

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the  
MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC CENTRE, 38 EAST CLYDE  
STREET, HELENSBURGH  
on FRIDAY, 8 FEBRUARY 2019**

**Present:**

Councillor Rory Colville (Chair)

Councillor Graham Archibald Hardie      Councillor Richard Trail

**Attending:**

Charles Reppke, Head of Governance and Law (Advisor)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: 18/0007/LRB - PLOT 2, LAND  
NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN**

The Chair welcomed everyone to the meeting and introductions were made. He explained that no person present would be entitled to speak other than the Members of the Local Review Body and Mr Reppke who would provide procedural advice if required.

He advised that his first task would be to establish if the Members of the Local Review Body felt that they had sufficient information before them to come to a decision on the Review. All Members of the Local Review Body agreed they now had sufficient information before them to come to a decision on the review.

The Chair asked members for their views and Councillor Hardie said he believed the planning decision was correct to refuse this as overdevelopment and so he was minded to refuse the application on the same grounds as the original decision.

Councillor Colville said he believed that this site could be developed and presented a motion in the following terms –

I move that the application be granted subject to the conditions and reasons attached to this motion for the following reasons -

Reasoned justification

1. The applicants have submitted details of other plot sizes in the vicinity of the proposed development site in what is a very intensively developed node of development and has also provided details of the ratios of house size to overall plot size to demonstrate that the proposed development will not be out of keeping with other plots in the immediate locality and as such it would not result in overdevelopment contrary to the provisions of Policy LDP 9 and SG 2 of the

adopted 'Argyll and Bute Local Development Plan' 2015, given that the existing pattern of development in the immediate area the development of this plot will not seem cramped nor will it adversely alter the character of this area. The proposal will not therefore be in conflict with policy LDP 9 and SG2.

2. The proposed condition attached to this motion provides commensurate improvements to the private access and therefore provided the condition is imposed as a suspensive condition prior to any works taking place on the site the proposal will not have an adverse effect on this private access and the improvements will provide road safety benefits to all users of the road.
3. In light of the lack of certainty around the ability of the developer to implement the road improvements required by Condition 2 that a Section 75 Agreement with the owners of all the affected land be required to secure delivery of the required road improvements.

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 17/03128/PP**

### **GENERAL**

1. The development shall be implemented in accordance with the details specified on the application form dated 02/12/17 and the approved drawing reference numbers Plan 1 of 3 to Plan 3 of 3 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.*

#### Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 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.
- Please note the advice contained in the attached letter from Scottish

Water. You are advised to contact Scottish Water direct to discuss the issues raised.

## **VEHICULAR AND PEDESTRIAN ACCESS**

2. Notwithstanding Condition 1 above and before any development commences on site, full details of the following road and pedestrian access improvements shall be submitted to and approved in writing by the Planning Authority in consultation with the Council as Roads Authority:
- Croft Drive widened to 5 metres to include a minimum 3 metre wide carriageway plus 1 metre wide verges to both sides and along its full length between its junction with Longsdale Crescent and the development site. The required improvements to include for appropriate means of construction, surfacing and drainage;
  - Croft Drive widened to a minimum of 5.5 metres wide at two specific points – these being, (i) the corner of Croft Drive to the immediate north east of the existing Croft Drive Electricity Substation and, (ii) the section of Croft Drive immediately fronting the existing residential dwellinghouse 'Ash Lea' (or 'Ashlea' as it appears on the approved site plan, drawing number 1764 01 Revision D), in order to secure two additional passing places for vehicles. The required improvements to include for appropriate means of construction, surfacing and drainage.

The required road and pedestrian improvements the subject of this planning condition shall be implemented in full before any other development works commence.

*Reason: In the interests of road and pedestrian safety.*

### Note to Applicant:

- The required road and pedestrian improvements cannot be achieved within the existing road corridor and will require land currently within third party ownership. It is understood that the applicant/developer has indicated that an agreement from any and all affected land owners can be secured.

## **PARKING PROVISION**

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 2 vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety.*

## **SUSTAINABLE URBAN DRAINAGE SYSTEM**

4. Notwithstanding the provisions of Condition 1, 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](http://www.sepa.org.uk)

## **DESIGN AND FINISHES**

5. Notwithstanding the effect of Condition 1, no development shall commence until full details of the materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings and no such detail having been submitted with the application.*

## **RETAINING WALL**

6. Notwithstanding the effect of Condition 1, no development shall commence until full details, in plan form, of the proposed retaining wall have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure that the size and visual appearance of the proposed retaining wall is acceptable and no such detail having been submitted with the application.*

## **LANDSCAPING**

7. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

## **PERMITTED DEVELOPMENT RIGHTS**

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1, Classes 1A, 1B, 1D, 2B, 3A, 3B, 3C, 3D and 3E of the aforementioned Schedule, as summarised below:

### **PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose

incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

## **Decision**

The Argyll and Bute Local Review Body, having considered the case de novo, agreed by a majority to uphold the request for review and to require the completion of a Section 75 Agreement due to the lack of certainty around the ability of the developer to implement the road improvements required by Condition 2 and that a Section 75 Agreement with the owners of all the affected land be required to secure delivery of the required road improvements and on completion of the Section 75 Agreement in terms satisfactory to the Council, to issue planning permission in the terms set out above.