

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: 14/00653/PP
Planning Hierarchy: Local
Applicant: Mr Stuart Anderson
Proposal: Erection of dwellinghouse and formation of new vehicular access (amended design relative to planning permission reference 11/00399/PP)
Site Address: 146 Frederick Crescent, Port Ellen, Isle of Islay

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of detached dwellinghouse (amendment to previous detailed planning permission reference 11/00399/DET);
- Formation of new vehicular access onto a classified road;

(ii) Other specified operations

- Connection to public water supply;
 - Connection to public sewer;
 - Part demolition of existing structure in order to reduce the amount of 'underbuild'.
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(B) RECOMMENDATION:

That permission be Granted subject to the conditions and reasons contained in this report.

(C) CONSULTATIONS:

Flood Risk Assessor	29.05.2014	No objection subject to implementation of finished floor level as shown on submitted drawings.
Area Roads Mid Argyll Kintyre And Islay	09.04.2014	No objection subject to conditions.

Scottish Water

No reply received (No objection received pursuant to previous planning permission 11/00399/DET).

Scottish Environmental Protection Agency 30.04.2014

No objection but Council must satisfy itself as flood risk authority.

(D) HISTORY:

08/00049/DET – Erection of new dwellinghouse and formation of new vehicular access – Granted 24.06.2009 following Committee site visit.

08/00529/CONAC – Demolition of redundant building – Granted 13.07.2009

11/00399/DET – Demolition of workshop and erection of new dwellinghouse and formation of new vehicular access (alternative proposal to that previously granted under 08/00049/DET) – Granted 20.05.2011

13/00073/ENFOC1 – Development allegedly not being constructed in accordance with approved plans – Investigation ongoing, report previously submitted to 17th April 2013 PPSL meeting.

(E) PUBLICITY:

ADVERT TYPE:

Listed Building/Conservation Advert

EXPIRY DATE: 08.05.2014

(F) REPRESENTATIONS:

(i) Representations received from:

- Mr John McNeill, 65 Frederick Crescent, Port Ellen, Isle of Islay. (Two email representations).

(ii) Summary of issues raised:

- The documents offered for review by the Council on their website are not to scale and are illegible. Critical dimensions cannot be read and document notes are largely illegible. Nothing can be scaled. I object to the Council proceeding with this application until they have presented me with a proper online access to scaled and legible documents. Alternatively they can send all documents to my address at *[Edinburgh address provided]*. The review period should be extended accordingly. *[quoted in full from email representation dated 28th April 2014]*.

Comment: The online documents have been checked and found to be satisfactory for the purposes of neighbour notification and general information. The online documents attached to the Council's website are not intended to necessarily replace the detailed, scaled and uncompressed plans and drawings submitted with the planning application and the notification letter sent out to interested parties makes this clear, stating that the plans can be viewed at the Council planning office and, in this case, at the Sub Post Office in Port Ellen. Nevertheless, a full set of the submitted plans and drawings have been sent to Mr McNeill at his specified mainland address.

- There is no record of the site having been used as a dwelling for some 55 years. It is therefore a new development and should be subject to 'new development' conditions. The waste bins are exposed to the street and to my view. This is contrary to planning requirements that waste bins be suitably screened. If a carport is proposed this is contrary to previous requirements that the new construction follow the footprint of the old building. It would further detrimentally affect my residential amenities. I demand also to see the revised flood risk assessment which has not been included in the application documents. This forms the basis of the floor level and should be provided. Freedom of information requires that you produce this for public comment. [quoted in full from email representation dated 28th April 2014].

Comment: The site is within the defined settlement boundary of Port Ellen and was previously occupied until recently by a single storey building of primarily timber construction and last used as a shop and bakery and/or workshop and/or store. Whatever its last known use, this building had been vacant for a number of years and it is agreed that there is no record of it having been used as a dwellinghouse; The Council have not claimed that it was used as a dwellinghouse and the previous two planning permissions for its demolition and replacement by a new dwelling has not relied to any extent upon any claim that it was previously used for residential purposes.

