



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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13 December 2018

SUPPLEMENTARY PACK

ARGYLL AND BUTE LOCAL REVIEW BODY – WEDNESDAY, 19 DECEMBER 2018 at 10:00AM IN THE COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD

I enclose herewith additional item 3(c) (**COMMENTS FROM APPLICANT**), which were not available when the Agenda for the above meeting was published.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

(c) Comments from Applicant (Pages 3 - 30)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Robin Currie
Councillor Donald MacMillan

Councillor David Kinniburgh (Chair)

Charles Reppke, Head of Governance and Law

Contact: Lynsey Innis, Senior Committee Assistant; Tel: 01546 604338

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY
18/0010/LRB**

**APPEAL AGAINST CONDITION 4 OF PLANNING
PERMISSION 18/00355/PP**

**ALTERATIONS AND EXTENSION TO DWELLINGHOUSE
(INCORPORATING PUBLIC ART STUDIO), ERECTION OF
GARAGE, ERECTION OF BOUNDARY WALLS AND
ASSOCIATED WORKS**

**THE OLD COACH HOUSE, ELLENABEICH,
ISLE OF SEIL**

22 November 2018

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellants are Mr and Mrs Graeme and Wendy Bruce ("the appellants").

Planning permission 18/00355/PP for alterations and extension to dwellinghouse (incorporating public art studio), erection of garage and new boundary walls and associated works at 'The Coach House', Ellenabeich, Isle of Seil ("the appeal site") was granted under delegated powers on 13 August 2018.

Condition 4 of the planning permission has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The Coach House comprises a single dwellinghouse with an unusual layout with two entrances at ground floor level where the bedrooms and bathroom are situated both leading to an open plan living/dining/kitchen area on the upper floor. The dwellinghouse is a traditionally proportioned pitched roof structure finished in white rendered walls with a natural slate roof.

Planning permission was granted for a contemporary designed single storey flat roofed structure to the rear (west) elevation of the dwellinghouse wrapping around the side (north) elevation. The extension comprises white rendered walls of a height to conceal the proposed flat roof from view which will also form a parapet barrier to the edge of the flat roof. The extension is accessed via a separate entrance in a circular entrance porch providing an accessible apartment comprising a living room, dining kitchen and en-suite bedroom which will double up as the ancillary studio/gallery space when required.

The approved drawings specified that "*boundary walls to be stone faced to the public side (to carpark and to road) and rendered blockwork to private sides (within site boundaries). Walls of garage to be rendered block with the exception of the carpark side which is stone faced*".

Please note no part of the wall faces the road.

Condition 4 merely required details of the proposed stone/slate finish to be applied to the public faces of the boundary walls to be submitted to the Planning Authority for approval prior to the development commencing

Having originally submitted drawings detailing a white rendered wall and garage in keeping with the house and extension, I requested a written account of why, in order to be granted Planning Permission, I would have to apply stone cladding to the walls, I received the following reply from Fiona Scott:-

'when permission was granted for the Seafari fuel installation which is in close proximity to the site, a requirement of the permission was that it be enclosed by a natural stone wall as required by the then Conservation Officer, a view shared by third parties who made representations to the proposal.

As you are aware the Council's conservation team provided comments on the current proposal details of which were passed to you previously and which sought natural stone walls.

Accordingly, as set out in my previous e-mail, in order to move the application forward, we would require the drawings to be amended to reflect the comments of the Conservation Team set out in their e-mail of 18 May 2018.

I trust this clarifies the matter and look forward to hearing how you wish to proceed'.

