
Report To:	The Planning Board	Date:	4th March 2009
Report By:	Head of Planning and Housing	Report No:	08/0302/IC Plan 03/09
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Erection of 5 dwellinghouses (Approval of reserved matters) at Land At Rear Of Cardell Wemyss Bay Road Wemyss Bay PA18 6AD		

SITE DESCRIPTION

The approximately 0.55ha site lies to the rear (east) of the flatted development, "Cardell", accessed off Wemyss Bay Road. To the north, the site is bound by the Victorian property, "Redholm", and to the south by another Victorian house, "Woodbourne". The site rises in an increasing slope from the rear of Cardell to the boundary with the A78 Greenock Road.

PROPOSAL

In January 2006 an appeal was sustained for the erection of 5 houses (in outline) on the site. A copy of the Reporter's Decision Letter, detailing the conditions attached to the outline planning permission, is attached.

The application under consideration is for the approval of reserved matters for the detailed design of the proposed houses.

The proposed houses are positioned and accessed in accordance with the conditions in the Reporter's Decision Letter. Parking is also provided for the houses and the Cardell residents as required in the Decision Letter. The houses all contain 7 apartments and have a double integral garage, are of split level design with three storeys to the front (facing Cardell) and two storeys to the rear. The principal materials proposed are facing brick, render and concrete roof tiles.

A tree survey and landscaping proposals have been submitted to comply with the requirements of the Reporter.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

Local Plan Policy TA11 - Trunk Road Proposals

Inverclyde Council will work with the Scottish Executive to make progress on the proposals identified for the A8(T) and A78(T), as listed in Schedule 5.1 and will safeguard any land required to undertake such improvements, subject to there being no significant adverse environmental impacts.

CONSULTATIONS

Transport Scotland - No objections

Land Use Consultants - No objections.

Head Of Environmental Services - No objections

Head Of Safer Communities - No objections

PUBLICITY

The application was advertised in the Greenock Telegraph on 9th January 2009 as No Building on Neighbouring Land

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

Objection letters have been submitted on behalf of the residents of Cardell by a firm of planning consultants and by their property factors (copies attached).

The objectors are concerned that :-

1. The submitted tree survey and landscaping plan does not meet the terms of condition 5 (a) attached to the outline planning permission by the Reporter.
2. The landscaping plan is not explicit in respect of the retention of trees on the slope next to the trunk road.
3. Small scale cross sections are inadequate to allow for an informed assessment of the effect on the steep embankment supporting the trunk road. An adjustment to the layout to accommodate the retention of a landscape buffer may require further excavation of the slope.

4. The Reporter noted that an intervisible passing place on the site access would avoid lengthy reversing manoeuvres.

I shall answer the objectors concerns in the Assessment below.

ASSESSMENT

The material considerations in the determination of this planning application are the outline planning permission granted for the erection of 5 houses on the site, the Development Plan, the consultation responses, the written representations and design.

In the Local Plan, the site is covered by Policies H1 and H8. Policy H1 seeks to safeguard and, where practicable, enhance the character and amenity of residential areas. The principal of the erection of 5 houses is established by the appeal decision in 2006 and consideration as to whether or not the reserved matters submission satisfies the aim of Policy H1 lies with assessment against the conditions attached by the Reporter and the relevant criteria within Policy H8.

In my assessment I will consider the specifics of compliance with conditions 4-7. Conditions 1-3 are standard conditions attached to all outline planning permissions, required by Section 59 of the Town & Country Planning (Scotland) Act 1997.

Condition 1 requires that no development commences until written approval is obtained from the Planning authority for the details of the siting and external appearance of all buildings, the means of access thereto and the landscaping of the site, including the means of enclosure. The application under consideration is for those details reserved by condition 1 of the outline planning permission. Condition 4 addresses siting, condition 5 considers landscaping while conditions 5, 6 and 7 address access arrangements. This leaves the issues relative to appearance to be considered by this condition. Local Plan Policy H8 requires compatibility with the character and amenity of an area in terms of density, design and materials used. The scale of the proposed houses to their plots and the separation between them is, I consider, generous and sympathetic to the density of development in the area. I am further satisfied that the proposed house designs are sympathetic to the character and amenity of the area. The generalities of the proposed materials are, I further consider, acceptable, however, the detailed selection should be further reserved by condition. I am satisfied that there is no adverse visual impact on the site or the setting of Cardell and that the proposal is acceptable with reference to policy H8 and condition 1..

