

STATEMENT OF CASE

FOR

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

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

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

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

22 November 2018

STATEMENT OF CASE

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

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

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

DESCRIPTION OF SITE

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

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

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

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

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

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

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

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

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

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

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

The proposed design compromise consists of cladding the external surrounding wall to its outer face with natural stone or natural slate to a specification to be submitted

to and agreed in writing by the Planning Authority. The requirement is not for a 'composite' or 'imitation' material and neither does it require/involve a 'stuck on' finish.

In this regard, the design approach taken here is directly comparable with the recently completed fuel store enclosure for Seafari; a development which lies adjacent to the property the subject of this LRB and which required an identical external stone/slate cladding finish to that the subject of the current condition. This requirement was forcefully driven by local residents, including the appellants, and was supported as a necessary and appropriate design feature by the Planning Authority. The Seafari development has been completed and the slate-clad external walls clearly complement the character and quality of the Conservation Area.

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

The appellant's statement contends:

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

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

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

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

It should be noted that the required stone/slate cladding is simply proposed to the boundary walls and the external wall of the garage. The vast majority of the development, including the existing dwellinghouse and the bulk of the proposed extension, will be white painted render to match the majority of the existing buildings in this part of the Conservation Area. The external faces of the proposed boundary wall and garage wall should be in stone/slate as this is a traditional form of boundary

wall construction in the village and it will 'break up' and add necessary character and quality to the design in order to off-set the flat roofed contemporary designed extension and marry in with the existing slate roof of the dwellinghouse.

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

CONCLUSION

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

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

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

Reference No: 18/00355/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs Graeme and Wendy Bruce

Proposal: Alterations and Extension to Dwellinghouse (Including Public Art Studio), Erection of Garage, Erection of Boundary Walls and Associated Works

Site Address: The Old Coach House, Ellenabeich, Isle of Seil

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Alterations and extension to dwellinghouse (incorporating public art studio)
 - Erection of garage
 - Erection of boundary walls and associated works
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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.

(C) HISTORY:

No relevant history.

(D) CONSULTATIONS:

Area Roads Authority

Ongoing correspondence with a finalised response dated 11/07/18 deferring decision as there appears to be a discrepancy between the land boundaries of The Old Coach House and the public carpark owned by Argyll and Bute Council and also that the applicant does not have a right of servitude for vehicular access over the public carpark.

Seil and Easdale Community Council (SECC)

E-mail dated 13/04/18 advising that they are supportive of development within the Conservation Area which contributes to Ellenabeich as a vibrant and attractive location for both residents and visitors. SECC advise that they assume the Conservation Officer will consider the application in the context of the existing conservation plan with regard to appropriate and sympathetic materials and design and that the Roads Department will ensure that access to the carpark is not impeded. In addition SECC advise that they urge the Conservation Officer to consider comments already submitted with regard to the Consultation Draft March 2018.

Development Policy Unit (Conservation Team)

Memo dated 18/05/18 advising that, on balance, the design solution for the extension to the side and rear of the dwellinghouse is appropriate noting that steps have taken place to minimise its impact on the principle elevation. They further advise that the non-traditional approach taken is appropriate in the context within which the building sits being detached and separate from the traditional listed terraced cottages which make up the majority of the Conservation Area and also its position to the shore side of the access to the carpark. However, they did suggest some design changes to the height and treatment of the boundary walls, including the garage wall, to incorporate a natural slate or stone finish to help integrate the proposal into the site and wider Conservation Area.

Scottish Environment Protection Agency (SEPA)

Letter dated 03/04/18 advising no objection to the proposed development on flood risk grounds given the proposal is to extend an existing dwellinghouse and the location of the extension is above design flood level with an allowance for freeboard.

Flood Risk Manager (FRM)

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

Health and Safety Executive (HSE)

Report dated 19/03/18 advising that the proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline and therefore, at present, HSE does not need to be consulted on any developments on this site.

Environmental Health Unit

Memo dated 11/06/18 advising no objection to the proposed development.

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>.

(E) PUBLICITY:

The proposal has been advertised in terms of Conservation Area and Neighbour Notification Procedures, overall closing date 26/04/18.

(F) REPRESENTATIONS:

4 expressions of support and 3 representations have been received regarding the proposal.

