

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: 21/02709/PP
Planning Hierarchy: Local
Applicant: Mr Graham Wylie
Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements
Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll And Bute, G84 8NF

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Planning permission be approved subject to conditions recommended herein.

(C) CONSULTATIONS:

Rhu and Shandon Community Council - 07.03.2022 – Object

Rhu and Shandon Community Council have objected on the basis that the proposed roads alterations will harm the character of the conservation area and they would like to see the road remain as is.

Roads Helensburgh And Lomond - 04.03.2022 – Object

Roads Helensburgh and Lomond have objected to the proposals to vary/omit the roads conditions relative to planning permission 20/01150/PP due to the current issues with the existing access road, as follows; Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles, No intervisible Passing Places & No formal turning head In accordance with:

SG LDP TRAN 4. They further note that; Private Access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling. Based on this roads have noted that conditions 3, 5, 6, 7 & 8 relative to planning permission 20/01150/PP shall remain unchanged and condition 4 should be revised to suit the roads consultation original response relative to planning application 20/01150/PP being a minimum visibility splay of 2.4 x 25 x 1.05 metres and not the 2.4 x 42 x 1.05 metres as per the decision notice for 20/01150/PP.

(D) HISTORY:

02/00728/DET

Alterations to dwellinghouse
11.06.2002

15/00085/PP

Erection of sunroom extension
02.04.2015

16/00225/PP

Erection of dwellinghouse
23.03.2016

17/00194/PP

Erection of detached garage
13.03.2017

20/01150/PP

Erection of dwellinghouse
18.11.2020

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 24.03.2022

(F) REPRESENTATIONS:

i) Representations received from:

Objection

1. *Brian Fleming Abergare House Rhu* 10.03.2022

2. Ruth Chappell Fleming Abergare House Rhu 10.03.2022
3. Tim Lamb Rhu Cottage Ferry Road Rhu Helensburgh 10.03.2022
4. Jim Duncan Shoreacres Artarman Road Rhu Helensburgh Argyll And Bute 10.03.2022

Support

1. Colin Jackson Tanglewood Cumberland Road Rhu Helensburgh 02.03.2022
2. C A Cook Clanard Gareloch Road Rhu Helensburgh 02.03.2022
3. Jane Weir Victoria Cottage Hall Road Rhu Helensburgh 02.03.2022
4. Juliet Baines 1 Rhu Ellen Cottage Gareloch Road Rhu Helensburgh 02.03.2022
5. K Wallace 9 Guthrie Place Rhu Helensburgh Argyll And Bute 02.03.2022
6. Ann McKendrick Lagarie Torwoodhill Road Rhu 02.03.2022
7. Brian Murray 7 Church Road Rhu 02.03.2022
8. J Cairns 3 County Cottage Rhu 02.03.2022
9. R J Sawkins 66 East Clyde Street Helensburgh Argyll And Bute 03.03.2022
10. Danielle Paterson Rocklea Garelochhead Helensburgh Argyll And Bute 22.02.2022
11. Michelle Cameron 17 Nelson Place Helensburgh Argyll And Bute G84 9ES 23.02.2022
12. Kathleen McGinley Ferry Coach House Ferry Road Rhu Helensburgh 24.02.2022
13. John MacBeath Tigh Na Mara Ferry Road Rhu Helensburgh 22.02.2022
14. Maureen Kinnear Rosslea West Ferry Road Rhu Helensburgh 28.02.2022
15. Lynn Nicolson Rhu Lodge Ferry Road Rhu Helensburgh 03.03.2022
16. John McMeeking Ramah Rhu Point Ferry Road Rhu Argyll And Bute G84 8NF 21.02.2022
17. Roderic Taylor Garedale Manse Brae Rhu Helensburgh Argyll And Bute 23.02.2022
18. Emma Dodds 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
19. Becky Morgan 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
20. William Petrie Ground Floor Flat Craigard Church Road Rhu Helensburgh Argyll And Bute
21. Elizabeth Law 12 Cameron Drive Tullichewan Alexandria G83 0JT 28.02.2022
22. Paul Cairns 3 County Cottage Gareloch Road Rhu Helensburgh 03.03.2022
23. Jon Reid 10 Cumberland Terrace Rhu 03.03.2022
24. Peter Bogden 6 Rhu House Gareloch Road Rhu Helensburgh 03.03.2022
25. Fiona McNair 1 Glebefield Road Rhu Helensburgh Argyll And Bute 03.03.2022
26. Elizabeth Macdonald 4 Braehead Place Rhu Helensburgh Argyll And Bute 03.03.2022
27. Iain Coats 26 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.03.2022
28. Jo McKenzie 22 Baird Avenue Helensburgh Argyll And Bute G84 8DW 03.03.2022
29. Andrew Shearar 10 Havelock Street Helensburgh Argyll And Bute G84 7HB 03.03.2022