There is no 'planning requirement' that waste bins be suitably screened. Domestic waste bins are a common feature of developed areas and Port Ellen is no exception. The submitted drawings show a modest area to the front of the proposed dwelling for the storage of up to three 'wheelie bins' with a three-sided enclosure. It is not considered that this will result in any material loss of amenity or loss of character for this part of the Port Ellen conservation area.

There is no carport (or garage) proposed in the current application. Neither is there (or was there) any requirement that 'the new building follow the footprint of the old building'. The current application is for a dwellinghouse of very similar proportions and size to that previously approved in 2011. This previous planning permission did not rely upon any requirement that it follow the footprint of the previous building on the site. The dwellinghouse previously approved and the one currently proposed would have a materially different footprint shape to the building that previously occupied the site (since demolished) and would have a somewhat smaller footprint area than that occupied by the previous building.

The flood risk assessment has been provided by the Applicant and is attached to the application file and available to view online.

- The proposed building ground floor elevation has been lowered to what would appear to be an acceptable elevation in relation to street elevation subject to conformity with flood risk analysis requirements. However the building is not a

single storey building as described in the application. It is a 1.5 storey building. It is also only 17 metres from my dwelling. Local planning guidance dictates that it should be a minimum of 22 metres from my house. I am in the process of lodging a formal objection with the Scottish Executive in respect of the Council's deviation from accepted planning guidelines. Alternatively all windows facing my dwelling should be of frosted glass. The previous store/retail outlet in this location was single storey in fact, not in fiction as the Council would have us believe. To call a 1.5 storey building with two floors a single storey is also a deviation on the part of the Council. In short, the Council continue to make a complete mess of this application. The Council have been described in various audits as being 'not fit for purpose'. Obviously then, this Council being 'not fit for purpose', their handling of this application alone being proof of the fact, the matter shall require consideration by a superior organisation. To relate this grossly exaggerated proposal to existing buildings further up the crescent and isolated from the village green, beach and vista is simply preposterous. The application should be rejected, the land purchased by the Council and restored to its original grass to merge the village green with the village garden. Any other proposal is a failure by the Council in respect of their obligations to their tax payers and to voters in general. [quoted in full from email representation dated 8th May 2014].

Comment: The proposed detached dwellinghouse is very similar in size and design to that previously granted planning permission in 2011. The proposed development is described on the submitted planning application form as 'erection of new dwellinghouse and formation of new vehicular access'. The proposed development is not described anywhere on the submitted application form or drawings or the neighbour notification documents produced by the Council as a 'single storey dwelling' and Mr McNeill's comments in this regard are refuted as are the mistaken inferences and allegations that derive from his assumption. The proposed dwellinghouse, like that granted planning permission in 2011, is a detached building with its main accommodation at ground floor level and limited residential accommodation within the roof void and incorporating dormer windows within the roof to the front and rear. Whether such a building should properly be described as 'single storey' or 'one and a half storey' is wholly irrelevant; the proposed building has a ground floor and a standard wall-head height of approximately 3.4 metres (varying slightly due to the shallow incline of the public road) topped by a pitched and gabled roof at an angle of 40 degrees and a ridge height of approximately 6.3 metres. A traditional 'single storey' building would share very similar proportions and a near-identical wall-head height and ridge height. In this case, rather than the roof void being left unoccupied, the current proposal is to utilise this space to provide additional living accommodation with increased internal headroom and floor space achieved by the inclusion of modestly proportioned dormer windows. This is a traditional design and is considered appropriate for this site.

The land forming the application site is in private ownership and has long been the site of a detached building. Two planning permissions have previously been granted for the redevelopment of the site to accommodate a single dwellinghouse; once in 2008 and once, for an amended design, in 2011. This land is not within Council ownership and hasn't been for at least the last 20 years (if ever). The Council has no reasonable powers to compulsorily acquire this land nor any mandate to do so.

