

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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12 June 2024

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 19 JUNE 2024** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee held on 22 May 2024 at 11.00 am (Pages 3 - 18)
 - (b) Planning, Protective Services and Licensing Committee held on 22 May 2024 at 2.00 pm (Pages 19 - 20)
 - (c) Planning, Protective Services and Licensing Committee held on 28 May 2024 at 10.00 am (Pages 21 - 28)
 - (d) Planning, Protective Services and Licensing Committee held on 28 May 2024 at 11.00 am (Pages 29 - 36)
4. **TORLOISK ESTATE: CONVERSION AND EXTENSION OF STONE BARN TO FORM DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF VEHICULAR ACCESS: LAND WEST OF LAGGANULVA FARM, ULVA FERRY, ISLE OF MULL (REF: 23/00185/PP) (Pages 37 - 82)**

Report by Head of Development and Economic Growth
5. **MR J HERROD: ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE, UPGRADE OF EXISTING ACCESS AND INSTALLATION OF SEPTIC TANK WITH ASSOCIATED INFILTRATION SYSTEM: LEANANMOR, MUASDALE (REF: 23/01358/PP) (Pages 83 - 100)**

Report by Head of Development and Economic Growth

6. **MR JOE LAFFERTY: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: GARDEN GROUND OF 47 CAMPBELL STREET, HELENSBURGH (REF: 23/02259/PP)** (Pages 101 - 140)
7. **CRERAN HOMES LTD: ERECTION OF 6 DWELLINGHOUSES AND INSTALLATION OF 2 SEPTIC TANKS: LAND SOUTH EAST OF INVERBHREACH COTTAGES, BARCALDINE (REF: 23/02409/PP)** (Pages 141 - 170)
Report by Head of Development and Economic Growth
8. **CHIVAS BROTHERS LTD: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED WHISKY DISTILLERY TOGETHER WITH VISITOR FACILITIES, WATER ABSTRACTION, LONG SEA OUTFALL, ROAD IMPROVEMENT WORKS AND ALL ASSOCIATED INFRASTRUCTURE: LAND AT GARTBRECK FARM, MOSS ROAD, BOWMORE, ISLE OF ISLAY (REF: 24/00796/PAN)** (Pages 171 - 178)
Report by Head of Development and Economic Growth
9. **BUILDING STANDARDS PERFORMANCE REPORT 2023-24** (Pages 179 - 186)
Report by Executive Director with responsibility for Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour	Councillor Gordon Blair (Vice-Chair)
Councillor Jan Brown	Councillor Audrey Forrest
Councillor Kieron Green (Chair)	Councillor Amanda Hampsey
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Mark Irvine
Councillor Andrew Kain	Councillor Paul Donald Kennedy
Councillor Liz McCabe	Councillor Dougie Philand
Councillor Peter Wallace	

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MAY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Amanda Hampsey	Councillor Paul Donald Kennedy
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Matt Mulderrig, Development Policy and Housing Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Kirsty Sweeney, Area Team Leader – Helensburgh and Lomond/Bute and Cowal
Arlene Knox, Senior Planning Officer
Shelley Gould, Senior Planning Officer
Emma Shaw, Planning Officer

The Chair ruled, and the Committee agreed, to vary the order of business and take Agenda item 11 (**Simplified Planning Zones: Proposed Closure of Project**), Agenda item 12 (**Scottish Government Consultation: Masterplan Consent Area Regulations**) and Agenda item 13 (**Masterplan Consent Area Statement**) after Agenda item 3 (**Minutes**) in order to facilitate the Officer attending at another meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jan Brown, Audrey Forrest, Mark Irvine and Liz McCabe.

2. DECLARATIONS OF INTEREST

Councillor Douglas Philand declared a non-financial interest in planning application reference 23/00185/PP as he was a close personal friend of the leaseholder of the land. He left the meeting and took no part in the consideration of this application which is dealt with at item 7 of this Minute.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 7 February and 19 March 2024 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2024 at 11.00 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 20 March 2024 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 26 March 2024 at 10.00 am was approved as a correct record.

- e) The Minute of the Planning, Protective Services and Licensing Committee held on 26 March 2024 at 11.00 am was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 26 March 2024 at 2.00 pm was approved as a correct record.

* **4. SIMPLIFIED PLANNING ZONES: PROPOSED CLOSURE OF PROJECT**

A report advising of the proposed closure of the Scottish Government Simplified Planning Zones (SPZ) Pilot Project, which was being progressed jointly by Development Policy (Planning and Regulatory Services) and Housing (Community and Culture) in association with a private development on behalf of the Scottish Government, was considered.

Argyll and Bute proposed a project for the pilot that consisted of a remote rural island location (Mull) with a green field site in private control and a Main Town (Lochgilphead) location on a brown field site in Council ownership. Due to a range of issues it has become unfeasible to progress the project to a successful conclusion.

Decision

The Committee agreed to:

1. note and consider the information in the report;
2. recommend to the Policy and Resources Committee, the closure of the project with the return of unspent monies to the Scottish Government; and
3. continue to support the development of the sites through the normal planning process, utilising information gained during the project where possible.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 7 February 2024, submitted)

5. SCOTTISH GOVERNMENT CONSULTATION: MASTERPLAN CONSENT AREA REGULATIONS

The Planning (Scotland) Act 2019 introduced Masterplan Consent Areas (MCAs) as a new upfront consenting mechanism for development proposals. As well as planning consent an MCA can also potentially grant Roads Construction Consent, Conservation Area Consent and Listing Building Consent.

A report advising of the Scottish Government Masterplan Consent Areas – draft regulations consultation and seeking approval for the proposed response to the consultation was considered.

