

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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1 February 2012

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 8 FEBRUARY 2012** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH WEST OF BENMEANACH, ISLE OF COLL PA78 6TE**
 - (a) **Notice of Review and Supporting Papers (Pages 1 - 40)**
 - (b) **Comments by Interested Parties (Pages 41 - 54)**
 - (c) **Comments by Applicant (Pages 55 - 56)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly
Councillor Bruce Marshall

Councillor Donald MacMillan

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

23 December 2011

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	
Name	<input type="text" value="Ian Rae"/>
Address	<input type="text" value="8 Shore Street"/>
	<input type="text" value="Arinagour"/>
	<input type="text" value="Isle of Coll"/>
Postcode	<input type="text" value="PA78 6SY"/>
Tel. No.	<input type="text" value="01879 230216"/>
Email	<input type="text" value="gillnian@hotmail.com"/>

(2) AGENT (if any)	
Name	<input type="text"/>
Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Postcode	<input type="text"/>
Tel. No.	<input type="text"/>
Email	<input type="text"/>

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Land North West of Benmeanach Isle Of Coll Argyll And Bute PA78 6TE
--

(6) Description of Proposal

Erection of a dwellinghouse and domestic shed.

(7)

Please set out the detailed reasons for requesting the review:-

In the report of handling (P) para 3, it states *'It is also noted in this Study that gardens associated with new housing should be either left open or should be small and enclosed by low stone walls. A condition will therefore be attached to the grant of permission in order to remove certain permitted development rights in the interests of visual amenity and to protect the open character of the area.'*

Condition 5 of the above planning application which states:

5. Notwithstanding the provisions of Classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwellinghouse hereby approved without planning permission first being granted on an application made to the Planning Authority.

Reason: In the interests of visual amenity and to protect the open character of the site.

My request is for the removal of condition 5 of the planning permission for the following reasons:

1. This is a working croft and the low stone walling recommended is not appropriate to control livestock or enclose poultry, we will require stock fencing / netting as is used in the surrounding area of Clabhach.

2. The recommendation of the report to *'remove certain permitted development rights'* has turned into a condition that imposes a blanket ban on permitted development.

3. The site, unlike most of Coll, has no special or sensitive designations and is classed a rural opportunity area in the Local Plan.

4. The development is a croft cottage on a 4 acre working croft and I believe that the application represents a traditional croft cottage look fully supported by the Isle of Coll Design Guide. A considerable effort was expended by me in pre application to ensure the siting of the cottage was the least intrusive visually. This is supported by the planning report of handling, (P) para 3 states *'It is considered that the site is offset from the main coastal views'* and *'The applicant has submitted a site and Design Consideration Statement which successfully demonstrates that a dwellinghouse at the proposal site will not intrude unacceptably on key views from the road to the coast.'*

5. The imposition of this condition is excessive control on a small working croft; planning applications for any minor alterations would manufacture a time consuming and expensive process for both me (despite no application fee being able to be charged) and the council. This does not appear to support the general efficiency drive in the public sector that is particularly topical at the moment.

6. The 'study' mentioned in the report, that is used as the only evidence to support the imposition of a condition, has not been adopted by the council despite being published in 2006 and it's recommendations have generally been ignored or contradicted by the 2009 Local Plan, the Isle of Coll design guide and recent planning decisions.



(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Planning Application 11/00732/PP application submission documentation
2	Planning Application 11/00732/PP Report of Handling
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)

Dated

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT* <mailto:planningreview@argyll-bute.gov.uk>
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

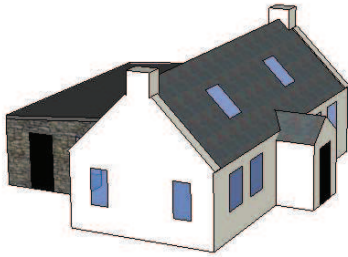
If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

Site and Design Considerations



*Proposed New Dwelling,
Clabhach, Isle of Coll.
Planning Application Data*

Ian & Gillian Rae

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1 Document Objective

The objective of this document is to convey our thought process in concluding that the design and situation of the proposed dwelling would create a space that we would be happy to live in and be acceptable to the wider community and development control. It supplements the planning permission application form.

2 Our Goals

We are local residents of Coll and currently live in rented accommodation in Arinagour. We are also the croft tenants of the proposed dwelling site.

Our vision is a modest sized dwelling for the two of us, with a traditional croft vernacular, using up to date building techniques to create modern comfortable living spaces. We also have taken into account our parents advancing years, the potential for our children to take over and planning for our own future in the design of the spaces. *Figure 1* illustrates the type of building that inspired our design.



Figure 1: Our design inspiration is a traditional Croft vernacular

3 Site Plan

Our goal is to ensure the visual impact to the surrounding area is minimal while taking advantage of the natural elements of sun and shelter. We initially reviewed the site position given in the Planning Permission in Principle (PPP)(see *Figure 2*)

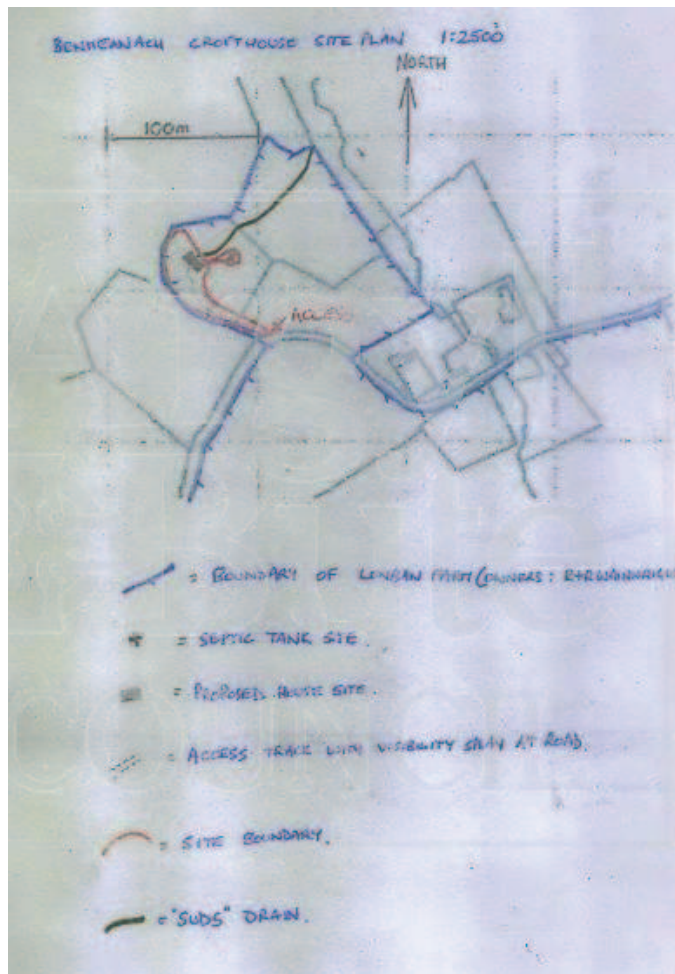


Figure 2: PPP Site Plan showing approximate dwelling position

3.1 Cottage position

After review and numerous site visits we concluded the initially proposed PPP dwelling position had a number of significant drawbacks, namely:

- Virtually no direct sunshine during mid winter (frost pocket) (see *Figure 3*)

- Significantly raises roofline up and into the seascape
- Into bedrock in places
- Significant problems in getting level access for disabled / elderly
- Access ways would be visually far more prominent
- Significant expense and impact on the environment as a result of additional materials, transportation and labour in the build process from building on a slope, into rock and out of the sun



Figure 3: Shadow pattern in December at 13:15hrs. Photograph is taken looking west; the PPP dwelling position is on the left of the field in the shadow already

The Argyll & Bute Sustainable Design Guide encourages use of the sun as an energy source and the reduction in transportation and energy costs both in the build and sustainment phases. As the Local Plan has this whole area marked as a 'Rural Opportunity Area' we reviewed the position choices within the field with respect to these and other principles in the guide.

