

**Benview  
Tayinloan  
TARBERT  
Argyll  
PA29 6XG**

25 October 2010

Head of Democratic Services and Governance  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

Dear Sir

**Reference 10/0009/LRB, 08/00231/OUT  
Mr & Mrs James Blair  
Site for the erection of two dwelling houses  
Land south of Achanadriane Farm, by Tayinloan**

Thank you for the opportunity to make a further representation regarding the additional submission relating to this case review.

**Comments On Proposed Conditions And Reasons Submitted By  
Planning**

We would request that the following additional conditions and alterations to Planning's proposed conditions, be made.

**ADDITIONAL CONDITIONS**

**Condition 1**

Before any work commences on the development, the applicant has to submit a copy of an irrevocable, written legal agreement with the Steel family partnership which grants the applicant permission to use the land owned by the Steel family partnership in order to carry out the necessary alterations to the access track junction with the A83, stipulated by the Roads Department for road safety reasons.

**Reason**

The applicants do not own any of the land on which the required junction alterations are required. The land on the south side of the access track is owned by the Steel Family Partnership.

**Condition 2**

Before any work commences on the development, the applicant has to submit a copy of an irrevocable, written legal agreement with Largie Estate Limited which grants the applicant permission to use the land owned by that company

in order to carry out the necessary alterations to the access track junction with the A83, stipulated by the Roads Department for road safety reasons.

**Reason**

The applicants do not own any of the land on which the required junction alterations are required. The access track is owned by Largie Estate Limited.

**Condition 3**

Before any work commences on the development, the applicant has to submit a copy of an irrevocable, written legal agreement with Largie Estate Limited which grants the new owners of the building plots the right of access to them over the existing access track which Largie Estate Limited owns. This agreement should stipulate the revised agreed allocation of track maintenance charges as they are split between track users.

**Reason**

The applicants do not own the existing access track, which is owned by Largie Estate Limited. Only Largie Estate Limited can grant access rights over their track to any new houses built that are accessed over their land.

**Condition 4**

As part of the alterations to the access junction with the A83, the dry stone dyke alongside the existing track would require to be moved. This dyke should be rebuilt alongside the new track and round the service bay. A design and specification plan of this work should be agreed with Planning before the work begins.

**Reason**

- In order to retain and improve the existing stone dyke.
- To provide protection to property and pedestrians from vehicles which may accidentally leave the road at this point of the bend.
- In the interests of visual amenity.

**Condition 5**

Before any work starts on the development, plans for the proposed new access track drainage should be agreed with Planning/Building Control.

**Reason**

- Fairness to other land and track users by ensuring that there are no additional maintenance costs due to unnecessary flooding/ landslip on to the existing track,/properties on the lower side of the track due to inadequate drainage.

The new access track to the proposed development runs across a steep hill and joins the existing access track at 90 degrees. The new track is likely to shed a very large amount of water that may flood the existing track/ground at a lower level. There is also a risk of landslip in this area. The junction of this new track, with the existing track, is likely to be particularly vulnerable to flooding/landslip and therefore damage. If adequate drainage is not provided at this point there is also risk of flood water/landslip damage to the designed landscape at Benview.

- There is also a risk of flood water/debris being carried from the steep slope of the access track to the two new development plots, down the existing access track on to the A83. Recent floods in the Tayinloan area have shown the damage/danger that this can cause.

### **Condition 6**

There are no existing rights to the **water supply** to Achanadriane for the two development plots as only the householders of Benview and Achanadriane Farmhouse have shared rights to the existing water supply.

There are no existing rights to remove water from the Leth Uillt burn as only the owners of Tigh na Drochit and the currently disused fish farm have rights to a water supply from the burn.

Bore holes would require to be drilled to give a water supply to the two development plots.

- 1 Any damage to the existing track, the steep sides of the track, and vegetation alongside the track, caused by the huge vehicles required for drilling boreholes, should be made good.
- 2 There is risk of soil slip caused by drilling into the wet ground of the development site. Precautions must be taken to prevent soil slip on to the existing track and beyond on to the designed landscape at Benview.

## **CHANGES TO PLANNINGS CONDITIONS**

### **Condition 6 (iv)**

The roof should be finished in natural slate.

#### **Reason**

- Appearance and consistency.

The three existing properties all have their roofs finished in natural slate. In particular the roofs of the new houses should match that of Tigh na drochit, which lies adjacent to plot one and the roofs of both houses will be seen together.

### **Condition 6 (iii)**

As a condition of the development is that existing woodland in the area is to be extended to form an appropriate landscape screen and background to the development, it seems appropriate that the external appearance of the houses on both plots should reflect the requirement of a woodland setting by having a wood-clad finish.

#### **Reason**

Although the use of recessively coloured wet dash render/smooth coursed cement render/natural stone is usually prescribed for developments in open

landscape, in this case, where a woodland setting is *prescribed*, then an external wood-clad finish, more sympathetic to the woodland landscape, should also be prescribed.

This is particularly the case with Plot One, where the development will be seen alongside the slate roof of Tigh na Drochit, with its wood-clad dormer window. A wood-clad finish would enhance the proposed low impact of this house in the landscape as a woodland house when the proposed screening by woodland is complete.

### **Condition 9**

No discharge of foul drainage into the Leth Uillt burn should be allowed as other parties have a right to extract water from the burn at points below the proposed development.

### **Reason**

In the interests of public health and farm animal health.

We hope that the Board members will give our proposals detailed consideration and that they will recommend that they form part of the attached conditions to planning consent, should this be given.

In particular, we would draw the Boards attention to our additional conditions 1 to 3. We believe that the applicants failed to give the relevant notice, outlined in the Town And Country Planning regulations, of their planning application to Largie Estate Limited. This failure has resulted in Largie Estate Limited being denied the opportunity to make representations regarding the original application and subsequently to the Local Review Body. We believe that the application should be deemed to be void, as it should never have been validated due to this failure.

Yours faithfully

Iain and Kathryn Logan