

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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13 June 2011

**ARGYLL AND BUTE LOCAL REVIEW BODY – RECONVENED MEETING  
MONDAY 20 JUNE 2011 AT 2.45PM IN THE VILLAGE HALL, KILMELFORD**

Please find attached further written submission requested by the Argyll and Bute Local Review Body at their meeting held on 20 April 2011.

Douglas Hendry  
Executive Director - Customer Services

**BUSINESS**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW: GLENMORE STEADING, KILMELFORD, ARGYLL**

- (c) Further written submission received from the Planning Authority  
(Pages 1 - 18)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Daniel Kelly (Chair)  
Councillor Donald MacMillan

Councillor Robin Currie

Contact: Hazel Kelly, Senior Committee Assistant Tel: 01546 604269

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**ADDITIONAL INFORMATION**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**11/0002/LRB**

**GRANT OF PLANNING PERMISSION FOR  
ALTERATIONS AND EXTENSION TO STEADING TO  
FORM 7 DWELLINGHOUSES AND 5 HOLIDAY  
HOUSES AT GLENMORE STEADING, KILMELFORD**

**PLANNING PERMISSION REFERENCE NUMBER  
10/01743/PP**

**17 MAY 2011**

## Background

Further to the statement of case dated 24 March 2011, and the Local Review Body decision on 20 April 2011, this document provides the additional information sought by the LRB, ahead of the site inspection scheduled for 20 June 2011.

The Review Body seeks information regarding the range of occupancy conditions used across Argyll & Bute and whether the nature of a development raises different issues in regard to the enforcement of such conditions.

In this case, it was proposed to convert a former steading into 7 mainstream residential dwellings together with 5 holiday units. Planning permission 10/01743/PP was granted subject to the following condition:

8. The proposed holiday units (numbers 8 – 12) shall be used for holiday occupation only and shall not be occupied by any individual, family or group for more than three months in any calendar year without the prior written consent of the Planning Authority.

The appellant considers this to be onerous and unreasonable for the reasons given in their review application.

## Response to request for additional information

General use of occupancy conditions varies depending on the wide range of individual circumstances involved and the use that is to be controlled in any given scenario.

In terms of controlling holiday usage, there have been two main approaches within Argyll & Bute Council over the years. One condition typically reads:

*The proposed holiday units shall be used for holiday occupation only and shall not be occupied during the months of February and November [period of no occupancy can vary to suit individual cases] in any calendar year without the prior written consent of the Planning Authority.*

*Reason: In accordance with the use applied for to ensure the use of the units accords with current Development Plan Policy.*

Advantages of this condition are that it is very simple to monitor and allows owners greater flexibility in terms of holiday use for themselves and their family as well as by 'normal' paying guests. The condition prevents the unit being used all year round and was originally used on caravan sites in the past and then for holiday letting units as they became more popular.

Disadvantages of this condition include that it restricts year round use when holiday seasons are lengthening and holiday habits are changing towards a larger number of shorter last minute holidays. Since it allows occupancy for ten months a year there

is a risk that a holiday unit will evolve into a second home, with no regular turnover of holiday makers. Second homes commonly lie vacant for long periods or get used by one group or family only. Tourism developments are supported through development plan policy as they bolster the fragile rural economy, whereas housing developments are subject to different characteristics and different planning policies.

In response to these disadvantages, a derivative of the following condition (as applied to 10/01743/PP) is now in common use:

*The proposed holiday units (numbers 8 – 12) shall be used for holiday occupation only and shall not be occupied by any individual, 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 to ensure the use of the units accords with current Development Plan Policy.*

Advantages of this condition are that it allows year round holiday use to underpin the rural economy, and it ensures that the units are used for a regular turnover of holiday makers, rather than buildings evolving into main or second homes over time. The condition wording is more resistant of residential uses and more supportive of holiday usage than the previous condition type discussed above.

Disadvantages are that the condition is marginally more difficult to monitor as a formal enforcement case would require intensive site work. This is mitigated by the fact that solicitors and lending bodies are fully aware of the importance of planning conditions and the condition clearly prohibits the property from becoming someone's sole or main residence. This impinges on the funding mechanisms that are available but also self polices the use to a large degree, so the number of cases where formal enforcement cases arise is very limited. An extra safeguard can be imposed by forcing owners to maintain a guest log book to prove turnover of guests in association with the main use restriction, but this is becoming less necessary as banks and solicitors give greater consideration to the requirements of planning conditions. If an owner could prove that a property had been a main residence for more than ten years they could seek a certificate of lawfulness for a change of use to a house. Providing sufficient proof of such a change is much more difficult with the second type of planning condition, compared to the first type discussed above.