Condition 2 places a time limit upon the submission of an application for the approval of reserved matters. The application under consideration was submitted within the specified three year period.

Condition 3 requires work to commence within 5 years from the grant of outline planning permission or within 2 years from the date of approval by the Planning Authority of the last of the reserved matters to be approved.

Condition 4 confirms that no permission is given to an indicative layout and sections submitted with the outline planning permission. The reason for this condition is to enable further consideration at reserved matters stage. The objectors consider that section information submitted with the application fails to satisfy condition 4 in that it does not allow an informed assessment to be made on the effect of the proposal on the steep embankment supporting the trunk road. This concern has been copied to Transport Scotland who have confirmed that they do not object to the layout and house designs submitted for the approval of reserved matters. I am satisfied that the proposed submission complies with condition 4.

Condition 5 requires that the plans and other particulars to be submitted for the approval of reserved matters shall among other things, provide for:

- (a) A detailed survey covering that part of the site within 20m of the existing driveway and parking areas, together with indications of any trees to be lost for driveways, parking areas

or service routes, and proposals for additional tree planting with a view to maintaining a long term screen of trees across the lower part of the site. For the avoidance of doubt all house positions shall be kept clear of this 20m zone. A tree survey has been submitted and assessed by the Council's landscape advisers and found to meet the Reporter's requirements. For the avoidance of doubt, the tree survey has been revised since the objectors submitted their representations regarding non compliance .The submitted layout respects the 20m exclusion zone.

- (b) Plots 2-5 inclusive sharing a maximum of two access points off the existing driveway and parking area. The submitted layout satisfies this requirement.
- (c) A suitably surfaced (e.g. tarmac or grasscrete) extension of the existing parking area along the lower edge of the site to provide at least an additional 6 parking spaces. The submitted layout satisfies this requirement.

Overall I consider condition 5 to be complied with and that condition 6 is being complied with.

Condition 6 requires the submission of tree protection works for approval and implementation prior to the commencement of work on site. The Council's landscape advisers are content with the submitted tree protection measures.

Condition 7 requires that no development shall commence, no plant or materials delivered and no site preparation other than site survey work shall be undertaken, before the following measures have been undertaken in accordance with drawing 3178/J201 dated November 2003:-

- (a) The submission to and approval by, the planning authority of a suitable practical guarantee of visibility splays of 2.5m x 90m on either side of the junction of Wemyss Bay Road and the A78(T) will be maintained in perpetuity.
- (b) The permanent physical clearance of the above splays of all obstructions to visibility between 1.05m and 2.0m above road channel level. The applicant has not as yet purified this condition, however, that does not prevent determination of the reserved matters application under consideration. The applicant is, however, prevented from commencing work on site until condition 7 has been complied with.

In conclusion, I am satisfied that the reserved matters submitted accord with the conditions attached to the outline planning permission.

With regard to the objectors' concern that the Reporter noted that an intervisible passing place on the site access would avoid lengthy reversing manouevres, I would advise that he made no requirement for a passing place in the conditions he attached. The land where a passing place could be formed is, in any event, outwith the applicant's control.

RECOMMENDATION

That the application be granted subject to conditions

Conditions

1. No development shall commence, no plant or materials delivered and no site preparation other than site survey work shall be undertaken, before the following measures have been undertaken in accordance with drawing 3178/J201 dated November 2003:-

- (a) The submission to and approval by, the planning authority of a suitable practical guarantee of visibility splays of 2.5m x 90m on either side of the junction of Wemyss Bay Road and the A78(T) will be maintained in perpetuity.
- (b) The permanent physical clearance of the above splays of all obstructions to visibility between 1.05m and 2.0m above road channel level.

2. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning authority: development thereafter shall proceed utilising

the approved materials unless the Planning authority gives its prior written approval to any alternatives.