It feels that it is clear from the emailed account above, that Tony Hill of Seafari Adventures in his submission to the council in relation to our application has demanded that we erect a wall with stone cladding and the above ultimatum is a direct result of that. As a result of the above ultimatum, I had the required drawings produced by our architect and agreed to having a wall built which was stone faced to the car park side and white to the garden side. The drawings were produced and the agreement made in good faith, at a cost of £1350, quite a financial commitment to the altered plans. Since this time, having had three months to reflect (and being unable to start work anyway due to the roads department not working with us to assist in meeting our other planning conditions, including responses to questions originally posed in 2014) I can confirm that I have become aware of issues which have reinforced my belief that a stone faced wall is not a suitable boundary treatment for this site within the Ellenabeich Conservation area. I have also been told by a Community Councillor that the Planning Department was having resourcing and conservation specialism issues at the time of our application which have also affected the council's ability to deliver the final Ellenabeich Conservation Area Appraisal. Whilst I have the utmost respect for the current stand-in Conservation Officer, I feel that this decision is not the right one. Also, in the weeks between the granting of our planning permission and now, another development, depicting a slate faced concrete wall has been strongly criticised by six objectors to the "composite" structure. This is why I feel that it is necessary to make this appeal.

Firstly, the Seafari fuel installation, is not in close proximity but about 30m away across a car park with parking spaces and cars/vans and an old white rendered tin roofed garage (albeit very weatherworn) in-between. The Seafari site sits against an old traditional stone/slate wall and for this reason, the Conservation Officer at the time of application stipulated that the site should be enclosed within a natural stone wall. At the PPSL Pre-Determination Hearing for the above site, held on 25 August 2014, a member posed the question 'what would happen if planning permission was granted with the inclusion of the (stone) wall and then HSE prevented the wall from being built?' the planning officer at the time (Mr S Fair) advised that there were two options, open to the applicant if this situation occurred. He advised that the Applicant could appeal against the condition of planning or submit a fresh application. What actually happened was that the requirement of petrol licensing was an engineered wall but instead of an appeal or reapplication having to be made, the planning department assisted and worked with Mr Hill to find a one-off solution, particular to this site and its requirements and to blend in with the existing natural stone wall to which it is attached. The result was an engineered wall clad with stone. The information available in the public domain provides unquestionable evidence that the qualified Conservation Officer at this time was against the stone cladding solution but reluctantly agreed to it as a compromise. I have not seen any evidence to the contrary.

See below snapshot of first email from Linda Robertson referencing the existing stone wall and the possibility of attaching and enclosing the site by extending the stone wall around it:-

1.

needed for health and safety requirements. If this is the case, then I would suggest that the wire fence is located inside of a stone wall. Currently a traditional stone wall sits behind the new proposals, and this could be extended to enclose the storage facility and petrol tank. This would not only maintain the character of the area and to some extent shield the development from public view, but would also encourage the use of local traditional techniques.

The petrol tank itself will sit relatively low to the ground and is unlikely to be particularly visually intrusive. The pump, whilst not in fitting with the area, is small in size and therefore unlikely to cause significant impacts on the built environment. The addition of a traditional stone wall in place of the post and wire fence would also completely hide the tank.

There is a lengthy email thread which runs from the above to the final agreement of the finish of the Seafari clad wall. It is clear however that the cladding was not readily accepted by the conservation officer who would have preferred real stone construction to tie in with the wall behind. The final email of the conversation is attached at Appendix 1.

I have now had confirmation from Argyll and Bute Council's former Conservation Officer, in the form of a letter of support, that she agrees with our position and she hopes that members will support our appeal for a white wall and Garage.

It was entirely appropriate that a site which sits against a stone wall would itself be built from stone however, at our site where the proposed wall will be seen against a white rendered house and extension should be white rendered to give unity to the site. In addition, Community Councillors at the meeting of Seil and Easdale Community Council in September, explained that far from there currently being a Conservation team, there was no specially qualified conservation officer in the council at the time of our application to provide such specialist advice. Mr Hill was also present with his wife at this meeting, as were councillors Robertson and Green. In addition, another application in the village, where the planning department had advised a similarly constructed wall, the application attracted six objections to the stone faced (composite) wall. The individuals who supported our original application have again taken the time also to support this appeal. The Community Council, have also taken the time to (unanimously) state that they agree that a white rendered wall is more appropriate for this site.