During the PPP stage the planning officer requested that the building was 'as far west in the field as practical' [This was as a result of a 2006 study that has not been adopted by the council and is in conflict with the Local Plan maps, Isle of Coll Design

Guide and recent planning decisions]. However, as the existing PPP position provided a conflict with a number of the recommendations in the sustainable design guide, and introduced a high roofline into view from the road behind, our aim was to look at a trade off to establish the optimal '*practical*' position to provide least impact from a visual, energy efficiency and wider living environment perspective.

From a sustainable design perspective the most efficient position is the North Eastern corner of the field, providing:

- Most exposure to the sun
- Lowest roof line
- Level surface
- Level access from parking for the disabled and elderly
- Least materials required
- More sheltered
- Least build time
- Least expense

However, the drawback is that from a visual perspective this is closer to the view of the beach from a small section of the road up the hill behind the dwelling.

We concluded moving the building to the central North end of the field provided the optimum combination of advantages:

- Sits the building down in the lowest part of the field and does not encroach on the view of beach from up the hill behind
 - The roofline is lowered by 4m to 5 m from the PPP position
- Maintains most of the advantages of the Eastern position
 - Only slightly reduced sun
 - Orientation is SSW to gain solar benefit
- Avoids the significant disadvantages of the West end position
 - Including raising the building significantly into view
 - Sitting in the frost pocket



Figure 4: Proposed dwelling position superimposed for illustration. Further left or back is in winter shadow and raises the roofline significantly on the slope

Any further movement west or south starts to reduce exposure to the sun considerably earlier in the day in winter, due to the high contours to the south beyond the boundary. It would also raise the roofline considerably further into view. After agreeing this position with the planning officer, we propose the position illustrated in *Figure 4* and identified in the planning application as the optimal position.

In conclusion the proposed position represented in the site plan:

- Provides the minimum visual impact from road and surrounding countryside
- Maintains the majority of the advantages of Sustainable Design
 - Receives winter sunlight to reduce energy consumption
 - Has a level access from the parking area for the disabled and elderly
 - Has the least impact in terms of transportation and materials
- Minimises the concerns raised in the un-adopted Landscape Capacity Study
- The traditional size and shape of the dwelling makes best use of the plot contours and dimensions and is appropriately sized for position

3.2 Site Entrance

The initial proposal site entrance would involve a considerable new structure to be built where indicated in *Figure 5* to get acceptable height and gradients required for the entrance and visibility splays. We noticed that the opposite side of the wall provided a flat surface for runoff from the road (*Figure 6*), which could also maintain the PPP required 42m visibility splays. This moves the centreline of the track approximately 6m only and runs across to a natural gradient into the site field. This land is owned by the neighbour who we have discussed the proposal with.



Figure 5: *Original position on slope below stone wall, requires a significant infill to achieve a level surface at the intersection with the road*



Figure 6: *Proposed track is just left of stone wall on a level surface; it maintains the same visibility splay as PPP requires and reduces the visual impact*

The position in *Figure 6* represents the entrance track position proposed in the PP site plan.

3.3 Site Services



Figure 7: Notional position of Treatment System. Foul drainage will be to a settlement tank and Biorock treatment system; this will drain to a herringbone soakaway.



Figure 8: The Electrical supply will be in a trench from an existing transformer

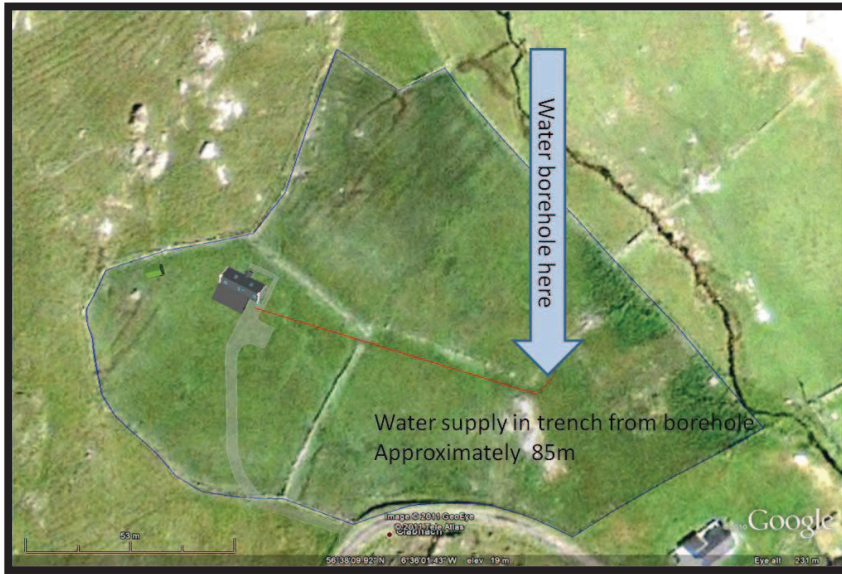


Figure 9: The approximate position for a private **Water Supply** from a Borehole

3.4 Site Ownership



Figure 10: We are the **crofting tenants** of the shaded area (case No 4.130.29580), part of croft reg No A0411.

The shaded land is owned by:

Mr & Mrs R Wainwright, Cliad Farm, Isle of Coll.

The surrounding land to the West within 20m of the development, which includes the first 27m of the track from the road, is owned by:

Mr A. Brodie, Ballard, Isle of Coll.

4 House Design

The examples in *Figure 1* were illustrative of our design goals. They provide the basis for the overall proportions and look in our design. In developing our own design, we have researched a number of existing character cottages and some contemporary designs with similar proportions to provide inspiration on size, look and space utilisation. We have also used the Argyll & Bute council 'Isle of Coll Sustainable Design Guidance' which provided a very useful insight into maintaining the character and standards required to fit into the Coll vista. *Figure 11* represents our proposed design.

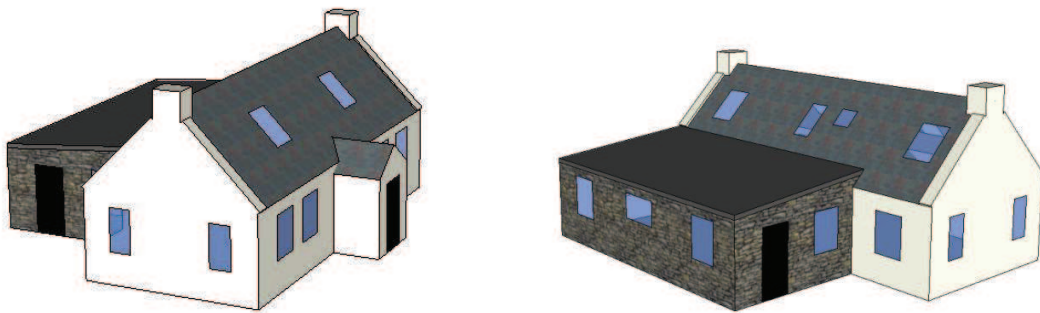


Figure 11: *Illustrative 3D image of proposed cottage*

The design incorporates features from traditional croft cottages such as:

- narrow main section with a relatively shallow roof
 - smooth slightly undulating white rendered finish
- lean to added to extend lower floor living space
 - natural stone finish to road
- double chimney
- Gable ends extended above roof line for wind protection
- minimal overhangs
- dark slate finish to pitched roof
- windows generally have a vertical emphasis
- small porch

This traditional appearance will integrate the proposed dwelling into the surrounding environment and align to the vernacular of older local cottages on Coll. It is of very similar dimensions to its nearest neighbour, Benmeanach cottage (see *Figure 12*), with a very similar width and height in the main body of the building but a larger lean to and thinner walls providing more living space. This is similar to a number of cottages on the island and indeed all over the Highlands and islands.



