

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 20/01256/PPP**

**Katherine McKinlay  
Balure Croft  
Tayinloan  
Tarbert  
Argyll And Bute  
PA29 6XG**

I refer to your application dated 17th July 2020 for planning permission in principle in respect of the following development:

**Site for the erection of dwellinghouse**

**AT:**

**Land North West Of Balure Croft Tayinloan Tarbert Argyll And Bute PA29 6XG**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 21 December 2020

A handwritten signature in purple ink, appearing to read 'Fergus Murray', written over a faint, illegible stamp or background.

Fergus Murray  
Head of Development and Economic Growth

**REFERENCE NUMBER: 20/01256/PPP**

**Site for the erection of dwellinghouse**

**AT:**

**Land North West Of Balure Croft Tayinloan Tarbert Argyll And Bute PA29 6XG**

The planning application as detailed above is subject to the following conditions:

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6 and 7 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The development shall be implemented in accordance with the details specified on the application form dated 9th September 2020, supporting information and the approved drawings numbered 1 to 3 and stamped approved by Argyll and Bute Council on 20th October 2020.

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. Pursuant to Condition 1 - no development shall commence until plans and particulars of the means of vehicular parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:
  - i) 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.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

The refuse collection point is to be provided at the communal access and to be adjacent to the public road.

Reason: In the interests of road safety.

4. Pursuant to Condition 1 and notwithstanding the provisions of Condition 2, no development shall commence until details confirming the adequacy and suitability of the existing private sewage treatment system to accommodate the development proposed have been submitted to and approved by the Planning Authority.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

5. Pursuant to Condition 1 - no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The 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.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

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.

6. Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Preservation of the form and integrity of the neighbouring woodland.

The development shall not be occupied until such time as the boundary treatment, and surface treatment have been completed in accordance with the duly approved scheme.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. Pursuant to Condition 1 - no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

A Design Statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;

Local vernacular design, with a general rectangular shape and gable-ended;

Maximum of one and a half storeys in design;

Rectangular footprint no greater than 140 square metres;

Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;

External walls finished in natural stone or wet dash render, smooth coursed cement render or, a mixture of both;

Window openings with a vertical emphasis;

Any porches shall have traditional "peaked" roofs.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

8. All materials not reused in the approved development shall be removed from site within three months from the completion of the development to the satisfaction of the Planning Authority, unless otherwise agreed in writing.

Reason: In the interests of visual amenity and to prevent the storage of excess material within the site.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 3A, 3D and 3E of the of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

10. Given the proximity of the neighbouring residential properties to the site address, the hours of these proposed works should be restricted to 0800 - 1800 hours Monday to Friday, 0800 - 1300 hours Saturday and not at all on Sunday, Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise, generated by construction activities, on occupiers of residential properties.

11. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

12. No development or other works shall commence until a Breeding Bird Management Plan has been prepared in consultation with NatureScot and the Plan has been submitted to and approved in writing by the Planning Authority. This should include appropriate measures to mitigate against impact from the development upon birds breeding within or adjoining the site. The plan shall be implemented for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reasons: In order to protect natural heritage assets in the interest of nature conservation.

## NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 20/01256/PPP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
4. Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified in Section 59 of the Act.
5. Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within **3 years** from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
6. The development to which this planning permission in principle relates must commence no later than **2 years** from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
7. In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

8. 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.
9. In the event that the existing private sewerage system proves inadequate and is incapable of being upgraded, then an alternative means of foul drainage is likely to constitute a material amendment which procedurally cannot be considered for Approval of Matters Specified in Conditions and would require the submission of a separate application.
10. Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
11. Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

## **APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application: 20/01256/PPP

A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):

Planning Obligation Not Required

B. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

C. Is the proposal a departure from the Development Plan:

No

If yes, state level of departure:

No Departure

D. Summary justification statement for approval of planning permission in principle

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.