PRECEDENT - appropriateness of white render in relation to existing white rendered properties.

Other residents, surprised at this stone cladding directive, have brought to my attention other recent developments where the finish to walls and new out buildings were made acceptable to the conservation officers by colouring them white to match the buildings to which they relate. This includes:-

1. '14/01551/LIB, Installation of Oil Fired Heating Boiler, 1200 Litre Oil Storage Tank including Erection of Associated Enclosure. Report of handling written by Fiona Scott states:

*'The tank and boiler are to be enclosed by a **white painted screen wall which will match the dwellinghouse** and which will ensure that the tank and boiler are not dominant features within the streetscene or wider Conservation Area.*

The application also shows a slightly different layout to the previously approved parking area to serve the dwellinghouse which is considered to be acceptable.

On the basis of the foregoing, the proposed development is considered to be acceptable and does not differ significantly from that approved in the original consent and will not impinge inappropriately upon the setting of any Listed Buildings or the wider Conservation Area.'

*The proposal is considered to comply with the terms of the **current Development Plan**'*

2. '14/00324/PP Erection of shed and fence and formation of hardstanding area (retrospective) | The Old Inn Ellenabeich ...

the effect of condition 1 above, **the entire external walls of the shed to the south, west and north elevations shall be painted solid white to the satisfaction of the planning authority within one month of the date of this planning permission.**

In the interests of visual amenity, in order to integrate the proposal into its conservation area setting.....

Reasoned justification for a departure to the provisions of the Development Plan

N/A – the proposal is in accordance with the development plan'

This building is only four doors down from our home

3. '16/01512/PP Installation of replacement garage door, relocation of oil tank, erection of garden shed and two decking areas to the rear garden, formation of vehicular access and associated works.

Report of handling written by Fiona Scott states:

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. As 31 Ellenabeich is a Listed Building within a Conservation Area consideration has to be given to Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17, the main thrust of which seek to ensure that proposed developments do not have an adverse impact on the appearance or setting of a listed building and do not detract from the character or appearance of a Conservation Area.

A new one metre high blockwork **wall finished in white painted render** is proposed along the frontage of the dwellinghouse with a simple timber gate for access to the front door. **The wall will replace an unsympathetic timber fence** which has recently been removed and will **represent a visual improvement to the appearance of the dwellinghouse within the streetscene and wider Conservation Area.**

Reasons why planning permission should be granted

It is considered that the proposed works to the property are of an appropriate scale, design and incorporating finishing materials which will ensure that they do not detract from the Listed Building or its setting within the wider Conservation Area or Area of Panoramic Quality and will represent a vast visual improvement.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted Argyll and Bute Local Development 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.'

This property is the home of Mr Hill's son. He did not object to this development and the Planning department are clearly enthusiastic about the white rendered finish here. A dry stone wall was actually removed from this site and replaced with a white rendered wall at the eastern edge of the development. If "natural" stone walls are so precious to the planning department, how has this resident been allowed to replace and extend the wall area with white render?

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and 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.

As I have already stated in my appeal, the supplementary Guidance to the development Plan states that walls and boundary treatments should blend in with the existing buildings - In our case these are white render)

To be clear, **SG LDP ENV 16(a)** on page 43 of the LDP Supplementary Guidance states that:-

'All developments that affect a listed buildings or their settings must

- 1) Be of the highest quality and **respect the original structure in terms of setting, scale, design and materials**

It is the original building which is key to the appropriateness of materials to be used to unify a site, not another structure 30 metres away across a car park. We have a photograph early C.20 showing that the building was white rendered at this time.

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether or not the boundary walls finished in a natural stone or slate is an appropriate finish within the Ellenabeich Conservation Area.*

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

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such 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 significant public representation, it is not considered that a Hearing is required.