30. John Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN
03.03.2022
31. Kathleen Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84
7NN 03.03.2022
32. Roberta Kelly 10 Gallagher Way Renton Dumbarton 03.03.2022
33. Clive Burns 25 Malcolm Place Helensburgh Argyll And Bute G84 9HW
03.03.2022
34. R Boothby 5 Camperdown Helensburgh 03.03.2022
35. C Boothby 5 Camperdown Helensburgh 03.03.2022
36. Anne Marie Johnston 30 Templeton Way Helensburgh Argyll And Bute G84
8FA 03.03.2022
37. Ronald Grant 2/1 23 East Princes Street Helensburgh 03.03.2022
38. C Woolner 5 Princess Way Rosneath Helensburgh Argyll And Bute
03.03.2022
39. J Crossan 145 West King Street Helensburgh Argyll And Bute G84 8DJ
03.03.2022
40. J Cavana 31 Deanston Crescent Helensburgh 03.03.2022
41. L Nott 30 South King Street Helensburgh Argyll And Bute G84 7DX
03.03.2022
42. Margaret Harvey 37 Old Luss Road Helensburgh Argyll And Bute G84 7BN
03.03.2022
43. Tracy McGregor 1 Jeanie Deans Drive Helensburgh Argyll And Bute G84
7TG 03.03.2022
44. S Boothby 13 Kings Crescent Helensburgh Argyll And Bute G84 7RB
03.03.2022
45. Emma Campbell 1 Golf Place Helensburgh Argyll And Bute G84 9HQ
03.03.2022
46. B Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU
03.03.2022
47. H Scott 77 West King Street Helensburgh Argyll And Bute G84 8EE
03.03.2022
48. William Johnston 30 Templeton Way Helensburgh Argyll And Bute G84
8FA 03.03.2022
49. Linda Conner 6 Hope Street Helensburgh Argyll And Bute G84 7EB
03.03.2022
50. Olly Ross 1 Upper Colquhoun Street Helensburgh Argyll And Bute G84
9AG 03.03.2022
51. Mick Howe Dilmun Ferry Road Rhu Helensburgh Argyll And Bute
07.03.2022
52. Kieran Robertson 18 Laggary Road Rhu Helensburgh Argyll And Bute
02.03.2022
53. Ella Lawson 2 Spys Lane Rhu Helensburgh Argyll And Bute 02.03.2022
54. S Forsyth Flat 1 8 Guthrie Place Rhu Helensburgh 02.03.2022
55. Agnes Murray 7 Church Place Rhu Helensburgh Argyll And Bute
02.03.2022
56. James Ritchie 14 Church Place Rhu Helensburgh Argyll And Bute
02.03.2022
57. A Cameron 9 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
58. Tim Brown 16 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
59. Mark Johnstone 1/2 Ardenlea Cumberland Road Rhu 02.03.2022
60. Zoe McEwan Dalarnie Pier Road Rhu Helensburgh 02.03.2022
61. Charlene Hamilton Woodside Cottage Cumberland Road Rhu Helensburgh
02.03.2022
62. Patricia Drummond 16 Rhu Ellen Court Rhu Helensburgh Argyll And Bute
02.03.2022

