

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

12/00016/LRB

**GRANT OF PLANNING PERMISSION FOR
CONVERSION OF EXISTING WORKSHOP TO FORM
ANCILLARY DOMESTIC ACCOMMODATION AND
FORMATION OF DECKING AREA AT, THE CARDING
MILL, GALLANACH ROAD, OBAN**

**PLANNING PERMISSION REFERENCE NUMBER
12/01588/PP**

14 DECEMBER 2012

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is EJ & FR Cottier ('the appellant').

Planning permission reference number 12/01588/PP for conversion of existing workshop to form ancillary domestic accommodation and formation of decking area at The Carding Mill, Gallanach Road, Oban ('the appeal site') was granted subject to conditions on 12/09/12.

Condition numbers 1 and 2 below are subject of referral to a Local Review Body.

1. The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as '*The Carding Mill*', OR for holiday occupation where it shall not be occupied by any one person, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.
2. No development shall commence on site until visibility splays of 42m x 2.4m in each direction have been cleared of all obstructions over 1.05 m in height above the adjacent carriageway and thereafter maintained to the satisfaction of the Planning Authority. For the avoidance of doubt, this is likely to include a requirement for the existing stone wall to be lowered in height alongside the site entrance.

DESCRIPTION OF SITE

The site is a workshop/garage situated within the rear garden ground of The Carding Mill, Gallanach Road, Oban.

It is proposed to raise the roof of the existing workshop and form a small extension to the southwest elevation to allow for the formation of accommodation within the roofspace. The ground floor of the building will be retained as a garage/workshop.

SITE HISTORY

A pre-application enquiry reference 12/00673/PREAPP was received regarding conversion of the existing workshop to a self contained dwellinghouse with workshop/garage below. The response issued advised that the site did not represent a suitable opportunity for re-development to form a permanent residential unit due to the potential privacy and amenity conflict which could arise given the proximity of the building to the donor house. The response further advised that the use as ancillary domestic accommodation, or holiday letting purposes, would be supported.

During the processing of the pre-application enquiry, the Area Roads Authority were consulted and advised that the existing access has no visibility splays in either direction and therefore without the wall being reduced in height, the recommendation to a formal planning application would be refusal. They advised that the visibility splays required to serve the site would be 25m x 2.4m in each direction but this requirement may be relaxed should the property be used as ancillary domestic accommodation and it was left with applicant to contact the Roads Authority to discuss this matter further.

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, 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 conditions have been reasonably applied and can be so defended, or whether they can acceptably be amended and/or deleted; and whether their 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 Members 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 has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Having considered the points raised by the appellant, it is clear that it is their intention to use the property as ancillary domestic accommodation only and there is no intention to use it for holiday letting purposes. The condition to allow for holiday letting purposes was attached to the permission by the Planning Service to allow the appellant a greater degree of flexibility in the use of the building. Such flexibility is especially useful over the lifetime of most residential annexes.

On reflection, and because the appellant has made it clear that the building is only required for ancillary domestic use, and it has been satisfactorily demonstrated that there will be no intensification of use of the access due to the ancillary nature of the

proposed accommodation, it is considered that Condition 2 requiring the provision of visibility splays can be deleted from the planning permission and the wording of Condition 1 could satisfactorily be amended to the wording detailed below, which removes the ability to use the annex for any other purpose.

Condition 1

The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as 'The Carding Mill', and shall not be used for any other purpose (e.g. permanent residential or holiday letting purposes) without the prior written consent of the Planning Authority.

Reason: In accordance with the use applied for, as the ancillary unit by reason of its siting, lack of dedicated curtilage, interrelationship with the main house, and siting relative to the established settlement pattern, would be unsuitable for use as separate or permanent residential occupation.

The appellant has provided details of works which are to be undertaken to improve the safety of the existing access serving The Carding Mill. These improvements are welcomed but do not impinge on the assessment of the Review taking account of the ancillary nature of the proposal.

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 condition 1 can be amended as detailed above and condition 2 can be deleted from the planning permission. These two changes in combination would still result in a development consistent with the terms of the current Development Plan. For the avoidance of doubt, condition 2 should not be deleted unless condition 1 is amended.

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: 12/01588/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs F. Cottier

Proposal: Conversion of Workshop to form Ancillary Domestic Accommodation and Formation of Decking Area

Site Address: Carding Mill, Gallanach Road, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Conversion and extension of workshop/garage to ancillary domestic accommodation
 - Formation of decking area
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(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 conditions and reasons appended to this report.

(C) HISTORY:

12/00673/PREAPP

Generally positive advice on the re-development to form an ancillary domestic unit.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 31/07/12 advising no objection subject to conditions.

