

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY (LRB)**

**17/0007/LRB**

**Amendment of Condition 2 of Planning Permission  
17/01092/PP granted on 18/07/17 (requirement for  
existing boundary walls to be set back by 2 metres)**

**Erection of dwellinghouse, detached garage,  
installation of sewage treatment plant and  
retrospective formation of vehicular access/access  
gates and boundary wall**

**10/10/17**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr W. Beattie ('the appellant').

Planning permission 17/01092/PP for the erection of a dwellinghouse, detached garage, installation of sewage treatment plant and retrospective formation of vehicular access/access gates and boundary wall on land west of Kilmelford Fire Station, Kilmelford ('the appeal site') was granted by the Planning Service under delegated powers on 18/07/17.

Condition 2 of the planning permission has been appealed and is the subject of referral to the Local Review Body.

### DESCRIPTION OF SITE

The site is situated adjacent to the Fire Station and Village Hall within the village of Kilmelford and is a flat area of ground immediately adjacent to the public road which stretches down towards the shore of Loch na Cille. The northern part of the site has been infilled and a boundary wall and access gate erected on site prior to the granting of planning permission 17/01092/PP by the Planning Authority. The southern part of the site contains a covering of mature and regenerated tree species and scrub. The site was deemed to offer a suitable opportunity for development with the proposed dwellinghouse subject to a number of planning conditions. Condition 2 is subject of the current review and stated:

*"Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the existing boundary walls shall be set back 2 metres with the access hereby approved formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y which. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter".*

### 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 Act, regard is to be had to the development plan, and all other material planning considerations and 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**

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

- *Whether the material considerations asserted by the appellant are sufficient to warrant an amendment of Condition 2 of planning permission 17/01092/PP (to allow the boundary wall and gate to remain in their current position) which was attached at the request of the Council's Roads Authority in the interests of road safety and in accordance with Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development' 2015 which requires the provision of private accesses to be constructed to a minimum standard as set out in the Council's Roads Development Guide and Standard Roads Drawings.*

The Report of Handling (Appendix 1) sets out the Council's full 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.

## **COMMENT ON APPELLANT'S SUBMISSION**

The appellant contends that the condition imposed was not as verbally agreed in terms of informal pre-application discussion with the Roads Authority.

*Comment: The Planning Authority was not involved in the pre-application discussions which took place between the appellant and the Roads Authority and therefore cannot comment on what was agreed informally.*

The appellant contends that the condition imposed is unreasonable in terms of existing constructions on the adjacent public road.

*Comment: It is not quite clear what is meant by this statement, however, in considering applications for proposed developments with new private accesses onto a public road, the Planning Authority takes consideration of Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development' 2015 which requires the provision of private accesses to be constructed to a minimum standard as set out in the Council's Roads Development Guide and Standard Roads Drawings, in this instance Drawing SD 08/004a.*

The appellant contends that the condition imposed is wholly as a result of an apparent need for a 2000mm verge and subsequent untoward communications with the Roads Authority.

*Comment: The Planning Authority cannot comment on the communications between the appellant and the Roads Authority. However the construction of the access was conditioned in the Planning Permission to be in accordance with Standard Roads Drawing SD 08/004a which requires a 2 metre verge behind the service bay.*

The appellant contends that, laterally, the reason given to move the wall is to allow future carriageway widening. However this is very unlikely to impact on the appellants wall which is contained within the appellants land and the appellant has agreed to enter into a Section 75 Legal Agreement to future proof this.

*Comment: The Planning Authority is unaware of any intentions of carriageway widening, this is a separate matter for the Roads Authority.*

The appellant contends that the previous permission granted for this site had no specific reference to the road position.

*Comment: Condition 3 of the previous permission granted for the site (16/01216/PPP) required that access into the site to be constructed in accordance with the Standard Roads Drawing SD 08/004a which shows a service bay which requires to have a 2 metre verge behind it. Whilst the permission did not have a note advising that no structures should be built within 2 metres of the channel line of the public road, a condition was imposed requiring full details of the boundary treatment for the proposed development to be agreed prior to works starting on site.*

## **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 all of the above into consideration, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the development has been appropriately assessed against the provisions of SG LDP TRAN 4 as part of the Area Roads Authority's assessment. The requirement for the access to be constructed in accordance with Standard Roads Drawing SD 08/004a, requiring the relocation of the boundary wall and gate as specified by Condition 2 of Planning Permission 17/01092/PP, is wholly practical to allow the access to be constructed in accordance with the Standard Roads Drawing which is proportionate to the nature and scale of the development proposed.

