



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

11 April 2018

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 APRIL 2018** at **9:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director of Customer Services

**BUSINESS**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 18/0002/LRB - LAND 169 METRES WEST OF SHORE COTTAGE, STONEFIELD, ARGYLL AND BUTE (REF: 18/0002/LRB)**
  - (a) Notice of Review and Supporting Documentation (Pages 3 - 6)
  - (b) Comments from Interested Parties (Pages 7 - 22)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Rory Colville (Chair)  
Councillor Sandy Taylor

Councillor Audrey Forrest

Contact: Hazel MacInnes Tel: 01546 604269

This page is intentionally left blank

4162

Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

<b>OFFICIAL USE</b>
18/0002/LRB
H MacInnes
19/02/18
Date Received

**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 Procedure)  
(Scotland) Regulations 2013

**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

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(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

Proposed new detached house

(7)

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

Condition 4 seeks to cancel out many of the provisions of Householder Development Rights passed under Law, to allow property owners to make minor modifications to their properties without requiring local Planning Authority Control. We do not believe that any Council can unilaterally cancel these rights and consider that Condition 4 of this approval is unwarranted.



(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.*

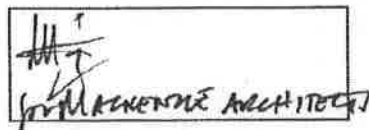
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

**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	NONE - CONDITION (4) OF THE PLANNING PERMISSION
2	IS BEING CONTESTED. "HOUSEHOLDER DEVELOPMENT
3	RIGHTS" - AS ISSUED BY THE SCOTTISH GOVERNMENT
4	IS THE RELEVANT DOCUMENT IN THIS INSTANCE.
5	
6	
7	
8	
9	
10	

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

Submitted by  
(Please Sign)



Dated



**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/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto: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 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

---

**For official use only**

Date form issued



Issued by (please sign)



---

**REVIEW REQUEST 18/0002/LRB****PLANNING PERMISSION 17/00666/PP****ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF VEHICULAR ACCESS.****LAND 169M WEST OF SHORE COTTAGE, STONEFIELD, TARBERT**

---

**COMMENTS ON MATTERS ARISING ON BEHALF OF PLANNING HOUSING AND REGULATORY SERVICES**

---

**BACKGROUND**

This appeal is in respect of the imposition of a planning condition restricting householder 'permitted development' on the grant of planning permission for a new dwelling. The considerations leading to that approval are set out in the officers' Report of Handling on planning application 17/00666/PP. The appellant seeks deletion of condition 4 of this permission on the grounds that firstly the Council does not have the authority to remove 'permitted development' rights conferred by national regulation, and that secondly, the decision to remove such rights was in any event unwarranted in the circumstances of this case.

In determining this appeal it is important to note that it requires a *de novo* reconsideration of the merits of the case by the Review Body. In other words, consideration is not confined to the merits of the condition which is the subject of the appeal, and a decision should be reached as if the application had been made to the Review Body in the first instance. It would be open to the Review Body to come to an alternative decision as to the acceptability of the development, to substitute alternative conditions, or indeed to refuse planning permission.

This site was the subject of a planning permission in principle for one dwelling granted in 2012 and renewed in 2015. Those permissions in principle were subject to a number of conditions including a requirement that the floor area be limited to 140 square metres in line with an illustrative layout accompanying the applications. In the event, those permissions were not followed up with any subsequent application(s) for Approval of Matters Specified in Condition (AMSC) so the current proposal represented a fresh start with a detailed application for planning permission. The previous permissions do however represent material considerations in the adjudication of this further application.

The house for which permission has been sought is considerably larger than that envisaged at the time of the earlier permissions. In the event, upon assessment of the details in the course of the consideration of the application, it was concluded that the proposal was on balance acceptable, but that it might present issues if it were to be extended, or ancillary buildings were to be added to it, in an unsympathetic manner relative to its surroundings. For that reason, a condition was imposed limiting the effect of householder 'permitted development' rights which would have otherwise been available to the occupiers.

## THE IMPOSITION OF PLANNING CONDITIONS

Section 37(1) of the Planning Act enables the planning authority to grant planning permission 'either unconditionally or subject to such conditions as they think fit'. Government Circular 4/1998 'The Use of Conditions in Planning Permissions' sets out the 'six tests' applicable to the imposition of planning conditions, which stem from the effect of case law in this matter. It is the opinion of officers that the condition at issue is warranted in the circumstances of the case, and that it satisfies all of the 'six tests' and has therefore been legitimately imposed.