Figure 12: Nearest neighbour Benmeanach cottage has the similar width and height

On internal design, the kitchen and lounge main living areas are only separated by stairs with a cupboard underneath; this creates a larger more open feel to both areas without losing the cottage proportions. In the lean to it has a downstairs bedroom together with a shower room, utility room and large cupboard for the heating and airing; this layout is suitable for our ageing disabled parents to visit. Upstairs there are two bedrooms and small bathroom, also making it suitable for a potentially younger family in the future.

The winds on the island can be severe so external doors are on opposite facings to always give a sheltered entry. The front buffered by an external porch and rear buffered by an internal porch.

The aim is to have a highly insulated and sealed house that has an exhaust air heat pump to provide heating and ventilation ensuring the minimal heating energy required provides a fresh, comfortable living environment. The exhaust air heat

pump unit has the capability to take other heat sources like solar in the future if the energy use should require this.

The walls will be highly insulated and the windows will be low e, high performance argon filled double glazed units, with south facing windows incorporating some solar gain. The external doors will also be high performance. We intend to use a warm roof design incorporating insulation over rafters and insulation will also be installed in the ground floor to ensure an all round low U value approaching passivhaus standards.

The intended building materials are mainly lightweight and utilise sustainable materials, minimising construction time and reducing transportation requirements while providing a very strong, robust building.

Due to the good insulation properties, air tightness and ventilation system, the heating system will only be required on the ground floor, the upper floor benefiting from preheated air ventilation. A solid fuel stove will provide an alternate energy source and gives a focal point for the lounge. The stove will be 'room sealed' to aid air tightness. So with total floor space of less than 120m² the heating demand will be small, easily controllable and with minimal waste.

We will also be looking to ensure an efficient, low energy approach to installation of electrical goods, lights and other powered appliances. Outside lighting will be kept to the minimum required standard to reduce spillage but maintain a safe environment.

On renewable energy, our aim is not to have a high requirement in the first place. The new position provides better light and warmth through the glazing. This combined with the very high insulation level, air tightness and exhaust air heat pump provide the most cost effective and energy efficient approach.

Renewable energy is supplied from the exhaust air heat pump; other options to consider with planners in the future include photovoltaics, solar panels or a small wind turbine if the energy requirement warrants this.

Fresh water will be obtained by private means utilising a borehole and pump system, conserving local supply for other residents. For foul water drainage we will install a treatment system with a soakaway.

Outside we will make minimal changes to the landscape with a porous gravel drive and parking supporting SUDs, any paths will be of similar construction except where required for disabled access. The fencing around the upper drive will be stock proof post and wire as existing and incorporate a galvanised farm gate. Any other fences and gates will match the existing types in the area.

Refuse containers will be kept near the house and transferred to the gate for collection; we will also use containers for recyclable goods that can be transported to local collection sites.

Summary

In summary the proposed position:

- provides the minimum visual impact from road and surrounding countryside
 - The traditional size and shape of the dwelling makes best use of the plot contours and dimensions and is appropriately sized for position
- follows the guidelines of the Argyll and Bute Sustainable Design Guide and addresses the concerns of the un-adopted 2006 capacity Study
- has a rear elevation that is nearly south facing, that now provides sunlight in the winter, allowing an energy efficient solution
- is relatively sheltered in all directions (less from the North)
- has access from parking that will now be level for the disabled and elderly
- has an entrance that provides a reasonably level exit from the road without a large visual impact

The proposed dwelling:

- is based on the traditional vernacular
- has modest proportions to ensure it blends in with the environment
- is set in the plot to take advantage of natural contours and screening
- will incorporate significant energy saving features
- uses materials that minimise construction time and traffic
- demonstrates a responsible approach to renewable energy and sustainable living that can be enhanced, if required, in the future

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CENTRE COORDINATES: 117972, 758806



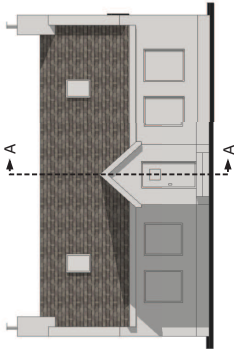
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Location Plan

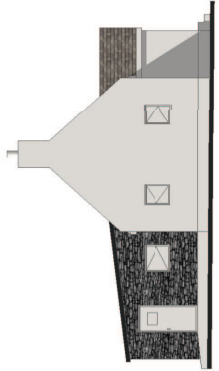
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HOUSE ELEVATIONS

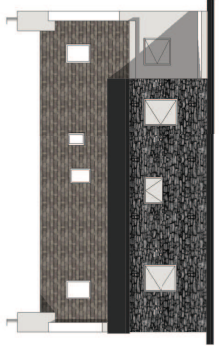
FLOOR PLANS



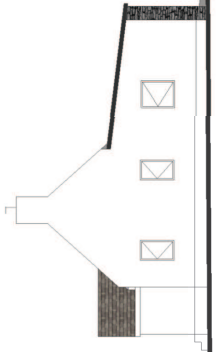
PROPOSED FRONT ELEVATION
1:100



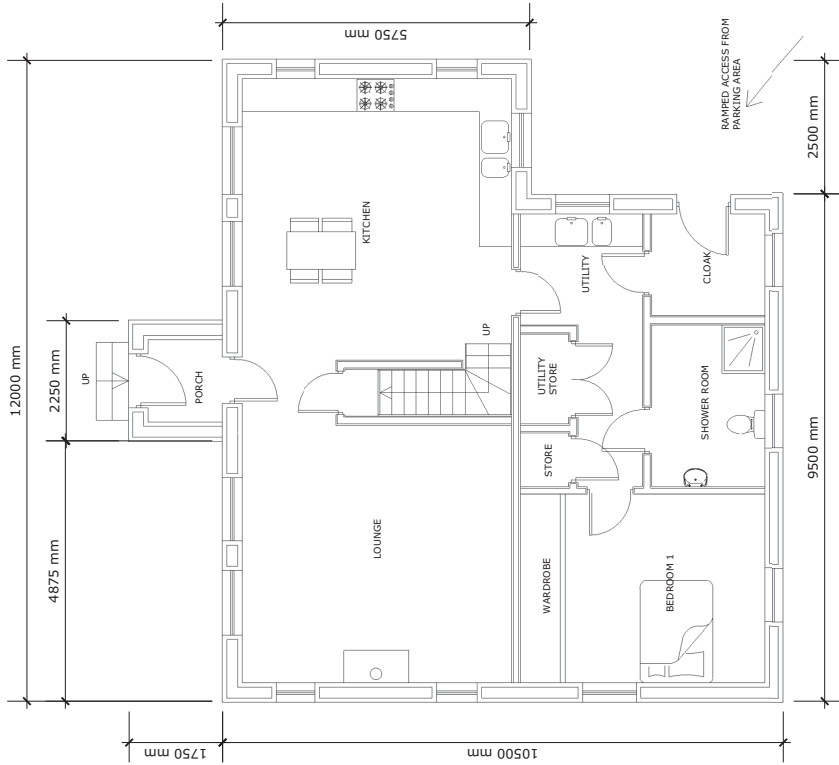
PROPOSED SIDE ELEVATION
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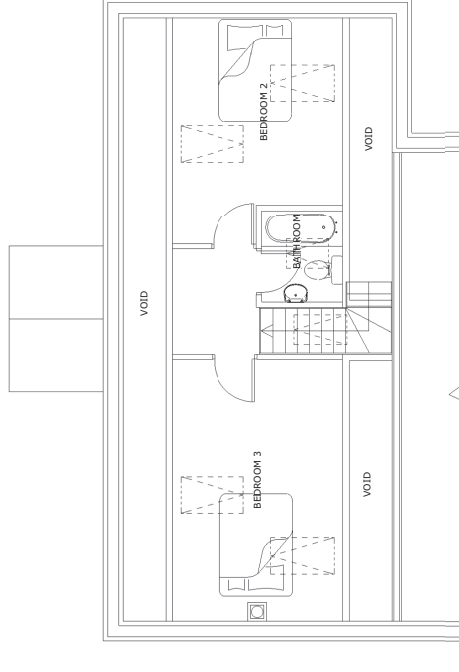
PROPOSED REAR ELEVATION
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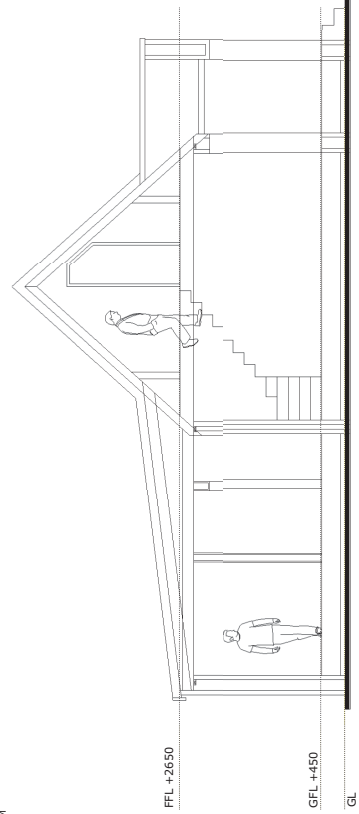
PROPOSED SIDE ELEVATION
1:100



