

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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9 November 2010

**RECONVENED ARGYLL AND BUTE LOCAL REVIEW BODY –
THURSDAY 11 NOVEMBER 2010 AT 2.00 PM
IN THE MEMBERS ROOM, KILMORY, LOCHGILPHEAD**

I refer to the above and enclose herewith written submissions requested at the LRB meeting on 8 October 2010.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

**3. CONSIDER NOTICE OF REVIEW: PLOT 4, ARDNACROSS FARM, PENINVER,
CAMPBELTOWN, PA28 6QP**

(d) Written Submissions

Written submission received from Planning (Pages 1 - 6)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Robin Currie
Councillor Alister MacAlister

Councillor Roderick McCuish (Chair)

Contact: Fiona McCallum Tel: 01546 604406

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**PROPOSED CONDITIONS AND REASONS RELATIVE TO LOCAL REVIEW BOARD
10/0010/LRB – PLANNING APPLICATION REF. NO. 10/00040/PPP**

1. That the permission is granted in terms of Section 59 of the undernoted Act and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 on the basis of an application for planning permission in principle, and that further approval of Argyll and Bute Council or of Scottish Minister on appeal shall be required, such application(s) must be made before whichever is the later of the following:-

- a) the expiration of a period of 3 years from the date of this permission.
- b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
- c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

and in the case of b) and c) above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 (1) of the Town and Country Planning (Scotland) Act 1997

2. The proposed development shall be carried out in accordance with the details specified in the application form dated 14th December 2009; and the approved drawings numbered 1 of 2 and 2 of 2.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

3. No development shall commence until details of the siting, design and finishes of the dwellinghouse hereby approved have been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details. Such details shall show a dwellinghouse which incorporates the following elements:

- i) The dwelling shall be single storey in height.
- ii) The window openings shall have a strong vertical emphasis.
- iii) The walls shall be finished in a white wet dash render / smooth coursed cement render / natural stone.
- iv) The roof shall be symmetrically pitched to at least 37 degrees and be finished in natural slate or a good quality substitute slate.
- v) The building shall be of a general rectangular shape and gable ended with a maximum external footprint of 120m².
- vi) Any porches (which are encouraged in the design) shall have traditional "peaked" roofs.
- vii) Details of the proposed finished floor level of the dwelling relative to an identifiable fixed datum located outwith the application site.

Reason: In the interest of visual amenity, in order to integrate the proposed dwellinghouse with its surrounds and, no such details having been submitted.

4. No development shall commence until details of any proposed landscape and

boundary treatment, including details of location, height and materials of any walls/fences/gates, have been submitted to and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: In the interest of visual amenity, in order to integrate the proposed dwellinghouse with its surrounds and, no such details having been submitted.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order(s) 1992, (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 3 of or Schedule 1 to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Parts 1 and Classes 1 and 3, and in Part 2 and Classes 7 and 9 of the of the aforementioned Schedule 1, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1: The enlargement, improvement or other alteration of a dwellinghouse.

Class 3: The provision of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

PART 2: MINOR OPERATIONS

Class 7: Gates, fences, walls and other means of enclosures.

Class 9: Stone cleaning and exterior painting of any building work.

No such development shall be carried out at any time within these Parts and Classes without the prior written approval of the Planning Authority.

Reason: To protect the area and the setting of the proposed dwellinghouse, in the interest of visual amenity, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

6. No development shall commence until a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved 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.

7. No development shall commence until details of the proposed foul drainage

arrangements to serve the development have been submitted to and approved by the Planning Authority. Thereafter the duly approved details shall be implemented prior to the first occupation of the dwellinghouse.

Reason: In the interest of public health, to ensure that the development is served by an appropriate means of foul drainage commensurate to the scale of the development and, no such details having been submitted.

8. No development shall commence until details of the means of vehicular access and parking turning provision to serve the development shall be submitted to and approved by the Planning Authority. Such details shall show:
- i) The access onto the public highway to be formed in accordance with the Council's Highway Drawing No. G300 & TM197, TM377 type C construction, with the bellmouth area surfaced in dense bitumen macadam for a distance of 5m back from the existing carriageway edge and dropped kerbs formed;
 - ii) Formation and ongoing maintenance of visibility splays measuring 160.0m x 2.0m from the centreline of the proposed access within which there is no obstruction to visibility over 1.05m in height above the adjoining carriageway;
 - iii) That the gradient of the driveway shall not exceed 1 in 15 within 4.5m of the existing carriageway and shall thereafter not be steeper than 1 in 7.
 - iv) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009

Thereafter the required access, parking and turning arrangements shall be fully implemented in accordance with the duly approved details prior to the occupation of the dwellinghouse.

Reason: In the interests of road safety.

NOTE TO APPLICANT

- In order to comply with Section 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.
- 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.

Commentary on PROPOSED CONDITIONS AND REASONS RELATIVE TO LOCAL REVIEW BOARD 10/0010/LRB – PLANNING APPLICATION REF. NO. 10/00010/PPP

1. Standard Planning Permission in Principle condition – sets time limit of permission and period for submission of further details by submission of formal ‘Approval of Matters Specified in Conditions’ (AMSC) application(s). *Note that an AMSC application may be submitted in respect of approval of the details reserved by a single or multiple conditions.*
2. Standard condition identifying approved drawings that relate to the permission.
3. Suspensive condition requiring the details of the siting, design and finishes of the proposed dwellinghouse within each plot to be submitted as an AMSC application(s) for approval. Proposed restrictions on design, scale and finishes of the development are consistent with previously approved development in principle on plots 2 & 3.
4. Suspensive condition requiring details of hard surface and boundary treatment for each plot to be submitted as an AMSC application(s) for approval.
5. Condition removing ‘permitted development’ rights relating to the future extension of the property, provision of additional outbuildings, means of boundary treatment and application of colour finish to external walls (over and above those details shown in any subsequent AMSC approval), such restrictions being consistent with conditions on the previously approved development in principle on plots 2 & 3 and required having regard to the prominence of the development’s roadside location and potential for inappropriate ‘permitted development’ additions to have an adverse impact upon the Area of Panoramic Quality within which the development is situated.
6. Suspensive condition requiring the adequacy of the proposed private water supply to be demonstrated – required by Area Environmental Health Manager in consultation comments dated January 2010.
7. Suspensive condition requiring details of foul drainage details for each plot to be submitted as an AMSC application(s) for approval.
8. Suspensive condition requiring details of access and parking/turning details for each plot to be submitted as an AMSC application(s) for approval – required by Area Roads Manager in consultation comments dated January 2010.

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