It is appropriate to consider in turn the effect of each of the 'six tests' in the context of this appeal:

Need for a condition – There should be sound land use planning reasons for the imposition of any condition and a planning authority is obliged to state the reason for the imposition of any condition, as required by Article 22 (1)(a) of the General Development Procedure (Scotland) Order 1992. In this case the stated condition for Condition 4 was as follows:

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

This refers to the location of the building having a setting within a sensitive area. This is derived from its intended location within the ambit of the designated Stonefield Designed Landscape. Local Development Plan Supplementary Guidance SG LDP ENV 15 applicable to Historic Gardens and Designed Landscapes requires that in decision making 'adequate measures should be taken to preserve and enhance the special interest of the asset'. Although the building is considered to be in a less sensitive part of that landscape, removed from the immediate environs of Stonefield Castle, nonetheless it lies within the wider designation.

The scale of the development and the design of the building as submitted was on balance considered appropriate in the location proposed, for the reasons given in the Report of Handling. However, it was considered prudent to afford continuing control over alterations to that building and the addition of ancillary structures, in order to assure this in the longer term by the removal of certain 'permitted development' rights otherwise available to householders. The imposition of such a condition does not suggest that alterations or additions would not be acceptable; just that their suitability in this location should be assessed by means of a planning application.

This 'necessity' test is the one which will influence the decision on appeal as to whether the imposition of the condition at issue was legitimate. It is a matter of planning judgement for decision-makers to determine whether exceptional circumstances pertain in this case, sufficient to justify the imposition of condition prompting this appeal. For the reasons given below, it is the Planning Authority's contention that the remainder of the 'six tests' are not at issue in case.

Relevance to planning – This seeks to avoid conditions which relate to *ultra vires* matters beyond the jurisdiction of the planning authority, or which duplicate controls exercisable under other legislation. In this case, the condition imposed serves a legitimate land use planning purpose.

Relevance to the development being permitted – Conditions must not only serve planning objectives, but must be justified by the nature of the development being permitted and its effect upon its surroundings. In this case, the condition legitimately serves to afford protection to the



designated surroundings of the application site from potentially inappropriate development, which could otherwise be implemented without further consideration by the planning authority.

Ability to enforce – A condition should be practicable to enforce in the event of a breach, either by means of a Breach of Condition Notice or an Enforcement Notice. In particular, any infringement should be capable of being readily apprehended and there should be no doubt as to when any breach has arisen. In this case, the prescribed categories of development to which ‘permitted development’ rights will not apply are clear, and in the event of any breaches remedies would be readily available, as with any unauthorised construction.

Precision – The condition should be expressed in a manner which is capable of being readily understood and should not present any dubiety. In this case, the condition clearly expresses those categories of development to which the condition is intended to apply, in a manner which replicates the manner in which those categories are set out in the regulations relating to householder ‘permitted development’.

Reasonableness – Conditions which are unrealistically onerous and which might preclude the implementation of development being permitted will be regarded as being unreasonable. Likewise, conditions which could not readily be satisfied by a developer because they required the consent of others to satisfy would also be considered unreasonable. In this case, it would not be particularly onerous for a householder to have to apply on what would be likely to be a very occasional basis for proposed external alterations to, or additions to, the property. The government has included a concession in the Fee Regulations applicable to development requiring permission which would otherwise be ‘permitted development’, which has the effect of exempting such applications from the fee otherwise payable for householder planning applications.

As an aside, it should be noted that ‘permitted development’ rights are not of universal effect. Given the sensitivity of their surroundings, occupiers of properties in designated conservation areas, for example, do not benefit from the full suite of ‘permitted development’ rights otherwise available to householders. Accordingly, it is not unprecedented that some householders routinely have to apply for planning permission for the types of development being considered by means of this appeal.

### OTHER ISSUES

Upon review of this consent, it has become apparent that conditions advised by Transport Scotland were not imposed on the decision as they ought to have been. Whilst the Report of Handling correctly represents Transport Scotland’s position being one of ‘no objection’, it fails to indicate that there were conditions which Transport Scotland wished to see imposed in the event of permission being granted. It should be noted that these conditions reflect those imposed on previous planning permissions at this site. This appeal therefore presents an appropriate opportunity to redress that omission by the addition of the following conditions:

- The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland,

as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

- The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure water run-off from the site does not enter the trunk road.

- The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

- The new access to the site shall be formed and the existing access closed off before any works commence on the site.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.

### CONCLUSION

In conclusion, the position of Planning Housing and Regulatory Services remains that the appeal proposal should be granted planning permission, subject to all of the conditions originally imposed, plus the addition of the conditions listed above.