The proposed building would occupy a nearly identical position within the site as that previously granted in 2011. The new dwellinghouse would be sited between

3.6 and 3.8 metres back from the nearside edge of the adopted highway footpath. The previous building adjoined the footpath. The proposed building would occupy a site on the opposite side of the A846 public road (Frederick Crescent) to Mr McNeill's house, this being the sole main road through the settlement and linking the ferry terminal with Port Ellen, Lagavulin, Laphroaig, Ardbeg and beyond. It is considered that the level of residential amenity that can reasonably be expected within the centre of an historic settlement of the size of Port Ellen and where two developments are separated by an A-classified public road, particularly where the application site was previously developed land, might be somewhat less than in other locations and in other circumstances. Notwithstanding this, the quoted 22 metre 'minimum separation distance' is not a standard adopted or routinely applied by Argyll and Bute Council. The guideline minimum separation distance that has been successfully applied by this Council for many years is 18 metres between windows of habitable rooms (i.e. all rooms except bathrooms and hallways) with the caveat that such separation distances may not always be possible or desirable in certain circumstances.

In the case of the current proposed development, the distance across the A846 main road from the front windows of Mr McNeill's house to the windows of the proposed dwelling would be approximately 19.5 metres. It is not considered that the proposed development will give rise to any materially harmful impact upon daylight and sunlight afforded to neighbouring properties, including that owned by Mr McNeill, having regard to the Council's adopted guidelines and the standards set out in the Building Research Establishment Report: "Site Planning for Daylight and Sunlight" 1991.

(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 |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

(H) PLANNING OBLIGATIONS

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
STRAT DC 9 – Historic Environment and Development Control
STRAT DC 10 – Flooding and Land Erosion

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design
LP CST 1 – Coastal Development on the Developed Coast
LP HOU 1 – General Housing Development
LP SERV 4 – Water Supply
LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 6 – Vehicle Parking Provision

(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 and Bute proposed Local Development Plan (Feb 2013)
- Argyll and Bute Sustainable Design Guide (Sept 2006)
- Scottish Planning Policy (SPP)

(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 (PAN41 or other): No

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

The application site is adjoined to the north by Frederick Crescent which comprises a near-continuous terrace of one and three-quarter storey and two storey properties on the landward side and an open grassed area and beach around the shoreward side of Loch Leodamais to the east of the application site. To the west of the application site the land rises and is utilised as a community garden with further private garden ground and a two storey former police station building beyond. The streetscape is almost entirely comprised of traditional buildings and public open space which frames the bay. The grassed area which adjoins the application site is identified as protected open space in the adopted local plan.

The application site is located within the defined settlement boundary for Port Ellen and also within the Port Ellen conservation area.

Planning permission was first granted in 2009 for the demolition of an existing unoccupied and semi-derelict former shop and bakery on the shore side of Frederick Crescent and its replacement with a single storey detached dwellinghouse of traditional design and detailing (Permission reference 08/00049/DET). This planning permission was granted following a Member's site inspection. The building that existed on the site until recently extended to some 200-plus m² over a single storey which ranged from the pavement edge almost to the waterside. The existing property was a haphazard construction comprising a number of roof pitches and lean-to elements and was finished in timber cladding, corrugated iron and masonry all painted orange and with a slate roof. The ridge height of the existing building was estimated to be approximately 4m above the height of the adjacent pavement edge.

This planning permission was not implemented and the site was subsequently offered for sale and purchased by the current Applicant who, in 2011, was granted planning permission for an amended development, consisting again of a single detached dwellinghouse of traditional design and detailing but this time incorporating limited residential accommodation within the roof void (Planning permission reference 11/00399/DET). The 2011 permission was, effectively, an amendment to the then existing 2009 permission and proposed the erection of a detached dwellinghouse with a frontage width of 14.3 metres (the existing permission was for a dwelling with a 12.3 metre wide frontage), a depth of 6.6 metres (the existing permission was for a dwelling with a 6.5 metre depth) and a maximum ridge height of 7.18 metres (the existing permission was for a dwelling with a 6.78 metre ridge height). The dwelling approved under the 2011 permission was to occupy the same general position within the site as that the subject of the 2009 permission.

