

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
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DX 599700 LOCHGILPHEAD
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3 August 2011

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **MEMBERS ROOM, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 10 AUGUST 2011** at **3:00 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: LAGGANBEG, KILNINVER PA34 4UU**
 - (a) Notice of Review and Supporting Documents (Pages 1 - 12)
 - (b) Comments from Interested Parties (Pages 13 - 28)
 - (c) Applicant response to comments by Interested Parties (Pages 29 - 32)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)
Councillor Al Reay

Councillor David Kinniburgh

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

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Ref:
AB1

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

OFFICIAL USE

3 June 2011
 (MS)
 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	(2) AGENT (if any)
Name <input type="text" value="RICHARD FIE"/>	Name <input type="text"/>
Address <input type="text" value="LAGGANBEC HOUSE"/>	Address <input type="text"/>
<input type="text" value="KILMINNER"/>	<input type="text"/>
<input type="text" value="OBAN"/>	<input type="text"/>
Postcode <input type="text" value="PA34 4UU"/>	Postcode <input type="text"/>
Tel. No. <input type="text" value="01852 316224"/>	Tel. No. <input type="text"/>
Email <input type="text" value="rfie@fastmail.fm"/>	Email <input type="text"/>

- (4) (a) Reference Number of Planning Application
- (b) Date of Submission
- (c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

AS ABOVE

(6) Description of Proposal

ERECTION OF EXTENSION TO
 DWELLING HOUSE, DEMOLITION OF RUINOUS
 OUTBUILDING, ERECTION OF SELF CATERING
 UNIT AND ALTERATIONS OF KITCHEN OUTBUILDING

(7)

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

PLEASE REFER TO ACCOMPANYING LETTER

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	LETTER
2	PHOTOGRAPHS
3	SITE PLAN
4	MAP ENLARGEMENT
5	1875 MAP
6	
7	
8	
9	
10	

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

Submitted by
(Please Sign)



Dated



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. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
4. 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*
5. 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)





**Lagganbeg House
Kilninver
Oban
Argyll
PA34 4UU**

Tel: 01852 316224
Mobile: 07710079998
Email: rfye@fastmail.fm

The Director of Customer Services
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

18th April 2011

Planning Permission Ref No 11/00208/PP

Notice of Review

Following guidance in the "Notes to Applicants" I request a review of the conditions attached to the permission granted on 31st March 2011 in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997.

I am aggrieved at two conditions of the permission, Condition 4 and Condition 7.

Grievance over Condition 4

*"Prior to the commencement of work starting on site the proposed access shall be formed in accordance with the Council's Highway Drawing No SD 08/004a and shall have visibility splays of 75 x 2.4 metres formed from the centre line of the proposed access to be cleared and maintained in perpetuity to the satisfaction of the Planning Authority. No walls, hedges, fences, etc will be permitted within 2 metres from the channel line of the public road.
Reason: In the interest of road safety."*

The access is not a new formation but an existing entrance that has always served Lagganbeg House. Three other houses serving a total population of twelve residents currently share and use the entrance to the access road. These are: Lagganbeg Cottage; Cuil na Thall and Feoran. Two of these houses, Cuil na Thall and Feoran, are modern and relatively recent developments. Immediately adjacent to the entrance is a sheepfold belonging to the landowner.

The public road carries little and infrequent traffic. The sight lines for entry and exit in all directions are unrestricted. The entrance is set back from the road and there is ample space for passing and parking without obstructing vehicle flow. Please see the attached photographs.

I feel that it is unfair and unreasonable that my wife and I, the two residents of Lagganbeg House, should be required to upgrade this area when is practically unnecessary and has not been a requirement on previous recent developments.

The possible need to relocate the sheep handling facility, set back from the highway and not on land owned by me, is a potential obstacle to achieving the generic "Access from a Single Track Road" specifications.

I argue that the existing access is entirely satisfactory, safe and in keeping with other access points throughout the glen. I request that this condition is withdrawn as it is not, in any real sense, in the interest of road safety.

Grievance over Condition 7

"No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. Reason: The site may contain sensitive remains or features. The above measures are required in order that any remains are adequately recorded, in accordance with advice within PAN42."

Unfortunately, the copy of the letter to Development Services from the West of Scotland Archaeology Service is incomplete on the electronically stored version to which I have access so it is difficult to follow the full argument. The main thrust seems to be based around the fact that the ruined outbuilding is marked on a map dated circa 1860. This is then supplemented by reference to a "former township, a type of settlement and land use the Medieval period." The Archaeology Service then state that "It may be there isassociated with previous centuries of occupation".