Richard Kerr  
Principal Planning Officer

7<sup>th</sup> February 2018

Argyll and Bute Council  
Development & Infrastructure Services

Delegated Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

---

**Reference No:** 17/00666/PP  
**Planning Hierarchy:** Local  
**Applicant:** IST Marine Ltd  
**Proposal:** Erection of dwellinghouse, installation of septic tank and formation of vehicular access.  
**Site Address:** Land 169M west of Shore Cottage, Stonefield, Tarbert

---

## DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

---

### (A) THE APPLICATION

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

- Erection of dwellinghouse
- Formation of new junction and access road
- Installation of private sewage treatment plant (septic tank)

#### (ii) Other specified operations

- Connection to existing mains water supply.
- 

### (B) RECOMMENDATION:

That planning permission be approved subject to the conditions

---

### (C) CONSULTATIONS:

Area Roads – 15.08.17 – No objection subject to conditions relating to on-site parking and refuse collection provision.

Transport Scotland – 17.08.2017 – The Director does not wish to advise against grant of consent.

Historic Environment Scotland - 17.08.2017 - Do not have any comments to make on the proposals. This should not be taken as our support for the proposals. Council should also seek advice from archaeology and conservation services for matters including unscheduled archaeology and category B and C-listed buildings.

Scottish Water – No response received.

Environmental Health – No response received.

---

**(D) HISTORY:**

12/00649/PPP (planning permission in principle) - Site for erection of dwellinghouse, installation of septic tank and formation of new vehicular access – Approved 18.12.2012

15/02630/PPP – Renewal of planning permission in principle reference 12/00649/PPP (Site for erection of dwellinghouse, installation of septic tank and formation of new vehicular access) - Approved 08.01.2016

---

**(E) PUBLICITY:**

Regulation 20 Advert Local Application – expired 08.09.2017

---

**(F) REPRESENTATIONS: None**

---

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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

**(H) PLANNING OBLIGATIONS**

**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 Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Landscape and Design**

SG LDP ENV 14 – Landscape

**Historic Environment and Archaeology**

SG LDP ENV 15 – Impact on Historic Gardens and Designed Landscapes  
SG LDP ENV 16(a) – Impact on Listed Buildings

**General Housing Development**

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

**Transport (Including Core Paths)**

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Scottish Planning Policy
- Planning History

---

**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

---

**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

---

**(M) Has a sustainability check list been submitted: No**

---

**(N) Does the Council have an interest in the site: No**

---

**(O) Requirement for a hearing (PAN41 or other): No**

---

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

Planning Permission in Principle has been approved for the erection of a dwellinghouse on an application site comprising 2,720 m<sup>2</sup> (excluding the access track) in December 2012, and subsequently renewed in January 2016.

This detailed application site presently includes the above site extended approximately 20 m to the east and 15 metres to the south to comprise some 4,752 m<sup>2</sup> (excluding the access.)

The site is located within a Rural Opportunity Area (ROA) as identified in the Argyll and Bute Local Development Plan – Adopted 2015 (LDP) wherein Policy LDP DM 1 gives encouragement in principle to small-scale, sustainable forms of development on appropriate sites. The erection of a dwellinghouse on this site is generally consistent with policies LDP DM1 and SG LDP HOU 1.

The site is located within the vicinity of a grouping of listed buildings/structures including Stonefield Castle. Given the physical separation between the listed features in combination with the landform and established woodland setting, it is considered that the setting of the listed structures will not be adversely affected, and as such the proposal complies with policy LDP ENV 13a. The site also lies within the Designed Landscape of the Stonefield Castle Estate, but given the position of the site in an open area of woodland (the site itself was latterly part of a conifer plantation which has been felled in recent years), it will not adversely impact upon the important elements of the designed landscape and as such complies with policy LP ENV 11.

The proposed siting for the proposed house is within approximately the eastern half of the application site. The detailed design is for a largely 1 ¾ storey, detached 5 bedroom villa with extensive pinwheel footprint and formal composition of shallow-pitched volumes punctuated by a 3-storey tower feature. The overall design proposes an imposing, grand villa with formality and detail reminiscent of mid19th-20th century arts and crafts/prairie house with a formal landscaped setting including raised terraces on the front elevation. There is no clear reference to materiality

beyond an assumption from the drawings that the roof cladding will be standing seam metal roof. It is considered that external facing materials and window/door frame materials can be adequately controlled by a planning condition.