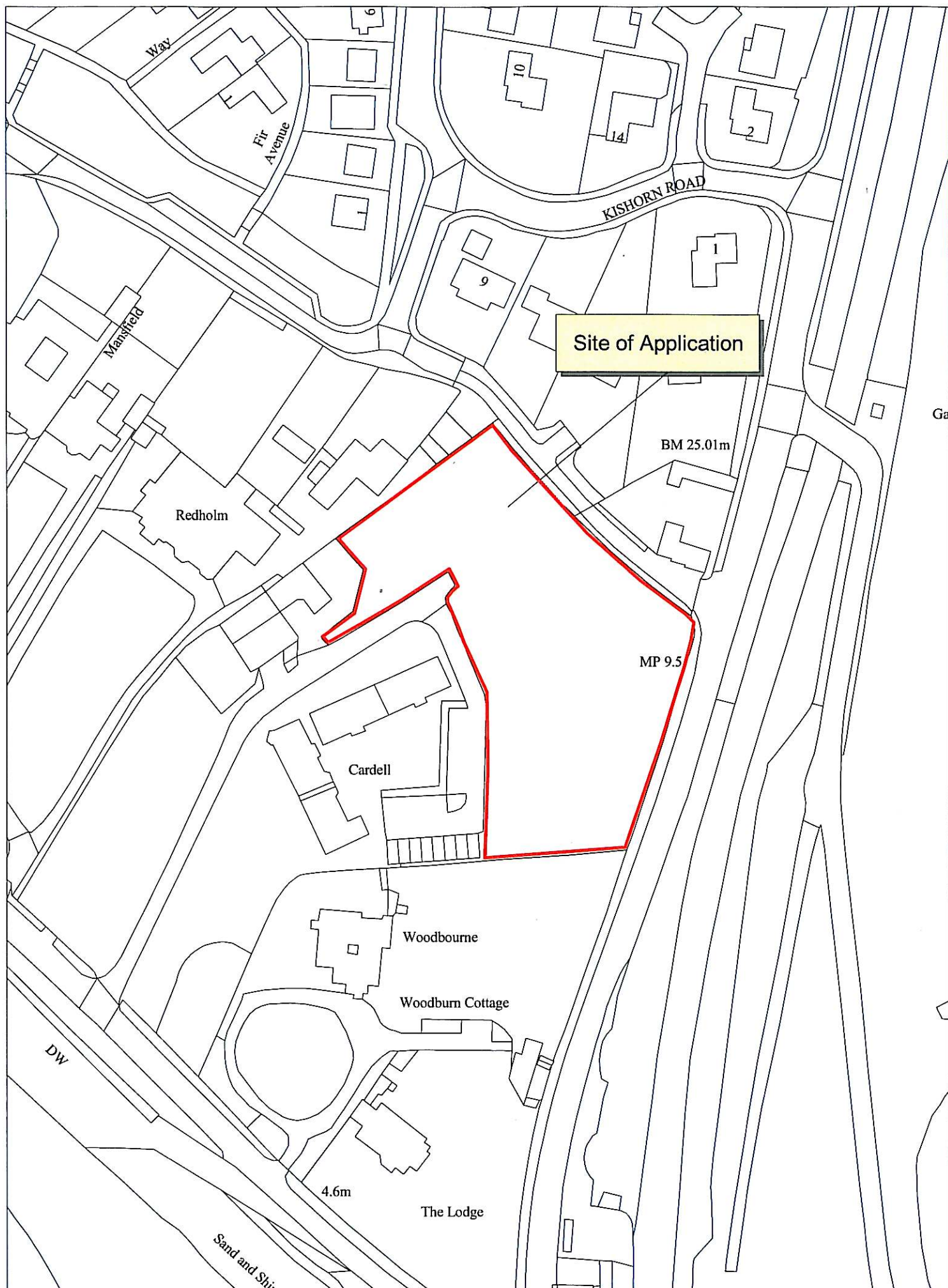
Reasons

1. To ensure that the drivers of vehicles leaving and entering the A78(T) are able to see, and to be seen from vehicles on this road, and thereby join the traffic stream safely.
2. To ensure a continuity of finishing materials in this part of Wemyss Bay.

F. K WILLIAMSON
Head of Planning and Housing

BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Appeal Decision PPA/280/080
5. Consultation responses
6. Written representations



Date: 10:02:09

Drawn: JML Drg. No. 08/0302/IC



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Inverclyde
council
planning and housing



SCOTTISH EXECUTIVE

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Our ref: PPA/280/080

9 January 2006

Dear Sir,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4: PLANNING APPEAL BY J C MORTON HOMES: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 5 DETACHED DWELLING HOUSES: LAND AT THE REAR OF CARDELL, WEMYSS BAY ROAD, WEMYSS BAY.