PROPOSED GROUND FLOOR PLAN
1:50



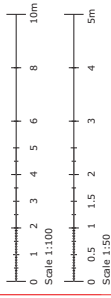
PROPOSED FIRST FLOOR PLAN
1:50



SECTION A-A
1:50

Notes

The contractor to ensure the works are inspected and approved by the Building Control Officer. These drawings have been produced for planning approval purposes only. Compliance with Building Regulations is not guaranteed. These drawings are copyright of Plans Made Easy.



MATERIALS:-

- Roof - Dark grey slate substitute
- EPDM rubber where flat
- Walls - White render
- Natural stone finish where shown
- Windows - White uPVC
- Doors - High-performance wood

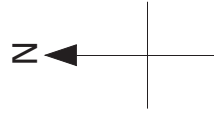


Unit 9h, Lowesden Business Park,
Lambourn Woodlands, Hungerford
Berkshire, RG17 7RY
Tel: 0844 980 0025
Email: info@plansmadeeasy.co.uk

Client:	MR. & MRS. PAE
Project:	CLABHACH ISLE OF COLL
Title:	PROPOSED NEW BUILD ELEVATIONS + FLOOR PLANS
Scale:	AS SHOWN
Date:	MAR '11
Originator:	BKR
Review By:	
Drawing number:	F169/001
Revision:	P1

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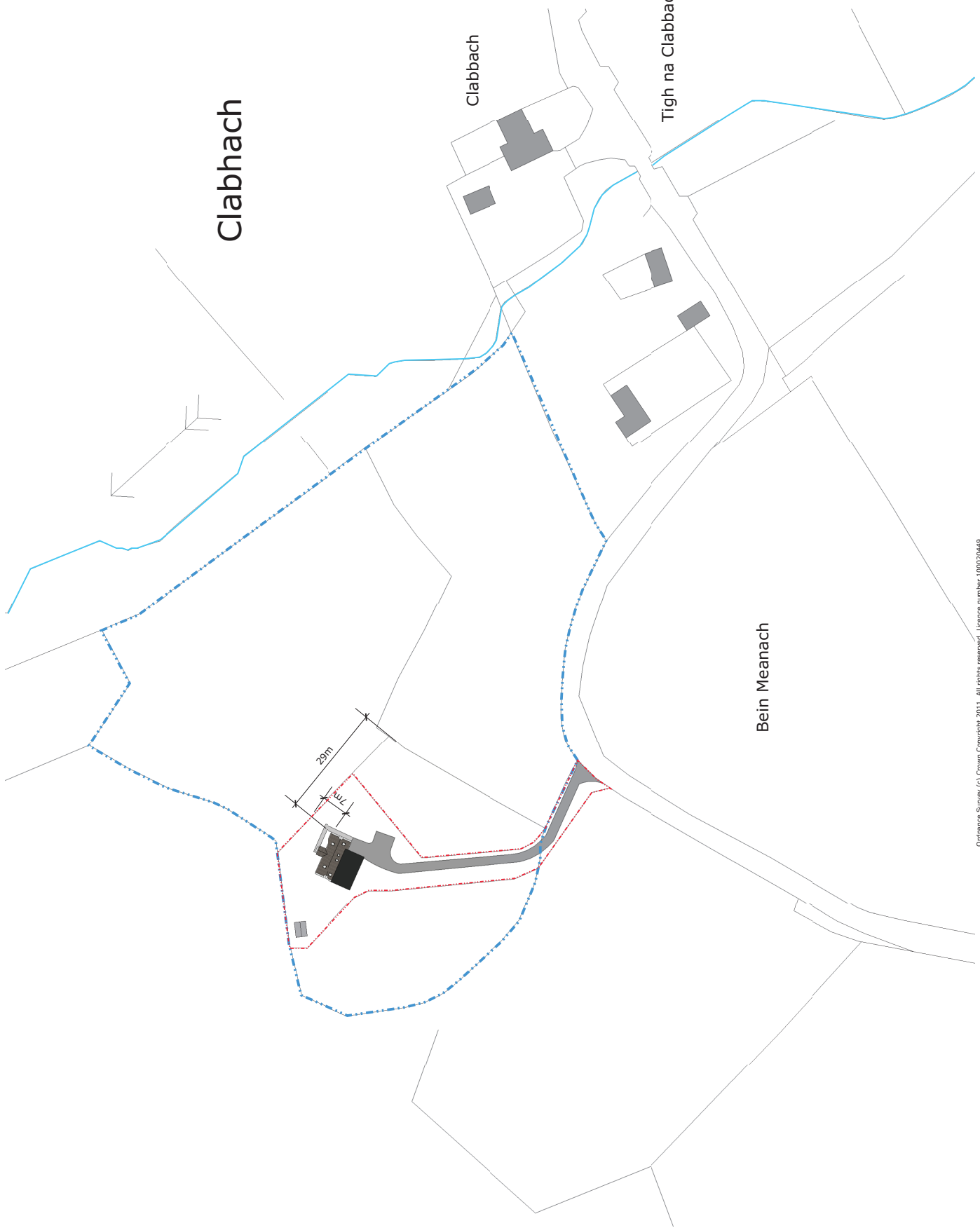
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Project: NEW DWELLING AT CLABHACH ISLE OF COLL	
Title: PROPOSED NEW BUILD SITE PLAN	
Scale: AS SHOWN	Date: APR '11
Originator: BKR	Review by:
Drawing number: F169/002	Revision: P1

Clabhach

Clabhach

Tigh na Clabhach

Bein Meanach



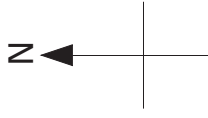
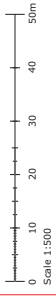
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SITE PLAN
1:500

A1 DRAWING

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 Lambourn Woodlands, Hungerford
 Berkshire, RG17 7RY
 Tel: 0844 980 0025
 Email: info@plansmadeeasy.co.uk

Client: MR. & MRS. PAE

Project: NEW DWELLING AT
 CLABHACH
 ISLE OF COLL

Title: PROPOSED NEW BUILD
 SITE PLAN

Scale	AS SHOWN	Date	APR '11
Originator	BKR	Review by	
Drawing number	F169/002		
Revision	P2		

Clabhach

Clabhach

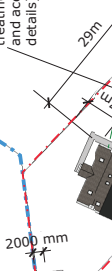
Tigh na Clabhach

Bein Meanach

Shed as detailed on drg. F169_003

Position of Foul Drainage treatment plant (see design and access statement for more details)

Location of private water supply from borehole



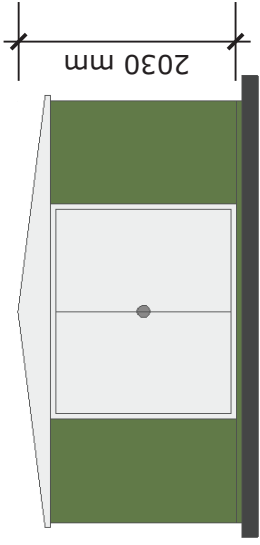
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SITE PLAN
 1:500