Notwithstanding, the significant scale, massing and formality of the dwellinghouse design and its formal landscaped setting it is considered that a non-vernacular, country villa of this scale and design can be accommodated on this site due to its discreet siting within the larger wooded landscape, without detriment to the characteristics and qualities of the local or wider landscape, or the setting of nearby listed buildings and the Stonefield Castle Estate's designed landscape.

Given the distances between existing residential properties, there will be no impact upon residential amenities of residents.

Neither Transport Scotland nor the Area Roads Officer have any objections to the proposed development on grounds of highway safety or transport infrastructure and as such the proposal complies with policies SG LDP TRAN 4 and TRAN 6.

It is considered that the proposed development can be adequately served by infrastructure provision.

On the basis of the above assessment, the application proposal is considered to be acceptable with regard to all material planning considerations including Local Development Plan policy.

On the basis that several of the application drawings refer to further development within this application site, it is incumbent on the Local Planning Authority to state that no reference to separate building plots or future aspirations for an intensification of development of this site are in any way accepted by any part of this assessment. In the interests of absolute clarity the applicant's attention is drawn to the advisory notes attached to the decision notice.

---

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

---

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

The proposed dwellinghouse is to be located within a suitable site in a Rural Opportunity Area, and is of a scale, massing, form and design which can be accommodated without detriment to the spatial strategy and settlement pattern; landscape quality and characteristics; historic environment and residential amenity, in accordance with all relevant Local Development Plan policy. Additionally, the proposed development can be sustainably served by infrastructure provision, including the local road regime, to an acceptable level.

---

**(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:** Norman Shewan      **Date:** 29.11.2017

**Reviewing Officer:** Richard Kerr       **Date:** 30.11.2017

**Angus Gilmour**  
**Head of Planning & Regulatory Services**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00666/PP**

1. With the express exclusion of any reference to separate plots, or to future development aspirations within the application site, the development shall be implemented in accordance with the details specified on the application form dated 07.03.2017 and the approved drawing reference numbers 4162/07 b; 08 b; 10 c; 40 g; 41 c; 42 d; 43 d; 44 d; 45 d; 46 c; and 47d 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.

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

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

Reason: In the interest of road safety.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of a proposed refuse collection point to be located adjacent to the public road have been submitted to and approved in writing by the Planning Authority in consultation with Council's Roads Engineers. The duly agreed details shall be implemented in full prior to the development first being occupied.

Reason: In the interest of road safety.

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

**PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

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

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

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

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

maintenance or improvement of such a building.

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

## PART 2: SUNDRY MINOR OPERATIONS

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

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

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

5. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external walls; roof cladding; door and window frames; and rainwater goods have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

6. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

7. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

8. Notwithstanding the details shown on the submitted plans, the red edged application site as shown on drawings 4162/07 b; 08 b, 10 c and 40 g shall not by default, automatically comprise the residential curtilage of the property, and prior to occupation of the proposed dwellinghouse a scaled plan clearly outlining the residential curtilage associated with the house hereby approved, to be located wholly within the application site edged red, has been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interest of visual amenity and clarity as to authorised planning land-use.

9. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
  - ii) Existing landscaping features and vegetation to be retained;
  - iii) Location design and materials of proposed walls, fences and gates;
  - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

**NOTE TO APPLICANT**

- **The length of the permission:** This planning permission will last only for **three** years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- Whilst not part of this application, reference to this site forming 2 development plots and an aspiration by the applicant to develop a 4-bedroom villa on part of this application site, in addition to the presently proposed 5-bedroom villa has been noted on several of the application drawings and as such, for the avoidance of doubt, requires comment. The erection of a second house within this site would, in the considered opinion of the Local Planning Authority, result in a significantly over-intensive and highly inappropriate development pattern to the detriment of the locality in terms of landscape impact, contrary to the effect of LDP policy. It should be noted, without any ambiguity that the Planning Authority would not support an application for a further dwellinghouse on this site. The above expressed concerns are not finite and the Planning Authority reserve the right to a full assessment of an application were it to be submitted against this advice.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)
- The applicant should be aware that a combined development of more than 5 dwellinghouses served by the proposed access from the A83(T) would require a public road to an adoptable standard.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application **17/00666/PP**

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**

(B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

(C) The reason why planning permission has been approved:

The proposed dwellinghouse is to be located within a suitable site in a Rural Opportunity Area, and is of a scale, massing, form and design which can be accommodated without detriment to the spatial strategy and settlement pattern; landscape quality and characteristics; historic environment and residential amenities in accordance with all relevant Local Development Plan policy. Additionally, the proposed development can be sustainably served by infrastructure provision, including the local road regime, to an acceptable level.

This page is intentionally left blank