Scottish Water

Letter dated 27/07/12 advising no objection but providing advisory comments for applicant.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 23/08/12.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

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| (i) | Is a Section 75 agreement required: | No |
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| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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(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.

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

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

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(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

SPP, Scottish Planning Policy, 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for re-development of a workshop/garage, including upwards extension, within the rear garden ground of The Carding Mill, Gallanach Road, Oban to form an ancillary domestic unit.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Settlement Zone of Oban where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives general support to re-development proposals on suitable sites, subject to compliance with other relevant Local Plan Policies.

LP ENV 1 requires applications to be assessed for their impact on the natural, human and built environment with Policy LP ENV 19 requiring development to be sited and positioned so as to pay regard to the context within which it is located with

development layout and density integrating with the setting of surrounding development.

The proposal shows the roof of the existing workshop raised in height together with a small extension to the southwest elevation to allow for the formation of accommodation within the roofspace. The ground floor of the building will be retained as a garage/workshop. Materials to be used in construction include horizontal timber clad first floor walls, natural slate roof and grey upvc windows which reflect the finishing materials on the main house. The position and orientation of the building within the site will ensure that its use as ancillary domestic accommodation will not adversely affect the privacy and amenity of neighbouring properties, subject to the first floor gable window being fitted with obscure glazing, as it could otherwise result in overlooking of the neighbouring house and garden.

Whilst the use of the unit for permanent residential use would not be suitable due to the potential privacy and amenity conflicts which could arise given the proximity of the building to the main house, lack of dedicated curtilage and interrelationship with the garden ground of the main house; the use for ancillary domestic accommodation, or holiday letting purposes, is considered acceptable as they are both uses which do not require the same privacy or amenity standards as permanent residential units. Both of those proposed uses can be adequately supervised from the main house and can be adequately controlled in planning terms by means of an occupancy restriction imposed on the grant of planning permission.

During the processing of the application the Area Roads Manager was consulted on the proposed development and in his response raised no objection subject to conditions regarding the provision of visibility splays and parking provision. With conditions the proposal complies with Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site. The existing stone wall will require lowering near the entrance to provide safe visibility splays.

The proposal is considered to comply with the terms of the current Development Plan and therefore, subject to the conditions appended to this report, it is recommended that planning permission be granted.

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

(R) Reasons why planning permission should be granted

Subject to conditions, the site represents a suitable opportunity for the re-development of an existing workshop to form an ancillary domestic unit without causing any detrimental impact on the wider area and furthermore there are no infrastructural constraints which would preclude the development of the site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 30/08/12

Reviewing Officer: Stephen Fair Date: 30/08/12

SF

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 12/01588/PP

1. The self contained unit hereby approved shall only be used as additional residential accommodation ancillary to the main dwellinghouse currently known as 'The Carding Mill', OR for holiday occupation where it shall not be occupied by any one person, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.

Reason: In accordance with the use applied for, as the ancillary/holiday letting unit by reason of its siting, lack of dedicated curtilage, interrelationship with the main house, and siting relative to the established settlement pattern, would be unsuitable for use as separate or permanent residential occupation.

2. No development shall commence on site until visibility splays of 42m x 2.4m in each direction have been cleared of all obstructions over 1.05 m in height above the adjacent carriageway and thereafter maintained to the satisfaction of the Planning Authority. For the avoidance of doubt, this is likely to include a requirement for the existing stone wall to be lowered in height alongside the site entrance.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

3. No development shall commence on site until full details, in plan form, of four parking spaces to serve the existing and proposed development has been submitted and agreed in writing by the Planning Authority. The approved parking shall be provided before the first use of the self contained unit hereby approved, and shall be so maintained thereafter in perpetuity.

Reason: In the interests of road safety to enable vehicles to park clear of the access road.

4. The development shall be implemented in accordance with the details specified on the application form dated 20/07/12 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number S-01)
Plan 2 of 2 (Drawing Number B-01)

unless the prior written approval of the 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 (as amended).

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

5. The first floor gable window to the north-east elevation of the self contained unit hereby approved shall be fitted with obscure glazing prior to the initial occupation of the unit, and shall be so maintained thereafter in perpetuity.

Reason: To prevent overlooking of the neighbouring house and garden which could otherwise occur.

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)].
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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 (as amended) 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.
- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development. A copy of the relevant application form is enclosed for your assistance.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 12/01588/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 reason why planning permission has been approved.

Subject to conditions, the site represents a suitable opportunity for the re-development of an existing workshop to form an ancillary domestic unit without causing any detrimental impact on the wider area and furthermore there are no infrastructural constraints which would preclude the development of the site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.