I feel that a hearing would be of great benefit to bring all the elements of this appeal together and to provide members with the opportunity to understand what has really happened here and what happens when conditions of planning are inappropriately applied. I feel that the case I have laid out before members is self explanatory, logical and agrees fully with the Council's own Local Plan and Supplementary Guidance. However, members may wish for a hearing for the opportunity of a visit to the village in order to satisfy themselves in terms of the detail and evidence I have supplied.

COMMENT ON APPELLANT'S SUBMISSION

In summary the appellant contends that the requirement for stone/slate clad walls is mistakenly founded on a different development setting which has no relation to their own; that the condition has been applied on the insistence of one individual who has a well-documented grievance against the appellants; there were 4 supporters of the site design, including the white rendered wall; and, that the Councils own policies and guidance of Historic Environment Scotland clearly supports boundaries, walls and garage being of the same materials and colours as existing buildings.

Comment: The planning application was carefully assessed by experienced Planning Officers with advice sought from (and provided by) the Council's acting Conservation Officer Mark Lodge.

The development proposes a contemporary design within a prominent location within the Conservation Area. The proposed development was eventually granted planning permission solely on the basis that an appropriate design compromise was reached with the applicant (current appellant). Without this compromise, planning permission would have been refused. The design compromise the subject of this LRB was agreed by the appellants at the time and the plans amended accordingly prior to planning permission being granted. It now appears that this may have been an attempt to undermine the proper assessment of this planning application in order to secure a planning permission, the important detail of which the developer had no intention of implementing.

Contrary to Ms Scott's assertion that we agreed to a stone faced wall just to secure our planning permission, I can evidence the actual reasons for requesting a change to the wall finish for the site. At the Seil and Easdale Community Council meeting of the 25th September, with **Councillors Robertson and Green present**, Seamus Anderson (Community Councillor with responsibility for Planning) in a discussion concerning Planning Application 18/01695/PP, and in relation to the status of the current Conservation Area Appraisal, stated that the council does not currently have a qualified Conservation Officer, let alone a Conservation Team. At this point, I mentioned that the white rendered wall in our Planning Application had been refused and we had to put up a stone clad wall. The Community Council and several local residents agreed that this was wrong in the context of

the village. This is what was minuted: 'It was stated that A&B Planning are pushing for "fake walls" with slate cladding, rather than the traditional white rendered walls. The CC requested specific details of this policy and would respond accordingly.' Seil and Easdale Community Council agreed unanimously to write in support of this appeal and have done so, confirming that the walls around our house should be white render. There are three further letters of support. Also, in connection with Planning Application 18/01695/PP, where a development at the other side of the village has detailed a similar slate clad wall as a result of pre-application discussions with the planning department there are six objections from longterm residents within the village. None of the objectors of this development were supporters of our development, so, there is clearly a strength of feeling within this village against this new trend for stone cladding on walls, which only begun with the Seafari petrol site. As previously stated, the Seafari petrol site was designed to meet a specific brief: the site being for above ground petrol (hazardous/explosive substance) storage and had to be an engineered wall (which contradicted the planning condition, determined by members at a PPSL Committee for a natural stone wall).

but because this sat in front of and adjoined an existing traditional high stone wall, the engineered wall was clad in stone to enable it to blend in. This very particular set of circumstances should not have been allowed to happen and should certainly not set a precedent for the village. All other walls which surround or sit in front of white rendered buildings are white rendered. The only domestic walls in the village which are stone, sit separated from the houses, divided by a road.

The proposed design compromise consists of cladding the external surrounding wall to its outer face with natural stone or natural slate to a specification to be submitted to and agreed in writing by the Planning Authority. The requirement is not for a 'composite' or 'imitation' material and neither does it require/involve a 'stuck on' finish.