As a result of this flimsy hypothesis, I am required to bear the cost of an archaeological investigation.

To the best of my knowledge, the property dates from circa 1800. I attach a copy of the Ordnance Survey map dated accurately at 1875. It shows the house and outbuildings along with various farm enclosures. There is no reference to any historical settlement or site.

It is recognised that the neighbouring property of Lagganmore was an historical settlement with archaeological interest. Its significance is noted on ancient and modern maps and recorded in historical accounts. Lagganmore is only half a mile from Lagganbeg. Nothing is recorded for Lagganbeg and I would suggest that it is unlikely that there were two Medieval settlements within the glen at such close proximity.

The existing ruinous building, while showing characteristics of vernacular architecture is, I am advised, of no architectural significance, showing neither characteristic building techniques or materials other than those contemporary to the period or later. It has no foundations and has been modified on several occasions. The roofing structure dates from this century and the floor has been laid in concrete for farm usage.

The ground surrounding the buildings has been disturbed to a very great extent over time. There are three areas, currently overgrown with moss and grasses, which are concrete bases for previous farm buildings. The area to the west of the

ruinous building has been laid as a garden with grass and fruit trees. The area to the east is a levelled parking area, the north is in close proximity to a burn and the south elevation is approximately three meters from the main house. The recent usage and high level of ground disturbance would surely make it highly unlikely that evidence would be found, given the lack of accurate historical location data.

I argue that it is unreasonable and unjustifiable to require me to comply with Condition 7. I would have no objection to advising the Archaeology Service of the date that demolition will take place, in order for them to send a representative to observe the operation and halt proceedings should they feel that evidence is emerging but I am aggrieved at being required to bear an additional expense without even reasonable evidence that it is a possibility. I feel that there is insufficient rigour in the argument for this condition and request that it is removed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Fye', written in a cursive style.

Richard Fye

Attachments:

Photographs of access point

Copy of 1875 map

Enlargement of 1875 map showing Lagganbeg

Drawing showing existing concrete bases.

2

View East



DSCN0381.JPG

View West



DSCN0382.JPG

West



DSCN0383.JPG

View East



DSCN0384.JPG

View from West



DSCN0385.JPG

(3)

ARGYLL AND BUTE COUNCIL
This plan been APPROVED by the
PLANNING AUTHORITY and MUST be read in
conjunction with the Planning Conditions of
Consent No.