Work was subsequently commenced on the implementation of the 2011 permission but subsequently ceased following allegations that the 'underbuild' (the height of the building between the natural ground level and the internal ground floor level) was significantly greater than shown on the approved drawings. An enforcement investigation (13/00073/ENFOC1) was carried out and the development surveyed with respect of the physical works which existed on the ground.

At this time (March 2013) the previous vacant building had been removed from the site following the grant of Conservation Area Consent for its removal and the foundations and part of the lower blockwork walls for the new dwelling had been built. The Applicant/Developer voluntarily ceased work on site whilst the allegations were investigated and the site has remained unchanged since then.

It was eventually demonstrated that a surveying error in the original 2009 permission and compounded by the drawings prepared for the 2011 alternative scheme had misrepresented the level of the rear part of the site and the height of the public road above sea level, with the road being shown on the elevation drawings submitted in support of the 2011 permission at approximately 0.7 metres higher above sea level than it actually is. The finished floor level (FFL) of the new dwelling the subject of the 2011 permission was required by planning condition to be set a certain minimum height above sea level in order to ensure that the development would not be at risk from coastal flooding. This FFL was accurately shown on the approved elevation drawings submitted in support of the 2011 permission where it could be assessed against the level of the adjacent public road and low stone boundary wall that runs along the front of the site and shown on the same drawings. However, because the line of the public road running across the front of the site was drawn higher than it actually is, this had the effect of misrepresenting the amount of 'underbuild' required to achieve the necessary FFL and therefore the impact of the development upon the street-scene. In very simple terms, the amount of underbuild projecting above the level of the public road would be some 0.7 metres taller than shown on the approved drawings; a difference of almost 100% and increasing the perceived FFL of the building above the level of the public road to between approximately 0.9 and 1.5 metres – significantly greater than that represented on the approved drawings and, critically, above the level of the existing stone boundary wall that runs along the front of the site.

The site investigation revealed two more slight variations between what has been built so far and what was shown on the approved drawings under the 2011 permission: The application site is actually approximately 1 metre wider than shown on the approved drawings and this has had the effect of the foundations/low walls having been built slightly further from the due west site boundary but accurately in respect of the due east boundary. The building has also been rotated slightly with respect to the site boundaries; in a clockwise direction and by an estimated 4 or 5 degrees.

This current application is therefore partly to regularise the discrepancies between the 'as-built' position and the 2011 permission but also to reduce the FFL of the resulting building following the results of a new flood risk assessment and consultation with SEPA. The current proposal also amends the external appearance of the building slightly although its overall size, design, detailing and layout would remain nearly identical to the development previously approved in 2011.

The current application again proposes the erection of a single detached dwellinghouse of traditional design and detailing and again incorporating limited accommodation within its roof void. The dwelling currently proposed would be set back within the site by over 3 metres from the nearside edge of the adjoining public road footpath and would present its primary elevation onto Frederick Crescent. The proposed dwelling would have a frontage width of 14.3 metres (identical to that granted in 2011), a depth of the main part of the dwelling of 6.6 metres with a modest projecting rear gable increasing this depth across part of the building to 8.1 metres (again identical to that granted in 2011). The ridge height of the proposed building would be a uniform 5.9 metres above the finished interior ground floor level and, allowing for the change in levels across the site, this would result in a building with an external ridge height of between 6.1 metres and 6.4 metres above the level of the pavement adjoining the front of the site (this is very slightly lower than that shown on the drawings that resulted in the 2011 permission).

