



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
13 September 2017

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 20 SEPTEMBER 2017** at **9:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: SITE FOR THE ERECTION OF CROFT HOUSE, LAND NORTH OF 1 KILVAREE, CONNEL, OBAN. PA37 1RN**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 12)
 - (b) Comments from Interested Parties (Pages 13 - 34)
 - (c) Comments from Applicant (Pages 35 - 36)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville (Chair) Councillor Mary-Jean Devon
Councillor Donald MacMillan

Contact: Adele Price-Williams 01546 604480

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Ref:
AB1

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

OFFICIAL USE

19 July 2017

F McCallum

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
1 KILVAREE, CONNEL
BY OBAN PA37 1RN

(6) Description of Proposal

SITE FOR THE
ERECTION OF A
CROFT HOUSE

(7)

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

REASONS ATTACHED

If insufficient space please continue on a separate page. Is this 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.

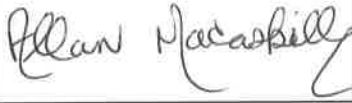
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

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**):

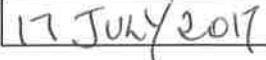
No.	Detail
1	PLANNING PERMISSION REF: 17/00493/PPP
2	CONDITION NO 4 OF PLANNING REF: 17/00493/PPP
3	LOCATION PLAN OF CROFT
4	QUOTATION TO CARRY OUT THE BITUMINOUS SURFACING.
5	REASONS FOR REQUESTING THE REVIEW.
7	
8	
9	
10	

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

Submitted by
(Please Sign)



Dated



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)

①



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION

REFERENCE NUMBER: 17/00493/PPP

**Mr James Adam
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR**

I refer to your application dated 21st February 2017 for planning permission in respect of the following development:

**Site for the erection of dwellinghouse
AT:
Land North Of 1 Kilvaree Connel Oban Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 2 May 2017

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



this planning permission in principle shall lapse.

- Scottish Water was consulted on the proposed development but at the time of report had not formally responded. You are therefore advised to contact them direct to discuss connection to their infrastructure (planning.enquiries@scottishwater.co.uk or 0845 601 8855).

2. The development shall be implemented in accordance with the details specified on the application form dated 20/02/17 and the approved drawing reference numbers 1 of 4 to 4 of 4 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.

OCCUPATION RESTRICTION

3. The dwelling hereby approved shall be occupied in association with the management of the croft land to which it relates in accordance with the stated intentions specified in the associated Croft Management Plan, or any variation thereof as may be agreed subsequently in writing by the Planning Authority.

Reason: In order to underpin the special circumstances without which the proposal would be contrary to the provisions of the Development Plan.