1. I refer to your client's appeal, which I have been appointed to determine. This is against the refusal by Inverclyde Council to grant outline planning permission for the erection of 5 detached dwelling houses at the above location. I made an accompanied inspection of the appeal site and the surroundings on 1 December 2005 and I have considered the exchange of written submissions. For the reasons explained in this letter I have decided to allow the appeal.

FACTUAL BACKGROUND

2. The appeal site (approx 0.55 ha) is a generally sloping area of partly overgrown open space at the rear of Cardell, a modern 3-storey flatted development. This with its adjoining mews cottages (based on a former stable block) occupies a spacious setting near the south end of Wemyss Bay Road which follows a coastal loop off the A78(T) in the vicinity of the Wemyss Bay Hotel. Spacious Victorian villas lie in either direction along Wemyss Bay Road, but the higher ground to the north and rear of the site is occupied by a modern private housing estate. The north eastern and eastern boundaries are marked by 1.5m (approx) stone walls, in the latter case alongside the A78(T) as this climbs in a northerly direction. Private gardens lie to the south (to the rear of Woodbourne) and to the north west (around Redholm Lodge). The irregular west boundary is defined largely by a communal driveway and parking area which run around the rear of Cardell. The site has a maximum cross fall (east-west) of about 11m, the tree and shrub cover in the central and upper parts gradually clearing through groups of trees into the better maintained lower margins which are in mown grass.

3. The outline planning application is supported by a topographical survey together with sections and an indicative layout plan showing 5 detached houses (each of 3 storeys) set well back in excavated positions 20m or more back from the existing access drive and car park.

is at an advanced stage and one searches in vain for friction with its provisions. The proposed density and garden areas meet the expectations of its policy H8, and public open space is not required for developments of less than 15 units. The plans suggest ample separation from Cardell.

9. Specifically on the access issue, you point out that no objection came from roads officials, and that the emerging local plan stops short of insisting that proposals must conform to the council's Road Development Guidelines. In a recent appeal decision in Greenock it was held that these guidelines are not prescriptive. They originated with the former regional council in terms that do not suggest that they will be applied to private roads. The existing access was considered fit for its purpose, not having been designed for high speeds. The increased use (a net increase of 4 houses) would be very limited whether by cars or service vehicles. It is wide enough for vehicles to pass slowly. Widening would introduce the danger of higher speeds. Your client's right to develop the site could not have surprised local residents since it is set out in their title deeds (an undated extract is submitted).

10. **Inverclyde Council** focuses on the inadequate width of the access drive and on the reservations of roads officials. In the light of their local knowledge, enhanced by a site visit, elected members felt it appropriate to resist the development because the access drive varies from 4m to 4.2m in width. It would be impossible for a car to pass a refuse freighter for example. More frequent reversing would be called for. This could be over considerable distances, bringing additional safety concerns to the fore.

11. **Local residents** responding to the appeal refer to the large size of the proposed houses and the prospect of them dominating existing dwellings and degrading their outlooks. The number of dwellings relying on the access would rise to 27 (plus garages). The road would have to be doubled in width to cope. There are only 15 car spaces and parking often overflows onto the access drive which is a shared vehicular and pedestrian surface. This is despite a prohibition in the title deeds. This is a safety issue - demonstrated in submitted photographs - since children can be concealed from drivers who are sometimes irresponsible. Elderly people reside here and deserve extra consideration. This is one more example of overdevelopment at the expense of the tranquillity which attracted people when Cardell was developed in the 1980s. Original purchasers had a clear understanding, reflected in a 1987 decision by the Lands Tribunal, that the Cardell development would be limited to 20 flats and one house. That decision was consistent with the views of the planning service of the day. In 1989 planning permission for alternative proposals on the appeal site was withheld because of road safety, density and amenity considerations. Against this background the application can be interpreted as development 'by stealth'.