Walter ...
Mayor D. St ...
Head of Planning and Regulatory Services

Date: 21/03/11

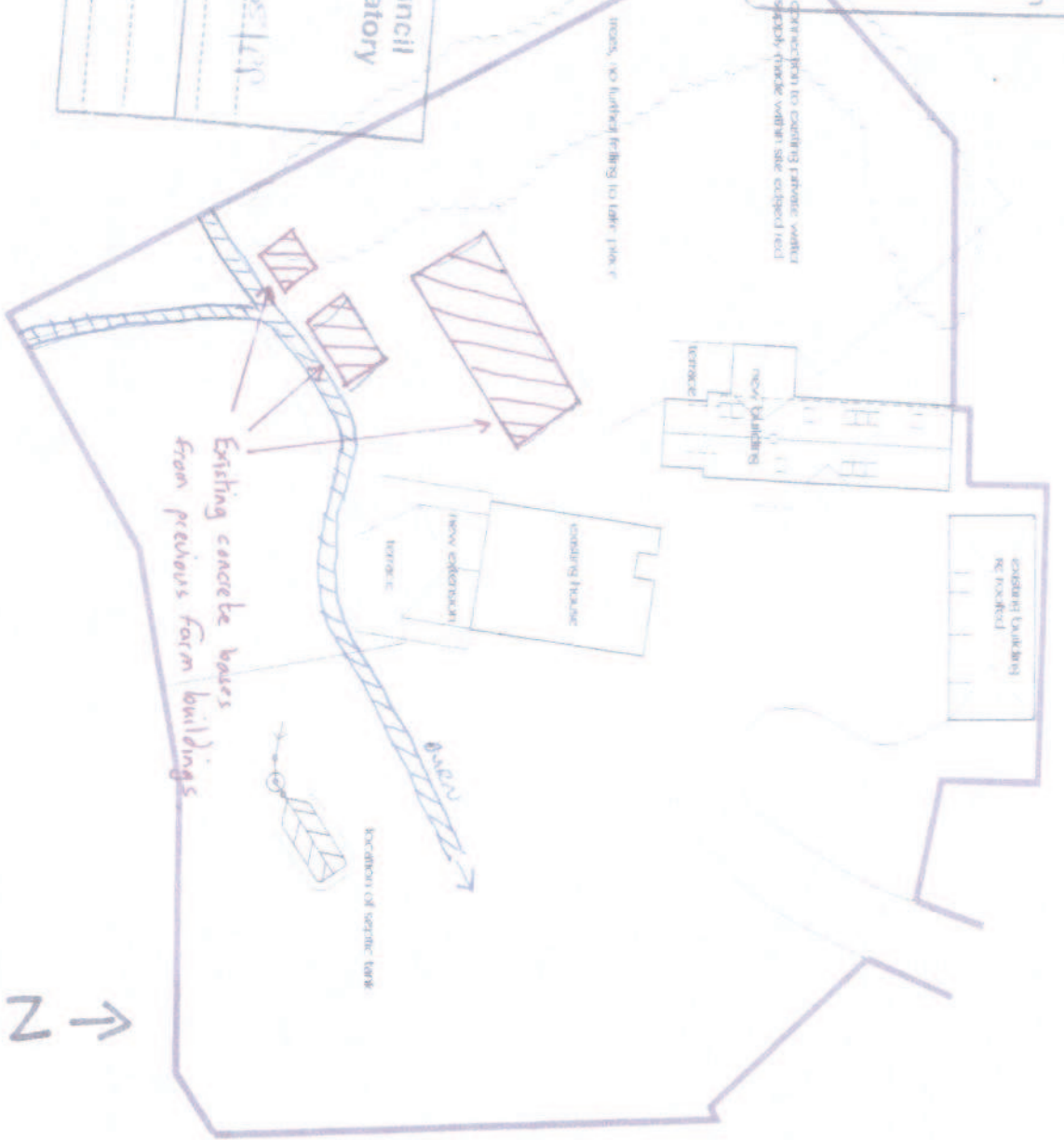
east elevation

west elevation

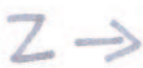
Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: *11/0232/01/0*
received: *11/2/11*