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

# APPENDIX 1

## Argyll and Bute Council Development and Infrastructure

**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 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 17/01092/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Willie Beattie

**Proposal:** Erection of Dwellinghouse, Erection of Detached garage, Installation of Sewage Treatment Plant and Retrospective Formation of Vehicular Access, Access Gates and Boundary Wall

**Site Address:** Land West of Kilmelford Fire Station, Kilmelford

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### DECISION ROUTE

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

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#### **(A) THE APPLICATION**

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

- Erection of dwellinghouse
- Erection of detached garage
- Installation of sewage treatment plant
- Formation of vehicular access
- Erection of boundary wall and gate (retrospective)

##### **(ii) Other specified operations**

- Connection to public water main
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#### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) HISTORY:**

17/00537/PREAPP

Erection of dwellinghouse – 15/03/17 positive response

16/01216/PPP

Renewal of planning permission in principle 13/00947/PPP – Granted: 22/06/16

13/00947/PPP

Site for the erection of a multi-purpose building (ground floor restaurant/retail and residential accommodation on first floor) - Granted: 10/07/13

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**(D) CONSULTATIONS:**

Area Roads Authority

Report dated 08/05/17 advising no objection subject to conditions regarding construction of the access, clearance of visibility splays and provision of an appropriate parking and turning area within the site.

Scottish Water

Initial letter dated 15/05/17 advising no objection to the proposed development and that there is sufficiently capacity in the Kilmelford Water Treatment Works and Waste Water Treatment Works to service the proposed development. However, as the application proposed a private drainage system, this response was queried with Scottish Water who confirmed in a further letter that the previous response had been issued in error and there is no public sewer in vicinity of the site that the proposed development could connect into.

Scottish Environment Protection Agency (SEPA)

Letter dated 26/05/17 advising no objection to the proposed development subject to a condition being imposed on the grant of planning permission requiring all built development to be above the elevation of 4.35m AOD.

Flood Alleviation Manager (FAM)

Report dated 14/07/17 advising no objection to the proposed development subject to a condition being imposed on the grant of planning permission requiring all built development to be above the elevation of 4.35m AOD.

Kilmelford and Kilninver Community Council

E-mail dated 14/06/17 raising concerns about the wall being moved back and it was felt that as a condition of the approval that it should be removed before any further work is started. The Hall Committee also raised the potential for conflict between the activities of the hall and the proposed residential dwellinghouse.

*Comment: In line with the requirements of the Roads Authority, a condition will be imposed requiring the proposed wall to be set back to allow for the access to be undertaken in accordance with the standard roads drawing providing the service bay. With regards to the points raised by the Hall Committee, these have been addressed in Section F below.*

Marine and Coastal Development Manager

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

Access Officer

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

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 08/06/17.

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**(F) REPRESENTATIONS:**

One representation has been received regarding the proposed development.

Diane Scaife, Trustee of Kilmelford & Kilninver Village Hall c/o Fearnach House, Kilmelford, PA34 4XD (24/05/17)

**Summary of issues raised**

- Drawing to the attention of the Planning Service that the village hall is used regularly, both during the day and on many evenings, as a hub for local community activities. In addition, concerts, parties, dances and weddings are held occasionally which do not finish until after midnight. The village hall is a self-funded enterprise reliant on its use and hire as a significant source of income. Should planning permission be granted it is hoped that the future occupants are aware of its use and will hopefully join in the many events that take place in the hall.

*Comment: These comments are noted. It is considered that the mix of development proposed i.e. village hall, fire station and residential dwellinghouse are compatible uses and are commonplace within many small towns and villages throughout Argyll.*

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>.