Slate/stone clad wall is an imitation stone wall and is, by definition "composite" (composed of separate parts - source - Collins Dictionary) - See below concrete block at the Seafari site being clad with stone



In this regard, the design approach taken here is directly comparable with the recently completed fuel store enclosure for Seafari; a development which lies adjacent to the

property the subject of this LRB and which required an identical external stone/slate cladding finish to that the subject of the current condition. This requirement was forcefully driven by local residents, including the appellants, and was supported as a necessary and appropriate design feature by the Planning Authority. The Seafari development has been completed and the slate-clad external walls clearly complement the character and quality of the Conservation Area.

Correction: The Seafari site is industrial and not domestic. The Conservation officer specified and residents of the village requested a traditional stone wall not a stone clad wall. This was fully supported at the Planning hearing for the site and became a condition of the permission. At no point did any resident of Ellenabeich request a stone clad wall. I wrote at the time of the application to oppose the use of stone cladding. This is on record in the public domain. The qualified Conservation Officer at the time was also opposed to stone cladding. Ms Scott stated in the publicly available documents of the time that the decision for a clad engineered wall was on the basis of cost to the developer. This statement was factually incorrect and is confirmed in Tony Hill's statement in relation to this appeal, he indeed confirmed my appeal statement that he had to have an engineered wall which then had to be clad with stone. This was because it adjoins an existing, traditional stone wall.

The slate clad walls to the Seafari development were approved by Members as an appropriate and necessary part of the design.

This is incorrect, the minute of the PPLS hearing specify a traditional stone wall, indeed a comment is even made that if the site cannot be built with a natural stone wall that Mr Hill would have the option to either appeal the condition or reapply - I note that he did neither.

The appellant's statement contends:

"In addition to the above, there is now strong evidence (which did not exist when our planning negotiations were on-going) that if we had applied to build our extension with a stone clad wall, we would have received many more objections to the development".

This statement is not supported by any evidence and is wholly disputed by the Planning Authority.

I contend this by drawing members' attention to the six objections to the composite wall in Planning application 18/01695/PP; also to the four confirmations of support for my appeal - including, as I have stated, from our Community Council. I feel that I have provided sufficient evidence of the above statement.

The requirements for a natural stone/slate clad wall was agreed through negotiation and 'signed-off' by all parties, including the appellant. The planning condition the subject of this LRB does not require the natural stone/slate cladding of this part of the development as that has already been agreed and forms a necessary and intrinsic part of the planning permission. The planning condition the subject of this LRB requires simply that the details of this natural stone/slate cladding be submitted to and approved in writing by the Planning Authority prior to works commencing on site.

Without the necessary (and previously agreed) design amendments, this application would not have been supported in this case given the prominence of the site within the Conservation Area and the otherwise unacceptable contemporary design of the proposed extension. The design requirements the subject of this LRB should be maintained or else the permission overturned.

Comment - The design was deemed acceptable by the planning department in their Report of Handling and all the way through the application. Only the wall height and finish and the garage finish have ever been criticised. In consideration of the request to lower the height of the walls, we felt that that this was a reasonable request and have duly changed our drawings to reflect this. I quote directly from Ms Scott's own Report of Handling 'Overall the proposed extension and garage are considered to be an acceptable addition to the dwellinghouse and will not detract from its appearance or its setting within the wider Conservation Area consistent with the terms of the current Development Plan'.

I am disappointed that the Planning Department has threatened here to overturn this planning permission if this appeal is successful. I note that the Planning and Regulatory Services Handbook is entitled "Open for Business" and its headline vision is "Realising our Potential Together". There are eight detailed Service Outcomes listed including:-

- The local economy is improved through the delivery of sustainable development*
- The creation of well-designed sustainable places where people are able to access employment, housing, recreation opportunities supported by essential services and necessary infrastructure.*
- Empowered confident customers capable of exercising their legal rights and accessing advice/support.*

It should be noted that the required stone/slate cladding is simply proposed to the boundary walls and the external wall of the garage. The vast majority of the development, including the existing dwellinghouse and the bulk of the proposed extension, will be white painted render to match the majority of the existing buildings in this part of the Conservation Area. The external faces of the proposed boundary wall and garage wall should be in stone/slate as this is a traditional form of boundary wall construction in the village and it will 'break up' and add necessary character and quality to the design in order to off-set the flat roofed contemporary designed extension and marry in with the existing slate roof of the dwellinghouse.

