



Development and Infrastructure Services

Director: Sandy Mactaggart

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Date: 30th August 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 18th August 2010, I enclose further information in respect of section (8).

I can also confirm that copies have also been sent to all relevant parties as specified in The Schedule attached to Form AB5.

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

A handwritten signature in black ink, appearing to be 'BAK'.

Planning Officer,
Development Management
Bute and Cowal

Enc.



REQUEST FOR FURTHER INFORMATION BY WRITTEN SUBMISSIONS

Following the Members Site Inspection on Monday 16th August 2010 the following comments are offered in respect of potential planning conditions. Please note that advisory notes are attached to some of the conditions below in respect of land outwith the application site or relating to new information submitted.

Suggested Planning Conditions

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: *In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

2. The development shall be implemented in accordance with the details specified on the application form dated 8th August 2009 and the drawing reference numbers: 1:2500 Location Map 0704_DPP_01 RevA, 1:200 Existing Site Plan 0704/DPP/004 RevA, 1:200 Proposed Site Plan 0704/DPP/005 200 RevB, Proposed foul, storm drainage and potable water plan 0704/DPP/006 RevA, 1:100 Proposed Plans 0704/DPP/008 RevA, 1:100 Proposed Roof Plan 0704/DPP/008-R1 RevA, 1:100 Proposed Elevations 0704/DPP/009 RevA, 1:100 Proposed Elevations and Section 0704/DPP/010 RevA, 1:100 Existing and Proposed Site Sections 0704/DPP/012 RevA, 1:100 Existing and Proposed Site Sections 0704/DPP/014 RevA. 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.

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

[Note : The submitted 'Revised Ownership Boundary' drawing ref. 0704/LR/01 by the applicant as part of the Local Review Body submission differs significantly from the location map ref. 0704_DPP_01 Rev A originally submitted on 8th September 2009. The key areas of concern are that the width of the actual development site (shown in red on original plans) is now smaller and that a strip of land between the original blue line boundary and the north bank of the Little Eachaig River is now included within the site boundary. This strip of land has been queried by another party who suggest that the applicant does not own this piece of ground. This is considered to be a civil matter between affected parties but would only constitute a material consideration should this piece of ground be required for any works associated with the proposal where a Section 75 Agreement may be necessary to secure land for the proposed works (refer to Surface Drainage below). Furthermore, the applicant has indicated that a mature line of Beech trees to the west of the application site provide screening and a setting for the proposed dwellinghouse. It is stated by another party that these trees are outwith the applicant's ownership.

3. The finished floor level of the proposed dwellinghouse shall be no less than 13.60 metres A.O.D. Revised cross section drawings shall be submitted for the written approval of the Planning Authority prior to the commencement of any other works.

Reason: *In the interest of flood prevention.*

4. No works shall commence until the footprint of the proposed dwellinghouse has been accurately pegged-out on site and made available for inspection.

Reason: *To ensure that the proposed dwellinghouse is in the exact location as the approved plans.*

[Note: Following the footprint of the proposed dwellinghouse being pegged out by the applicant and his agent, Council officers revisited the site on Thursday 19th August where the pegs were still in situ. An accurate measurement was taken and serious discrepancies were found regarding the size and positioning of

the proposed dwellinghouse. The length of the dwellinghouse on the plans is 25 metres. The position of the pegs (assuming in the correct position to begin with) was measured at 21.5 metres i.e. 4.5 metres shorter of what is proposed. The width of the dwellinghouse varies suggesting that the long rectangular footprint of the building is not in the correct position and would appear to be much nearer the fence line (where the Members were gathered) than suggested on the day of the site inspection.

Furthermore, refused 1:200 Proposed Site Plan drawing ref. 0704/DPP/005/200 RevB indicates the front elevation of the proposed building set back 3 metres from the unsurfaced track. The pegs on site indicate that the setback distance from the track is closer to 1 metre which would not allow sufficient space for the proposed projecting porch (as shown on the drawing above) to be located. This would also suggest that the proposed dwellinghouse was not only shown as shorter in length by 4.5 metres but should have been at least a further 2 metres in width taking it closer to the field and 'floodplain' zone. In terms of design and the setting out of the building above, it should be noted that the proposed dwellinghouse would be almost as long (25.4 metres compared to the southern elevation of the existing Ballochyle Steading building adjacent (27 metres) that has been converted into 2 dwellings.]