In this particular review case, as highlighted at the LRB meeting, there are two additional questions that arise when considering a switch from the planning condition as applied to the amended condition type as proposed by the appellant.

- 1) The appellant has not explained how the five units would be practically managed if the condition were amended as sought, especially as they have indicated they will be seeking individual investors for each unit. What is to stop the unit being used as a second home, or a main residence instead of a holiday unit?
- 2) The appellant has not addressed the question of affordable housing, which is referenced in the footnote to applicant in the original consent. The policy

threshold for affordable housing is a reason that the developer initially sought only 7 permanent houses with five holiday units. A varied condition that allows the 5 holiday units to become main residences should only be supported once an appropriate affordable housing contribution has been secured, otherwise the development would run contrary to the Council's adopted Affordable Housing Policy. 25% of 12 units in total would mean a contribution of 3 units or a commuted sum to be calculated by the District Valuer.

These are issues that should be addressed by the appellant at the hearing scheduled for 20 June 2011.

## **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.

Albeit that either planning condition could be imposed, there are benefits and disadvantages associated with each option. In the event that the appellant can satisfy the LRB on the questions regarding the practical management arrangements of five separately owned holiday units and/or demonstrate agreement of an appropriate affordable housing contribution, then the condition could be amended as sought. Without these issues being satisfactorily addressed, then the existing planning condition provides greater security in terms of future use and gives greater distinction for the 5 holiday units from the 7 permanent residences already approved as part of the development.

## 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

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**Reference No:** 10/01743/PP

**Planning Hierarchy:** Local Development

**Applicant:** Eaglestack Limited

**Proposal:** Alterations and extension to steading to form 7 dwellinghouses and 5 holiday houses

**Site Address:** The Steading, Kilmelford

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### DECISION ROUTE

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

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#### (A) THE APPLICATION

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

- Alterations and extension to steading to form 7 dwellinghouses and 5 holiday houses
- Upgrade of existing vehicular access
- Formation of car parking and turning areas

##### (ii) Other specified operations

- Connection to public water main
  - Connection to public drainage system
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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 as a 'minor departure' subject to the conditions and reasons appended to this report.

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#### (C) HISTORY:

10/00748/PP

Alterations and extension to steading to form 7 dwellinghouses and 5 holiday houses  
– Withdrawn: 12/10/10

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 17/11/10 advising no objection subject to conditions.

Scottish Water

No response at time of report and no request for extension of time.

Public Protection Unit

Memo dated 03/11/10 advising no objection.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 25/11/10.

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**(F) REPRESENTATIONS:**

Three representations have been received regarding the proposed development.

Fiona Graham, Glenmore House, Kilmelford (E-mail 25/11/10 & 10/12/10)

Mrs Bridget P. Oatts, South Wing, Glenmore House, Kilmelford (25/11/10)

A.H.J. Oatts, South Wing, Glenmore House, Kilmelford (21/11/10)

**(i) Summary of issues raised**

- Concerns over the drainage system and water supply to serve the proposed development.

*Comment: Scottish Water was consulted on the proposed development but at the time of report had not responded. However, in their response to the previous proposal, which showed the same drainage and water supply arrangements, they raised no objection. An informative will be added to the permission advising the applicant to make contact with Scottish Water to discuss connection.*

- No details have been submitted regarding the route of connection to the public drainage system or its available capacity which is an ongoing issue.

*Comment: This is a matter between the applicant, Scottish Water and any associated landowner.*

- No details of how the existing drains and septic tank are to be safeguarded in accordance with the legal title.



*Comment: This is not material consideration in the determination of this planning application but a private legal matter between the relevant parties.*

- The steading is within a Rural Opportunity Area within which the adopted Local Plan only gives support to small scale development of up to 5 units and this application is proposing 12 units.

*Comment:* The proposal is being treated as a 'minor departure' from Policy STRAT DC 4 of the approved Argyll and Bute Structure Plan it is not considered an ACE is necessary to demonstrate capacity for the proposed development as the proposal represents redevelopment of an existing structure which will have no physical impact on the existing landscape setting.