A1 DRAWING

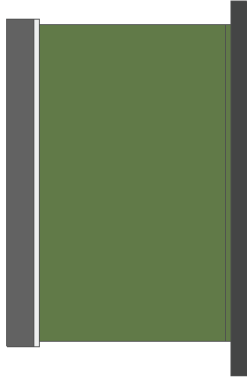
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SHED ELEVATIONS



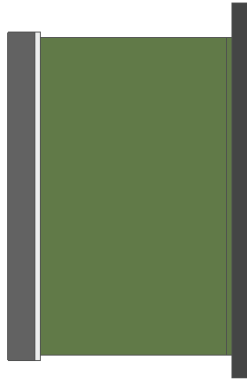
PROPOSED FRONT ELEVATION

1:50



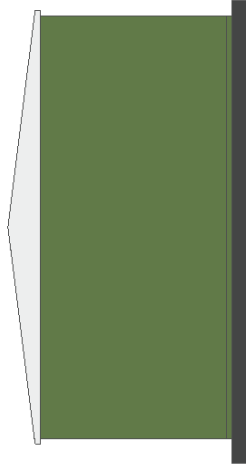
PROPOSED SIDE ELEVATION

1:50



PROPOSED SIDE ELEVATION

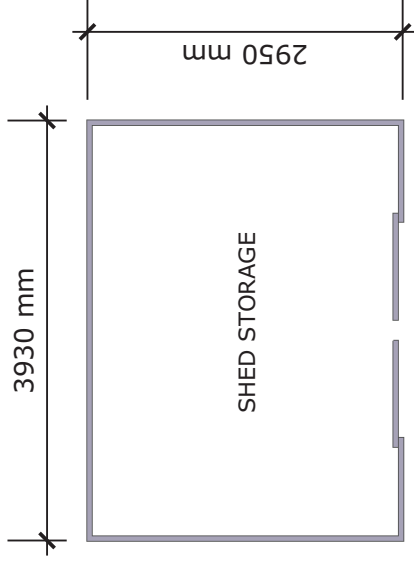
1:50



PROPOSED REAR ELEVATION

1:50

PLANS



PLAN
1:50



Unit 9h, Lowesden
Business Park,
Lambourn Woodlands,
Hungerford
Berkshire, RG17 7RY

Client
MR. & MRS. RAE

Project

NEW DWELLING AT
CLABHACH
ISLE OF COLL

Title

SHED ELEVATIONS AND FLOOR
PLANS

Scale

As Shown

Date

MAY' 11

Originator

BKR

Review

Drawing

F169/003

Revision

P1

A3 DRAWING

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Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00732/PP

Planning Hierarchy: Local Development

Applicant: Mr Ian Rae

Site Address: Land North West of Benmeanach, Isle of Coll

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Erection of a dwellinghouse
 - Erection of a domestic shed
 - Provision of private water supply
 - Installation of septic tank and boidisk system
 - Provision of new vehicular access
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted **subject to the revocation of Planning Permission in Principle ref 10/01335/PPP** and subject to the conditions and reasons appended to this report.

(C) HISTORY:

No history within the current application site

10/01335/PP – Site for the erection of a dwellinghouse, Land immediately to the west of the current application site, 13.08.10

(D) CONSULTATIONS:

Core Paths – No response at time of report

Area Roads Engineer – No objections subject to conditions with regards to the provision of SD08/004a, adequate visibility splays and parking, 10.06.11

Environmental Health – No objections subject to conditions regarding the provision of an adequate water supply, 14.06.10

(E) PUBLICITY:

The proposal was advertised under (Regulation 20 – Advert Local Application). The publication date was 16th of June 2011 and the closing date was 7th of July 2011.

(F) REPRESENTATIONS: None received

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** Yes, a site and design consideration statement has been submitted
 - (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:**
No
-

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

The Argyll and Bute Structure Plan 2002

STRAT DC 4 – Development in Rural Opportunity Areas

The Argyll and Bute Local Plan 2009

LP ENV 1 – Development Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provisions

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

The Isle of Coll Sustainable Design Guide

The Island of Coll Landscape Capacity for New Housing Final Report (May 2006)
– not formally adopted

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) **Requirement for a hearing (PAN 41 or other):** Not required

(P) **Assessment and summary of determining issues and material considerations**

This is a proposal for the erection of a dwellinghouse and domestic shed at Land North West of Benmeanach, Isle of Coll. Planning Permission in Principle ref 10/01335/PPP been has previously been granted on land outwith the current application site immediately to the west on the 13th of August 2010.

The application site lies within land which has been designated as a Rural Opportunity Area by The Argyll and Bute Local Plan 2009 wherein STRAT DC 4 of The Argyll and Bute Structure Plan 2002 gives encouragement to small scale development on suitable sites which, in terms of siting and design, will visually integrate with the landscape and settlement pattern. Settlement is sparse within this area, with occasional small townships and the occasional farm located in relatively sheltered locations. The small settlement of Clabhach is situated in close proximity to the application site to the east. The site occupies the lower northern section of a hollow grazing field. Rocky knolls exist to the west of the site. It is considered that a small dwellinghouse could successfully nestle into this hollow site with the rocky knolls providing a backdrop to the west. It is also considered that a dwellinghouse at this location could relate to the existing settlement of Clabhach to the east. However, it is considered that there is an opportunity present within the field for one dwellinghouse only due to the restricted size of the ground at the western side and also it is considered that two dwellinghouses at this location would not visually integrate with the scattered settlement pattern of the locality. A revocation of Planning Permission in Principle ref 10/01335/PPP is therefore required in order for the development proposed to accord with the provisions of STRAT DC 4 of the Structure Plan, and to avoid the potential for two dwellings to be formed in close proximity to one another. A revocation would ensure that the single proposed dwellinghouse will visually integrate with the landscape and settlement pattern.

The site has been identified within the The Island of Coll Landscape Capacity for new Housing Study as an area where new development should avoid intrusion on views from the road to the coast. The public road runs from the south and the site lies to the north west of the road. The applicant has submitted a site and Design Consideration Statement which successfully demonstrates that a dwellinghouse at the proposal site will not intrude unacceptably on key views from the road to the coast. It is considered that the site is offset from the main coastal views and that a small dwellinghouse at the site would not contravene this guidance (which has not been formally adopted by the Council and so can only carry limited weight). It is also noted in this Study that gardens associated with new housing should be either left open or should be small and enclosed by low stone walls. A condition will therefore be attached to the grant of permission in order to remove certain permitted development rights in the interests of visual amenity and to protect the open character of the area.

It is proposed to erect a small single storey dwellinghouse with a traditional croft vernacular. The main dwellinghouse will have a rectangular floor plan with a small porch to be erected onto the main front elevation and a small projection to be erected onto the rear. The main house will have a traditional pitched roof with gable ends and the porch will be centrally placed and will also have a traditional pitched roof. The extension at the rear will be single storey and will have a monopitched roof. The roof is to be clad in dark grey slate substitute which is considered unsuitable at this location. A condition will be applied to the grant of permission in order to ensure that the roof is clad in natural slate in the interests of visual amenity. A natural slate roof would help the house to integrate with the rocky knolls to the west and the traditional style and finish of slated buildings in

the area. The exterior walls of the house will be finished in white render. The walls of the extension at the rear facing the road will be finished in natural stone. A small domestic shed will be sited in the western side of the site in a location which is not prominent. The proposed finishing material of this shed is unknown so a condition is necessary to control this. Overall it is considered that the proposed dwellinghouse will have an appropriate layout and density and will be of a suitable scale, form and design at this location. The proposed dwellinghouse will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Isle of Coll Sustainable Design Guide.

A septic tank and biodisk system will be installed within the site to serve the proposed dwellinghouse. This raises no issues. The applicant has indicated that a private water supply will serve the proposed dwellinghouse. Legal and Protective Services have raised no objections to the proposed development subject to a condition being attached to the grant of permission in order to ensure that an adequate water supply is provided in accordance with Policy LP SERV 4 of the Local Plan.