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**(G) SUPPORTING INFORMATION**

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

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

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

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

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

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
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

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles  
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 14 – Landscape  
SG LDP HOU 1 – General Housing Development including Affordable Housing  
SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems  
SG LDP SERV 2 – Sustainable Urban Drainage Systems (SuDS)  
SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework  
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision

(i) **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.**

Argyll and Bute Sustainable Design Guidance, 2006  
Scottish Planning Policy (SPP), 2014  
Consultee Responses  
Third Party Representations

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(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:**

**No**

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

The principle of a development on this site has been established by the granting of planning permission in principle 13/00947/PPP on 10/07/13 for erection of a multi-purpose building comprising restaurant/retail on the ground floor and residential accommodation on the first floor. This permission was renewed under 16/01216/PPP on 22/06/16 and remains live.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within the minor settlement of Kilmelford where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within the Knapdale and Melfort Area of Panoramic Quality (APQ) where Policy LDP 3 requires consideration to be given to SG LDP ENV 13 which seeks to ensure that the scale, location and design of developments do not have a significant adverse impact on the character of the APQ.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. SG LDP HOU 1 expands on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. SG 2 expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The site measures approximately 1000 square metres in size and is situated adjacent to the Fire Station and Village Hall within the village of Kilmelford. The site is a flat area of ground immediately adjacent to the public road which stretches down towards the shore of Loch na Cille. The northern part of the site has been infilled and a boundary wall and access gate erected on site. The southern part of the site contains a covering of mature and regenerated tree species and scrub. It is considered that the site offers a suitable opportunity for development which will consolidate the extent of built development at this location within the village consistent with the terms of Policy LDP DM 1.

The application proposes a contemporary designed one and a half storey pitched roof structure finished in a mix of render, natural stone, timber cladding and natural slate. The dwellinghouse contains large areas of glazing and a balcony at first floor

level of the west facing elevation together with unusual porthole windows. In addition to the dwellinghouse the application proposes a single storey pitched roof garage to accommodate one vehicle to the east of the proposed dwellinghouse. No details of the proposed finishing materials to be applied to the garage have been detailed in the proposal and therefore a condition is proposed on the grant of planning permission to secure materials which reflect those to be applied to the proposed dwellinghouse. With conditions it is considered that the proposed dwellinghouse and garage are of a suitable form, scale and design incorporating finishing materials which will ensure they integrate well within the site and have no significant adverse impact on the wider landscape setting of the site consistent with the terms of Policy LPD 9 and SG 2, SG LDP ENV 13 and SG LDP ENV 14 which collectively seek to ensure that developments are of an acceptable scale, design and finish and do not detract from the site or its setting within the wider landscape.

A vehicular access into the site has been formed from the unclassified Kilmelford – Auchnasaul Road to serve the proposed development with a boundary wall and access gates. However, in the response from the Roads Authority they advise that boundary wall and gates have been built too close to the public road and the necessary service bay to serve the proposed development has not been constructed. The Roads Authority raised no objection subject to conditions requiring the access at the junction with the public road to be constructed in accordance with the Standard Roads Drawing SD 08/004s with visibility splays of 42 metres cleared in each direction and a parking and turning area to serve two vehicles within the site. In order to comply with the requirements of the Roads Authority it will be necessary for the boundary wall and access gates to be relocated outwith the 2 metres from the channel line of the public road. The applicant's agent has been advised that a condition to this effect will be imposed on the grant of planning permission. With conditions to achieve the requirements of the Roads Authority the proposal is consistent with the terms of Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6.

Drainage is via installation of a private sewage treatment plant to serve the proposed development with water supply via connection to the public supply. However, in their response, Scottish Water advised that there was sufficient capacity within the Kilmelford Waste Water Treatment Works to serve the proposed development. Accordingly clarification was sought from Scottish Water that connection to the public system was feasible. In a further a response dated 13/07/17 Scottish Water advised that the previous response was issued in error and in fact there is no public sewer within the vicinity of the site. The Council's Standards Unit will apply sufficient control over the detailed arrangements of the private system. With conditions the proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to secure suitable infrastructure to serve proposed developments.