ROADS, ACCESS AND PARKING

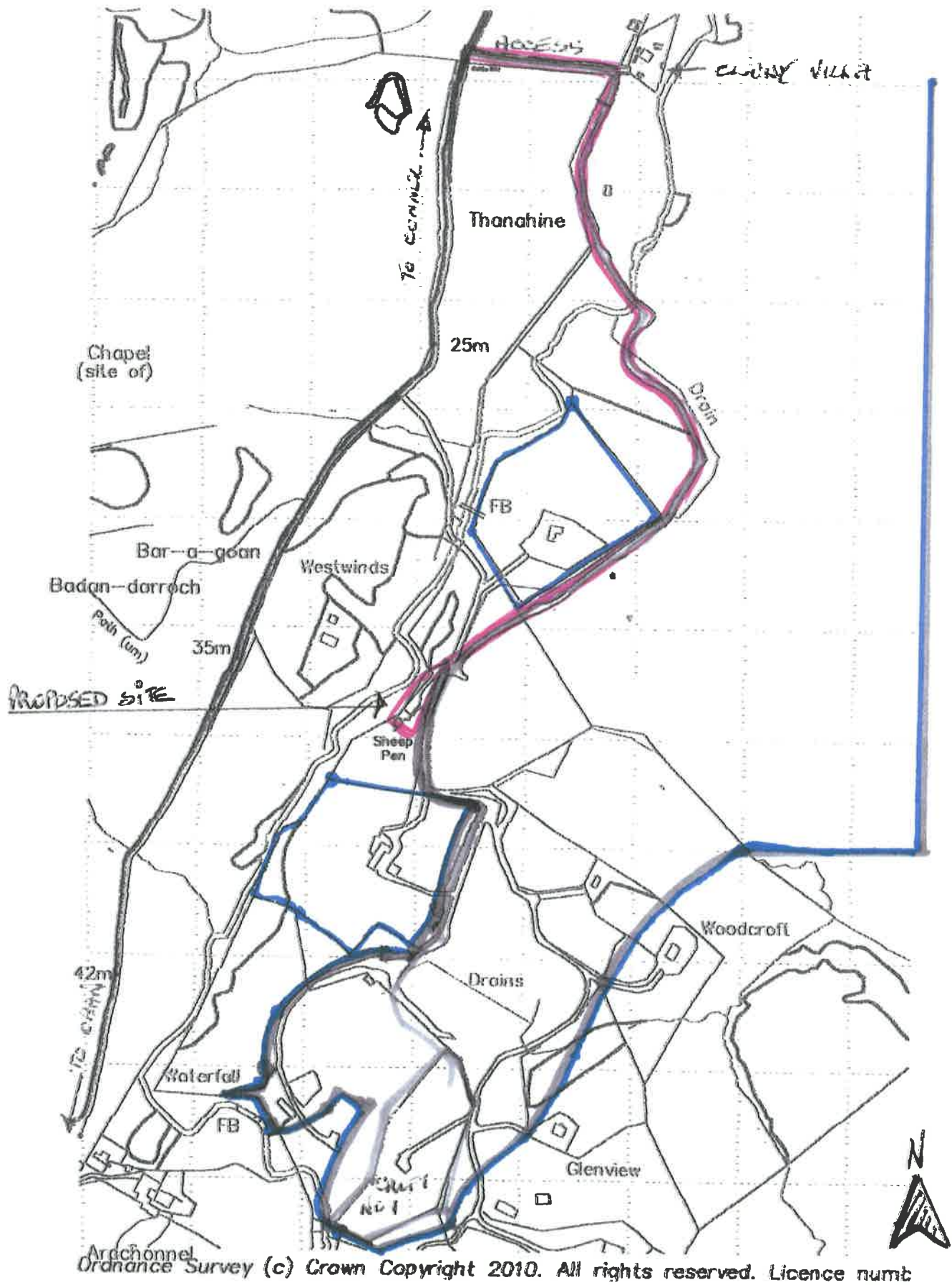
4. Pursuant to Condition 1 – no development shall commence until details, in plan form, showing the existing private access surfaced in a bituminous surface to a point 10 metres south of the access into the site together with intervisible passing places at not more than 150m centre to centre, have been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

The approved road improvements shall be fully implemented before the dwellinghouse hereby approved is first occupied.

Reason: In the interests of road safety to ensure a safe means of vehicular access to serve the proposed development.

5. Pursuant to Condition 1 – no development shall be commenced until plans and particulars of the parking/turning arrangements to serve the dwellinghouse have been submitted to and approved by the Planning Authority. The parking provision shall be commensurate to the size of dwellinghouse to be provided in accordance with the Car Parking Standards set out in the adopted 'Argyll and Bute Local Development Plan' 2015. The approved parking and turning layout to serve the dwellinghouse shall be implemented in full prior to it being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

3



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1:5000

CROFT C32.08 - KILWARREE

4



July 14, 2017

Direct Dial-Estimating

Mr. C. MacLeod

01290 700761

Our ref: TW17098

5 Ferryfield Road
Connel
Argyll
PA37 1SR

For the attention of: Allan Macaskill

Dear Sir(s),

Kilvaree, North Connel - Access Surfacing

We thank you for your recent enquiry, giving us the opportunity to tender for the above contract. We now have the pleasure in submitting our tender documents for your consideration.

Our tender has been compiled in accordance with the documents provided within your tender enquiry and the documents below,

- 1) Bill of Quantities Pages - As per attached
- 2) Breedon Northern Limited Conditions of Offer - As per attached

We trust this meets with your approval however should you require any further assistance please do not hesitate to call the undersigned.

Yours Faithfully

A handwritten signature in black ink, appearing to read "C. MacLeod".

Cameron MacLeod
Breedon Northern Limited
cameron.macleod@breedongroup.com

Item No.	Description	Quantity	Unit	Rate	Total
A	10 Breedon enriched surface course; 60mm thick	2607	m2	16.50	43,015.50
A alt	Recycled road planings; 80mm thick	2607	m2	5.30	13,817.10
TOTAL					

REASON FOR REQUESTING REVIEW

Planning permission Ref: No. 17/00493/PPP was granted on 02 May 2017 for the erection of a croft house on Land North of 1 Kilvaree, Connel, by Oban PA37 8QP with a Condition No.4. This Condition stated that the existing private access had to be surfaced in bituminous material to a point 10 metres South of the access into the site.