The Planning Authority would usually only insist on a full stone/slate wall where the wall has two 'public faces' (being viewed from either side). Neither the aforementioned Seafari development nor the current LRB boundary walls can be readily viewed from both faces, therefore insisting on a wholly stone/slate wall (or double-clad stone/slate wall) would be inappropriate and unnecessary.

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. So what are these material considerations?

Taking all of the above into consideration, as set out in the ROH appended to this Statement of Case, it remains the view of the Planning Service that the boundary walls of the development should be finished in a natural stone/slate.

This is contrary to the advice given in other recent planning applications in the same village, as listed above. In each case, the Local plan is used as a reason to agree with white render, in ours it seems to be used as a case against. There is no consistency of advice. The inconsistency in advice was the main reason for the council having to rework the 2018 Ellenbeich Draft Conservation Area Appraisal and Management Plan.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

In line with the Council's objectives to operate openly and transparently, I would respectfully request that members consider this appeal to allow us to build a wall which is appropriate to the house and its extension in conservation terms. I would be extremely grateful if members could take the time to visit the village and the site in question to satisfy themselves of the points raised and to draw their own conclusions.

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Review of Planning application 18/00355/PP (Graeme and Wendy Bruce) by PPSL

WENDY BRUCE COMMENTS IN RED, WENDY BRUCE ADDITIONAL PHOTOGRAPHS ARE OUTLINED IN RED

Ellenabeich is a conservation area. Its conservation status must not preclude development to the area. Ellenabeich along with many other small rural and coastal communities require business opportunities and a young vibrant community if they are to survive and succeed. Along with many similar communities in Argyll Ellenabeich relies on tourism (No it doesn't. - Ellenabeich is a diverse residential Community providing homes for a wide range of residents, indeed Argyll and Bute Planning Department, Enforcement, have recently enforced the closure of 1 small local specialist engineering businesses within the village, which is a loss to the other marine businesses in this area. Seafari is the only business which completely relies on tourism. Its seasonal workforce are mainly engaged on a self-employed basis and are mainly from outwith the area, renting their accommodation from Seafari). The influx of visitors, irrespective of their reason to visit, is essential to the (wider) local economy.

The Slate Industry which was the cornerstone of this area is well past but its legacy remains and is reason Ellenabeich obtained its conservation status. Part of the village is listed by Historic and Environmental Scotland. These listings can be a positive gain to the area but can also have a negative influence in and on the area. Common sense should be applied.

In the most part, the outward appearance to Ellenabeich as viewed from public areas is considerably more important than any development to the rear of a property. It is with this in mind that the PPSL should gather information appropriate to reaching its decision. The information supplied in this appeal relating to areas outwith Ellenabeich is irrelevant. (It is relevant because it is used to illustrate some very important and well understood conservation and design principles.)

Ellenabeich is a former slate village and this has to be the criteria from which a decision is reached. The photographs supplied in the appeal document of Ellenabeich whilst accurate, have been carefully selected (See further photographs below) and is perhaps not a true representation of the area (Members may wish to visit the village to satisfy themselves on this point). The B844 is the only road to Ellenabeich. The Old Coach House is at the far end of the village still on the B844 (No - it is on the UC108, an unclassified road which has not been formally adopted by Argyll and Bute Council, but which has been included in the "List of Roads") and at the entrance to the public car park. Many of the supporting photographs of the village are taken in areas away from this main public thoroughfare (they included this thoroughfare) .