The site is within an area identified as having potential to flood and accordingly a Flood Level Determination report was submitted in support of the proposal which, in summary, states that to ensure that sufficient freeboard is included to take account of uncertainties in the methodology, wave and wind action and rising sea levels associated with climate change, the final finished floor level (FFL) for the proposed development should be set at no less than 4.35m AOD.

In order to inform in our assessment of the proposal consultations were undertaken with SEPA and the Council's FAM. In their response SEPA advised that the application site (or parts) lie within the medium likelihood flood extent of the SEPA Flood Map and adjacent to the fluvial floodplain of Abhainn na Cille and therefore may be at medium to high risk of flooding. Accordingly, whilst not objecting to the

proposal, SEPA advised that a condition should be imposed on the grant of planning permission requiring all built development start or be above 4.35m AOD. The Council's FAM reiterated the advice of SEPA requiring the FFL be a minimum of 4.35m AOD. As a comparison, the FFL of the Kilmelford Fire Station, which lies directly adjacent to the application site, is 4.0m AOD and therefore 4.35m AOD is considered to be an acceptable level and accordingly a condition will be imposed to ensure built development starts at a minimum of 4.35m AOD which will ensure that the proposed development complies with the terms of Policy LDP DM 10 and SG LDP SERV 2 and SG LDP SERV 7 which seek to ensure proposed developments are not at risk of flooding.

In summary, it is considered that the proposal complies with the terms of the current Development Plan as outlined above and it is recommended that planning permission be granted subject to the conditions appended to this report.

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

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

It is considered that the site represents a suitable opportunity within the designated settlement as identified in the adopted 'Argyll and Bute Local Development Plan' for development with the proposed dwellinghouse which will consolidate the extent of built development at this location.

The proposed dwellinghouse and garage are acceptable designs incorporating suitable finishing materials which will ensure they integrate well within the site and wider landscape at this location and furthermore there are no infrastructural constraints that would preclude development of this site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

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<b>Author of Report:</b>	<b>Fiona Scott</b>	<b>Date:</b> 14/07/17
<b>Reviewing Officer:</b>	<b>Tim Williams</b>	<b>Date:</b> 14/07/17
<b>Angus Gilmour</b>		
<b>Head of Planning</b>		

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 17/01092/PP

### GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 10/04/17 and the approved drawing reference numbers Plan 1 of 9 to Plan 9 of 9 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.*

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.

### ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the existing boundary walls shall be set back 2 metres with the access hereby approved formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y which. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

**Note to Applicant:**

- **A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.**
- **The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.**
- **No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.**

## **WATER, DRAINAGE AND FLOODING**

3. 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 C753. 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.*

### **Note to Applicant:**

**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)**

## **DESIGN AND FINISHES**

4. Notwithstanding the effect of Condition 1, the proposed garage shall be completed externally using materials which match the colour texture and appearance of the exterior of the existing building, or such alternatives as may be agreed in writing with the Planning Authority.

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

## **LANDSCAPING & TREES**

5. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
  - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
  - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to retain trees as part of the development in the interests of*

*amenity and nature conservation.*

6. Notwithstanding the provisions of Condition 1, no development shall commence until a scheme of surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Surface treatment of proposed means of access and hardstanding areas;
- ii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iii) Proposed hard and soft landscape works.

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

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

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

#### **FINISHED FLOOR LEVEL**

7. The development shall be implemented in accordance with the finished floor levels specified on the Flood Level Determination Report dated 3 July 2017.

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

## APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/01092/PP**

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

**No**

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

**Yes**

**Length of proposed dwellinghouse increased by 800mm.  
Changes to existing boundary wall to provide pedestrian access**

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

It is considered that the site represents a suitable opportunity within the designated settlement as identified in the adopted ‘Argyll and Bute Local Development Plan’ for development with the proposed dwellinghouse which will consolidate the extent of built development at this location.

The proposed dwellinghouse and garage are acceptable designs incorporating suitable finishing materials which will ensure they integrate well within the site and wider landscape at this location and furthermore there are no infrastructural constraints that would preclude development of this site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted ‘Argyll and Bute Local Development Plan’ 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