The road is not to be surfaced to an adopted standard and the applicant believes that the Condition is far too onerous and not proportionate for the erection of a croft house on a private road.

A quotation to comply with that Condition is enclosed which shows that the cost would be over £43,000 plus VAT @ 20%. The total cost therefore of complying with the Condition would be over £50,000.

The usual Condition for a private road recommends the first 5 metres to be asphalted and passing places provided. This access road already has some passing places and the applicant is willing to provide other ones so that they are situated at not more than 150m centre to centre.

I therefore implore the Local Review Body to substitute a more reasonable Condition so that the croft house can be developed.

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY (LRB)**

17/0005/LRB

**Amendment to Condition 4 of Planning Permission
in Principle 17/00493/PP granted on 02/05/17
(requirement for surfacing in a bituminous surface
to a point 10 metres south of the access into the
site)**

**Site for erection of dwellinghouse on land North of 1
Kilvaree, Connel**

02/08/17

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr James Adam ('the appellant').

Planning permission in principle 17/00493/PPP for site for erection of a dwellinghouse on land north of 1 Kilvaree, Connel, ('the appeal site') was granted by the Planning Service under delegated powers on 02/05/17.

Condition 4 of the planning permission in principle has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site for the proposed dwellinghouse is a flat, triangular area of ground situated within the small crofting township of Kilvaree along the Connel Back Road between Oban and Connel. The site is well contained within the landscape and was assessed as being suitable for development with a dwellinghouse to serve the bareland croft.

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, 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 material considerations asserted by the appellant are sufficient to warrant an amendment of Condition 5 of planning permission in principle 17/00493/PPP which was attached at the request of the Council's Roads Authority in the interests of road safety and in accordance with Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development' 2015 which requires the provision of commensurate improvements when an existing private access regime is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic.*

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

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. 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 any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant contends that the requirement of Condition 4 is far too onerous and not proportionate for the erection of a dwellinghouse on a private road. The appellant has obtained quotation for the proposed surfacing works as required by Condition 4 from Breedon. The quote contains two costings, one for a tarmac surface quoted at £ 43015 plus VAT @ 20% with the other for recycled road planings quoted at £13817 plus VAT @ 20%.

The appellant contends that the development of the site with a dwellinghouse would finish off the site as was originally intended and would not involve the removal of any trees or undergrowth, and, if required, the appellant advises he would be willing to undertake additional planting to the roadside to further screen the proposed dwellinghouse from the public road.

The appellant contends that the usual condition for private road recommends the first 5 metres to be asphalted and passing places provided. The appellant further contends that the private access road already has some passing places and that the applicant is willing to provide others so that they are situated at not more than 150m spacings, centre to centre.

The appellant requests that the surfacing requirement of Condition 4 be substituted with a less onerous upgrade.

Comment:

SG LDP TRAN 4 (Part D) of the LDP sets out a requirement for the provision of commensurate improvements where a site is served by an existing private access regime which is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic.

This guidance concludes that where an existing private access regime is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic, and is not capable of commensurate improvements, then the proposals will be resisted by the Planning Authority unless the private access regime is brought up to full adoptable standard as directed in the Council's Road Development Guide.

At the time when Planning Permission in Principle was granted, the Area Roads Authority assessed the proposed development against the terms of the above policy and deemed that the specific improvements as specified by Condition 4 of planning

permission in principle are wholly practical and proportionate to the nature and scale of development proposed.

The Planning Service sought the comments of the Area Roads Authority regarding the appellant's submission to the LRB, however at the time of this statement comments were not forthcoming.

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 all of the above into consideration, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the development has been appropriately assessed against the provisions of SG LDP TRAN 4 as part of the Area Roads Authority's assessment. The specific improvements as specified by Condition 4 of Planning Permission 17/00493/PP are wholly and practical and proportionate to the nature and scale of development proposed.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development and Infrastructure

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/00493/PPP

Planning Hierarchy: Local Development

Applicant: Mr James Adam

Proposal: Site for Erection of Dwellinghouse

Site Address: Land North of 1 Kilvaree, Connel, by Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Proposed private drainage system
- Proposed private water supply

(ii) Other specified operations

- Utilisation of existing access regime
-

(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 relevant history.

