

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**18/0006/LRB**

**APPEAL OF CONDITION 4 SEEKING A DARK SLATE  
COLOURED METAL SHEET ROOFING RELATIVE TO  
DWELLINGHOUSE APPROVED UNDER PLANNING  
PERMISSION 17/02693/PP**

**TROMLEE, PLOT 1, BALLIMORE ESTATE,  
KILCHRENAN**

**16/05/18**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Finlay Bryden ('the appellant').

Planning permission 17/02639/PP for erection of dwellinghouse, installation of sewage treatment plant and formation of access at Tromlee, Plot 1, Ballimore Estate, Kilchrenan was granted by the Planning Service under delegated powers on 19/02/18.

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

### DESCRIPTION OF SITE

The site is situated adjacent to the B845 public road to the north of the minor settlement of Kilchrenan within an area of established forestry. There are two residential properties to the southwest of the site on the opposite side of the public road.

The application proposed a contemporary designed one and a half storey pitched roof dwellinghouse finished in a mix of white render, timber cladding with a red corrugated metal roof. However, the prevailing roofing colour in the immediate area is slate grey and therefore the Planning Service imposed a condition on the grant of planning permission to achieve a slate grey colour to the proposed dwellinghouse to help integrate it into the site and wider landscape.

Condition 4 stated "*Notwithstanding the provisions of Condition 1, the roof of the proposed dwellinghouse shall be finished in a dark slate coloured metal sheeting the details of which shall be submitted and approved in writing by the Planning Authority prior to works starting on site. Thereafter the development shall be undertaken in accordance with the approved details or such alternatives as approved by the Planning Authority*".

### 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 a red coloured metal roof is appropriate for use on the proposed dwellinghouse within this particular site.*

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, whilst there are no red roofed buildings in Kilchrenan itself where planning permission has been granted, there are a number of properties in the areas surrounding Loch Awe which have red roofs details of which are contained within the appellants submission.

*Comment: Whilst the Planning Service accepts that there are red roofed properties situated elsewhere throughout the Council's area, in this instance, the prevailing roofing colour in the immediate area and wider village of Kilchrenan is slate grey and it is the opinion of the Planning Service that this is a more appropriate colour for the proposed roof which will ensure that the proposed dwellinghouse integrates into the site and wider landscape setting of Kilchrenan.*

## **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, as set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that slate grey is a more appropriate colour for the proposed roof which will ensure that the proposed dwellinghouse integrates into the site and wider landscape setting of Kilchrenan.

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:** 17/02639/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Finlay Bryden

**Proposal:** Erection of Dwellinghouse, Installation of Sewage Treatment Plant and Formation of Vehicular Access

**Site Address:** Tromlee (Plot 1), Balliemore Estate, Kilchrenan

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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
- Installation of sewage treatment plant
- Formation of vehicular access

#### (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:

16/01076/PPP

Renewal of 13/01904/PPP – Site for Erection of 2 Dwellinghouses – Granted: 30/05/16

13/01904/PPP

Site for Erection of 2 Dwellinghouses – Granted: 16/10/13

10/00545/PP

Formation of Vehicular Access – Granted: 04/06/10

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**(D) CONSULTATIONS:**

Area Roads Authority

Report dated 03/11/17 advising no objection subject to conditions regarding clearance of visibility splays and provision of an appropriate parking and turning area within the site.

Scottish Water

Letter dated 07/11/17 advising no objection to the proposal but providing advisory comments for the applicant.

Scottish Environment Protection Agency (SEPA)

Letter dated 06/11/17 advising no objection to the proposal on flood risk grounds.

Flood Risk Manager (FRM)

Report dated 13/02/18 advising no objection to the proposal on flood risk grounds.

The above represents a summary of the issues raised. Full details of the consultation responses 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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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 30/11/17.

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**(F) REPRESENTATIONS:**

No representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

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

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**(H) PLANNING OBLIGATIONS**

(i)	<b>Is a Section 75 obligation required:</b>	<b>No</b>
(l)	<b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b>	<b>No</b>
(J)	<b>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</b>	
	<p data-bbox="271 548 1340 627"><b>(i) List of all Development Plan Policy considerations taken into account in assessment of the application.</b></p> <p data-bbox="271 627 1340 705"><u>Argyll and Bute Local Development Plan, 2015</u></p> <p data-bbox="271 705 1340 1041">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 4 – Supporting the Sustainable Development of our Coastal Zone 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</p> <p data-bbox="271 1041 1340 1120"><u>Supplementary Guidance</u></p> <p data-bbox="271 1120 1340 1478">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 &amp; Wastewater Systems SG LDP SERV 2 – Incorporation of Natural Features/Sustainable 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</p> <p data-bbox="271 1478 1340 1624"><b>(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.</b></p> <p data-bbox="271 1624 1340 1758">Argyll and Bute Sustainable Design Guidance, 2006 Scottish Planning Policy (SPP), 2014 Consultee Responses</p>	
(K)	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
(L)	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>

**(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 development on this site was established by the granting of planning permission 13/01904/PPP for two dwellinghouses on 16/10/13 which was renewed by 16/01076/PPP on 30/05/16 and remains live.

