

SUGGESTED CONDITIONS

FOR

ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY

16/0007/LRB

REFUSAL OF PLANNING PERMISSION 16/01321/PP
ERECTION OF DWELLINGHOUSE
LAND SOUTHEAST OF BENVOLIN LODGE,
BENVOLIN ROAD, OBAN

26 OCTOBER 2016

CONDITIONS AND REASONS RELATIVE TO APPLICATION TREFERENCE 16/01321/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 05/05/16 and the approved drawing reference numbers:

Plan 1 of 4 (Location Plan)
Plan 2 of 4 (Site Plan)
Plan 3 of 4 (Elevations)
Plan 4 of 4 (Floor Plans)

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.

ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a with the top surface to match the existing access and visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2016.

Note to Applicant:

The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

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 two 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 in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2016.

FLOODING

4. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the 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, has been submitted and approved in writing by the Planning Authority in consultation with the Council's Flood Alleviation Manager. The requisite surface water drainage system shall be operational prior to the initial occupation of any of the flats hereby approved and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding in accordance with Policy LDP DM 10 and Supplementary Guidance SG LDP SERV 2 of the adopted Argyll and Bute Local Development Plan 2015.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

TREES

5. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
 - i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
 - ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
 - iii) Details of all trees to be removed and the location and canopy spread of

- iv) trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".
- v) A woodland management plan for the trees to be retained.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation in accordance with Policy LDP DM 3 and Supplementary Guidance SG LDP ENV 6 of the adopted Argyll and Bute Local Development Plan 2015.

Note to Applicant:

It is the expectation of the Local Planning Authority that only those trees immediately required for the construction of the dwellinghouse shall be removed.

PERMITTED DEVELOPMENT RIGHTS

6. 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 and Classes 1A, 1B, 1D, 2B, 3A, 3B, 3C, 3D and 3E and Part 2, Class 8 of the 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.

PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

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).