(D) CONSULTATIONS:

Area Roads Authority

Initial report dated 02/03/17 deferring decision until clarification was sought on the access arrangements and the number of existing properties that the access served. Having had these issues clarified, the Roads Authority, in an e-mail dated 05/04/17, advised no objection subject to conditions requiring the existing private access being surfaced in a bituminous surface to a point 10 metres south of the access into the site together with intervisible passing places at not more than 150m centres.

Environmental Health Unit

Memo dated 17/03/17 advising no objection subject to a condition regarding the proposed private water supply.

Scottish Environment Protection Agency

Letter dated 16/03/17 advising no objection to the proposed development but that the Council should undertake their responsibilities as Flood Prevention Authority.

Flood Alleviation Manager

No response at time of report and no request for an extension of time.

Connel Community Council

Letter dated 21/03/17 raised a number of concerns regarding the proposed development as follows.

- Concerns over the state of the existing single track public Barran Road which is already becoming congested with local residents commuting to work and the state of the road has come to a point where any further development will place an unreasonable burden on the Roads Authority to improve a significantly substandard road and a contribution should be received from the developer for its upgrade. The situation is aggravated by the road being increasingly used by traffic heading both north and south to avoid congestion through Oban town centre.

Comment: *In their response to the planning application the Area Roads Authority did not request any works or improvements to the Barran public road and this was confirmed in a verbal discussion with the Planning Service. They advised that a review of this road may be undertaken in the future but is not required at the moment.*

- Concerns over the ability of emergency vehicles to reach properties.

Comment: *This was clarified by the Roads Authority who were satisfied that the existing access regime was sufficient for emergency vehicles. Furthermore the Council's Building Standards Unit, at the time of Building Warrant, will undertake a consultation with emergency services regarding access for their vehicles.*

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 30/03/17.

(F) REPRESENTATIONS:

One representation has been received regarding the proposed development.

Mr Mark Hamilton, 1 Kilvaree, Connel, PA37 1RN

Summary of issues raised

- There is the presence of Japanese Knotweed on the site which was introduced when the large levelled area was created.

***Comment:** This is noted and will be dealt with by a condition imposed on the grant of permission requiring the submission of a scheme for eradication of the Japanese Knotweed.*

- Clarity is required on the access – how many properties can use the current access and how is this enforced?

***Comment:** The Area Roads Authority has raised no objection to the proposed development subject to commensurate improvements, which are fully discussed in the assessment at Section P below, consistent with the terms of current policy.*

- Some time ago the Planning Office said that there would be no acceptance or agreement of further development on Kilvaree after the last tranche was approved. This has also been under review with the Crofting Commission who also said that the previous list represented the final set of approvals.

***Comment:** Each planning application is considered on its own merits with the Planning Service taking account of all material considerations. The proposal subject of this current application is fully assessed in Section P below. The Crofting Commission has designated a croft within this area with the current application seeking a dwellinghouse to serve it.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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 obligation required:	No
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(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 Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
 LDP 8 – Supporting the Strength of our Communities
 LDP 9 – Development Setting, Layout and Design
 LDP 10 – Maximising our Resources and Reducing our Consumption
 LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles
 SG LDP ENV 14 – Landscape
 SG LDP ENV 16(a) – Development Impact on Listed Buildings
 SG LDP HOU 1 – General Housing Development including Affordable Housing
 SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems
 SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
 SG LDP SERV 6 – Private Water Supplies and Water Conservation
 SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

(i) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Consultee Responses
 Third Party Representations

(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: No

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

Planning permission in principle is sought for erection of a dwellinghouse to serve a bareland croft at Kilvaree, Connel.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within a Rural Opportunity Area (ROA) where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites, including the open countryside, subject to compliance with other relevant policies and supplementary guidance.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is not subject of any landscape or nature designations that require further consideration under this policy.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 expands on this policy giving general support to new housing within ROAs subject to ongoing capacity evaluation. This SG further states that there is a general support for housing on bareland crofts but is dependent on specific proposals being assessed as having no significant adverse landscape impact and further supported by a business case.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. Supplementary Guidance SG 2 expands on this policy seeking new development in the ROAs to be carefully sited within the landscape to complement their surroundings making minimum possible physical impact.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The application is seeking planning permission in principle with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The site for the proposed dwellinghouse is a flat, triangular area of ground situated within the small crofting township of Kilvaree along the Connel Back Road between Oban and Connel. The site is well contained within the landscape and it is considered it is suitable for development with a dwellinghouse to serve the bareland croft.