Support

Ruth Barratt, 55 Easdale Island, Oban, PA34 4TB (09/05/18)

Ms Jenny Smith, 33a Easdale Island, Oban, PA34 4TB (06/05/18)

Mr C. Odling, 61 Ellenabeich, Isle of Seil, Oban, PA34 4RQ (18/04/18)

Mrs R. Odling, 61 Ellenabeich, Isle of Seil, Oban, PA34 4RQ (18/04/18)

Summary of issues raised

- The design is very pleasing and will harmonise well with the building itself and with the Conservation Area with the curved wall reflecting those at the other end of the village, and being lower than these, is much less visually and physically dominating.
- It will be most beneficial to the locality to have a studio and gallery which will attract tourists who will doubtless stay to patronise other businesses in Ellenabeich village and on Easdale Island.
- The proposal, in addition to providing a livelihood and workplace for the applicants, could also offer a welcome small and friendly outlet for other artists and craft people in the area.
- Throughout the design stage of the development neighbours have been kept fully informed of the proposal.
- The proposal forms an innovative design which is not to the detriment of neighbouring architecture which is not always the case with commonly constructed new housing.
- The current narrowest point of access to the public carpark will remain the narrowest point after building work as proposed is finished with the wall and extension not creating a new narrow point. Large motor homes currently use the car park and it is assumed they will continue to do so after building work is completed.
- The proposal for a new studio/art centre to which the public will have access is wonderful given the closure of the Highland Art Exhibition and there will once again be somewhere for tourists to visit and purchase local art and craft.

Comment: These comments in support of the proposed development are noted by the Planning Service.

Representations

Carolyn Perkins (by e-mail 15/04/18)

Tony Hill (by e-mail 29/03/18)
Stuart Wagstaff, National Kayak School, Oban (30/03/18)

Summary of issues raised

- Concerns regarding the boundary wall which appears to extend into the access area for the public carpark. Access to the public carpark should remain clear as tourists and their ease of parking are crucial to the operation of Seafari Adventures and other users.

Comment: The applicant has certified that all land within the application site is within their ownership. The Roads Authority has highlighted that there may be a discrepancy between the land boundaries of The Old Coach House and the public carpark owned by Argyll and Bute Council. However, the question of who owns what is largely irrelevant as any planning permission which might be granted does not and cannot override legal issues of land ownership or convey any rights to carry out development where such legal rights may not exist. It is considered that a note to the applicant to this effect be appended to planning permission for the currently proposed development

- The boundary wall in some places is up to 3 or 4 metres in height which seems disproportionate in the setting in the Conservation Area and in particular around a property between the road and the sea. A simple 1 metre high wall should be adequate although even this may have a negative impact on the historic feel of the village.

Comment: During the processing of the planning application changes were sought, and secured, to the height of the boundary walls with the highest wall being the side wall of the garage. Furthermore, changes to the finishing material of the boundary walls to achieve a natural stone/slate finish to the carpark/roadside elevations have also been secured which will help integrate the proposal within the site and wider Conservation Area.

- The same car parking standards should apply to this development as applied to Seafari's recent pre-planning application.

Comment: The application shows the requisite car parking spaces as required by the Roads Authority.

- Has there been any change to the conservation status of the area which would justify a rendered wall as proposed in the current application as opposed to a natural stone wall which was a requirement of the planning permission granted to Seafari for the fuel installation within the carpark.

Comment: There has been no change to the conservation status of the area. As a result of discussions with the Conservation Officer, and negotiations with the applicants agent, the finish of the boundary walls facing the carpark and public road has now been amended to a natural stone/slate, full details of which will be submitted to the Planning Service prior to works starting on site.

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>.

(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

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|---|-----------|
| (i) Is a Section 75 obligation required: | No |
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- | | |
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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 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of our Economy
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 ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 17 – Development in Conservation Areas & Special Built Environment Areas
SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
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
 Historic Environment Scotland Policy (2016)
 Consultee Responses
 Third Party Representations

(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: No

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

Planning permission is sought for alterations and extension to a dwellinghouse (incorporating public art studio) at The Old Coach House, Ellenabeich, Isle of Seil.