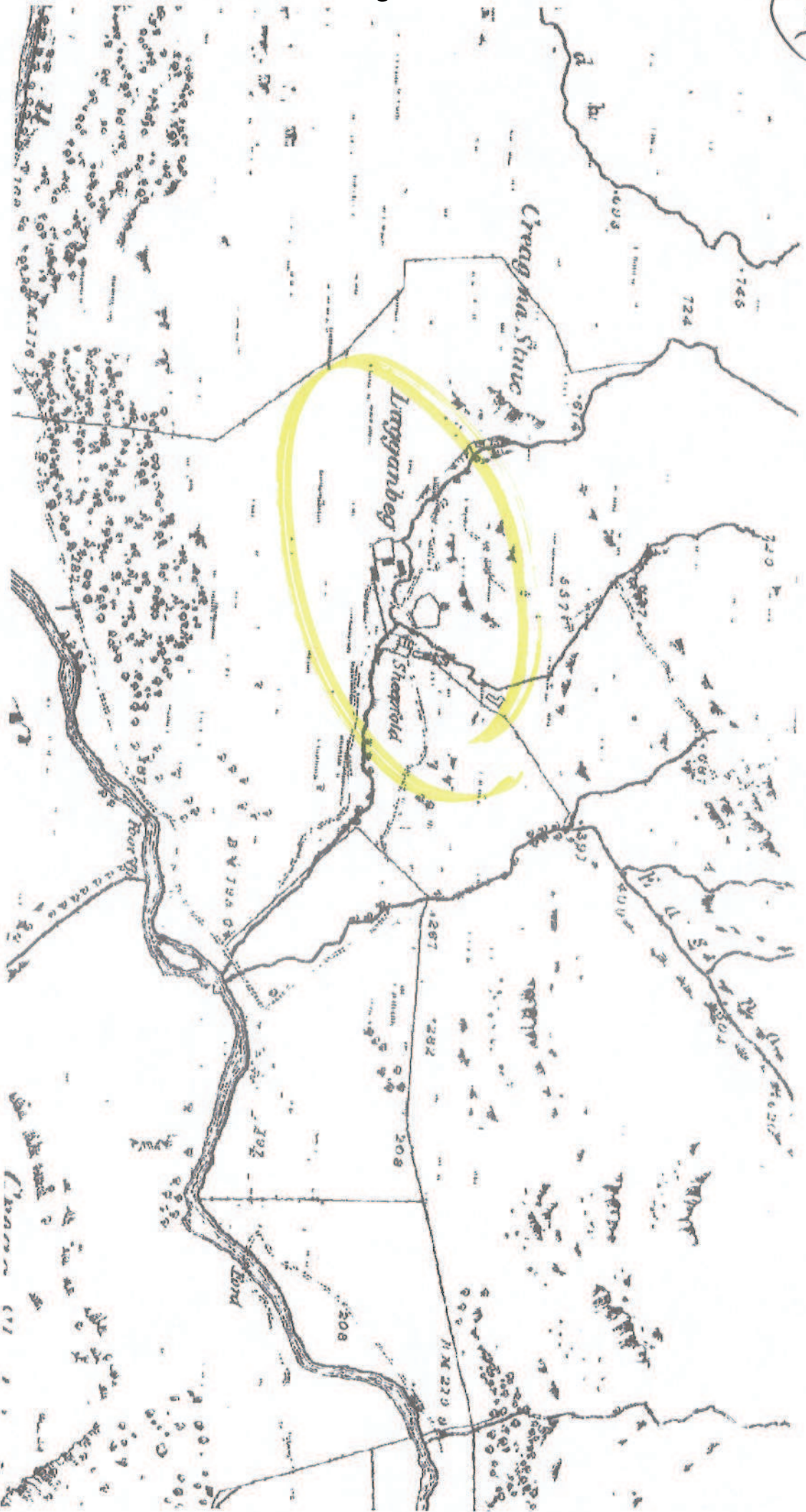
no: *6 of 6*
of: *35*



site plan 1 : 500

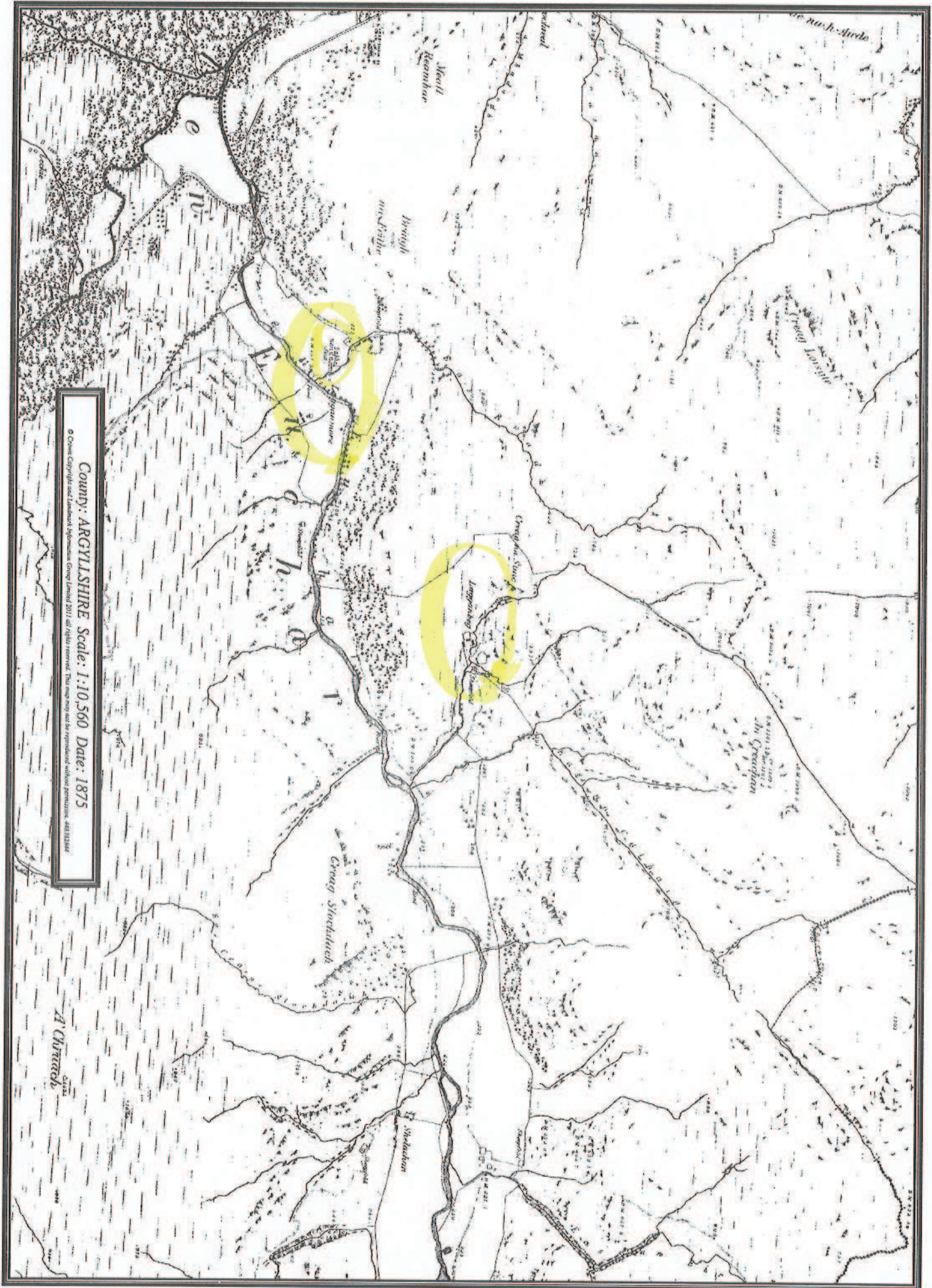


4



COUNTY: ARGYLLSHIRE
 Scale 1" 10,500
 Date 1875
 Crown Copyright

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**GRANT OF PLANNING PERMISSION FOR
ERECTION OF EXTENSION TO DWELLINGHOUSE,
DEMOLITION OF RUINOUS OUTBUILDING AND
ERECTION OF SELF CATERING UNIT AND
ALTERATIONS AND RE-ROOFING OF FURTHER
OUTBUILDING TO FORM STORE AND GARAGE AT
LAGGANBEG , KILNINVER, OBAN, ARGYLL,
PA34 4UU**

**PLANNING PERMISSION REFERENCE NUMBER
11/00208/PP**

17 JUNE 2011

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Richard Fye ('the appellant').

Planning Permission Reference Number 11/00208/PP for erection of extension to dwellinghouse, demolition of ruinous outbuilding and erection of self catering unit and alterations and re-roofing of further outbuilding to form store and garage at Lagganbeg, Kilninver, Oban, Argyll ('the appeal site') was granted subject to conditions on 31/03/11.

Condition numbers 4 and 7 below are subject of referral to a Local Review Body.

4. Prior to the commencement of work starting on site the proposed access shall be formed in accordance with the Council's Highway Drawing No. SD 08/004a and shall have visibility splays of 75 x 2.4 metres formed from the centre line of the proposed access to be cleared and maintained in perpetuity to the satisfaction of the Planning Authority. No walls, hedges, fences, etc will be permitted within 2 metres from the channel line of the public road.

Reason: In the interests of road safety

7. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: *The site may contain sensitive archaeological remains or features. The above measures are required in order that any such remains are adequately recorded, in accordance with advice within PAN42.*

DESCRIPTION OF SITE

This site is a detached dwellinghouse with outbuildings and lies within open countryside at Lagganbeg, Kilninver.

It is proposed to erect an extension, demolition of a ruinous outbuilding, erection of a self-catering unit and alterations and re-roofing to a further outbuilding to form store and garage.