5. No land engineering works shall be carried out within the field to infill the depression as indicated in drawing no. 0704/DR/03 unless compensatory flood storage is provided. Details shall be submitted to the Planning Authority confirming all ground works to the field prior to the commencement of any other works.

Reason: *In the interest of flood prevention and development within the functional floodplain.*

6. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such 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. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

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 : Private Water Supply - It is proposed to sink a borehole from a point close to the Little Eachaig River but shown within the red and blue line boundaries as depicted on original and refused 1:200 Proposed Site Plan drawing ref. 0704/DPP/005/200 RevB. Provided no works associated with achieving the private water supply from the river, then there would be no requirement for a Section 75 Agreement and the suspensive condition recommended by Public Protection in their original response dated 12th November 2009 (or similar) could be imposed. Further comments were received from Public Protection (dated 5th July 2010) as part of further information requested for the Local Review Body. The main issues in the creation of a new private water supply is the quality of the extracted water which so far does not appear to have been sampled from any test bore but directly from the river, and the quantity both in terms of the proposed dwellinghouse and any existing dwellinghouse and their private water supplies.]

7. A parking area for two vehicles, together with a turning area shall be provided prior to the first occupation of the dwellinghouse and shall thereafter be retained in perpetuity

for such a dedicated purpose, unless the prior consent for variation is obtained in writing from the planning authority.

Reason: *In the interests of road safety to allow vehicle(s) to leave the site in forward gear.*

8. Prior to any construction works on site, full details shall be submitted for the prior written approval of the Planning Authority of a drainage scheme that shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' which shall provide details of a totally separate drainage system with the surface water discharging to a suitable outlet. The drainage system shall include: measures to slow down run-off; methods of treatments and its release into the system; existing and proposed drainage of the site; full details of headwall design including sections; consideration given to the installation of flap valves at river outfalls; which shall all be designed in accordance with CIRIA C697; unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: *In order to provide for a sustainable drainage scheme for the development.*

[Note: At the time of determination, it was considered that there were insufficient details regarding the treatment of surface water drainage and due to concerns of the impact on the functional floodplain of the Little Eachaig River. At that time, an indicative surface water drainage system was proposed with twin SuDS soakaways shown leading from the dwellinghouse into the adjacent field and floodplain.

The recently submitted revised system indicates a much grander scheme with two large soakaway systems draining to two exit points on the north bank of the Little Eachaig River where it is proposed to construct two stone headwalls at the riverbank. No details have been submitted at this stage confirming the design of the stone headwalls at the river bank. It is noted that the headwalls appear very close to the gabion wall structure on the north bank of the river and the siting and design of the headwalls close to these retaining structures would require to be confirmed fully. An appropriate condition is recommended (provided the applicant owns the strip of land between the original site boundary and the north bank of the Little Eachaig River (or a Section 75 would be necessary unless an alternative SuDS scheme is proposed).

9. No building or engineering works shall commence until a detailed scheme of all boundary treatments for the entire application site has been submitted to and approved in writing by the Planning Authority. The scheme as may be approved shall be implemented prior to the occupancy of the dwellinghouse.

Reason: *In order to protect the visual amenity of the surrounding area.*

10. No development work shall commence on site until full details regarding the proposed foul drainage system(s) have been submitted to and agreed in writing with the Planning Authority.

Reason: *To allow the Planning Authority to consider these aspects in detail.*

[Note: At the time of determination of this application, it was considered that there were insufficient details regarding the treatment of foul drainage where indicative details had been submitted with no supporting information. It is acknowledged that this aspect could be addressed by a condition where it is now proposed to install a larger Klargester Bio-disc system to serve both the proposed dwellinghouse and the existing properties within Ballochyle Farmsteading.]

11. Prior to the commencement of any construction works, samples of all external finishes shall be submitted for the written approval of the Planning Authority.

Reason: *In the interest of visual amenity and to help integrate the proposal within its surroundings.*