The proposed dwelling would be the same shape as that approved in 2011 and would occupy the same position within the site, with very minor repositioning to accommodate the slight rotation of the building and the marginal increase in plot width as described above. The main changes to its appearance would be the addition of a further dormer window to the rear facing roof plane (one was granted in 2011 and two are currently proposed), an increased amount of glazing to the rear elevation, the provision of a set of timber gates to the driveway entrance off Frederick Crescent and the erection of an area of raised terrace to the rear of the dwelling to rationalise the fall of the site from road to sea. This terrace area would be elevated above the natural ground level to the rear of the dwelling by some 1.4 metres at its highest point and would project from the rear face of the dwelling by approximately 6.7 metres at its maximum extent and span the full width of the dwelling. The proposed terrace would incorporate a 1.1 metre high glass balustrade within a stainless steel frame.

Whilst the proposed raised terrace would occupy a quite substantial area and would be considerably elevated above the level of the foreshore it is not considered that this element of the proposed development would have a materially detrimental impact upon the character and amenity of the site or its surroundings being, for the most part, screened by the dwelling itself. There is considerable precedent for elevated patios, walls and other structures immediately to the rear of those existing buildings occupying the seaward side of Frederick Crescent, with vertical walls and steep embankments bridging the often considerable gradient between sea level and the level of the public road. Although the proposed raised terrace offers a more contemporary design solution to that of the steep stone or concrete buttress walls and embankments employed elsewhere in the vicinity, the proposed design and materials are of high quality and the rear aspect of the proposed development will enhance the character and appearance of this part of the conservation area, both when viewed from the foreshore or the sea beyond and from views from further along the bay.

The proposed external finishes of the building will require amendments in order to conform to its prominent location within the Port Ellen conservation area. Although the proposed white-coloured wet dash render for the walls is acceptable and appropriate in this regard it is considered that the proposed fibre cement tile roof should be substituted by a natural slate roof of appropriate quality and design. Similarly, the notes within the submitted design statement and the annotations to the submitted drawings suggest that aluminium-framed windows and doors are proposed although no details of these windows or doors have been submitted. It is considered that aluminium-framed windows and doors might not be appropriate, particularly in regard to the front elevation of the building facing the street, although they might be acceptable for the more contemporary glazing and detailing at the rear of the building at ground floor level. It is suggested that the external materials can be adequately controlled by the use of planning conditions in order to secure a natural slate roof and to require full details of the proposed windows and doors to be submitted and approved before any building works commence. This will allow the planning authority further opportunity to assess the specific window and door designs and to require amendments if considered necessary.

A revised flood risk assessment has been prepared in consultation with SEPA and this has demonstrated that more accurate flood risk data and bathymetry would support a lower finished floor level (FFL) than previously required. Previously, it was assessed that a minimum FFL of 4.37m above ordnance datum (AOD) should be achieved for this development. Since then however the 1 in 200 year sea level flood event at this part of Port Ellen has been revised by SEPA to an estimated 2.22 metres AOD. An assessment of climate change and wave heights at the development site indicates that the overall coastal flood level at this point is 2.8 metres AOD.

Application of a 600mm freeboard provides a resulting minimum FFL of 3.4 metres AOD or almost one metre lower than that previously thought to be required. The submitted flood risk assessment and the proposed FFL have been assessed by the Council's flood risk manager and found to be appropriate in this regard.

Even given that the actual level of the site and the public road that passes in front of it is substantially lower than previously represented (described above) this revised flood level means that the FFL for the building would be lower even than that represented in the 2011 permission; a maximum of 500mm above the surface of the Frederick Crescent pavement and this only at the eastern end of the building with the FFL at the western end of the building being just 150mm above pavement level.

The location, scale, design and general appearance of the proposed development is considered acceptable having had due regard to all material considerations.

Settlement strategy policy STRAT DC 1 and Local Plan policy LP HOU 1 would support this scale of residential development within a defined settlement boundary, particularly on a previously developed site.

The scale and form of the proposed development is considered acceptable for its location within this part of the Port Ellen conservation area and having due regard both to the comments and objections of the owner of a neighbouring dwellinghouse and to the planning history of the site that has seen the granting of one similar development and one near identical development. The proposed development is considered to be in compliance with the provisions of the Development Plan in this regard, notably to policies STRAT DC 9, LP ENV 1, LP ENV 14, LP ENV 19 and LP CST 1.