12. Exception is taken to the acquiescence of the Trunk Road Authority over sight lines at the A78(T) junction, since the third parties involved have not actually signed any legal agreement to maintain visibility. This would do nothing to address the problem of traffic approaching by the A78(T) from the north. Vehicles waiting to turn right into Wemyss Bay Road would come into view of following traffic at the last minute. Council guidelines require the access road to be 5.5m wide or 4.5m wide with a pavement. These are of no value unless they are observed. This is a backland site and should not be developed for this reason, privacy losses being inevitable with houses of this size. Attention is drawn to the effects on a neighbouring listed building - Woodbourne - and the apparent failure to obtain the views of Historic Scotland. There is also a former well/natural spring to consider.

17. So far as the shared driveway is concerned, although this has been loosely referred to as an access road I am in no doubt that it is private, apparently without even a public right of passage over it. Overspill parking on this surface is a regular experience, apparently at odds with the terms of the title to each flat. The lack of a separate footpath is regrettable, as is the reported behaviour of some drivers. Your client cannot be expected to remedy these existing problems except, conceivably, by separate agreement with all concerned. One cannot predict with confidence the daily car trips (or service trips) to and from each proposed house, or from existing dwellings. It does not always follow that a larger house necessarily produces more trips than a small one although I accept the higher statistical probability. In any case the size and design of each house is not fixed at this point. The baseline situation amounts to 23 dwellings (20 flats, 2 mews houses and one more house with planning permission). The proposed scenario is 27 dwellings (20 flats and 7 houses). This notional increase of 17.4% helps explain why roads officials stopped short of objecting and suggests that residents' worst fears have been exaggerated.

18. The other reason why roads officials would have hesitated to express themselves in more resolute terms is that their Roads Development Guide applies to new roads. No copy of that document has been submitted. However, clearly the driveway is not a road - far less a new road. As far as I can tell it is a shared private street. It is not proposed to make it into a 'conventional housing road' as some have suggested. I have seen no evidence of any of the following; (1) that it is a public right of way, (2) that there is any public right of passage over it, (3) that either of these situations is about to change, or (4) that anything in the development plan ultimately requires either of these situations to change. I see force in your unchallenged point that the recent appeal decision in Greenock (ref; PPA/280/075) found that the Roads Development Guide is not prescriptive. That decision also noted that its standards apply to roads intended for adoption, and that the document seems more relevant to larger developments. In any case the notional and probable increase in use of the drive would be modest. Service traffic is unlikely to change noticeably in frequency or in vehicle types, since it matters not a very great deal to cleansing or postal services (to quote two obvious examples) whether a particular trip serves 27 dwellings or 23. The problems arising from the limited width and shared surface amount more to inconveniences (assuming reasonable behaviour by individual users) than outright threats to public safety.

19. Nevertheless in my judgement, in order to function satisfactorily with minimum conflicts of use, the proposed development will itself require clearer access than is often available. You have not questioned the accuracy or relevance of photographs submitted by an objector showing overspill parking on the drive as it turns around the north end of the flats. This can be addressed by reserving a modest part of the site for additional shared parking (whoever may need it). This would help keep this approach route clear for the benefit of the development itself - with fringe benefits for existing users. Subject to this adjustment, in the light of the points in paragraphs 16 - 18 above I am not persuaded that the development can be reasonably resisted on road safety grounds.

20. Returning to the determining issues in paragraph 13, in the light of my later reasoning, I conclude that the appeal proposal is not inconsistent with the development plan (nor even with the emerging development plan which contains similar relevant policies). Material considerations (the second determining issue) have been visited more or less in the interests of completeness. In any case these sustain no convincing basis for withholding outline planning permission subject to cautious conditions. I consider that these conditions require to be more extensive than those tabled by planning officials.

21. The outcome below has been arrived at independently of deliberations that may or may not await the Lands Tribunal on some other occasion. I could not permit that background possibility to

(c) A suitably surfaced (e.g. tarmac or 'grasscrete') extension of the existing parking area along the lower edge of the site to provide at least an additional 6 car spaces.

6. All trees to be retained following approval of reserved matters shall be suitably protected during development by measures to be agreed in writing with the planning authority before work starts. These - and any others planted as may be required by the terms of any reserved matters approval - shall be maintained indefinitely and none shall be felled lopped or topped without the prior written approval of the planning authority.

REASONS (5 & 6): To ensure that residential amenity is maintained as much as reasonably possible by minimising permanent disruption, and to help guarantee unobstructed access into each plot in a way that does not adversely impact on existing parking provision.