- Concerns that the access and parking provision are inadequate to serve the proposed development.

*Comment: The Council's Area Roads Engineer was consulted on the proposed development but raised no objection subject to conditions being attached to the permission to secure upgrading of the access and passing place provision.*

- Issues regarding ownership of land included within the application site.

*Comment: As a result of this representation, the site plan has been amended to show the correct boundary. A further representation stated that the boundary is still incorrect. However, given that there are no works proposed within the area of land in question, this can be assessed as a civil matter between the applicant and landowner.*

- There is a legal right of vehicular access in front of the steading which will be blocked as a result of this proposal.

*Comment:* The application shows the existing vehicular access running along the front of the steading maintained. The determination of a planning application has no impact on existing legal rights.

- The proposal will result in noise and disruption at unsociable hours during the construction period.

*Comment: This is not a material planning consideration in the determination in this planning application but a matter for the Council's Environmental Health Officer once construction commences. It is not considered likely that the redevelopment of the steading will generate an unacceptable level of noise.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

Has the application been the subject of:

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

**(H) PLANNING OBLIGATIONS**

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

**(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 4 – Development in Rural Opportunity Areas

STRAT DC 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 13a – Development Impact on Listed Buildings

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP HOU 2 – Provision of Housing to meet Local Needs including Affordable Housing Provision

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

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing (PAN41 or other):</b>	<b>No</b>
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**(P) Assessment and summary of determining issues and material considerations**

This application relates to the redevelopment of a disused farm steading building to form 7 residential dwellinghouses and 5 holiday units at Glenmore Steading, Kilmelford which is a Category C(S) Listed Building. An associated application for Listed Building Consent Reference 10/00749/LIB has been submitted for consideration.

Argyll and Bute Local Plan shows the site within a Rural Opportunity Area where Structure Plan Policy STRAT DC 4 encourages small scale developments on suitable sites which, in terms of their siting and design, will visually integrate with the landscape and settlement pattern on an appropriate infill, rounding off and redevelopment basis, subject to compliance with other relevant local plan policies.

In terms of the above, as the proposal results in the formation of 12 units in total (7 residential and 5 holiday) this represents a medium scale development and accordingly the above Policy requires that an Area Capacity Evaluation (ACE) be undertaken to demonstrate that the development proposed will integrate sympathetically with the landscape and settlement pattern of the area. However, as the proposal is for the redevelopment of an existing building which will not result in any significant increase in footprint or physical massing, it is not considered that an ACE is appropriate in this instance as it is not necessary to demonstrate capacity for

the proposed development and, furthermore, the proposal will have no physical impact on the existing landscape setting. The redevelopment of the historic building meets with wider strategic and national policy aims. Accordingly, in this instance it is considered that the proposal can be justified as a 'minor departure' from STRAT DC 4.

Policy LP ENV 13a, Development Impact on Listed Buildings seeks to ensure that any works to a listed building preserve it or its setting and any features of special architectural or historic interest that it possesses.

Policy LP HOU 1 gives encouragement to housing development provided it will not result in an unacceptable environmental, servicing or access impact or development underpinned by an operational need and Policy LP ENV 1 assesses applications for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The property is a courtyard plan steading with a hipped slate roof comprising a two storey 15 bay symmetrical frontage with a central arched pend. The steading has single storey ranges to the side and rear.

It is proposed to convert the building into 7 mainstream residential dwellings together with 5 holiday units.

Whilst the application proposes the formation of 12 units in total, 7 of these are proposed as mainstream residential with 5 for use as holiday occupation only. In this regard it is considered appropriate to impose a condition restricting the 5 units to holiday occupation only with a footnote advising the applicant that any subsequent application to remove or vary the condition would result in the provisions of Policy LP HOU 2 for affordable housing coming into play where 25% of the overall development would require to be provided as affordable units.

The proposal involves the removal of the existing barn and single storey range to the rear of the courtyard and erection of two sympathetically designed two storey extensions with natural slate hipped roofs. The existing stone walls of the steading building are to be re-pointed with the walls of the new build sections finished in a harled wet dash render. Windows proposed in the overall development are white timber sash and case replicas.