As a new croft, a Croft Development Plan (CDP) has been submitted in support of the proposed development. The plan outlines the proposed activities to be undertaken on the croft over a three year period. In the first year the plan identifies that the main focus will be the construction of the dwellinghouse to allow the crofter to take up residence on the croft prior to taking forward any land development plans together with stockproofing the croft with 320 metres of rylock fencing, a cattle grid and gate. In year two the plan proposes to construct a shed to house machinery and tools and in year three site a polytunnel for vegetables and a hen house for a small flock of hens for free range egg production. It is considered that the CDP demonstrates a suitable need for siting of the proposed dwellinghouse to serve the bareland croft.

It is considered that the site represents a suitable opportunity for development with a single, modest dwellinghouse to serve the bareland croft within the ROA without having any significant adverse impact on the wider landscape at this location. With appropriate conditions to control the siting and design of the proposed dwellinghouse, the proposal complies with the terms of Policies LDP DM 3, LDP DM 9 and Supplementary Guidance SG 2 and SG LDP ENV 14 which seek to ensure that developments integrate well within their setting and do not have any adverse impact on the wider landscape.

An existing vehicular access from the 'Cluny Villa' access is to be utilised to serve the proposed development. The Area Roads Authority originally deferred their decision until clarification was sought on the access arrangements and the number of existing properties that the access served. Having had these issues clarified the Roads Authority raised no objection subject to the existing private access being surfaced in a bituminous surface to a point 10 metres south of the access into the site together with intervisible passing places at not more than 150m centre to centre. The applicant's agent was advised of the requirements of the Roads Authority and did not raise any concerns. With conditions to achieve the requirements of the Roads Authority the proposal is considered consistent with the terms of Policy LDP DM 11 and Supplementary Guidance SG LDP SERV 4 and SG LDP SERV 6 which seek to ensure a safe means of vehicular access and appropriate parking and turning area to serve developments.

The application indicates a private drainage system and private water supply to serve the proposed development. No details of the proposed arrangements have been submitted with these being subject of approval through a further planning application(s). The Council's Environmental Health Unit raised no objection to the principle of a private water supply subject to a condition being imposed to ensure it is adequate to serve the proposed development. With conditions to secure the details of the proposed private drainage system and water supply, the proposal is consistent with the terms of Policy LDP DM 11 and Supplementary Guidance SG LDP SERV 1 and SG LDP SERV 6 which give support to private drainage systems and water supplies where connection to the public systems is not feasible.

The site is within an area identified as having potential to flood and accordingly consultations were undertaken with SEPA and the FAM. In their response SEPA advised that the wider croft boundary is partially within the functional floodplain of an adjacent watercourse and highlighted the potential flood risk to the red line boundary and wider croft but raised no objection to the application on flood risk grounds. The Council's FAM was consulted on the proposal, but at the time of report had not responded or requested an extension of time. SEPA and the FAM will be further consulted at the time of any detailed submission for the site It is considered that the

proposal complies with the Policy LDP DM 10 and Supplementary Guidance SG LDP SERV 7 which seek to ensure that proposed developments are not at risk of flooding.

In summary, the proposal is considered to represent a suitable opportunity for development with a suitably designed and sited modest dwellinghouse within the ROA to serve the bareland croft consistent with the terms of the current Development Plan and it is recommended that planning permission in principle be granted subject to the conditions appended to this report.

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

(R) Reasons why planning permission in principle should be granted

It is considered that the site represents a suitable opportunity for development with a suitably designed, modest dwellinghouse within the ROA to serve the bareland croft will fit well with the established settlement pattern of the area without having any significant adverse impact on the wider landscape at this location.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations, including issues raised by third parties, 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 Environment Scotland:
No

Author of Report: Fiona Scott **Date:** 28/04/17

Reviewing Officer: Tim Williams **Date:** 28/04/17

Angus Gilmour
Head of Planning

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE
17/00493/PPP**

GENERAL

1. Plans and particulars of the matters specified in conditions 4, 5, 7, 9, 10, 11 and 12 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Note to Applicant:

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- Scottish Water was consulted on the proposed development but at the time of report had not formally responded. You are therefore advised to contact them direct to discuss connection to their infrastructure (planning.enquiries@scottishwater.co.uk or 0845 601 8855).