7. No development shall commence, no plant or materials shall be delivered, and no site-preparation other than survey work shall be undertaken, before the following measures have been undertaken in accordance with drawing 3178/J201 dated 13 November 2003:

(a) The submission to, and approval by, the planning authority of a suitable practical guarantee of visibility splays of 2.5m x 90m on either side of the junction of Wemyss Bay Road and the A78(T) will be maintained in perpetuity.

(b) The permanent physical clearance of the above splays of all obstructions to visibility between 1.05m and 2m above road channel level.

REASON: To ensure that the drivers of vehicles leaving and entering the A78(T) are able to see, and to be seen from, vehicles on this road, and thereby join the traffic stream safely.

7. There shall be no drainage connection to the trunk road drainage system.

REASON: To ensure that the efficiency and integrity of the trunk road drainage system is not reduced.

25. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

26. Copies of this letter have been sent to Inverclyde Council, to the Inverkip and Wemyss Bay Community Council, to the 'Cardell Residents Association' (per Warren Consultants) to the 'Cardell Owners' (per Mr N McCreddie, Flat 11) to 'Cardell Owners' (per Messrs Neill Clerk & Murray, Solicitors) and to Ms Rhona Martin and the 'Cardell Group' at Flat 10. Copies are also being sent to those others who responded to the appeal, i.e. Mrs Ruth Ritchie (7 Kishorn Road), Mr G Buchanan (Flat 6) and to Mr A D P Maley (2 The Mews). The other parties who responded to the planning application are being notified of the outcome and may also obtain copies on request.

Yours faithfully



PHILIP G HUTCHINSON
Reporter

Warren Consultants

Town Planning & Development Consultants

Inverclyde Council,
Planning and Housing,
Cathcart House,
6 Cathcart Square,
Greenock,
PA15 1LS.



By E-mail and Post

5 January 2009

FAO Guy Phillips

Dear Sir,

APPLICATION FOR APPROVAL OF RESERVED MATTERS PROPOSED 5 DWELLINGS AT CARDELL, WEMYSS BAY

We act on behalf of Mr Laidlaw, Flat 5 Cardell, a notifiable neighbour of the above proposed development.

There are a number of issues of concern with this application.

Trees

Lower Lying Trees

The Reporter in his decision letter on the outline application dated 9 January 2006, concluded that *"it would be appropriate and possible to retain groups of the lower lying trees."* Against this background the Reporter imposed the following condition:

A detailed tree survey covering that part of the site within 20m of the existing driveway and parking areas, together with indications of any trees to be lost for driveways, parking areas or service routes, and proposals for additional tree planting with a view to maintaining a long term screen of trees across the lower part of the site. For the avoidance of doubt all house positions shall be kept clear of this 20m zone.

Firstly, the Tree Survey submitted in order to address this reserved matter does not meet the terms of the condition. The Tree Survey does not cover all of the trees within 20 metres of the driveway and parking areas. The tree survey covers the small groups of trees within the 'lawn area'. The Tree Survey does not cover a large proportion of the tree belt within 20 metres of the driveway and parking area.



Notwithstanding this fundamental deficiency in the reserved matter submission, the Tree Survey goes on to state that *'Virtually all (the Goat Willow (Salix Caprea)) are mature specimens 6 – 8 m tall'* and that the majority should be in good condition.

The Tree Survey concludes that small pockets of willow can be retained with substantial gaps between which would readily provide routes for driveways and that a buffer of willow should be retained through the 20 metre survey zone between the existing and proposed housing.

The report also concludes that it is important that the four non-willows (one Leyland Cypress and three Cherry (*Prunus Vars*)) are retained

Having drawn these reasonable and authoritative conclusions, the landscape layout chooses to completely ignore the wishes of the Reporter and the Tree Surveys own conclusions and shows all of the willow plus cherry trees removed.

It is essential therefore that the applicant fully complies with the terms of the Condition and surveys all of the trees within the 20 metre zone and also modifies the layout and driveways to retain the buffer of willow and cherry trees which is highlighted by both the Reporter and the Tree Survey itself.

Trees on Upper Slope

The Tree Survey states that the woodland on the slope consists of a mix of Sycamore and Beech. The trees closest to the wall make an important contribution to both the site and the wider landscape infrastructure and should be retained and protected.