63. Ross Balfour Whistlers Burn Rhu 02.03.2022
64. Bernard Howe Dilmun Ferry Road Rhu Argyll And Bute G84 8NF
23.02.2022
65. Mrs Lynsey Petchey 3 Kidston Gardens Rhu Road Higher Helensburgh
Argyll And Bute 24.02.2022
66. Mary McGinley Ferry Coach House Ferry Road Rhu Helensburgh Argyll
And Bute
67. Kerry Gould Tummel Cottage Cumberland Road Rhu Helensburgh
08.03.2022
68. O Johnston 12A Cairndhu Gardens Rhu 08.03.2022
69. Paul Rickards 4 Rhu House Gareloch Road Rhu Helensburgh 08.03.2022
70. Elspeth McNicol Lower Lochview Church Road Rhu 08.03.2022
71. Pauline Cochrane 9 Church Road Rhu 08.03.2022
72. Claire Harvey 14 Barge Court Rhu 08.03.2022
73. Ona McPhail 4 East Abercromby Street Helensburgh Argyll And Bute G84
7SP 08.03.2022
74. Paul King 4 East Abercromby Street Helensburgh Argyll And Bute G84 7SP
08.03.2022
75. Margaret Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY
08.03.2022
76. Iain Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY
08.03.2022
77. K C Gibson 14 old Luss road Balloch G83 8qp 05.03.2022
78. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute
13.03.2022
79. David Macpherson 27C Queen Street Helensburgh Argyll And Bute G84
9QL 07.03.2022
80. Josephine Brown 21 Brae House Manse Brae Rhu Helensburgh
16.03.2022
81. H McNaught 11 Rhu Ellen Court Rhu Helensburgh Argyll And Bute
16.03.2022
82. D Miller Flat Ground/2 Sunnyside Hall Road Rhu 16.03.2022
83. Unknown Flat 3 22 Barge Court Manse Brae Rhu 16.03.2022
84. R Kilpatrick 14 Bonar Law Helensburgh 16.03.2022
85. David Fletcher 81 B West Princes Street Helensburgh 16.03.2022
86. Jenifer Cox 15 Walker Place Helensburgh 16.03.2022
87. Megan Mundie 25 Baird Avenue Helensburgh Argyll And Bute G84 8DW
16.03.2022
88. David Stewart 49B Dumbarton Road Bowling G60 5AQ 16.03.2022
89. Joan Kilpatrick 14 Bonar Law Avenue Helesnburgh 16.03.2022
90. Robert Morley Flat 1/2 18 West Clyde Street Helensburgh Argyll And Bute
16.03.2022
91. George Stewart Flat 1 Hillhead House Kirk Brae Shandon 16.03.2022
92. Fay Stewart Bochyle Kirk Brae Shandon G84 8NP 16.03.2022
93. J Cox 15 Walker Place Helensburgh 16.03.2022
94. A Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU
16.03.2022
95. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute
09.03.2022
96. Russell Leonard 39 Dennistoun Crescent Helensburgh Argyll And Bute G84
7JG 07.03.2022
97. Fiona Braddick 37 Johnson Court Helensburgh Argyll And Bute G84 7LJ
07.03.2022
98. J McMurdo Helensburgh G84 8DS 07.03.2022
99. Unknown 2/5 Hood Court Helensburgh 07.03.2022

- 100. Maire Sutherland 52 Maitland Court Helensburgh Argyll And Bute
G84 7EE 07.03.2022
- 101. D Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute G84
9SF 07.03.2022
- 102. Alison Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute
G84 9SF 07.03.2022
- 103. M Siniscalco 13 Maclachlan Road Helensburgh Argyll And Bute
G84 9BY 07.03.2022
- 104. Joan Bissett 13 Maclachlan Road Helensburgh Argyll And Bute G84
9BY 07.03.2022
- 105. Sybil Kennedy 35 Campbell Street Helensburgh Argyll And Bute
G84 8XZ 07.03.2022
- 106. Alistair Dickson 238 West Princes Street Helensburgh Argyll And
Bute G84 8HA 07.03.2022
- 107. S Mackenzie 1/1 4 Hanover Street Helensburgh 07.03.2022
- 108. Melanie Andrews 46 Abercromby Crescent Helensburgh Argyll And
Bute G84 9DX 07.03.2022

ii) Summary of issues raised:

Objection

- Concern on the possible sub-division and use of previously approved dwelling house on site as three short term lets

Comment: *this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP however, it is noted that the owner has since removed the commercial listing for the above*

- Concern that the supposed commercial enterprise of the site of Rhu Lodge could impact the surrounding area

Comment: *as comment above*

- Concern that Ferry Roads integrity as an ancient right of way and drove road as an integral part of Scottish Gaelic life and culture could be undermined

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern that the character of Ferry Road could be affected by the proposals

Comment: *as comment above*

- Concern that the proposals could affect the character of the surrounding conservation area

Comment: *as comment above*

- Note that the proposed drawings are not in line with private discussions between neighbours and the applicant

Comment: *This is not a material planning consideration*

- Concern that the boathouse as previously approved under application reference 20/01150/PP could be used commercially

Comment: *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The use of this property as a commercial business does not form part of this application nor the previous. If this were to be the case then a future planning application would be required for the change of use*

- Note that it is undesirable and inappropriate for a development within the boundary of Rhu Lodge to overflow beyond the site boundary by way of changes to Ferry Road which could affect the character and layout of Ferry Road and the surrounding conservation area

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern about possible public misinformation resulting in the large number of 'pro-forma letters' supporting this application which misinterpret the point at issue

Comment: *This is not a material planning consideration*

- Note that the proposals include development on land not within the applicant's ownership

Comment: *Within the application form the applicant has noted that they are the sole owner of all the land*

Support

- Note that any increase in traffic caused by one additional 2 bed dwelling on Ferry Road would be insignificant

Comment: *The above comments are noted*

- Note that a 3 bed dwelling was constructed on Ferry Road in 2018 with no roads conditions requiring the introduction of a public road

Comment: *Each application is assessed on its own merits*

- Comment that the supposed negligible increase in traffic resulting from the construction of a 2 bed dwelling does not require a publicly adopted road to be installed

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the roads alterations could affect the character of Ferry Road and the wider conservation area

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Note that the introduction of a public road combined with the construction of sea retaining walls, associated guard rails and rock armour would result in the loss of a part of Rhu beach and mature trees

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Note that a public road is being proposed to replace the private road

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the introduction of a public road could cause more traffic and obstructions than one additional dwelling

Comment: *as comment above*

- Comment that the change of Ferry Road from a private to public road would be detrimental to users of the road

Comment: *as comment above*

- Note that the council currently struggle to maintain existing roads therefore, why would they want to take on further road maintenance

Comment: *this is not a material planning consideration*

- Note that it is understood that 50m of stone boundary wall has to be demolished and a number of mature trees removed to allow for the required visibility splay. This would affect the appearance and character of the conservation area

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Concern that the properties accessed off Ferry Road will not be able to access their properties while improvement works are undertaken

Comment: *this is a civil matter between the parties concerned*

- Note that if the Rosslea Hotel can host large weddings while accessed off Ferry Road then why can't a 2 bed dwelling be built without the requirement for the roads conditions

Comment: *Each application is assessed on its own merits*

- Concern that the provision of a public road could have a detrimental impact on the area in terms of wildlife and beauty

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Note that the roads officer's conditions as per application reference 20/01150/PP state that Ferry Road requires to be a publically adopted road and furthermore, latterly the roads officer confirmed that the road will not be adopted

Comment: *the roads conditions as per application reference 20/01150/PP noted that the private road required improvements for it to be brought up to an adoptable standard, this does not necessarily mean the road will be adopted*

- Comment that the points raised in the community council's consultation response are not in relation to this application

Comment: *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The comments raised by the community council in relation to any supposed commercial use are subject to an enforcement investigation*

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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes, a report by ECS Transport Planning Ltd has been provided. The conclusion of this report is included below; |

In conclusion the request by the Council's local roads officer requiring the road to be reconstructed to an adoptable standard would have a major impact on Rhu Bay. In accordance with the SCOTS National Road Guide a 3.5 metre adopted road width is not possible for the reasons given above and would require to be 5.5 metres wide.