2. The development shall be implemented in accordance with the details specified on the application form dated 20/02/17 and the approved drawing reference numbers 1 of 4 to 4 of 4 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.

OCCUPATION RESTRICTION

3. The dwelling hereby approved shall be occupied in association with the management of the croft land to which it relates in accordance with the stated intentions specified in the associated Croft Management Plan, or any variation thereof as may be agreed subsequently in writing by the Planning Authority.

Reason: In order to underpin the special circumstances without which the proposal would be contrary to the provisions of the Development Plan.

ROADS, ACCESS AND PARKING

4. Pursuant to Condition 1 – no development shall commence until details, in plan form, showing the existing private access surfaced in a bituminous surface to a point 10 metres south of the access into the site together with intervisible passing places at not more than 150m centre to centre, have been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

The approved road improvements shall be fully implemented before the dwellinghouse hereby approved is first occupied.

Reason: In the interests of road safety to ensure a safe means of vehicular access to serve the proposed development.

5. Pursuant to Condition 1 – no development shall be commenced until plans and particulars of the parking/turning arrangements to serve the dwellinghouse have been submitted to and approved by the Planning Authority. The parking provision shall be commensurate to the size of dwellinghouse to be provided in accordance with the Car Parking Standards set out in the adopted 'Argyll and Bute Local Development Plan' 2015. The approved parking and turning layout to serve the dwellinghouse shall be implemented in full prior to it being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety to ensure an appropriate off road parking and turning area to serve the proposed development.

WATER, DRAINAGE AND FLOODING

6. Notwithstanding the provisions of Condition 2 above, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The 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.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

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.

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

7.

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

8.

Notwithstanding the provisions of Condition 2 above, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small

Scale Development – www.sepa.org.uk.

DESIGN AND FINISHES

9. Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the dwellinghouses have been submitted to and approved by the Planning Authority. These details shall incorporate:
- i) A detailed Design Statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - ii) Local vernacular design;
 - iii) Maximum of one and a half storeys in design;
 - iv) Finished in white wet dash render, white smooth render, natural stone, timber or a mixture of these finishes;
 - v) Symmetrically pitched roof finished in natural slate or a good quality slate substitute;
 - vi) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

LANDSCAPING

10. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

JAPANESE KNOTWEED

11. Pursuant to Condition 1 - no development shall commence on site until full details of a scheme for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of this non-native invasive species through development works.

12. Pursuant to Condition 1 – no development shall commence on construction of the dwellinghouse until the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 1 above have been implemented in full, and a validation report confirming details of the remediation treatment carried out and that the site is free of Knotweed has been submitted to and approved in writing by the Planning Authority.

Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of this non-native invasive species through development works.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/00493/PPP**

- (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.

It is considered that the site represents a suitable opportunity for development with a suitably designed, modest dwellinghouse within the ROA to serve the bareland croft will fit well with the established settlement pattern of the area without having any significant adverse impact on the wider landscape at this location.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	17/00493/PPP
Decision Date	28.04.17
Issue Latest Date	
Decision	Grant with Conditions & Reasons

Date signed by ATL

Don't Issue Decision	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Section 75 Agreement			
Revocation			

Issue Decision	✓	Tick	Standard Conditions/Notes to include					
Tick	Dev/Decision Type	Time Scale*	Initiation	Completion	Display Notice			
			Only use if PP/AMSC & Granted					
	Local – Sch.3 – Delegated							
✓	Local – Delegated	✓						

*standard time condition not required if application retrospective.

Include with Decision Notice	
SEPA Consultation Response	✓
Customer Satisfaction Survey	✓

Notify of Decision	
Objectors/Contributors	
Ongoing Monitoring – priorities:	

Total residential units FP3 (uniform)			
Houses	1	Sheltered	
Flats		Affordable	

Local Review Body Reference 17/0005/LRB

Planning Reference 17/00493/PPP

Site for the Erection of Croft House, Land North of 1 Kilvaree, Connel, By Oban, PA37 1RN.