In addition the trees closest to the wall and their roots will play a significant role in the integrity of the slope supporting the wall and the trunk road itself.

Having acknowledged the importance of these trees, it is disappointing to note the annotation on the landscape drawing accompanying the application which states simply that the upper slope trees will be inspected for retention and conserved and protected as directed.

It is essential that, in order to retain the contribution that the trees closest to the wall make in terms of the wider landscape infrastructure and stability of the slope that a more explicit statement of intent be made by the applicants in relation to the retention of these trees and/or that a further condition be imposed to that effect.

The Trunk Road

One matter that will require to be addressed as part of the reserved matters relates to possible adverse effects on the A78 Trunk Road. In his decision letter the Reporter imposed the following condition.

4. For the avoidance of doubt the submitted indicative drawings showing a proposed layout and cross sections (Nos. 1337-SITE-1, 1337-002 and 1337-003) are not hereby approved.

REASON: To enable further consideration of these matters at reserved matters stage, and in the light of other matters.

The Reporter therefore required details of layout and cross sections to be matters reserved for the subsequent approval of the Council. The applicant has supplied details of the layout and small scale cross sections as part of the reserved matters submission. The cross sections supplied are inadequate to allow for an informed assessment of the effect on the steep embankment which supports the trunk road.

Fully dimensioned large scale engineering drawings are necessary. It is unclear from the information submitted whether additional retention structures are required in order to secure the integrity of the slope and avoid any adverse impact on the trunk road.

Furthermore, an adjustment to the layout to accommodate the retention of a landscape buffer may require the houses to be set further into the slope, thus requiring further excavation of the slope.

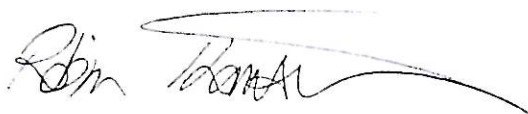
The Access Road

The Reporter stated that *"in order to function satisfactorily with minimum conflicts of use, the proposed development will itself require clearer access than is often available.* The Reporter also set out the previous concerns of the Council on this point.

"Elected members felt it appropriate to resist the development because the access drive varies from 4m to 4.2m in width. It would be impossible for a car to pass a refuse freighter for example. More frequent reversing would be called for. This could be over considerable distances, bringing additional safety concerns to the fore."

Although, it may not be justifiable for the access to be upgraded in order to allow two-way traffic over its full length, an intervisible passing place to avoid lengthy reversing manoeuvres would certainly be in the interests of traffic and pedestrian safety.

Yours sincerely,



**ROBIN THOMSON
ASSOCIATE DIRECTOR
WARREN CONSULTANTS**

Copy to: Mr Laidlaw

Morison Walker

Property Management Limited
(Established 1850)

Our Ref: JMW/MMcT
Your Ref: 08/0302/IC(4129)
Date: 22nd January 2009

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• RESIDENTIAL & COMMERCIAL PROPERTY
• RENT COLLECTION & REVIEWS
• DEBT MANAGEMENT

F.A.O. Guy Philips

Dear Sir

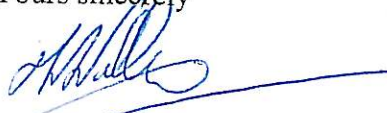
Application for Approval of Reserved Matters
Proposed 5 Dwellings at Cardell, Wemyss Bay

We refer to our letter dated 12th January 2009 and your response dated 20th January 2009 received earlier today and, for your clarification, and on behalf of the various owners, would formally object to the following:-

- The Tree Survey submitted does not meet the terms of the Reporters decision;
- In order for the trees in the Upper Slope to retain the contribution that the trees closer to the wall make in terms of the wider landscape infrastructure and stability of the slope that a more explicit statement of intent be made;
- The cross sections of the Trunk road as supplied are inadequate to allow informed assessment of the effect on the steep embankment supporting the Trunk Road and fully dimensioned large scale Engineering Drawings are required;
- There is no provision for the driveway access to be upgraded to allow for an inter visible passing place to avoid lengthy reversing manoeuvres particularly during construction phase.

We trust the above will now be included within your Service's report to the Planning Board.

Yours sincerely


Morison Walker