The Area Roads Engineer has raised no objections to the proposed development. Area Roads have recommended that planning permission be granted subject to conditions with regards to the provision of SD 08/004a at the junction of the public road, the provision of adequate visibility splays and parking at the site in the interests of road safety and in accordance with Policy LP TRAN 4 and LP TRAN 6 of the Local Plan.

In light of the above we can conclude that the development proposed is consistent with adopted Local Plan policy (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and will have no adverse impact in terms of layout, design, servicing and infrastructure. The proposed development therefore accords with Policy LP ENV 1 of the adopted Local Plan which sets out a general basis for consideration of all applications for planning permission.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 4 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 19, HOU 1, SERV 4, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

No Departure

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required

Author of Report: Lesley Cuthbertson

Date: 20/07/11

Reviewing Officer: Stephen Fair

SF

Date: 21/07/11

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.11/00732/PP

1. That notwithstanding the plans hereby approved, the roof of the dwellinghouse shall be finished in blue grey natural slate to the satisfaction of the Planning Authority.

Reason: In the interest of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.

2. Prior to the commencement of works at the site, details of the external finished materials of the shed hereby approved shall be submitted for the written approval of the Planning Authority. The development shall be completed and maintained in perpetuity in strict accordance with such details as are approved.

Reason: In the interest of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.

3. No development shall commence on site until the vehicular access at the junction of the public road has been formed in accordance with the Council's Road Engineers Drawing Number SD 08/004a with visibility splays of 42.0m x 2.4m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouse which it is intended to serve and the final wearing surface of the road shall be applied prior to the first occupation of the dwellinghouse.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.

4. Prior to the commencement of works on site full details of the turning and parking provision for cars shall be drawn up in consultation with the Area Roads Manager and shall be submitted to and approved in writing by Argyll and Bute Council as planning authority. The parking and turning area shall be provided prior to the occupation of the dwellinghouse.

Reason: In the interests of road safety and to comply with Policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.

5. Notwithstanding the provisions of Classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwellinghouse hereby approved without planning permission first being granted on an application made to the Planning Authority.

Reason: In the interests of visual amenity and to protect the open character of the site.

6. The development shall be implemented in accordance with the details specified on the application form dated 10th of May 2011 and the approved drawing reference numbers:

- Plan 1 of 4(Location Plan)

- Plan 2 of 4(Site Plan)
- Plan 3 of 4(Elevations and floor plans)
- Plan 4 of 4(Shed Elevations and Floor Plans)

unless the prior written approval of the Local Planning Authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

NOTE TO APPLICANT

- **Length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within the period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- Operational Services (Roads and Amenity Services) have advised that a Roads Opening Permit will be required. Please find enclosed a Roads Opening Permit application form for your convenience.
- 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 11/00732/PP

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

No

- (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)** The reasons why Planning Permission has been approved.

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 4 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 19, HOU 1, SERV 4, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	11/00732/PP
Decision Date	21/07/11
Issue Latest Date	21.07.11
Decision	Approve subject to revocation

Date signed by ATL

Don't Issue Decision	X	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers				
Notification to Historic Scotland				
Section 75 Obligation				
Revocation			X	

Issue Decision		Tick	Standard Conditions/Notes to include				
Tic	Dev/Decision Type	Time Scale*	Initiation	Completion	Display Notice	1A & 2A	1B & 2B
			Only use if PP/AMSC & Granted				
	Local – Sch.3 – Delegated						
	Local – Delegated						

*standard time condition not required if application retrospective.

Include with Decision Notice	
Terms of Section 75 revocation	
Summary of Variations made	
Notification of Initiation Form	
Notification of Completion Form	
Notice for Display	
Roads Schedule/standard drawing	
Archaeology Guidance	
Scottish Water Consultation response	
Other:	

Notify of Decision	
Objectors/Contributors	
Roads	
Ongoing Monitoring – priorities	
Other:	

Total residential units FP3 (uniform)			
Houses	1	Sheltered	
Flats		Affordable	

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**GRANT OF PLANNING PERMISSION FOR
ERECTION OF DWELLING HOUSE AND DOMESTIC
SHED AT LAND NORTH WEST OF BENMEANACH,
ISLE OF COLL**

**PLANNING PERMISSION REFERENCE NUMBER
11/00732/PP**

10th January 2012

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Ian Rae ('the appellant').

Planning Permission Reference Number 11/00732/PP for erection of dwelling house and domestic shed at Land North West of Benmeanach, Isle of Coll, Argyll ("the appeal site") was granted subject to conditions on 27/10/11.

Condition number 5 is subject of referral to a Local Review Body.

5. Notwithstanding the provisions of Classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwellinghouse hereby approved without planning permission first being granted on an application made to the Planning Authority.

Reason: In the interests of visual amenity and to protect the open character of the site.

DESCRIPTION OF SITE

The site is located to the north of the B8071 to the north west part of the island in the area known as Clabhach. The landscape can be described as rocky mosaic and filled with hollows and dotted with houses along the road edge. The site occupies the lower northern section of a hollowed grazing field. Rocky knolls exist to the west of the site. There are two traditional houses to the east complete with traditional character features including low stone walls providing demarcation of the garden areas.

SITE HISTORY

No history relevant to this site, but an application on land immediately to the west of this site referred to in the report of handling as the subject of a revocation, was approved in August 2010 under reference 10/01335/PP.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

The determining issues in relation to the case are as follows:

Whether or not the above mentioned planning condition has been reasonably applied and can be so defended or whether its variation would render the proposed development contrary to the Development Plan.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that the Local Review Body will have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and received no third party representations, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Condition 5

The appellant has stated that he is aggrieved by condition 5 and has set out 6 reasons for its removal. In addition to the report of handling in appendix 1 the local planning authority will comment on each reason as set out below.

Reason: 1

This is a working croft and the low stone walling recommended is not appropriate to control livestock or enclose poultry, we will require stock fencing / netting as is used in the surrounding area of Clabhach.

Comment: The condition only applies to the site area (red line boundary) as per plan reference F169/002 revision 2 which does not extend to the larger croft area. This reason relates to the limit on Permitted Development Class 7 only. Most of the curtilage is more than 20m away from the road, so what is limited by the condition is the right to erect walls, fencing or other means of enclosure up to 2m in height above ground level of any design or material. It is intended that permission be sought for such fencing or walling to ensure that the open character of the area is not jeopardised by unsympathetic fencing or walling which could otherwise be installed. The condition makes no specific requirement for the use of low stone walls, but merely seeks control over what details are proposed. Low stone walls with or without a wire top, or a stockproof rylock and post fence would be suitable to the area and would match in with neighbouring properties. Netting for poultry areas within the garden may also be acceptable. The planning condition does not apply to the croft area beyond the residential curtilage.

Reason: 2

The recommendation of the report to 'remove certain permitted development rights' has turned into a condition that imposes a blanket ban on permitted development.

Comment: The condition removes classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) covering:

- Class 1 - The enlargement, improvement or other alteration of a dwellinghouse.
- Class 3 - The provision within the curtilage of a dwellinghouse 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.

- Class 5 - The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil.
- Class 7 - The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

This is not a “blanket ban” on permitted development. This only applies to the consented house curtilage and only removes certain rights. The Council’s Landscape Capacity Study states that buildings should be sited appropriately to avoid impacting on views from the road to the coast. The classes of permitted development that have been removed are those that involve development types that could otherwise most impact on views from the main road out to the coast. Rather than ban those works altogether, the condition imposes a requirement to obtain planning permission (with the payment of no application fee), to ensure that such works are undertaken sensitively to the environment within which they are situated.

The applicant’s reference to the working of the croft is misleading as the condition does not affect the croft beyond the residential curtilage. The applicant will still have access to part 6 of the GPDO specifically Class 18 covering “*the carrying out on agricultural land comprised in an agricultural unit of:*

- (a) works for the erection, extension or alteration of a building;*
- (b) the formation, alteration or maintenance of private ways; or*
- (c) any excavation or engineering operations.”*

House extensions, domestic outbuildings, oil tanks and high fencing or walling can adversely impact on key views and open character in a rural area. It should be noted that the applicant has received planning permission for a domestic shed as part of the approval already.