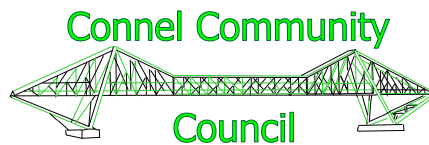
This area has been the subject of several planning applications over the last few years. There are now approximately 13 dwellings or live planning permissions serviced by the private access off the UC19 Barran – Connel Road. This figure includes the two new 2017 applications.

The private access is unsurfaced. It has now come to the stage that there should be no new developments served by this private access until the access road has been brought up to adoptable standard. The alternative is to allow further development, but insist on commensurate improvements. As a first stage, the applicant has been asked to surface to the proposed dwelling access point.

It should be noted that the applicant for this site is the landowner who is responsible for most of the development in this area. This is the first time that Roads have requested commensurate improvements. The estimated cost of the improvements should therefore be assessed against all the planning permissions granted over the last few years.

Roads will request further commensurate improvements in the future, should any further planning applications be made for dwellings accessed off this private access.

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Chairman: Sandy Dunlop
Secretary: Roger Ashforth, Kinmundy , Connel, Oban, Argyll. PA37 1PG
01631 710063
Treasurer: Lorne Nelson
connelcommunitycouncil@gmail.com

28 July 2017

For the attention of
Fiona McCallum
Planning & Regulatory Services
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sir/Madam,

17/00493/PPP and Local Review Body Reference 17/0005

Location: Land North Of 1 Kilvaree, Connel, Oban, Argyll And Bute.

Applicant: Mr James Adam 35 Morven Hill, Oban

Connel Community Council acknowledges your letter of intimation dated 19/07/17.

Observations from Connel Community Council:

The Community Council in its original submission dated 21 March 2017 made a comment relating to the private access arrangements for this development as follows:

The Community Council note the following section in LDP Trans 4 which states “ *Private accesses and private roads should facilitate effective and safe access by emergency service vehicles (3.7m width from wall to wall) and where appropriate, by public service vehicles and include a turning area.*”

We seek an assurance that this issue will be robustly addressed and if private road improvements are considered necessary the works must be completed before planning consent is issued.”

Though our particular comment in relation to access by emergency vehicles was not accepted we welcomed when planning consent was granted that it was agreed that substantial private road improvements were indeed needed .As a result we are satisfied that the details set out in Condition 4 of the Planning Consent following an inspection by the Council road engineer met our concerns.

We understand that the applicant has disputed the findings of the officer and wishes to replace these conditions with ones of a lesser specification.

The Community Council is concerned that the expert findings of the council officer are now to be substituted by a road design solely motivated by cost control measures.

Thank you for providing us with this opportunity to make this submission

Yours sincerely

Roger Ashforth (Secretary)



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<http://www.community-council.org.uk/connelcommunitycouncil/>

COMMENT REGARDING REPRESENTATION BY ARGYLL & BUTE COUNCIL FOR REVIEW REFERENCE 17/0005/LRB. MR JAMES ADAM, CROFT 20, KILVAREE, CONNEL, BY OBAN, PA37 1RN

The road to the croft will not be a road to adoptable standard and Condition 4 should have commensurate improvements that are proportionate for the erection of a single croft house. (Incidentally in the Statement of Case by Argyll & Bute Council reference is made to Condition 5, which should be Condition 4).

The application is for a single croft house and the cost of complying with Condition 4 to provide a bituminous surface is far too onerous as a tarmac surface could cost over £50,000.

The Representation from Argyll & Bute Council refers to dwelling houses being serviced by the private access off the UC19 Barran to Connel Road. However there are two roads being used to access the crofting township. The first one is at Cluny Villa and the second one is to the South before the dwelling house called Westwinds. The former is to be used to access croft 20 Kilvaree.

Policy SG LDP TRAN 4 states that in the more rural areas of Argyll & Bute the policy aims to limit public access by taking a more flexible approach which will limit development costs that requires bound (bituminous surfaced) roads. That policy has not been applied to this application as a bituminous surface has been requested.

Argyll & Bute is one of the Crofting Counties and crofting is an important part of the rural landscape. The Council should therefore encourage the development of crofts and their associated housing. There is no point in approving planning consents if the attached conditions prevent implementation.

It is quite apparent that Roads have specified improvements which step beyond the reasonable requirements of commensurate improvements by specifying a standard which is equivalent in nature to an adoption standard road.

I therefore urge the Review Panel to substitute a more reasonable condition for the road so that the crofter will not be faced with costs which could prevent him from erecting the croft house.

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