

Date: 9<sup>th</sup> July 2010

Our Ref: 09/01308/PP  
Your Ref. 10/0005/LRB  
Case Officer: Brian Close;  
Direct Line: (01369) 708604

Local Review Body  
c/o Committee Services  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
Argyll PA31 8RT

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008;  
REFUSAL OF PLANNING PERMISSION REF. 09/01308/PP FOR THE ERECTION OF A DWELLINGHOUSE, FORMATION OF CAR PARKING, INSTALLATION OF SEPTIC TANK AND CREATION OF PRIVATE WATER SUPPLY AT LAND SOUTH WEST OF COTTAGE 3 BALLOCHYLE FARM, SANDBANK, DUNOON, ARGYLL PA23 8RD.**

With reference to the Notice and request for further information issued 28<sup>th</sup> June 2010 I enclose written submissions in respect of section (8) points 1-6.

I can also confirm that copies have also been sent to all relevant parties as specified in The Schedule.

I trust that this information is in order but please do not hesitate to contact the department at the number above should you require any further information.

Yours faithfully



Planning Officer,  
Development Management  
Bute and Cowal

Enc.

**REQUEST FOR FURTHER INFORMATION BY WRITTEN SUBMISSIONS FOLLOWING  
APPEAL TO LOCAL REVIEW BODY 17<sup>TH</sup> JUNE 2010**

1. In terms of SuDS, insufficient information was provided at the time of the original Report of Handling hence a further reason for refusal. Only indicative information was lodged at this stage and contrary to the appellant's agent's comments that this is a matter for Building Control, full details also require to be submitted in support of the detailed planning application.

The additional information submitted in respect of a Sustainable Urban Drainage System could, in consultation with Building Standards, potentially be addressed via a suspensive planning condition.

Building Standards were consulted and their informal comments are attached.

2. The original Report of Handling dated 21<sup>st</sup> January 2010 numbered the reasons for refusal as 1-4. The numbers (1, 5, 6 and 7) in the Agenda Pack appear to have been a typographical error and the four reasons for refusal remain as originally recommended in the Report of Handling.

3. Building Standards and Public Protection have been contacted on the suitability of the proposed bore hole for drinking water and comments are attached.

The additional information submitted in respect of a private water supply could, in consultation with Building Standards and Public Protection, potentially be addressed via a suspensive planning condition.

4. The Appeal Statement indicates in the site history that a previous application (ref. 06/01964/DET) was refused where one of the reasons for refusal was the poor condition of the estate road connecting with the Glen Massan Road. The Appeal Statement does however indicate that this private road has recently been improved so is not an obstacle to development as was previously. For the avoidance of doubt, the private track from Ballochyle House to Glen Lean is considered unsuitable for additional vehicular traffic. [Refer also to Council's Statement of Case in the Agenda Pack p47-49 'description of site' and para 1.]

Attached is the original Roads response who have confirmed that they have no further comments to add.

5. The previous application ref. 06/01964/DET for the 'house on stilts' within the floodplain was refused on 6<sup>th</sup> December 2006. A letter from the department to the appellant's agent dated 17<sup>th</sup> January 2008 indicated that a revised scheme with alternative design that was still sited within the active floodplain could result in a similar recommendation. The agent was advised at that time to discuss the matter fully with SEPA where a Flood Risk

Assessment would be required in support of any future application. A pre-application meeting was held in Milton House at the request of the applicant on 29<sup>th</sup> May 2009, but while no minutes were taken, the discussion concentrated on matters regarding the provision of a private water supply and previous grounds for refusal. It is highly unlikely from the previous grounds of refusal that any form of acceptance would have been given by the Case Officer at this meeting to a revised scheme other than to advise the applicants of the risk in lodging such an application and the right of appeal should the revised scheme receive a similar recommendation. A revised application ref. 09/01308/PP was lodged 3<sup>rd</sup> September 2009. [Refer also to Council's Statement of Case in the Agenda Pack p48-49 para 1.]

6. The original Report of Handling indicated that, despite suggested floor levels, the department has adopted a precautionary approach regarding potential flooding and the need to develop within the functional floodplain of the Little Eachaig River when there are more suitable development sites (that would not require land raising) contained within the wider Rural Opportunity Area.

In terms of any similar land raising schemes, a recent unimplemented permission (ref. 09/00566/DET) for the erection of two dwellinghouses on land to the north of 1 Dalinlongart Cottage, Sandbank was granted on the basis that no land raising was required and a suitable freeboard established for finished floor levels. Whilst a small part of the rear garden area lay within the indicative floodplain of the Little Eachaig River, this was regarded as insignificant in terms of the submitted Flood Risk Assessment and physical attributes of the river at this location. It is interesting to note that an earlier scheme for three dwellings (ref. 07/01836/DET) was refused where one of the two reasons for refusal was the requirement to land-raise by creating a platform for development. This was considered to result in an unnatural landform with the proposed development built on an artificial mound that would be incapable of integrating with its rural surroundings.