Reason: 3

The site, unlike most of Coll, has no special or sensitive designations and is classed a rural opportunity area in the Local Plan.

Comment: Whilst the site is not covered by any statutory designations, it is important on any site to ensure high quality development, to protect existing character, and retain the unique sense of place offered. In this instance, low stone walling or post and rylock fencing is often used by properties to demark boundaries and therefore assists in creating a unique sense of place which is important to preserve as per local plan policies ENV1 and ENV19 and the Coll Sustainable Design Guide. The rural character of the area is also underpinned by sensitive residential development, which can be undone by unsympathetic additions at a later date. Notably, many natural heritage designations have no impact on permitted development rights, and the matter is regularly considered separately from statutory designations.

In this instance it is considered that without restriction to permitted development rights, the proposal would have the potential for adverse visual impacts on key views from the road to the coast and to the open character of the rural site. Therefore, in order to ensure that the proposal remains consistent with the provisions of the development plan, certain permitted development rights have had to be restricted.

Reason: 4

The development is a croft cottage on a 4 acre working croft and I believe that the application represents a traditional croft cottage look fully supported by the Isle of Coll Design Guide. A considerable effort was expended by me in pre application to ensure the siting of the cottage was the least intrusive visually. This is supported by the planning report of handling, (P) para 3 states 'It is considered that the site is offset from the main coastal views' and 'The applicant has submitted a site and Design Consideration Statement which successfully demonstrates that a dwellinghouse at the proposal site will not intrude unacceptably on key views from the road to the coast.'

Comment: Agreed, but this relates to the design of the house. The application does not specify a boundary treatment. Page 7 figure 4 of the appellants submitted Design Statement illustrates the house as a photomontage in the landscape. Despite being partially set back from the main views the house is still visible from the road, more so heading west than east where the photo is taken, and therefore every care should be taken to ensure a suitable design is achieved, not just with the house, but with those character features that assist in creating a unique place within the island.

Reason: 5

The imposition of this condition is excessive control on a small working croft; planning applications for any minor alterations would manufacture a time consuming and expensive process for both me (despite no application fee being able to be charged) and the council. This does not appear to support the general efficiency drive in the public sector that is particularly topical at the moment.

Comment: The removal of limited permitted development rights will not impact on the workings of the croft beyond the residential curtilage. Only classes 1, 3, 5 and 7 of the GPDO that have been restricted within the residential curtilage alone. The appellant will only have to apply for house extensions, further domestic outbuildings in addition to the shed granted as part of the permission, oil storage tanks, and any new boundary treatment around or within the curtilage. It is not clear how this impacts on the workings of the rest of the croft.

Reason: 6

The 'study' mentioned in the report, that is used as the only evidence to support the imposition of a condition, has not been adopted by the council despite being published in 2006 and its recommendations have generally been ignored or contradicted by the 2009 Local Plan, the Isle of Coll design guide and recent planning decisions.

Comment: Although the Island of Coll Landscape Capacity for New Housing Final Report May 2006 was never formally adopted it is still prudent to consider the landscape character references and types and also the recommendations in terms of design to ensure appropriate development happens in the right places. It should be noted that within the adopted Isle of Coll Sustainable Design Guidance specifically states that "*garden spaces are often delineated by drystone walls*". Although the landscape study is specifically referenced within the report this stance is backed up by the Design Guide which has been adopted.

The planning condition does not oblige the use of stone walls, but limits the right to utilise any material on fencing, walling or other means of enclosure of up to 2m in height above ground levels, which could otherwise occur. Controlling such means of enclosure remains necessary.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking account of the above, it is considered that the condition should remain as originally granted, as detailed above in section titled 'Comment on Appellant's Submission'. The conditions are consistent with the terms of the current Development Plan and are commonplace for developments with the same set of circumstances that exist in this instance.

It appears that the applicants primary grievance is the limitation to fencing applied by the condition.

In the event that the Local Review Body deems that the condition is too onerous, it is recommended that an alternative way to word the condition would be to limit fencing or walling above a certain height of 1200mm above ground level for instance, which would allow stockproofing and limit the level of impact that could otherwise occur by higher fencing.

SF

.....

Stephen Fair

Area Team Leader – Oban, Lorn & the Isles

10th January 2012

APPENDIX 1

Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00732/PP

Planning Hierarchy: Local Development

Applicant: Mr Ian Rae

Site Address: Land North West of Benmeanach, Isle of Coll

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Erection of a dwellinghouse
 - Erection of a domestic shed
 - Provision of private water supply
 - Installation of septic tank and boidisk system
 - Provision of new vehicular access
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted **subject to the revocation of Planning Permission in Principle ref 10/01335/PPP** and subject to the conditions and reasons appended to this report.

(C) HISTORY:

No history within the current application site

10/01335/PP – Site for the erection of a dwellinghouse, Land immediately to the west of the current application site, 13.08.10

(D) CONSULTATIONS:

Core Paths – No response at time of report

Area Roads Engineer – No objections subject to conditions with regards to the provision of SD08/004a, adequate visibility splays and parking, 10.06.11

Environmental Health – No objections subject to conditions regarding the provision of an adequate water supply, 14.06.10

(E) PUBLICITY:

The proposal was advertised under (Regulation 20 – Advert Local Application). The publication date was 16th of June 2011 and the closing date was 7th of July 2011.

(F) REPRESENTATIONS: None received

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
 - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** Yes, a site and design consideration statement has been submitted
 - (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:**
No
-

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
-

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

The Argyll and Bute Structure Plan 2002

STRAT DC 4 – Development in Rural Opportunity Areas

The Argyll and Bute Local Plan 2009

LP ENV 1 – Development Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provisions

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

The Isle of Coll Sustainable Design Guide

The Island of Coll Landscape Capacity for New Housing Final Report (May 2006) – not formally adopted

-
- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

-
- (L) **Has the application been the subject of statutory pre-application consultation (PAC):** No

-
- (M) **Has a sustainability check list been submitted:** No

-
- (N) **Does the Council have an interest in the site:** No

-
- (O) **Requirement for a hearing (PAN 41 or other):** Not required

-
- (P) **Assessment and summary of determining issues and material considerations**

This is a proposal for the erection of a dwellinghouse and domestic shed at Land North West of Benmeanach, Isle of Coll. Planning Permission in Principle ref 10/01335/PPP been has previously been granted on land outwith the current application site immediately to the west on the 13th of August 2010.

The application site lies within land which has been designated as a Rural Opportunity Area by The Argyll and Bute Local Plan 2009 wherein STRAT DC 4 of The Argyll and Bute Structure Plan 2002 gives encouragement to small scale development on suitable sites which, in terms of siting and design, will visually integrate with the landscape and settlement pattern. Settlement is sparse within this area, with occasional small townships and the occasional farm located in relatively

sheltered locations. The small settlement of Clabhach is situated in close proximity to the application site to the east. The site occupies the lower northern section of a hollow grazing field. Rocky knolls exist to the west of the site. It is considered that a small dwellinghouse could successfully nestle into this hollow site with the rocky knolls providing a backdrop to the west. It is also considered that a dwellinghouse at this location could relate to the existing settlement of Clabhach to the east. However, it is considered that there is an opportunity present within the field for one dwellinghouse only due to the restricted size of the ground at the western side and also it is considered that two dwellinghouses at this location would not visually integrate with the scattered settlement pattern of the locality. A revocation of Planning Permission in Principle ref 10/01335/PPP is therefore required in order for the development proposed to accord with the provisions of STRAT DC 4 of the Structure Plan, and to avoid the potential for two dwellings to be formed in close proximity to one another. A revocation would ensure that the single proposed dwellinghouse will visually integrate with the landscape and settlement pattern.