This application represents the detailed arrangements for the dwellinghouse on Plot 1.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within a Rural Opportunity Area (ROA) where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites including the open countryside as well as small scale infill, rounding off, redevelopment and change of use of building development, 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 North Argyll Area of Panoramic Quality (APQ) where SG LDP ENV 13 seeks to resist development where its scale, location or design will have a significant adverse impact on the landscape.

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 ROAs on appropriate sites provided there is 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 requiring development layouts to take into account the location or sensitivity of the area within which they are to be sited, the impact from key viewpoints and give consideration to appropriate landscaping to integrate developments within the natural environment.

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. 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 is situated adjacent to the B845 public road to the north of the minor settlement of Kilchrenan within an area of established forestry. There are two residential properties to the southwest of the site on the opposite side of the public road. The planning permission in principle, which remains live, deemed the site suitable for development with two dwellinghouses with this current application representing the detailed arrangements for Plot 1.

The application proposes a contemporary designed one and a half storey pitched roof dwellinghouse taking a rectangular form. The dwellinghouse incorporates a flat roofed single storey element to the front elevation with a flat roofed dormer to the same elevation. An area of decking accessed from the living area is proposed to the rear elevation. Finishing materials comprise a mix of white render, timber cladding with a red corrugated metal roof. However, the prevailing roofing colour in the immediate area is slate grey and therefore a condition will be imposed to achieve a slate grey colour to the proposed dwellinghouse to help integrate it into the site and wider landscape.

It is considered that the siting, design and finishing materials of the development are acceptable within this area with the proposal having no adverse impact on the amenity of neighbouring properties or any adverse impact on the wider landscape consistent with the terms of Policy LDP 9 and SG LDP 2, SG LDP ENV 13 and SG LDP ENV 14 above.

Vehicular access to the site is via an existing track from the B845 public road which benefits from planning permission. The Roads Authority raised no objection to the proposal subject to conditions requiring the clearance of visibility splays which are achievable within the public road corridor and the provision of a parking and turning area for two vehicles within the site. The application shows a parking and turning area for three vehicles within the site and therefore this aspect of the proposal will not be conditioned. With a condition to achieve the clearance and maintenance of visibility splays the proposal accords with the provisions of Policy LDP DM 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

Drainage is via installation of a sewage treatment plant the detailed arrangements of which will be suitably controlled by the Council's Building Standards Unit. Water supply is via connection to the public water main to which Scottish Water raised no objection advising that there is currently sufficient capacity in the Kilchrenan-Taynuilt Water Treatment Works but that further investigation may be required. Accordingly an informative will be added to the grant of planning permission advising the applicant to contact Scottish Water to discuss connection to their infrastructure. The proposal demonstrates appropriate infrastructure consistent with Policy LDP 11 and SG LDP SERV 1 which supports private drainage arrangements where connection to the public system is not feasible.

The site is within an area identified as having potential to flood and therefore consultations were undertaken with SEPA and the Councils FRM. Both SEPA and the FRM raised no objection to the development on flood risk grounds. The proposal is therefore acceptable in terms of Policy LDP 10 and SG LDP SERV 7 which seek to ensure developments are not at risk of flooding.

In light of the above, it is considered that the proposed dwellinghouse complies with the terms of the planning permission in principle with the design and finishes proposed acceptable with no infrastructure constraints which would preclude the development. Accordingly 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**

The proposed dwellinghouse complies with the terms of the planning permission in principle with the design and finishes proposed acceptable within this location having no adverse impact on neighbouring properties or the wider landscape. Furthermore there are no infrastructure constraints that would preclude the proposed development.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, SG 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 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 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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**Author of Report:** Fiona Scott for LC **Date:** 12/02/18

**Reviewing Officer:** Tim Williams **Date:** 14/02/18

**Angus Gilmour**  
**Head of Planning**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 17/02639/PP

### GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 05/10/17 and the approved drawing reference numbers Plan 1 of 14 to Plan 14 of 14 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.
- Please note the advice contained within the consultation responses from SEPA Scottish Water and JBA Consulting. You are advised to contact them direct to discuss any of the issues raised.

### ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, visibility splays of 2.4 metres to point X by 84 metres to point Y from the centre line of the junction with the public road 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 maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

#### Note to Applicant:

No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.

## SUDS

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 provisions of Condition 1, the roof of the proposed dwellinghouse shall be finished in a dark slate coloured metal sheeting the details of which shall be submitted and approved in writing by the Planning Authority prior to works starting on site. Thereafter the development shall be undertaken in accordance with the approved details or such alternatives as approved by the Planning Authority.

*Reason: In the interests of visual amenity.*

## LANDSCAPING

5. 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 include details of:
- i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) 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.*

## APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **17/02639/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.

**No**

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

The proposed dwellinghouse complies with the terms of the planning permission in principle with the design and finishes proposed acceptable within this location having no adverse impact on neighbouring properties or the wider landscape. Furthermore there are no infrastructure constraints that would preclude the proposed development.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, SG 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 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 which would warrant anything other than the application being determined in accordance with the provisions of the development plan.