## APPENDIX

(i) **Additional comments received from Garreth Garrett, Building Standards, Team Leader, Cowal and Bute – email dated 7<sup>th</sup> July 2010**

**Flood risk:** *the building regulations ask that Building Standards seek advice from the local planning authority and SEPA. From the documents provided it would seem that both SEPA and the Councils own flood alleviation officer have no objections to building on this site, and therefore neither would we. We would as a matter of course ask for field drains etc to be installed, depending upon lie of the land etc.*

**SUDS system:** *this is commonly used to disperse the rainwater from the building into the land, and in general we would have no objection to its installation. Without percolation tests having been undertaken, I could not comment as to how large a SUDS system would be required.*

**Biodisk system using a ground soakaway:** *again a commonly used system. Without percolation tests having been carried out it is difficult to comment, however we have allowed houses to be formed within poor draining land with the biodisk unit connected to `pods` containing peat, which are replaced every few years. Sorry that I cannot remember the name of this system right now.*

**Provision of drinking water:** *this is not covered within the building regulations.*

(ii) **Additional comments received from Jim Rennie, Public Protection, Environmental Health Officer, Cowal and Bute – internal memo dated 5<sup>th</sup> July 2010**

*No further comment to add to the initial response to the application. In trying to answer Cllr. Kelly's enquiry regarding the suitability of the proposed bore hole, I would refer him to the Water Quality Assessment prepared by TransTech Limited (dated 9/7/2009) which advises:*

- 1. Water from a borehole is a practical proposal.*
- 2. Water from the borehole will be recharged from the River Little Eachaig by percolation.*
- 3. Chemical parameter failures (under the limits imposed by the Private Water Supplies (Scotland) Regulations 2006) is limited to Iron and colour, which can be treated by the methods detailed in the report. (Note that this sample was taken from the River Little Eachaig directly and not from any test bore).*
- 4. Microbiological testing will be required but treatment is best achieved using a UV system.*

*I note also that TransTech advises approaching a specialist contractor to offer further advice on this matter.*

(iii) **Original Roads response to the application dated 12<sup>th</sup> October 2009 attached who confirm that they have no further comments to add.**

Please note that the informal comments from Building Standards, Public Protection and Roads above do not represent a formal response which may be made separately. They are included to address area of overlap raised in points 1,3 and 4 above.

**OPERATIONAL SERVICES  
BUTE & COWAL AREA  
OBSERVATIONS ON PLANNING APPLICATION**

Planning No: 09/01308/PP  
Contact: FARRELL PR  
Tel: 01369708600

Grid Reference: NS 1482

Dated: 08/08/09

Received: 21/09/09

Applicant: Mrs F Boyd  
Proposed Development: Erection of dwelling  
Location Ballochyle Farm  
Type of Consent: Detailed  
Ref No(s) of Drg(s) submitted: Location & Site plans and details (11 + report)

<b>RECOMMENDATION</b>	<b>No objections subject to conditions</b>
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Proposals Acceptable Y or N	Proposals Acceptable Y or N	Proposals Acceptable Y or N																												
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Item Ref	COMMENTS
1, 2 4	This development is accessed from A815 Sandbank via a private road. The available sightlines at the existing access on to the A815 meet the requirements. There should be parking available for 2 vehicles and a turning area within the development. At present access is not available from the A815 due to the condition of an existing bridge. Access to the site will be from U15 Glenmasson Road which has 7.5t weight 7'6" wide and 30' length restrictions in place or B836 from an existing access west of the Rumbling Bridge. The sightlines at this access to be a minimum of 120 x2.5m in both directions. Any hedge, wall or fence within the visibility splays must be maintained at a height not exceeding 1m above the carriageway.

Item Ref	CONDITIONS
2, 4	The available sightlines at the existing access on to the A815 meet the requirements. There should be parking available for 2 vehicles and a turning area within the development. The sightlines at the access to B836 to be a minimum of 120 x2.5m in both directions. Any hedge, wall or fence within the visibility splays must be maintained at a height not exceeding 1m above the carriageway.

**Notes for Intimation to Applicant**

(i)	Construction Consent (S21)*	Not Required
(ii)	Road Bond (S17)*	Not Required
(iii)	Road Opening Permit (S56)*	Not Required

\*Relevant Section of the Roads (Scotland) Act 1984