SITE HISTORY

No history relevant to this site.

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

The determining issues in relation to the case are as follows:

Whether or not the above mentioned planning conditions have been reasonably applied and can be so defended or whether their variation would render the proposed development contrary to the Development Plan.

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

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that the Local Review Body will 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 any substantial public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Conditions 4 and 7

The appellant has stated that he is aggrieved by condition 4 as the access is an existing access and is satisfactory; and that condition 7 is unreasonable and unjustifiable.

Comment:

Having considered the points raised by the appellant, and discussed the matter in depth with the Roads Authority, it is considered that the condition should remain as it is. The upgrading of existing accesses to this standard is commonplace where there will be an intensification of use of existing accesses, in the interests of road safety. The works predominantly relate to surfacing the access, which prevents debris from spilling onto the public road as occurs at present. There is a material increase in proposed traffic usage due to the approved self catering unit at the site.

With regard to the points raised on condition 7, and having discussed the matter with West of Scotland Archaeology Service, it is considered that the condition is fully

justified. Archaeology is a material planning consideration and record of settlement at the site go back as far as pre-1600. Due to the combined nature of the works approved by the planning permission, there is the prospect of archaeology being uncovered during the works, and the condition aims to ensure such finds are appropriately recorded if they present themselves. The full response to the review from West of Scotland Archaeology Service is attached to this statement for background information.

