

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

PLANNING PERMISSION

REFERENCE NUMBER: 22/00376/PP

**Ms Anne Hamilton
LH Architecture
Business Centre Unit A
Darluith Road
Linwood
PA3 3TP**

I refer to your application dated 22nd February 2022 for planning permission in respect of the following development:

**Erection of dwellinghouse
AT:
Land South West Of Sulphur Springs Kames Argyll And Bute**

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: 6 April 2023

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

**Fergus Murray
Head of Development and Economic Growth**

REFERENCE NUMBER: 22/00376/PP

**Erection of dwellinghouse
AT:
Land South West Of Sulpher Springs Kames Argyll And Bute**

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

Standard Time Limit Condition:

The development to which this permission relates must be begun not later than three years from the date of this permission.

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

Standard Soils Management Condition:

Where the development involves ground breaking works, soil management should be undertaken in compliance with the established best practice set out in the DEFRA publication "[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009](#)", unless an alternative methodology for sustainable management of soil is submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that sustainable management of soils and compliance with the requirements of NPF4 Policy 5A.

Additional Conditions:

1. Other than required by any of the conditions below, the development shall be implemented in accordance with the details specified on the application forms dated 21st February 2022; supporting information; and the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Drawing No. 001	B	23/08/2022
Site Plan	Drawing No. 002	B	23/08/2022
Floor Plans	Drawing No. 003	C	23/08/2022
Elevations	Drawing No. 004	A	23/08/2022

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

2. Unless the prior written consent of the Planning Authority is obtained for variation, the following works shall be undertaken prior to the occupation of the dwellinghouse hereby approved:

a) The access shall be constructed as a private driveway in accordance with the Council's Standard Detail Drawing No. 08/002/Rev a

b) Sightlines of 20 metres in each direction, measured a distance of 2.0 metres back from the edge of High Road at the centre point of the access, shall be cleared of all obstructions above a height of 1.05 metres from the level of the road and thereafter maintained as such in perpetuity

Reason: In the interests of road safety.

3. Prior to the occupation of the dwellinghouse hereby approved, the vehicle parking spaces and turning area identified on 'Site Plan - Drawing No. 002 Rev B' shall be fully constructed and, thereafter, be retained for such a dedicated purpose unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety and to ensure that an adequate level of in-curtilage car parking and turning is provided.

4. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In the interests of protecting the archaeological integrity of the site and in accordance with Policy LDP 3 and Supplementary Guidance policy SG LDP ENV 20 of the Argyll and Bute Local Development Plan 2015.

5. Prior to the commencement of any works in relation to the construction of the dwellinghouse (or such other timescale as may be agreed with the Planning Authority), details of the external wall finishes, roof covering and fenestration to be used on the building shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings and for the avoidance of doubt.

6. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

i) Location, design and materials of proposed walls, fences and gates. In particular, the submitted details shall show the provision of a screen or barrier that shall be erected within the site to address the potential for direct overlooking from the curtilage of the dwellinghouse into the kitchen window of the property to the south, Kirkview

ii) Surface treatment of proposed means of access and hardstanding areas

iii) Any proposed re-contouring of the site by means of existing and proposed ground levels

iv) Proposed hard and soft landscape works

v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity and how these benefits will be maintained for the lifetime of the development. The biodiversity statement should refer to Developing with Nature guidance | NatureScot as appropriate

The development shall not be occupied until such time as the boundary treatment; the screen or barrier referred to in Part (i) above; the surface treatment; and any re-contouring works have been fully completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

7. Prior to the commencement of any works in relation to the construction of the dwellinghouse (or such other timescale as may be agreed in writing with the Planning Authority), details of the opaque glass to be fitted in the windows of the kitchen and the glazed aperture of the lounge on the south east-facing elevation of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the dwellinghouse shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of the privacy and amenity of the adjoining dwellinghouse known as Kirkview having regard to the Supplementary Guidance relative to the distance between habitable room windows contained in the Argyll and Bute Local Development Plan 2015.

8. Unless otherwise agreed in writing with the Planning Authority, the development shall incorporate a surface water drainage system that is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16(f).

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 22/00376/PP

STANDARD NOTES

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
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. 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 following ['Notice of Initiation of Development'](#) form 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.
4. 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 following ['Notice of Completion'](#) form to the Planning Authority specifying the date upon which the development was completed.

INFORMATIVE NOTES

1. The attention of the applicant/developer is drawn to the contents of the letter dated 14th April 2022 from Scottish Water, which is available for viewing on the Council's Public Access System

2. Those works to be undertaken on or adjacent to the public road will require a Road Opening Permit (S56) in advance of being carried out and it will also be necessary for positive drainage measures to be incorporated into the design of the access to ensure that surface water drainage will not pass on to the footway or carriageway. The applicant/developer is advised to contact Roads and Amenity Services on 01546 605514 or to use the following link to the Council's website: <https://www.argyll-bute.gov.uk/licences/road-opening-permit>

3. The West of Scotland Archaeology Service has advised that the applicant or developer will need to secure the services of a professional archaeological contractor to undertake the watching brief. An informal list of such contractors is available on their website www.wosas.net for the developer's use in securing the required works.

The watching brief would be required on the initial stages of proposed ground disturbance associated with the proposals. This will include the initial stages of construction, such as the removal of turf or topsoil. It may be possible for this initial stage of works to show that there are no archaeological remains present on the site but, if not, then the subsequent deeper excavations should also be watched. If buried remains are identified, there may be a requirement for further stages of archaeological works in order to properly excavate and record them before or during further development as necessary. This could include further excavation and any post excavation analyses or publication of the results if warranted.

4. The attention of the applicant/developer is drawn to the comments submitted by Mr James Perlich, Kirkview, Kames, Tighnabruaich and Mr Niall Dobbie, 3 Sulphur Springs, Kames, Tighnabruaich on the rights of access enjoyed by other properties over that part of the application site referred to as "Existing pathway and access" on 'Location Plan - Drawing No. 001 Rev B' and 'Floor Plans - Drawing No. 003 Rev C' and as "Existing access and pathway" on 'Site Plan - Drawing No. 002 Rev B'.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 22/00376/PP

- 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.

Yes/No? (if yes, list amendments below)

Yes-Plans amended prior to determination

Summary of amendments (if appropriate):

Amended plans submitted showing the installation of opaque glass on windows and a door on the south-facing elevation and the maintenance of unobstructed passage along the existing path that is located on the southern boundary of the plot

- 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

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.