This scale of works is not commensurate with the level of development proposed and therefore does not accord with the Council's planning policies or accord with Designing Streets.

Throughout the application process for the dwelling house and this current application, we have failed to see sight of the local Roads Officer's assessment of usage other than the road serves more than 5 houses is a concern.

We are also concerned at the inconsistent approach taken by the local roads officer in assessing other planning applications for single dwellings served off a private road with more than 10 houses.

The commensurate improvements proposed for Ferry Road have been devised following a comprehensive assessment of usage and have been designed to be sympathetic to the Conservation Area.

The proposed road improvements support road safety and ensure any road concerns have been satisfied giving continuous improvement for the benefit of all road users and are of a scale commensurate with the scale of development.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 –Vehicle Parking Provision

(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 3/2013.

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- National Roads Development Guide
- Consultation Responses
- Third party representations

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 41 – Off Site Highway Improvements
-

(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. This is a local application. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

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

Permission is sought for the following; Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwelling house) access arrangements. The site is located at; Rhu Lodge, Ferry Road, Rhu, Helensburgh, which is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that

any new development within these areas must be of the highest quality and respect and enhance the Conservation Area.

It is noted that the principle of development has been established under the previous consent (ref: 20/01150/PP). This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP.

Set out below is the main assessment from the previous consent which establishes the principal of development on the site;

'Planning Permission is sought for the erection of a dwelling house within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that any new development within these areas must be of the highest quality and respect and enhance the Conservation Area. Within these areas location, siting, design, materials and boundary treatments must all be high quality and tree protection / management will be essential. The site area is approximately 1000 square metres with the site itself being generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential.

The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road. The proposed house plot is located to the Southern corner of the site in front of an existing garage. There have been a number of consents for domestic development and extension on this site. None of these consents are located within the proposed development area for this dwelling house. It is proposed to sub-divide the garden ground of Rhu Lodge which at present has two vehicular accesses off Ferry Road. It is proposed that the garden ground is divided to give this new proposed dwelling house sole access via the existing Southern access and furthermore it is proposed that the land allocated to this proposal will include the existing detached double garage. There are two mature beech trees located on the proposal site however the dwelling house has been positioned to avoid these trees and furthermore raft foundation have been proposed over typical trench foundations to again avoid impact on the roots of these trees.

The proposed new dwelling house is set back from the existing stone boundary wall by approximately 8 metres and has a footprint of approximately 110 square metres. The dwelling house will be 1.5 storeys high (eaves approximately 8m above ground level) and will be of a contemporary 'boat house' style. The two bedroom will be located on the ground floor with the open plan living accommodation above on the first floor. The proposed external materials are; walls & roof – standing seam zinc (front inset elevation to have small area of timber cladding), rainwater goods – folded PPC coated steel, base course – engineering brick, windows (including roof lights) & doors – dark grey alu-clad. There will be a small area of decking to the front of the proposal with a glass balustrade.

The proposal requires careful consideration in relation to the surrounding Conservation Area in terms of design. The primary matters for determination relate

to scale, siting, residential amenity and materials to ensure that a high quality development is delivered. The proposed contemporary 'boat house' style dwelling is of a high quality architectural design that is well detailed and utilises high quality materials. The scale is appropriate to the site and wider conservation area. The proposal is not considered over development of the site as the overall Rhu Lodge site ownership extends to approximately 10500 square metres with the new site boundary of the proposal extending to approximately 1000 square metres and the new dwelling house having an approximate foot print of 110 square metres.

The Area Roads Manager has provided observations and conditions that will be appended to this report to ensure the means of vehicular access, sightlines and parking/turning arrangements will be subject to further assessment by the Planning Authority.