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.

Taking account of the above, it is considered that the conditions should remain as originally granted, as detailed above in section titled 'Comment on Appellant's Submission'. The conditions are consistent with the terms of the current Development Plan and are commonplace for developments with the same set of circumstances that exist in this instance.

.....

Stephen Fair

Area Team Leader – Oban, Lorn & the Isles

APPENDIX 1

Argyll and Bute Council
Development Services

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

Reference No: 11/00208/PP

Planning Hierarchy: Local Development

Applicant: Mr Richard Fye and Mrs Avril Palmer Fye

Proposal: Erection of extension to dwellinghouse, demolition of ruinous outbuilding and erection of self catering unit and alterations and re-roofing of further outbuilding to form store and garage

Site Address: Lagganbeg, Kilninver, Oban

DECISION ROUTE (delete as appropriate)

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of extension
 - Demolition of ruinous outbuilding
 - Erection of self-catering unit
 - Alterations and re-roofing of outbuilding to form store and garage
 - Installation of septic tank
 - Installation of private water supply
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

No history relevant to this particular site.

(D) CONSULTATIONS:

Access Officer

No response at time of report.

Area Roads Manager

Report dated 07/03/11 advising no objection subject to conditions.

Public Protection

Memo dated 07/03/11 advising no objection subject to conditions.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 18/03/11.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 5 – Development in Sensitive Countryside

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 HOU 5 – House Extensions

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

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

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

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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

Planning permission is sought for erection of an extension, demolition of a ruinous outbuilding, erection of a self-catering unit and alterations and re-roofing to a further outbuilding to form store and garage at Lagganbeg, Kilniver, Argyll.

The property as existing is a detached dwellinghouse with outbuildings and lies within open countryside.

In terms of the adopted Argyll and Bute Local Plan the site is situated within the Sensitive Countryside Zone at Kilniver within which Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan gives a presumption in favour of a positive development opportunity yielding significant countryside management or environmental enhancement benefit, or building retention benefit.

Policy LP ENV 1 assesses applications for their impact on the natural, human and built environment. The site offers a suitable opportunity for redevelopment consistent with the terms of this policy as it is of an appropriate form, location and scale. The proposal does not raise any adverse privacy or amenity issues.

The applicant proposes to replace an existing conservatory with a single storey structure extension to the south (side) elevation of the dwellinghouse providing additional living accommodation in the form of an extended living / sunroom and dining area. The extension is to be finished in render, with hardwood timber windows with natural spanish slate all to match the finishes on the existing dwellinghouse.

Policy LP HOU 5 supports house extensions where they cause no detriment to the existing building, the neighbours or the immediate vicinity. It is considered that the scale and massing of the proposed extension is subservient to the existing building. The proposal will complement the existing building by maintaining the pitched roof ridge line and using materials to match the existing. The proposal does not raise any privacy issues.

The applicant further proposes the replacement of an outbuilding with a one and a half storey self catering unit. The proposed self catering unit will consist of three bedrooms all en-suite, w.c. room, living/dining kitchen area, garden and utility room. The proposed external wall finishes of natural stone or stone facing with areas of timber boarding and render with plastisol coated steel corrugated roofing.

The proposal is however considered to be acceptable as ancillary accommodation to the existing property and for self catering purposes only. A condition is therefore proposed to regulate the occupation of the self catering unit. This condition is to be applied for the use that the applicant has applied for.

Policy LP ENV 19 requires proposals to meet high standards with regards to setting, layout and design. It is considered that these proposals are sited appropriately and compliments the existing built form. The proposals are of an appropriate layout and density with no issues of overlooking or overshadowing. The proposals are designed to minimise its visual impact and to maintain the original building lines and roof ridge line.

The applicant further proposes alterations and re roofing of further outbuilding to form store and garage with plastisol coated steel corrugated to match that on other buildings.

Policy LP TRAN 4 sets out criterion of the acceptance of development utilising existing public roads and private accesses. The Area Roads Manager raises no objections subject to conditions as there are adequate sightlines.

The existing vehicular access currently serving the site is to be used to serve the existing dwellinghouse and self catering unit. Policy LP TRAN 6 seeks to ensure that all new developments are served by an appropriate number of parking spaces. The Area Roads Manager has requested the additional parking for two vehicles be provided.

