

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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13 April 2011

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 20 APRIL 2011** at **2:15 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW: GLENMORE STEADING, KILMELFORD, ARGYLL**
 - (a) Notice of Review and Supporting Documents (Pages 1 - 6)**
 - (b) Comments from Interested Parties (Pages 7 - 24)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)
Councillor Donnie MacMillan

Councillor Robin Currie

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

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Ref:
AB1

ARGYLL AND BUTE COUNCIL

WWW.ARGYLL-BUTE.GOV.UK/**
 OFFICIAL USE
 11/0002/LRB
 Hazel Kelly
Date Received
14/03/11

NOTICE OF REVIEW

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

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

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)
Name <input type="text" value="Eagles Stack Ltd"/>	Name <input type="text" value="William G Cowie"/>
Address <input type="text" value="c/o The Beeches"/>	Address <input type="text" value="William G. Cowie RIBA"/>
<input type="text" value="Over Hessilhead Fm"/>	<input type="text" value="Allardice Castle,"/>
<input type="text" value="Gateside"/>	<input type="text" value="Inverbervie, Montrose"/>
Postcode <input type="text" value="KA15 2LL"/>	Postcode <input type="text" value="DD10 0ST"/>
Tel. No. <input type="text" value="01505 500064"/>	Tel. No. <input type="text" value="01561 361238"/>
Email <input type="text" value="martin.latimer@csmscotland.co.uk"/>	Email <input type="text" value="williamgcowie@hotmail.co.uk"/>

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

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

Conversion of existing derelict steading to 7 residential homes and 5 holiday homes.

(7)

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

Please see attached letter by Martin R Latimer, Director, Eaglestack Ltd

If insufficient space please continue on a separate page. Is this is

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

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

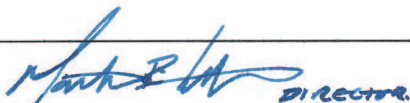
NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

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

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

No.	Detail
1	Letter requesting review
2	
3	
4	
5	
6	
7	
8	
9	
10	

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


Director

Submitted by
(Please Sign)

Martin R. Latimer
Martin R Latimer, Director

Dated

2/03/2011

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

EAGLESTACK LTD
The Beeches
Over Hessilhead Farm
Gateside, by Beith
North Ayrshire
KA15 2LL

Tel -01505 500064 Fax - 01505 500064

Email - martin.latimer@csmscotland.co.uk

Committee Services (Local Review Board),
Argyll and Bute Council
Kilmory,
Lochgilphead,
Argyll,
PA31 8RT

02/03/2011 eaglestack/ planning review/ letter

Dear Sirs

**Glenmore Steading - Kilmelford - Eaglestack Ltd
Planning Permission -10/01743/PP - Clause 8
Letter in support of the Notice of Review Form.**

Document 1 of schedule

I refer to the planning permission granted on 21st December 2010 for development at the above location and a subsequent meeting with a member of the planning team.

Introduction -

The proposal is for the conversion of the existing steading and to bring a currently redundant and derelict building back into use, thereby contributing to the area's tourism, residential stock and local community.

The building has lain unused for some time and our company has retained architects with extensive experience in historic buildings, restoration and sympathetic related new build to design a refurbishment and new build development retaining the Class C Listed facade and using key features of the existing building in the new sections.

The development consists of two elements

- a. Units 1-7 - for which permission is granted for residential use
- b. Units 8-12 - for which permission has been granted for holiday use.

We would like the Local Review Board to review the terms Clause 2 & 3 (in reference to the roads condition where it applies to the completion of the road surfacing to adoptive standards prior to development starting) and Clause 8 as it applies to units holiday units numbers 8,9,10,11 & 12.

Clause 2 & 3 - In reference to the roads condition where it applies to the completion of the visibility splays and road surfacing on the access road to adoptive standards prior to development starting;

Clause 3 - I would confirm that we accept that Clause 3 requiring us to construct splays and a suitable entrance at the junction between our drive and the main road is acceptable in broad terms. We would ask, however, that we are allowed to do this work in parallel with a development start and that the junction is completed no later three months after development work commences on the steading. This request is to limit the extent of adverse cash flow on the over all project and to ensure the efficient use of labour and plant.

.Clause 2 -

- a. During the initial development period we will be bringing in construction equipment and having bulk items delivered and we would prefer that we are limited to an obligation to keep the surface free from potholes during the is period, but would install the required passing places. This would avoid unnecessary damage to the new road.

EAGLESTACK LTD Registered in Scotland SC336895
Registered Office - 250 West George St, Glasgow, G2 4QY

Directors; Mr T. Leggett, Mr M. R. Latimer

- b. Prior to the occupation of the first unit we would be prepared to upgrade the surface to a tarred base-coat within the terms required of the specification laid down by the Council.
- c. Prior to the occupation of the final unit we would upgrade the road to the agreed adoptable standards with a fine top coat of bituminous road material.
- d. We would expect to cooperate with both the Planning and Roads Department's reasonable requests to maintain the road to the development at all times during the construction period.