The site has been identified within The Island of Coll Landscape Capacity for new Housing Study as an area where new development should avoid intrusion on views from the road to the coast. The public road runs from the south and the site lies to the north west of the road. The applicant has submitted a site and Design Consideration Statement which successfully demonstrates that a dwellinghouse at the proposal site will not intrude unacceptably on key views from the road to the coast. It is considered that the site is offset from the main coastal views and that a small dwellinghouse at the site would not contravene this guidance (which has not been formally adopted by the Council and so can only carry limited weight). It is also noted in this Study that gardens associated with new housing should be either left open or should be small and enclosed by low stone walls. A condition will therefore be attached to the grant of permission in order to remove certain permitted development rights in the interests of visual amenity and to protect the open character of the area.

It is proposed to erect a small single storey dwellinghouse with a traditional croft vernacular. The main dwellinghouse will have a rectangular floor plan with a small porch to be erected onto the main front elevation and a small projection to be erected onto the rear. The main house will have a traditional pitched roof with gable ends and the porch will be centrally placed and will also have a traditional pitched roof. The extension at the rear will be single storey and will have a monopitched roof. The roof is to be clad in dark grey slate substitute which is considered unsuitable at this location. A condition will be applied to the grant of permission in order to ensure that the roof is clad in natural slate in the interests of visual amenity. A natural slate roof would help the house to integrate with the rocky knolls to the west and the traditional style and finish of slated buildings in the area. The exterior walls of the house will be finished in white render. The walls of the extension at the rear facing the road will be finished in natural stone. A small domestic shed will be sited in the western side of the site in a location which is not prominent. The proposed finishing material of this shed is unknown so a condition is necessary to control this. Overall it is considered that the proposed dwellinghouse will have an appropriate layout and density and will be of a suitable scale, form and design at this location. The proposed dwellinghouse will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Isle of Coll Sustainable Design Guide.

A septic tank and biodisk system will be installed within the site to serve the proposed dwellinghouse. This raises no issues. The applicant has indicated that a private water supply will serve the proposed dwellinghouse. Legal and Protective Services have raised no objections to the proposed development subject to a condition being

attached to the grant of permission in order to ensure that an adequate water supply is provided in accordance with Policy LP SERV 4 of the Local Plan.

The Area Roads Engineer has raised no objections to the proposed development. Area Roads have recommended that planning permission be granted subject to conditions with regards to the provision of SD 08/004a at the junction of the public road, the provision of adequate visibility splays and parking at the site in the interests of road safety and in accordance with Policy LP TRAN 4 and LP TRAN 6 of the Local Plan.

In light of the above we can conclude that the development proposed is consistent with adopted Local Plan policy (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and will have no adverse impact in terms of layout, design, servicing and infrastructure. The proposed development therefore accords with Policy LP ENV 1 of the adopted Local Plan which sets out a general basis for consideration of all applications for planning permission.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 4 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 19, HOU 1, SERV 4, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

No Departure

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required

Author of Report: Lesley Cuthbertson

Date: 20/07/11

Reviewing Officer: Stephen Fair

SF

Date: 21/07/11

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.11/00732/PP

1. That notwithstanding the plans hereby approved, the roof of the dwellinghouse shall be finished in blue grey natural slate to the satisfaction of the Planning Authority.

Reason: In the interest of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.

2. Prior to the commencement of works at the site, details of the external finished materials of the shed hereby approved shall be submitted for the written approval of the Planning Authority. The development shall be completed and maintained in perpetuity in strict accordance with such details as are approved.

Reason: In the interest of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.

3. No development shall commence on site until the vehicular access at the junction of the public road has been formed in accordance with the Council's Road Engineers Drawing Number SD 08/004a with visibility splays of 42.0m x 2.4m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouse which it is intended to serve and the final wearing surface of the road shall be applied prior to the first occupation of the dwellinghouse.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.

4. Prior to the commencement of works on site full details of the turning and parking provision for cars shall be drawn up in consultation with the Area Roads Manager and shall be submitted to and approved in writing by Argyll and Bute Council as planning authority. The parking and turning area shall be provided prior to the occupation of the dwellinghouse.

Reason: In the interests of road safety and to comply with Policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.

5. Notwithstanding the provisions of Classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwellinghouse hereby approved without planning permission first being granted on an application made to the Planning Authority.

Reason: In the interests of visual amenity and to protect the open character of the site.

6. The development shall be implemented in accordance with the details specified on the application form dated 10th of May 2011 and the approved drawing reference numbers:

- Plan 1 of 4(Location Plan)
- Plan 2 of 4(Site Plan)
- Plan 3 of 4(Elevations and floor plans)
- Plan 4 of 4(Shed Elevations and Floor Plans)

unless the prior written approval of the Local Planning Authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

NOTE TO APPLICANT

- **Length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- Operational Services (Roads and Amenity Services) have advised that a Roads Opening Permit will be required. Please find enclosed a Roads Opening Permit application form for your convenience.
- 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.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 11/00732/PP

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

No

- (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)** The reasons why Planning Permission has been approved.

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area (subject to a revocation of Planning Permission in Principle ref 10/01335/PP) and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 4 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 19, HOU 1, SERV 4, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

24 July 2012

Review Reference Number: 11/0013/LRB

Planning Application: 11/00732/PP

Comments on the Statement of Case dated 10th January 2012

On the comments that the Croft is not impacted:

The site area bounded in red represents approximately 10% of land on the small croft and it is likely that I would want to work part of this area (the house footprint is only 100sqm). As the planning department point out, within inches there is permitted development across the rest of the croft for agricultural purposes. It may well produce a ridiculous situation of potential partial planning permission application / permitted development scenarios, with the greater restrictions applied when further from any views.

On the comments regarding treatment of boundaries:

As per above, if we were to site fencing just outside the site boundary then the restrictions do not apply. I would have thought that a simple condition restricting boundary treatment to the description provided by the planning authority of 'Low Stone walling with or without a wire top, or a stockproof rylock and post fence' would suffice. This would save on a proliferation of process and cost.

On the comments to restrict Permitted Development other than boundaries:

Permitted Development limits development to ensure minimal visual impact of any extensions or other buildings. They would have to be further from the road and limited in size, with no increase in roof height. Therefore, any potential development would have to be small scale and even further west out of the views to the coast. As mentioned by the planning department in the comment, travelling East there is still visibility, but with a rocky backdrop and not the coastal views that are well to the right. At the roads nearest point the dwelling is 70m away and is left of views to the coast. So I would see permitted development as being able to serve its purpose in this case.



Figure 1: View travelling East – Photo montage with dwelling in the centre

In support the Isle of Coll Sustainable Design Guide states in this area: '**Crofthouses;** *these share the characteristics of the smaller croft houses described on the preceding pages. These are often larger than their equivalent to the north of the island and their massing is broken up by often smaller extensions to either side.*' So small extensions are normal and I believe no such conditions apply in neighbouring properties at Clabhach.

As an example, I may be looking at a small poultry shed close to the house. This would be reasonably straightforward on croft land nearer to the views, but would need a full planning application if further west, when next to or beyond the house out of view.

On the comment of no application fee:

Whilst the planning department quite rightly point out that there is no application fee, this does involve considerable cost and additional work for both me and even more so for the Council. It also impacts other agencies that would have to comment.

In summary:

Unlike a number of recent developments on Coll that reflect a more modern approach, my intention has been to create a house that is in character with the area, as I hope is self evident in the traditional cottage design and sensitive siting. The house was sited specifically to prevent encroaching on views, further out of view in fact than a previous Planning Department recommendation. Any Permitted Development would have minimal impact on this. I believe:

- Permitted Development provides adequate control in this case; any potential development on the site other than boundaries can only be small scale and further west out of the view of the coastline. Planning permission was granted on the site for being 'offset from the main coastal views'
- The condition does impact the croft and can create an absurd situation of part planning permission application and part permitted development across the development site boundaries, with greater restrictions away from the views
- This condition is likely to cost myself, and the council, time and money better spent on more productive work

Ian Rae