Drainage and water supply are via connection to the public systems. In this regard Scottish Water was consulted, and, whilst not objecting to the proposed developments, has advised that a condition be attached requiring a report on the private water supply arrangements.

The proposed works are of a suitable form, scale and design which will not dominate or detract from the property. With conditions, the proposals represent an acceptable form of development which respects the existing built form and does not adversely affect the privacy and amenity of neighbouring properties.

In this regard the proposals are considered to comply with the terms of Policies LP ENV 1, LP ENV 19, LP HOU 5 and Appendix A of the adopted Argyll and Bute Local Plan and I have no objection to planning permission being granted.

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

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

The proposed erection of extension to dwellinghouse, demolition of ruinous outbuilding and erection of self catering unit and alterations and re-roofing of further outbuilding to form store and garage are of a suitable form, scale and design which will ensure that they will not detract from the overall appearance of the property.

The proposal accords with Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, HOU 1 and LP HOU 5 of the adopted Argyll and Bute Local Plan and it is considered that the proposal is acceptable in terms of location, setting and design.

There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Judith Stephen Date: 29.03.11

Reviewing Officer: Peter Bain Date: 30.03.11

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 11/00208/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The development shall be implemented in accordance with the details specified on the application form dated 03/02/11 and the approved drawing reference numbers:

Plan 1 of 6 (Location plan)
Plan 2 of 6 (Drawing No. 1072 01 at a scale of 1:100)
Plan 3 of 6 (Drawing No. 1072 02 at a scale of 1:100))
Plan 4 of 6 (Drawing No. 1072 03 at a scale of 1:100))
Plan 5 of 6 (Drawing No. 1072 04 at a scale of 1:100))
Plan 6 of 6 (Drawing No. 1072 05 at a scale of 1:100))

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

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

3. Prior to commencement of the development hereby approved details a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. Prior to the commencement of work starting on site the proposed access shall be formed in accordance with the Council's Highway Drawing No. SD 08/004a and shall have visibility splays of 75 x 2.4 metres formed from the centre line of the proposed access to be cleared and maintained in perpetuity to the satisfaction of the Planning Authority. No walls, hedges, fences, etc will be permitted within 2 metres from the channel line of the public road.

Reason: In the interests of road safety

5. The replacement building hereby approved as detailed on drawing ref. 1072 04 rev. B shall be used solely as holiday accommodation operated and managed by the owners or occupiers of the main house within the site known as Lagganbeg, Kilninver and shall not be occupied by any individual, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority. For the avoidance of doubt, the building may not be used as a sole or main residence for any party whatsoever.

Reason: In accordance with the proposed use, as a holiday letting unit, thus avoiding the potential for privacy and amenity conflicts that could otherwise arise.

6. Details of two additional car parking spaces within the site edged red shall be submitted, in plan form, and approved in writing by the Planning Authority in consultation with the Area Roads Manager. Such details as approved will be fully implemented prior to occupation of the self catering unit hereby approved and thereafter maintained in perpetuity.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

7. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: The site may contain sensitive archaeological remains or features. The above measures are required in order that any such remains are adequately recorded, in accordance with advice within PAN42.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **11/00208/PP**

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

No

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

No

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

The proposed erection of extension to dwellinghouse, demolition of ruinous outbuilding and erection of self catering unit and alterations and re-roofing of further outbuilding to form store and garage are of a suitable form, scale and design which will ensure that they will not detract from the overall appearance of the property.

The proposal accords with Policy STRAT DC 5 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, HOU 1 and LP HOU 5 of the adopted Argyll and Bute Local Plan and it is considered that the proposal is acceptable in terms of location, setting and design.

There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.



Development and Infrastructure Services

Director: Sandy Mactaggart

Argyll and Bute Council
Customer Services
Kilmory
Lochgilphead
PA31 8RT

Development and Infrastructure Services

Municipal Buildings, Albany Street, Oban, PA34 4AW
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e mail john.heron@argyll-bute.gov.uk
Website www.argyll-bute.gov.uk
Direct Line 01631 569170
Ask For: John F Heron
Our Ref: 11/00208/PP
Your Ref: 11/0005/LRB
Date: 13 June 2011

Dear Sir/Madam

LOCAL REVIEW BODY REFERENCE: 11/0005/LRB
PLANNING APPLICATION REFERENCE: 11/00208/PP
LAGGANBEG, KILNINVER

I refer to your letter dated 6 June 2011 regarding the above.

I have no further representation to make on this case.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John F Heron', written over a horizontal line.