The installation of conservation style rooflights and traditional pitched roof dormer windows are proposed in the rear and side elevations of the development. The front facade, which is considered the most important elevation of this building, involves no alterations other than installation of timber windows and doors within the existing openings together with repairs to the slate roof and stone walls.

The proposed conversion of the steading to 12 units is considered to be acceptable in terms of scale, design and materials where the existing disused steading building will be brought into residential and holiday use. The development retains the existing courtyard formation and this, together with the sensitive landscaping, tree planting and boundary treatments proposed, will enhance the open nature of the curtilage and retain the rural character.

In addition to the redevelopment proposals, the application shows erection of a storage building to the rear to serve the new residential and holiday units. The storage building is a sympathetically designed single storey structure with a natural slate pitched roof and rendered walls.

The redevelopment scheme proposed will result in the sympathetic redevelopment of this disused Category C(S) Listed Building and is considered to comply with the terms of Policy LP ENV 19 and Appendix A.

In terms of vehicular access, the application indicates the existing access from the main A816 Oban – Lochgilphead road to be utilised to serve the proposed development. The Area Roads Manager was consulted on the proposal and raised no objection subject to conditions regarding the upgrading of the access, increasing its width and installation of intervisible passing places. In order to comply with LP TRAN 4, this needs to include a requirement for an adoptive standard road.

The development shows sufficient parking and turning areas provided within the site to serve the proposed development.

With conditions, it is considered that 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.

With regards to drainage, the proposal indicates that connection is to be made to both the public water and drainage systems. Scottish Water was consulted on the proposal but at the time of report had not responded, however they raised no objection to the previous application which was subsequently withdrawn and there has been no change to the drainage or water supplies in this revised submission. An informative is proposed advising the applicant to contact Scottish Water to discuss connection.

In this regard, it is considered that the proposal complies with the terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

Overall, the proposal may be considered as the sympathetic redevelopment of a disused farm steading involving the conversion of the building which lends itself to adaptation to residential and holiday use together with the demolition of unsuitable and unsightly buildings which will result in an improvement to the overall appearance of the building.

In light of the above the development is considered to represent a suitable opportunity for redevelopment consistent with the current Development Plan, albeit exceeding the small scale criteria of STRAT DC 4 as discussed above.

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**(Q) Is the proposal consistent with the Development Plan: Yes, but minor departure**

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**(R) Reasons why planning permission should be granted**

The represents a suitable opportunity for the sympathetic re-development of an existing steading building 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 redevelopment is considered to be of a suitable form, scale and design, incorporating materials which will ensure that the proposal integrates well into its landscape setting, and will secure the longevity of the listed building.

The proposal accords with Policies LP ENV 1, LP ENV 19, LP HOU 1, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and can be considered as appropriate 'minor departure' from Policy STRAT DC 4 of the approved Argyll and Bute Structure Plan. It is not considered an ACE is necessary to demonstrate capacity for the proposed development as the proposal represents redevelopment of an existing structure.

There are no other material considerations, including issues raised by third parties, which would warrant refusal of the application, which accords with the wider aims of the development plan.

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

N/A

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

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**Author of Report: Fiona Scott Date: 03/12/10**

**Reviewing Officer: Stephen Fair Date: 21/12/10**



**Angus Gilmour  
Head of Planning**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01743/PP**

1. That the development to which this permission relates must be begun within three years from the date of this permission.

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

2. No development shall commence or is hereby authorised until the track serving the site has been upgraded to the Council's adoptive standards from its junction with the existing public road up to a point where no more than five residential properties are served by the remaining private track, the details of which must have the prior written agreement of the Council's Area Roads Manager and shall include bituminous surfacing, the provision of 2 intervisible passing places between the existing public road and the development site, and a turning head at the termination of the upgraded road. All works shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority before works commence on site.

*Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access to comply with Local Plan Policy LP TRAN 4.*

3. No development shall commence on site until the vehicular access onto the existing public road has been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/004a to a width of 3 metres with visibility splays of 160m 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 1m above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be completed along with the requirements of condition 2 above, prior to any work starting on the re-development hereby approved.

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

4. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the residential units hereby approved.

*Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.*

5. No development shall commence on site until full details, in plan form, of a refuse collection area at the access road end has been submitted and approved in writing by the Planning Authority. Such details as are approved must be fully installed prior to the initial occupation of the first residential unit hereby approved.

