impact, it requires the removal of a retaining wall and moving it the required distance inward and then rebuilding it. As to the driveway, the roads department initially requested that the entrance be flatten and that a slope of no more than 12% over the total distance to the new development was required, as the development is to the rear of the area the driveway would be getting extended in length. I have had a roads engineer look at the area and he has confirmed that the % gradient can be achieved without a very complicated and expensive re-route of the driveway. I can sight at least three newish developments that have more acute % gradients than ours, even as it is at present, for us to spend time, a lot of money to provide detailed drawings of existing and proposed alterations, and then to have the application refused is not really a viable argument, however to add these requirements as a provision for detailed planning would be more acceptable. You have already had a sight visit, be it sometime ago, when you brought your assistant from the roads dept Mr Devery, obviously specs change on a daily bases because since that meeting everything appears to keep changing. I feel that you seem to have some reason for not allowing this very small development, which will hardly have any impact on the natural surroundings, unlike what you are proposing with footpaths and driveway reconfigurations. If you require me to submit a new application then I shall do using the fee from the original application, or perhaps you could refresh my memory as to why you requested a single development and not the two that I originally submitted.

As I mention before I am away for a while so I look forward to you comment on my return, I suggest that if we cannot resolve these matters we should perhaps have a meeting?

Kind regards
Mr David J Archard
Mambeg House
Mambeg
Garelochhead
G84 0EN
[REDACTED]

Blairvadach, Shandon, By Helensburgh G84 8ND
Tel: (01436) 658882 or 658883

05 May 2010

Our Ref. : 08/01234/OUT
Your Ref. :

Contact : Sandra Davies
Direct Line : (01436) 658884
e-mail address: Sandra.davies@argyll-bute.gov.uk

David J. Archard
Mambeg House
Mambeg
Garelochhead
G84 0EN

Dear Sir

**PROPOSED ERECTION OF TWO DWELLINGHOUSES AT MAMBEG HOUSE, MAMBEG,
GARELOCHHEAD**

I refer to your planning application noted above.

I am writing to advise you that the Area Roads Manager has recommended that your application be refused on road safety grounds.

Having undertaken a visit to the site, it is the view of the Roads Officer that it would not be possible to achieve the required sightline visibility splays within the boundaries of the land owned by yourself. In addition, it is considered that the existing access is substandard with steep gradients and no intervisible passing places. This would not be suitable to accommodate service or emergency vehicles. In this respect, the access would require to be 4.5 metres wide for the first 10 metres with a wall to wall minimum of 3.7 metres. Gradients should be no greater than 10% with an absolute minimum of 12.5% over a short length.

Notwithstanding the road safety problems, I would also have concerns about the ability of the site to accommodate two dwellings on this land designated as a Rural Opportunity Area in the Argyll and Bute Modified Finalised Draft Local Plan. New developments in such areas are required to be in keeping with the landscape character and settlement pattern. Two similar sized rectangular plots side by side would not complement the existing organic pattern of development around Mambeg House.

Taking account of the above, it would therefore be my intention to recommend your application for refusal to a forthcoming Area Committee. Should you require any further clarification on the above issues please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, consisting of the letters 'SD' in a stylized, cursive font.

Sandra Davies
Senior Planner
Development Services

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David Archard
Mambeg House
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Dear Sir

PROPOSED DEVELOPMENT AT MAMBEG HOUSE

I refer to your email dated 31 July 2009, previous correspondence and subsequent meeting relative to the above.

Your efforts to achieve the required sightlines are acknowledged and I would confirm that is now possible to achieve the required visibility at the junction with the B833 without the need for an agreement with the adjacent land owners.

I also note your intention to alter the driveway gradients and provide a new footway along the frontage, however, to allow me to assess your proposals I will need these details in order to take a view on the visual impact of these alterations on the land and trees within the boundary of the development.

I would also confirm that a change in your proposal from two dwellings to a single dwelling house represents a material change to the scheme and as such this cannot be dealt with as an amendment to the current application. Therefore, a new planning application would be required.

I feel that prior to a fresh formal planning application being submitted, it would be helpful to let me have sight of the access details. This would allow me to make an assessment of the visual impact as well as confirming the road gradients, increased width at the entrance and intervisible passing places within the roads guidelines. It would be unfortunate if it was possible to meet the technical specifications but the visual impact and loss of trees was such that it would preclude development. If this was the case it would leave me no choice but to recommend refusal of the subsequent application. Therefore it is important that this issue is addressed fully prior to the submission of your formal application.

I would also ask you to confirm whether you wish to withdraw the current application or keep it live. Should you wish to proceed, I would be grateful if you could advise me of your anticipated timescale for the submission of the outstanding information.

I look forward to hearing from you.

Yours faithfully

Sandra Davies
Senior Planner
Development Services

08/01234/OUT

Davies, Sandra

From: David Archard (Mambeg Country Guest House) [dave@mambeghouse.co.uk]
Sent: 31 July 2009 15:51
To: Davies, Sandra
Subject: re-planning application

Dear Sandra

Thank you for your letter dated 27th July.

I have to say I am somewhat surprised to receive a letter with these comments, It would appear that any conversation, verbally or by e-mail have been completely ignored, and that the roads department manager appear to move the goal posts to suit the whim!

On your first site visit you did discuss that a single dwelling would fit much better into the environment, so we agreed at that time to change this, you did not mention that we would need to resubmit!

Because we have written permission to fell vegetation and trees on land adjoining ours, to achieve the relevant sight lines, the roads department has included the provision of a footpath in their remit for achieving sight lines, a different view from the original site inspection. The information that I have is that the council would like a footpath installed all along the peninsula road in the long term, getting land owners to do it as part of a planning application is a great idea otherwise it would have to be compulsory purchase. We have always agreed to the provision of a footpath along the length of our property, which I would like to point out is some considerable length and not a cheap cost, also while I am stating the benefits, the new property would require a modern septic tank, it would located in the grounds of Mambeg House and serve both the new house , Mambeg House and Mambeg Cottage, something else that would probably need to be done by the council in due course.

As to the gradients, the existing lower part of the driveway is not a severe slope as stated by yourself on a site visit, also the roads department manager said that levelling out of the entrance and some re-jigging of the drive i.e. widening and extending there by reducing the slope even more would probably make it a viable proposition. This in comparison to the slopes of driveways that have been allowed at the new development at Rahane make it almost a flat driveway! To achieve the required gradients by re-routing the driveway access would also make the frontage of the property very unsightly with many mature trees needing to be removed, don't you think.

I am sure that any planning application for new dwellings is a mixture of environmental impact, residential requirement, and council to applicant give and take, I think that we are providing more benefits for the environment for the sake of a very small planning application and I feel that the impact on the area is somewhat small considering other developments in the area. I look forward to your comments.

Your sincerely

Mr David J Archard

Mambeg House

d. [REDACTED]