John F Heron
Technical Officer
Oban Lorn & the Isles



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**Lagganbeg House
Kilninver
Oban
Argyll
PA34 4UU**

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Local Review Body
Corporate Services
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

Review reference: 11/0005/LRB
Reference of Planning Application: 11/00208/PP

25th June 2011

In considering my appeal to the Local Review Body, I request that it consider the following facts and responses:

1. There appears to be an underlying assumption throughout the consideration of the planning application that the development work is to provide accommodation for holiday lets. This is stated in the reasoning for Condition 5, which states "the proposed use, as a holiday letting unit, ..." and intimated in the comment for Condition 4 in the Statement of Case, which refers to "a material increase in proposed traffic usage ...".

I think this misunderstanding arises from the architect's use of the term "self catering unit".

I should like to state categorically that it is not, and never has been, our intention to use any part of the property as a letting unit.

The existing house has only two bedrooms. Our desire is to provide additional accommodation in order that our family and friends can visit periodically and stay with us in comfort. As using the existing footprint of the existing outbuilding seemed to be the most sympathetic approach to the architectural integrity of the site, we are able to include a living area and galley kitchen. This will allow us and our family greater privacy and flexibility when they visit. A utility room to serve the main house is included in this structure. The existing building is in a ruinous state and it is also our hope that the developments will preserve the site as a viable, habitable property.

Lagganbeg House is our only residence and we are willing to invest in its development and improve its structure. I cannot see how there will be a significant increase in traffic to the property, anymore than our three neighbouring properties, whose occupants have family and friends staying with them.

2. I suspect that conditions have been applied to the planning consent based on generic responses and expectations.

The comment in the Statement of Case, "The upgrading of existing accesses to this standard is commonplace where there will be an intensification of use of existing access, in the interest of road safety." Seems to be based on the assumption that there is to be a letting unit but also does not account for the individual nature of this access. Enquiries of neighbours can identify no road traffic incidents, of any sort, at this access.

The access is shared by three other properties and the surrounding landowner's farming activities. In total, twelve residents use the access as well as occasional farm traffic. The access is set back from the road, has unrestricted sightlines in both directions and is separated from the highway by a cattle grid.

There is no significant spilling of debris onto the public road at the access. It is a single-track glen road with an uneven surface, regularly needing repair and frequently affected by debris from the poor edges and limited, unmarked, passing places.

I feel that it is unfair and unjustifiable that one property, with two residents, should have to bear the cost of upgrading the access, which is used more often by others. I would suggest that any necessary work to meet the expectations stated by the Roads Authority will be automatically subsumed into any future road improvements to the general state of the highway, such as resurfacing, and that an individual should not have to meet this expense.

I believe that no site visit has been undertaken to look at the individual circumstances at this access or development. The inclusion of a condition that two extra car-parking places should be created may reflect this. At present, the property contains sufficient room to park six or more cars in a spacious farmyard area. Indeed, there is sufficient room for a 20ft flatbed builders' merchant's truck to turn and exit.

3. The response from the West of Scotland Archaeological Service appears to indicate that they have gone back, when challenged, and found some more detailed responses to support their proposed condition.

I feel that their proposal is, again, based on a theoretical assumption that an action should be undertaken based on general practice, whereas a site visit would suggest a more common sense approach. Quotations to undertake the "relatively limited" work required by their condition, average around a minimum fee of £2,000. Every building professional that has visited the site has expressed the view that it is an unjustifiable and unnecessary requirement.

The size and location of the building to be demolished is well documented on official maps. The floor and roof have been replaced within recent times. The replacement building is to have a nearly exact footprint to the existing building. The ground has been significantly disturbed over a 200 years period of farming and local folklore suggests that the original

settlement at Lagganbeg was more than 100 metres away to the northeast, where remains are visible.

My wife and I relocated specifically to Lagganbeg because of the beauty and history of the site, its buildings and locality. We chose not to move to a modern development but are making every effort to retain the integrity of the site, contribute to sustaining its buildings for future generations and to the community. After 20 years visiting the area to sail from Ardfern, we have now made this our permanent home and want to share it with those we hold dear.

Our efforts are to that end but we feel that the seven conditions attached to what the planning department describe in their Statement of Case as a "... proposal is small-scale, has no complex or challenging issues and has not been the subject of any substantial public representation ..." are unreasonable and unjustified.

I urge you to look at the individuality of Lagganbeg and facilitate our development by removing the specific conditions of my appeal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Fye', written in a cursive style.

Richard Fye

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