The site is situated within the Ellenabeich Conservation Area.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is located within the 'minor settlement' of Ellenabeich where Policy LDP DM 1 gives encouragement to small scale developments on appropriate sites. This main policy consideration is underpinned by the supplementary guidance (SG) contained within SG 2, SG LDP 9, SG LDP ENV 13 and SG LDP ENV 17 which offer further support to residential extensions where the design, scale and materials used are appropriate in relation to the original dwellinghouse to ensure no adverse impact on its character or the privacy and amenity of neighbouring properties and no significant adverse impact upon the character of the wider landscape or Conservation Area. With regards to the ancillary public art studio element of the proposal, Policy LDP 5 and SG LDP TOUR 1 give support to new tourism ventures subject to a number of criteria including being of a form, location and scale consistent with Policy LDP DM 1; respecting the landscape and amenity of the surrounding area; and being reasonably accessible by public transport where available.

The design statement submitted in support of the planning application states that the building was originally built as a coachhouse and more recently used as a bus garage before being converted into two dwellinghouses in the late 1980s. The property now comprises a single dwellinghouse with an unusual layout with two entrances at ground floor level where the bedrooms and bathroom are situated both

leading to an open plan living/dining/kitchen area on the upper floor. The dwellinghouse is a traditionally proportioned pitched roof structure finished in white rendered walls with a natural slate roof.

The design statement advises that the brief was to alter and extend the dwellinghouse to create accessible accommodation at ground floor level to allow the applicants to remain in the property for the rest of their lives, creating an accessible home for future occupants and providing independent accommodation for the applicant's relatives. The design statement further advises that it was fundamental to the brief to create a studio for the applicant, a textile designer and local artist, who hopes to open up her studio to the public and display work for sale, particularly during such events as Artmap Argyll.

In order to facilitate the proposed extension the application proposes to demolish the existing lean-to shed attached to the north gable elevation of the dwellinghouse. The extension itself comprises a contemporary designed single storey flat roofed structure to the rear (west) elevation of the dwellinghouse wrapping around the side (north) elevation. The extension comprises white rendered walls of a height to conceal the proposed flat roof from view which will also form a parapet barrier to the edge of the flat roof. The extension is accessed via a separate entrance in a circular entrance porch providing an accessible apartment comprising a living room, dining kitchen and en-suite bedroom which will double up as the ancillary studio/gallery space when required. The apartment remains internally linked to the main dwellinghouse with the flat roof of the proposed extension utilised as a balcony accessed from the upper floor of the existing dwellinghouse. Notwithstanding the foregoing, a condition is proposed limiting the use of the proposed extension to ancillary residential use related to the main dwellinghouse and occasional studio/gallery use to align with the use applied for and to prevent any adverse amenity conflicts which could otherwise arise should the extension be utilised as a separate unit. Furthermore an informative will be added to the grant of planning permission advising that should the use of the studio/gallery become more than an ancillary element of the residential dwellinghouse, planning permission will be required for change of use.

In addition to the extension the application proposes a simple, single storey, pitched roof garage to the northwest of the dwellinghouse with finishing materials to match the proposed extension. A boundary wall is proposed between the public carpark and the property ranging in height from 1.1 metres to 1.8 metres in height with the north facing garage wall, which forms part of the boundary wall, at a height of 3.4 metres. The external face of the boundary walls to the public elevations (i.e. facing the carpark and public road) are to be faced with natural stone or slate with the faces to the private garden area finished in white painted render. A condition is proposed requiring full details of the proposed natural stone or slate to be submitted for approval of the Planning Service in advance of works starting on site to ensure the proposed development integrates within the site and wider Conservation Area.

During the processing of the application consultation was undertaken with the Councils Conservation Team who advised that, on balance, the design solution for the proposed extension to the side and rear of the dwellinghouse is appropriate noting that steps have taken place to minimise its impact on the principle elevation of the dwellinghouse. They further advised that the non-traditional approach taken is appropriate in the context within which the building sits being detached and separate from the traditional listed terraced cottages which make up the majority of the Conservation Area and also its position to the shore side of the access to the carpark. However, they did suggest some design changes to the height and treatment of the boundary walls, including the garage wall, to incorporate a natural

slate or stone finish to help integrate the proposal into the site and wider Conservation Area, this advice was taken on board by the applicant as detailed above.