Water supply, disposal of foul water sewage and means of access and parking would all be as previously approved. The proposed development raises no access, servicing or infrastructure issues and is wholly in compliance with the provisions of the Development Plan in this regard, notably with policies LP SERV 4, LP TRAN 4 and LP TRAN 6.

The development has been properly assessed in accordance with the statutory flood risk framework and has been found to be acceptable subject to the provision of a minimum finished floor level of 3.40 metres above ordnance datum. It has been demonstrated that this can be achieved without any inappropriate level of underbuild and the development is therefore considered acceptable in this regard and in accordance with the provisions of the Development Plan, notably policies STRAT DC 10 and LP SERV 8.

Having regard to the emergent Argyll and Bute proposed Local Development Plan (pLDP), it is noted that the Council does not intend to revisit the zoning of the application site or its surrounds and that the relevant provisions of proposed policies LDP DM1, LDP 3 and LDP 9 and proposed Supplementary Guidance SG LDP ENV 17, SG LDP CST 1, SG LDP HOU 1 and SG LDP SERV 7 would operate in the same manner as the provisions of the adopted Local Plan.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The location, scale, design and general appearance of the proposed development is considered acceptable having had due regard to all material considerations.

Settlement strategy policy STRAT DC 1 and Local Plan policy LP HOU 1 would support this scale of residential development within a defined settlement boundary, particularly on a previously developed site.

The scale and form of the proposed development is considered acceptable for its location within this part of the Port Ellen conservation area and having due regard both to the comments and objections of the owner of a neighbouring dwellinghouse and to the planning history of the site that has seen the granting of one similar development and one near identical development. The proposed development is considered to be in compliance with the provisions of the Development Plan in this regard, notably to policies STRAT DC 9, LP ENV 1, LP ENV 14, LP ENV 19 and LP CST 1.

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The development has been properly assessed in accordance with the statutory flood risk framework and has been found to be acceptable subject to the provision of a minimum finished floor level of 3.40 metres above ordnance datum. It has been demonstrated that this can be achieved without any inappropriate level of underbuild and the development is therefore considered acceptable in this regard and in accordance with the provisions of the Development Plan, notably policies STRAT DC 10 and LP SERV 8.

(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: Tim Williams **Date:** 30th May 2014

Reviewing Officer: Peter Bain **Date:** 30th May 2014

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 14/00653/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 12th March 2014; and the approved drawings numbered 1 of 12 to 12 of 12 and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 1 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. Notwithstanding the provisions of Condition 1 above, the type and colour of materials to be used in the development shall be as specified on the approved Design Statement and as annotated on the approved drawings, with the exception of the roof covering which shall be of natural slate to a specification to be submitted and approved in writing by the Local Planning Authority before any works commence on site. In addition, full details of all of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. Notwithstanding the submitted details, it is anticipated that the windows and external doors, particularly to the front elevation of the building (fronting onto Frederick Crescent) shall consist of traditional timber sash and case windows and timber close boarded doors.

Reason: In order to integrate the development into its surroundings and in order to protect the character and appearance of the Port Ellen Conservation Area.

3. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
 - i) Location, design and materials of proposed walls, fences and gates;
 - ii) Surface treatment of proposed means of access and hardstanding areas;
 - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iv) Proposed hard and soft landscape works.

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

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

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

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

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

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

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

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

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

PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

Class 9: Stone cleaning or painting of the exterior of a building.

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

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

5. The proposed access shall be formed with visibility splays of 20.0 x 2.0 metres in each direction formed from the centreline of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05 metres in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety

6. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's standard highway drawing SD 08/005, Revision A

Reason: In the interests of road safety.

7. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 2 vehicles within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

NOTE TO APPLICANT

- **The length of the 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, 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.