Furthermore a connection to the existing public sewer may require further consents from the Water Authority and all hardstanding areas shall comply with SUDS regulations. These matters can be secured by notes to applicant or safeguarding condition and be in accordance with supplementary guidance SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDs).

Taking account of the above, it is recommended that planning permission be granted. The site is within the settlement boundary where there is a presumption in favour residential developments. The proposed plot is considered to be acceptable and it is considered to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding properties or the wider area. The proposals raise no issues in terms of overlooking or loss of daylight / privacy to surrounding properties. It is therefore considered that the proposal is in accordance with Policies LDP START1, LDP DM1, LDP 3, LDP 9, SG LDP ENV 17, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll & Bute Council Local Development Plan.'

As part of the previous approval's (ref: 20/01150/PP) determination process, upon receipt of the roads officers consultation response the applicant was contacted by the planning authority to flag-up the roads conditions to ensure they were aware of them and could meet them. The applicant responded that they were aware of the roads conditions and were not concerned. It is noted at this point, if the applicant had informed the planning authority that they could not meet the required roads conditions then we would have proceeded with a recommendation for refusal on roads grounds.

It is noted that during the determination process a revised package of information was submitted by the applicants which included a set of revised drawings, a report by ECS Transport Planning Ltd and a covering letter from the agent which details the basis of their reasoning behind their proposal to vary / remove the roads conditions relative to planning permission 20/01150/PP and what variations / omissions are being proposed. The roads officer was subsequently re-consulted on the basis of this revised package of information and in turn the applicants have passed comment on this consultation, to which the roads officer has provided a further response.

This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The previous conditions as per 20/01150/PP, the proposed variations/omissions and the roads officers' consultation response to this application are assessed in Appendix A.

On the basis of the assessment in Appendix A, subject to planning conditions, it is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

It is considered that, subject to planning conditions, the proposed development is in accordance with all relevant provisions of the Argyll and Bute Local Development Plan and does not give rise to any other material land-use planning matters such as would warrant a departure to these provisions

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

Not applicable – It is considered that the proposed development accords with all relevant provisions of the Development Plan

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

Author of Report: Emma Jane **Date:** 08.11.2022

Reviewing Officer: Howard Young **Date:** 08.11.2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02709/PP

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 20/12/2021 and, the original approved drawings from application ref; 20/01150/PP listed in the table below and the related amendment approved under this unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 14	A	02.02.2020
Site Photographs Sheet 1	2 of 14	A	02.02.2020
Site Photographs Sheet 2	3 of 14	C	02.02.2020
Site Photographs Sheet 3	4 of 14	-	02.02.2020
Site Photographs Sheet 4	5 of 14	-	02.02.2020
Site Plan/Roof Plan as Proposed	6 of 14	C	02.02.2020
Floor Plans as Proposed	7 of 14	A	02.02.2020
North and West Elevations as Proposed	8 of 14	B	02.02.2020
South and East Elevations as Proposed	9 of 14	B	02.02.2020
Cross Section X X as Proposed	10 of 14	-	02.02.2020
Proposed Landscape and Planting Layout Plan	11 of 14	-	02.02.2020
Topographic Survey	12 of 14	-	02.02.2020
Arboricultural Report	13 of 14	-	02.02.2020
Design and Access Statement 2020	14 of 14	-	02.02.2020

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

2. Notwithstanding the effect of Condition 1; Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply.

Reason: *In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.*

3. Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:

- a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
- b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

4. Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

5. Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

6. Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

7. Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

8. Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

9. Notwithstanding the effect of Condition 1; Samples of the proposed materials to be used for the external walls and roof of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

NOTE TO APPLICANT

•The proposed road improvements to the existing private road to bring it to an adoptable standard will require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02709/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less).

It is therefore considered that the original proposed development for a dwellinghouse is consistent in principle with the LDP Settlement and Spatial Strategy.

B. Location, Nature and Design of Proposed Development

The application site area is approximately 1000 square metres and sits within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential. The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road.