The dwellinghouse is accessed directly from the public carpark which forms the northern boundary of the property. The Roads Authority deferred their decision as they are of the opinion that there may be a discrepancy between the land boundaries of The Old Coach House and the public carpark owned by Argyll and Bute Council. However, the question of who owns what is largely irrelevant as any planning permission which might be granted does not and cannot override legal issues of land ownership or convey any rights to carry out development where such legal rights may not exist. It is considered that a note to the applicant to this effect be appended to planning permission for the currently proposed development. Accordingly, with conditions to secure the upgrade of the existing vehicular access and the proposed garage access to the standard roads requirements, the proposal is considered to be acceptable in terms of Policy LDP DM 11 and Supplementary Guidance 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.

No changes to the proposed water supply or drainage arrangements are proposed as part of the application.

Given the coastal location of the property, consultations were undertaken with SEPA and the Councils FRM. SEPA raised no objection to the proposal on flood risk grounds given that the proposal is to extend an existing dwellinghouse with the location of the extension above the design flood level with an allowance for freeboard. No response was received from the FRM or any request for an extension of time to consider the proposal and therefore it may be assumed that there are no objections to the proposed development. The proposal is therefore considered acceptable in terms of Policy LDP 10 and SG LDP SERV 7 which seek to ensure that proposed developments are not at risk of flooding.

Overall the proposed extension and garage are considered to be an acceptable addition to the dwellinghouse and will not detract from its appearance or its setting within the wider Conservation Area consistent with the terms of the current Development Plan.

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

Yes

(R) Reasons why planning permission should be granted

The proposed extension and garage are considered to be acceptable additions to the dwellinghouse with the design and finishing materials sympathetic to the existing dwellinghouse ensuring no significant adverse impact on the dwellinghouse or its setting within the wider landscape or Conservation Area and there are no infrastructural constraints which would preclude the development.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG

LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP TOUR 1, 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.

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

N/A

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

Author of Report: Fiona Scott Date: 08/08/18

Reviewing Officer: Tim Williams Date: 10/08/18

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/00355/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 14/02/18 and the approved drawing reference numbers Plan 1 of 12 to Plan 12 of 12 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.
- The applicant is hereby advised that the granting of this planning permission does not convey or infer any other permissions or consents including, though not necessarily limited to, any right to access or develop land which might override legal issues of land ownership or convey any rights to carry out development where such legal rights may not exist.

VEHICULAR ACCESS

2. Notwithstanding the provisions of Condition 1, the existing vehicular access and proposed garage access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a. Prior to work starting on site the accesses shall be formed to at least base course standard with the final wearing surface on the accesses completed prior to the development first being brought into use.

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 accesses shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- There shall be no narrowing of the public road corridor along the frontage of the dwellinghouse and boundary to the north.

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

DESIGN AND FINISHES

4. Notwithstanding the provisions of Condition 1, no development shall commence on site, or is hereby authorised, until full details of the proposed stone/slate finish to be applied to the face of the boundary walls has been submitted to the Planning Authority for approval. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity in order to integrate the development into the site and wider Conservation Area.

OCCUPANCY RESTRICTION

5. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the development hereby permitted shall be occupied and/or used for purposes incidental to the residential use of the main dwellinghouse and shall not be occupied independently thereof as a separate dwelling unit or separate commercial workshop and/or retail unit.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

Note to Applicant:

For the avoidance of doubt this permission only provides for the use/occupation of the development and the main dwelling by a single household and their non-paying guests. Specifically the occupation of the annex independently from that of the main dwelling (e.g. as a separate fulltime residence or a holiday letting unit) shall require the benefit of a separate planning permission.

In addition, should the use of the studio/gallery hereby approved become more than an ancillary element of the extended dwellinghouse, planning permission

will be required for change of use.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **18/00355/PP**

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

No

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

Yes – amendment to wall details

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

The proposed extension and garage are considered to be acceptable additions to the dwellinghouse with the design and finishing materials sympathetic to the existing dwellinghouse ensuring no significant adverse impact on the dwellinghouse or its setting within the wider landscape or Conservation Area and there are no infrastructural constraints which would preclude the development.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP TOUR 1, 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.