Clause 8 - "The proposed holiday units (numbers 8-12) shall be used for holiday occupation only and not occupied by any individual, family of* group for more than three months in any calendar year without the prior written consent of the Planning Authority" *(please note there is a typographical error of should read or)

1. We fully appreciate the Council's requirement that the above units are used only for holiday use, however we believe that the proposed control is far too onerous on any individual buying a holiday home for their own use and for letting. It is not uncommon for owners to buy holiday homes to let at peak times and then to use them regularly between their family members at low season holiday periods and other off peak times. We have much experience of letting holiday homes and have never had the type of condition (as proposed in clause 8) applied to homes we have owned, sold or developed, We consider that Clause 8 is so onerous that it would cause potential clients not to invest in holiday homes within the development.
2. We could understand that if the Glenmore development was a corporately owned large multi-unit resort that the proposed clause may be more relevant. However where individual investors are to be sought we would propose it is normal to have an "enforced closure period" on the holiday homes. We would suggest that a more realistic clause would be to propose a closure period of one full calendar month in either November or February and an additional clause that states that "no let or period of continuous occupation should extend to more than three calendar months without a break of at least one month (for the same or related occupier)". In order to assist the Council's staff in assuring adherence to the clauses we would propose that a log of users be kept by the owner and be made available to the Council upon request.
3. We are not aware that the terms of Clause 8 have been applied in any other region of Scotland and have enquired of Dumfries and Galloway, Inverclyde and Perthshire Councils to confirm this. We feel we are being severely disadvantaged by the unilateral application of the proposed "3 month rule" in this area. The tourism and home market is very competitive and we feel potential purchasers would look elsewhere if the Council insist on application of this term. If this were to be the case the viability of the entire scheme would be jeopardised,

The project to bring the Glenmore Steadings back into use, saving an extremely attractive building and also benefitting the local economy, is not an uncomplicated one and attracts many extraordinary costs. Whilst our company could delay the project until a stronger economy is established we feel that the scheme can be made to work if it is not encumbered by additional cash flow or difficult burdens, We would ask that the council review the above conditions with a view to assisting us to make the project robust and viable.

Should the Council's review of the above clauses render practical and acceptable alterations it would be our intention to forge ahead with the development, apply for a demolition warrant for the new build site clearance and for warrants for the conversion and new build work. Thereafter it is intended work would commence on site shortly after receipt of warrants and other relevant permissions.

We await your response and should you have any queries please contact myself.

Yours sincerely
Eaglestack Ltd

Martin R. Latimer

Martin R Latimer

EAGLESTACK LTD Registered in Scotland SC336895
Registered Office - 250 West George St, Glasgow, G2 4QY

Directors; Mr T. Leggett, Mr M. R. Latimer

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**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**

24 MARCH 2011

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Eaglestack ('the appellant').

Planning Permission Reference Number 10/01743/PP for alterations and extension to steading to form 7 dwellinghouse and 5 holiday houses at Glenmore Steading, Kilmelford ('the appeal site') was granted subject to conditions on 21/12/10.

Condition numbers 2, 3 and 8 below are subject of referral to a Local Review Body.

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.
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.

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.

DESCRIPTION OF SITE

This site is a disused farm steading situated on the outskirts of Kilmelford.

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.

SITE HISTORY

10/00748/PP

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

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

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

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

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any substantial public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Conditions 2 and 3

The appellant has stated that they accept the conditions and are happy to undertake the required works but have suggested that the conditions be amended to allow the works to proceed in parallel with the overall re-development scheme.

Comment:

On reflection, having considered the points raised by the appellant, and having discussed the matter in depth with the Roads Authority, it is considered that the conditions could be satisfactorily amended to the wording detailed below which would result in conditions which are equally acceptable to those imposed on the planning permission and which would still ensure a development consistent with the terms of the current Development Plan but allowing the appellant to undertake works in parallel with the overall re-development scheme.

Condition 2

No development shall commence on site until the track serving the site has been formed in relation to the Council's adoptive standards from its junction with the existing public road and has been approved in writing by the Planning Authority in consultation with the Roads Authority. The access road shall include type 1 surfacing with fines, 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 access. Thereafter, all works shall be undertaken in accordance with the approved specification at the completion of the development, which shall include bituminous surfacing of the previously formed access track, passing places and turning head unless otherwise agreed in writing by the Planning Authority.

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.

Condition 3

No development shall commence on site until the vehicular access has been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/006a 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 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.

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.

Condition 8

The appellant has stated that that the condition is too onerous and would deter any potential client to invest in a holiday home within the development for their own use and for letting.

Comment:

In the past a condition imposing a blanket ban during two months of the calendar year was considered appropriate when people generally holidayed at certain times of the year. However, this came up against resistance by the holiday industry when people started taking holidays throughout the year and, accordingly, the condition imposed on the planning permission subject of this review is the condition most commonly used for holiday letting accommodation.

However, the condition proposed by the appellants is still used in some circumstances and seeks to serve the same purpose as that imposed on the planning permission and therefore I would have no concerns amending the condition to the following.

“The proposed holiday units shall be used for holiday occupation only and shall not be occupied during the months of February and November 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.

CONCLUSION

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

Taking account of the above, it is considered that the conditions can be amended as detailed at the above section titled ‘Comment on Appellant’s Submission’ and which would still result in a development consistent with the terms of the current Development Plan.

APPENDIX 1

Argyll and Bute Council
Development Services

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

Reference No: 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

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- 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
-

(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.

(C) HISTORY:

10/00748/PP

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

(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.

(E) PUBLICITY:

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

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

(H) PLANNING OBLIGATIONS

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

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

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

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

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

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing (PAN41 or other):	No
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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.

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

(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.

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

N/A

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

Author of Report: Fiona Scott Date: 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**

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

No

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

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.

- (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.