The principle of development has been established under the previous consent (ref: 20/01150/PP), as such the key issues in this instance do not relate to establishing the principal of development but to the roads and access issues. An extract from the original report justifying the dwellinghouse is included above.

C. Road Network, Parking and Associated Transport Matters.

The site is served by an existing private road, Ferry Road. Policy LDP 11 and SG LDP TRAN 4 generally require that new development is served by an appropriate standard of access and SG LDP TRAN 6 requires that adequate provision is made for off-street car parking in accordance with approved parking standards.

The consultation response from the Council's Area Roads Engineer has noted that in accordance with SG LDP TRAN 4;

(A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense;

Except in the following circumstances:-

(2) Further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority;

Further to this the roads officer has noted the following issues with the current access;

1. Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles
2. No intervisible Passing Places
3. No formal turning head

SG LDP TRAN 4 notes that the private access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.

When reviewing the below planning conditions '*Circular 4/1998: The use of conditions in planning permissions*' has been considered and in particular the six tests as follows;

Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- *Necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects*

Set out below are the original conditions together with the suggested amendments and an analysis in conjunction with the roads area manager.

Condition 3 as per approval reference 20/01150/PP;

Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:

- a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
- b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace conditions 3a & b with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the following improvement works to the access road are required:

The provision of a private access road, between the A814 and the entrance to the approved new dwelling, with a minimum width of 3.5 metres, incorporating the traffic calming measures as shown on approved ECS drawing number 22034_006, and drawings 19/20/R2 Rev A, 19/20/R4 Rev B, 19/20/R5 Rev B, 19/20/R7 Rev B and 19/20/R9 Rev B.

The applicants have provided a detailed reasoning as to why this condition should be changed, which has been summarised below;

The applicants have stated that the local roads officer fails to provide reasons to demonstrate that the additional traffic generated from a new single dwelling would make Ferry Road unsafe. They also note that condition 3 (a) requires a 3.5 metre adopted road; however, this fails to adhere to the National Road Development Guide, their reasoning behind this is to ensure that the utility providers are able to gain access to their apparatus in the future and if Ferry Road is required to be reconstructed to an adoptable standard it would be necessary to provide a 5.5 metre wide carriageway not 3.5 metres.

In terms of 3 (b) the applicants have noted that the minimum standard detailed for a private access within the Council's LP and LDP allow for a 4.5 metre width for a distance of 10 metres from the junction with the public road. As a 4.5 metre access width is acceptable at the location with the highest risk. The passing place design should take account of the setting of the place and the type of traffic travelling along the route. Except for the bin lorry the general vehicle movements are standard motor cars. Therefore, the requirement for all passing places to be 5.5 metres wide is an over engineered solution.

Conclusion;

The roads officer has concluded that conditions 3a & 3b should remain unchanged for the reasons detailed below;

In response to the above the roads officer has provided an extract from the National Roads Development Guidance, paragraph 3.1.6 (e), Services in Shared Surfaces, which facilitates service strips within the running surface and notes that manholes should be located within parking areas or widened areas within the total road width. Therefore, the roads officer notes that it would be possible for utility providers to gain access to their apparatus on a 3.5 metre wide carriageway. The roads officer has also noted; the provision of 3.5m adoptable road accounts for the presence of the existing verge, were the carriageway to be bound by a wall, the minimum width for emergency service vehicles, as per the National Roads Development Guide is 3.7m. A minimum road width of 3.5 plus verge is therefore, required to facilitate safe access and egress of pedestrians, vehicles and emergency service vehicles. In addition, roads have commented that the surfacing extents shown with drawing 19/20/R9B do not comply

with the aforementioned condition to provide a 3.5 metre adopted road between the A814 and the entrance dwellings.