Appendix A is a series of photographs from the start of the conservation area to the public car park. It is for the PPSL to conclude whether there is a predominance of white rendered walls or stone walls. It should be noted there is a high correlation between supporters of the white rendered walls for this application and those insisting on a drystone wall for the adjacent Seafari fuel store. (Yes, they are concerned that appropriate boundary treatments are applied; a stone wall where it is a site with and adjoining to an existing stone wall and a white rendered wall where it sits against a white rendered building and extension, just like Mr Hill's son's recent and prominent development - to which he did not object)

Specific mention is made of Seafari and its fuel storage facility. The photograph presented was carefully taken so as not to include the adjacent drystone wall and the stone garage also on the site. (The appeal statement soecifically referenced the dry stone wall to the back of the safari site. The stone garage to which Mr Hill refers has been white rendered in the past and the stone wall wall closest to the Old Coach House has been white for more than 20 years to blend in with the white house which it sits against. For the purpose

of this argument, I have taken a photograph from a similar position to Mr Hill's - but with a wide angle lens, as not to be "selective")

Appendix B shows the full view for those entering the car park area either by foot or vehicle and includes these features. This may be considered a more accurate representation. (Please see the real view into the car park and note the white painted wall which Mr Hill has selectively precluded)

Mrs Bruce has also carefully selected and quoted early correspondence with A&BC's then Conservation Officer Ms Lynda Robertson (This is the only publicly available correspondence from Ms Robertson, I would welcome sight of the subsequent correspondence to which Mr Hill refers). Reference is also made to the internal wall of the site. The quotation does not reflect the final outcome of discussions between Seafari, Planning, Building Control and Ms Robertson (Please can the Planning department supply me with this document). The statement with respect to the view of the internal wall by the public entering the car park similarly requires clarification.

It is accurate that Ms Robertson requested a drystone wall without mortar to be placed around the fuel site. The wall height stipulated by Planning was 1.8m high. Planners and Building Control also stipulated that the boundary wall to this site had to be a fully engineered wall (Thank you for confirming that the engineering requirements for this wall were the reason for it to be a stone clad/composite wall and not the proper dry stone wall for which planning permission was granted and subsequently compromised on). Ms Robertson was advised this was not be possible as drystone without mortar. She did not appreciate the engineering constraints. A compromise was necessary and agreed. Appendix C shows the finished wall. Unfortunately Ms Robertson is no longer employed by A&BC so is unable to comment on whether, in her opinion, the compromise was successful. Planners and the current Conservation Team may offer opinion.

Addressing the issue of the internal wall of the site Seafari were not required to either render or finish the internal wall in drystone. Both were possible. Access gates must remain locked unless the site is in use. Considerable flexibility is required in the use of the site. Seafari does attempt a general routine. It is accepted we cannot always follow this routine. Seafari will draw fuel from the site less than 300 times a year. Staff are allocated 40 minutes for this procedure. Site gates are open for perhaps less than 30 minutes per load. During the low season fuel is generally drawn at 0930. Occasionally a second load may be taken. During high season it is generally 3 loads during a working day, 4 loads when busy. The high season timings being circa 0815, 0930, 1330 and 1545. Many visitors do not arrive in the area and park in the public car park before 1030. Similarly few arrive after 1500. The appeal document intimates the gates are open throughout the day for all visitors to see inside. This is not the case. (The appeal document intimates simply that the inside of the wall is concrete and can be seen when the gates are open, directly ahead, on entry to the car park)

The decision made by the PPSL in respect of this appeal will set a precedent in the area for all future developments. (This is why it is important that composite fake walls do not suddenly and regrettably proliferate, purely as a result of a specific engineering solution applied to a one-off petrol storage site) The lack of a conservation officer at A&BC must not be a reason for stopping or delaying any development (I would thank Mr Hill for confirming that there is not a qualified Conservation Officer in the Council at this time and that the Council's response to my appeal on conservation grounds is therefore not professionally advised). Interpretation by post holders must remain consistent (Argyll and Bute's own policy states that and not be one of subjective opinion. Rules regulations and policies do change or require updating. Should this appeal be successful A&B Planners must be seen to adopt a level playing field approach to all future development applications in this area.