*Reason: In the interests of road safety.*

6. No development shall commence on site until full details of the proposed windows in the form of drawings to a scale of 1:20 have been submitted and approved in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

*Reason: In the interests of visual amenity and to ensure that the proposals do not adversely affect the special architectural and historic character of the building.*

7. The proposed landscaping scheme shall be implemented on site within one year of the initial occupation of any part of the development hereby approved. Any plant failures shall be replaced within one year of such failure with a similar replacement tree(s) in species, size and location.

*Reason: To ensure suitable integration with the landscape setting of the site.*

8. The proposed holiday units (numbers 8 – 12) shall be used for holiday occupation only and shall not be occupied by any individual, 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 to ensure the use of the units accords with current Development Plan Policy.*

9. The development shall be implemented in accordance with the details specified on the application form dated 06/10/10 and the approved drawing reference numbers:

Plan 1 of 16 (Drawing Number AC.06/09/1017)  
Plan 2 of 16 (Drawing Number AC.06/09/1000)  
Plan 3 of 16 (Drawing Number AC.06/09/1001)  
Plan 4 of 16 (Drawing Number AC.06/09/1002)  
Plan 5 of 16 (Drawing Number AC.06/09/1003)  
Plan 6 of 16 (Drawing Number AC.06/09/1005)  
Plan 7 of 16 (Drawing Number AC.06/09/1006)  
Plan 8 of 16 (Drawing Number AC.06/09/1007)  
Plan 9 of 16 (Drawing Number AC.06/09/1008)  
Plan 10 of 16 (Drawing Number AC/06/09/1009)  
Plan 11 of 16 (Drawing Number AC/06/09/1011)  
Plan 12 of 16 (Drawing Number AC/06/09/1012)  
Plan 13 of 16 (Drawing Number AC/06/09/1013)  
Plan 14 of 16 (Drawing Number AC/06/09/1014)  
Plan 15 of 16 (Drawing Number AC/06/09/1015)  
Plan 16 of 16 (Drawing Number AC/06/09/1016)

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.*

10. Notwithstanding the provisions of Class 7 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no



walls, fences or other means of enclosure shall be erected at the site without the prior written consent of the Planning Authority.

*Reason: To maintain the open character of the landscape surrounding the site, which could be jeopardised by unsympathetic means of enclosure.*

**NOTE TO APPLICANT**

- 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, please contact him direct on 01631 569170 to discuss the matter further.
- The Area Roads Manager has advised that the culvert pipe under the A816 requires to be cleaned to demonstrate that the watercourse to the sea is adequate. You are advised to liaise directly with him on this matter.
- It is noted that connection to the public water main and public drainage system is proposed. Accordingly, Scottish Water was consulted on the planning application but at the time of report had not formally responded. You are therefore advised to contact them direct on 0141 355 5314 to discuss the proposed connections.
- Please note that should permission be sought to remove or vary the condition restricting units 8 – 12 to holiday occupation only, this would bring the permanent residential aspect of the development above 8 units and if such application were being supported, it would be necessary for 25% of the overall development to be included in calculations for affordable housing provision at the site.
- Please note that the given the type and condition of the building, the site may contain European protected species including bats and owls. Their protected status is unaffected by the determination of this planning application. The applicant should contact Scottish Natural Heritage to seek further information of the responsibilities in terms of developing the site should such species be present.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application **10/01743/PP**

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

**No**

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- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

**Yes**

**The site plan has been revised to incorporate changes to the site boundary to exclude an area of land outwith the applicant’s ownership.**

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- (C)** The reason why planning permission has been approved.

The represents a suitable opportunity for the sympathetic re-development of an existing steading building 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 redevelopment is considered to be of a suitable form, scale and design, incorporating materials which will ensure that the proposal integrates well into its landscape setting, and will secure the longevity of the listed building.

The proposal accords with Policies LP ENV 1, LP ENV 19, LP HOU 1, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and can be considered as appropriate ‘minor departure’ from Policy STRAT DC 4 of the approved Argyll and Bute Structure Plan. It is not considered an ACE is necessary to demonstrate capacity for the proposed development as the proposal represents redevelopment of an existing structure.

There are no other material considerations, including issues raised by third parties, which would warrant refusal of the application, which accords with the wider aims of the development plan.

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