The roads officer has also advised that a lack of forward visibility has underlined the requirement for localised carriageway widening to 5.5m at points of intervisibility. To allow any further development on this private access road, intervisible passing places must be provided and constructed in accordance with SD08/003. All vehicle passing places should be constructed in accordance with the minimum geometry requirements set out with SD08/003. They also note that on review of drawing 22034_006 and in accordance with the National Roads Development Guide, all intervisible passing places should provide a minimum width, throughout its length, of 5.5 metres, note this should be shown over the length of the intervisible passing place and not solely at the radius/ access point.

Further to the above the roads officer has advised that as the existing road currently serves 10 dwellings and a hotel, the private access road is deemed substandard and will, in the interest of pedestrian and vehicle safety require improvements prior to any further development. The roads officer has further commented that on review of the revised drawings the removal of an existing verge/ pedestrian 'step-off', between the A814 and the access to the Rosslea property, to achieve a minimum carriageway width is considered an unacceptable method towards achieving a minimum carriageway width. This is in direct contradiction of the hierarchy of road users and, places vehicle traffic over pedestrian movements. As such, the removal of any existing verge/ 'step-off' would not be supported.

Condition 4 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

***Reason:** In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace condition 4 with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the access to the dwelling hereby permitted shall be formed in accordance with the details shown on approved ECS drawings number 22034_006 and drawing 19/20/R10. The access shall incorporate visibility splays measuring 2 x 25 x 1.05 metres, and these shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Conclusion;

The roads officer has concluded that condition 4 should be altered for the reasons detailed below;

The original roads consultation response to application 20/01150/PP noted a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Whereas the decision notice noted 2.4 x 42 x 1.05 metres. Therefore this condition should be altered to;

Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Condition 5 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace condition 5 with the following;

Notwithstanding the effect of Condition 1; Prior to the first occupation of the dwelling hereby permitted, the parking and turning provisions as shown on approved Drawing 19/20/10 shall be implemented in full. Thereafter the approved parking and turning provisions shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

The applicants have provided a detailed reasoning as to why this condition should be changed, which have been summarised below;

The applicants have stated that the local roads officer fails to recognise that this private access is in fact an individual driveway for which the minimum width of 2.75 metres is all that is required to be in accordance with the National Road Development Guide. The applicants have also noted; that the gradient shown is less than the 12.5% (1 in 8), the existing levels show a gradient 1 in 11.6 (8.5%) this is below the maximum gradient requirements and they have confirmed that it would be possible to provide drainage to prevent surface water discharge.

Conclusion;

The roads officer has concluded that condition 5 should remain unchanged for the reasons detailed below;

The roads officer has noted that the access should be constructed in accordance with SD08/002 titled, Private Drive Way from Un-kerbed Road. Within which, drawing note 6 details "Where access is bounded by walls the minimum width will be 3.7m." therefore, 2.75m is unacceptable. Furthermore, the roads officer has commented on drawing 19/20/R10 and notes, that this drawing fails to detail a minimum access width of 4.5m, does not achieve the drainage requirements defined with SD 08/002A and fails to detail the radius of the realigned boundary walls.

Condition 6 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The private access shall be surfaced with bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Proposed change as per this application;

The applicants wish to remove condition 6 as they believe this condition conflicts with condition 5 which allows for a bituminous or concrete surface, and they have suggested that it is not unreasonable to vary the condition to allow for any other approved hard material.

Conclusion;

The roads officer has concluded that condition 6 can be amended as follows;

Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Condition 7 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Proposed change as per this application;

The applicants wish to remove condition 7 as the gradient requirements have been detailed within the most recent drawing package.

Conclusion;

The roads officer notes that whilst the gradient requirements have been detailed within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 7 can be amended as follows;

Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Condition 8 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The provision for car parking within the curtilage of each dwelling shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to remove condition 8 as the parking provision requirements have been detailed within the most recent drawing package.

Conclusion;

The roads officer notes that whilst the parking provision requirements have been outlined within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 8 can be amended as follows;

Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

When reviewing the above planning conditions it is considered that they do meet the six tests as per '*Circular 4/1998: The use of conditions in planning permissions*'. Based on the above assessment, it is considered that subject to the revised conditions set out above, the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.