Appendix A - the B844 start of the conservation area

Mr Hill's photograph of the start of the conservation area shows clearly a stone house with white rendered gables fronted by a stone wall with white painted top, drawing together the design elements of this property in the Conservation village



Here is the same house from a different angle the dry stone wall which is closer is to a field and therefore old agricultural.



The approach showing the high wall at An Cala Gardens, date of construction unknown
(An Cala is neither stone nor stone faced, it looks like a type of brick. See below for close up)



Inshaig house

(again confirming that a stone boundary is appropriate when against a stone house)
boundary treatments should blend with the property to which it relates.



Beyond Inshaig House

(This Stone wall is an old agricultural traditional dry stone wall bounding a field, not a white rendered property)



It is unclear what Mr Hill is trying to prove with this picture? that a hedge would be more appropriate over the top of a knee high stone wall?



Approach to the village - development circa 25 years old to left
(See centre left of photo, high, curved, white rendered wall bounding the white rendered property and white rendered garage - just like the one we are appealing for)



B844 entering the older section of Ellenabeich

(Note that the stone bound gardens on the right are separated from the white rendered houses by a road, as the white wall surrounding our home would be from the adjacent stone wall on the other side of the road - note also these are real stone walls not stone clad)



Prior to village square

(again, gardens are separated from white rendered houses by a road, as ours would also be)



Village square 1

(Stone wall sits against a stone foreshore and old stone pier which was built with the materials most available at the time of its construction to serve the slate industry - these walls do not relate to domestic properties)



Village square 2 (no stone walls here - the photograph has been carefully selected to edit out the white rendered wall in the background - see below x 2 pictures; everything is white render, apart from some street furniture and we do however intend to have some slate built garden furniture within the development)





All domestic properties off the square have white boundary walls



Village square 3

(yet again, dry stone wall bound stone bound gardens sit separate from the white rendered houses - white on inside and stone on the other)



Village square 4 Road to and including Old Coach House

(all walls bounding the houses are, again, white although this photograph clearly aims to fade them out to hide the fact that the stone wall is on the opposite side of the road to the houses, like in the front street.) However, see mr Hill's photo below to see that these house boundaries are white rendered - without exception.



Approach to old coach house

(Further proving that all walls sitting against white rendered houses on the approach road to the Old Coach House are finished in white - without exception. The stone wall sits opposite, separated from the houses by a road - as ours would be if the appeal were successful)



General view from approach road

(Proving that the stone wall separated from the white houses by a road. Note also the little entrance finishings have actually been painted white to assert that this entrance belongs to the house opposite - Monaveen Lodge -)



Appendix B - The car park entrance

(a wall which is, by necessity of the petrol storage site, engineered and then clad with stone as a compromise attempt to blend in with the existing, natural stone wall again which the site has been built you will see that the garage, as mentioned in Mr Hill's report as a stone garage, has indeed been rendered; albeit somewhat degraded, - it is a different colour and has a tin roof, It is a white rendered garage that we need too)



See below, the white wall which Mr Hill has selectively precluded from his photograph



Appendix C - The boundary wall Seafari fuel store

(a stone clad wall which looks different to every other wall in the village. see also the removed parking bay which, members may recall, Mr Hill's non material amendment confirmed would not be lost - I believe that my neighbour was told she would have to leave the NMA hearing for trying to speak out about this /affirming that this space would be lost)



View from inside the car park back towards car park entrance

(note that the final wall - also visible in Appendix B - which sits against a white rendered property has been painted white many years ago, to unify due to its close proximity to the white gable, the garage on the left can be more closely seen in the pictures below as having had white render applied in past years - see also below for close-up of where the white render meets the original stone wall behind)





Finally, another view of Seafari petrol storage site which is industrial not residential. You can see that the back wall is an original dry stone wall whereas the other walls are stone/slate faced concrete. This might be deemed appropriate by some for an industrial site which has been placed within a conservation area but not for our white rendered house.

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