Decision

The Committee agreed to:

1. note this report and the implications of the proposed regulations; and
2. approve the response on this consultation to the Scottish Government in Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 8 May 2024, submitted)

6. MASTERPLAN CONSENT AREA STATEMENT

The Planning (Scotland) Act 2019 introduced Masterplan Consent Areas (MCAs) as a new upfront consenting mechanism for development proposals.

A separate report is with this PPSL that addresses the proposed response to the Scottish Government consultation on the proposed Masterplan Consent Area Regulations.

A report advising that The 2019 Act introduces a duty on planning authorities to periodically (at least once in each 5 year period) consider the desirability of making an MCA scheme for a part or parts of their district and to publish a statement of how they have fulfilled this duty was considered.

Decision

The Committee agreed to approve the publication of the statement set out in Appendix 1 of this report relating to the duty to consider the desirability of making an MCA scheme.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 8 May 2024, submitted)

Having declared an interest in the following item Councillor Dougie Philand left the meeting at this point.

7. TORLOISK ESTATE: CONVERSION AND EXTENSION OF STONE BARN TO FORM DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF VEHICULAR ACCESS: LAND WEST OF LAGGANULVA FARM, ULVA FERRY, ISLE OF MULL (REF: 23/00185/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of late representations and an amendment to condition 15. She also advised of further contact from the tenant farmer requesting that a discretionary hearing be held. The proposal is seeking to secure planning permission for the conversion of, and extension to, an existing barn to form a dwellinghouse, and the installation of a septic tank and the formation of a vehicular access.

The proposal has elicited 22 objections which relate largely to the conversion of the existing barn to form a dwelling house and the resultant loss of its existing use for agricultural purposes. The loss of the agricultural use of the existing barn is not, in itself, a material planning consideration as it is a privately owned building that is not afforded any protection status. The Applicant has, at the insistence of the planning authority, addressed this concern through the provision of a replacement agricultural building as detailed within planning application reference 24/00259/PNAGRI. Replacement of the barn would be secured through condition that it be installed before works started on redevelopment of the barn. It is not considered that a pre-determination hearing would add value to the decision making process.

The proposal is considered to be consistent with the relevant provisions of the Development Plan and National Planning Framework 4 and it was recommended that planning permission be granted subject to the conditions and reasons detailed in supplementary report number 1.

Decision

The Committee agreed to continue consideration of this application to the meeting of the PPSL Committee on 19 June 2024 and to request from Planning Officers information on what the impact this proposed development would have on access to, and operation of the remaining agricultural land in terms of Policy 83 of LDP2 – Safeguarding Agricultural and Croft Land.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2024 and supplementary report number 1 dated 21 May 2024, submitted)

Councillor Dougie Philand returned to the meeting at this point.

8. THE SCOTTISH GOVERNMENT: SECTION 36 CONSULTATION FOR ERECTION OF 13 TURBINES EACH UP TO A MAXIMUM OF 180 METRES IN HEIGHT TO BLADE TIP: LAND APPROXIMATELY 6KM NORTH WEST OF INVERARAY AND 4.5KM EAST OF DALAVICH (REF: 23/00795/S36)

The Senior Planning Officer spoke to the terms of the report. Consideration was given to a recommended response to the Scottish Government's Energy Consents Unit and Deployment Unit consultation on the Section 36 Application for the erection of 13 turbines each up to a maximum of 180 metres in height to blade tip at land approximately 6 km north west of Inveraray and 4.5 km east of Dalavich.

The site is located on the plateau between Loch Awe to the north west and Loch Fyne to the south east and within the Kames River, Allt Blarghour, River Aray and Douglas Water catchments.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government.

It was recommended that the ECU be notified that Argyll and Bute Council does not object to the proposed development and to recommend the ECU to consider mitigation and conditions as detailed in the report of handling.

Decision

The Committee agreed that the ECU be notified accordingly that Argyll and Bute Council objects to the proposed development unless the following mitigation recommended by the Council's Landscape Consultant is undertaken to the satisfaction of the Planning Authority:

Mitigation

That consideration should be given to the mitigation suggested by the Council's Landscape Consultant as follows:

- The well-wooded nature of the Loch Awe area restricts open views across and along the loch but where these views do occur, they are particularly valuable for their scenic qualities. The loch shores near Dalavich comprise one of these important open areas

as does the road between Loch Awe and Loch Avich and the shores and waters of Loch Avich. **The proposal appears poorly designed from these areas and it is strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoints 2, 5 and 11 with the overlapping of Turbines 2, 8 and 10 resolved and Turbine 13 omitted as this appears dislocated from the main group of turbines and significantly increases the horizontal extent of the proposal in these views.**

- In addition, significant adverse effects on the Dun na Cuaiche folly within the Inveraray Castle GDL are acknowledged likely to arise in the LVIA (Viewpoint 4). This is an important viewpoint, and the cluttered appearance of the proposal contributes to significant adverse effects on views. **It is therefore strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoint 4 with the discordant overlapping of Turbines 2 and 8 resolved and the prominence of Turbines 1 and 2 reduced by adjusting their location and/or lowering their height.**
- In addition, the cumulative effects of visible aviation lighting on landscape character and on views is also a concern and while there will be fewer people affected at night, it is considered important to retain the character of dark skies within Argyll & Bute, particularly given the number of wind energy proposals across the region with similar lighting. **It is therefore strongly recommended that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.**

The Council would also make the following comments in respect to conditions, ornithology and trunk road matters

Conditions

The inclusion of all conditions recommended by consultees in any consent granted by the ECU.

Ornithology and Trunk Road Matters

That the ECU should note that it has not been possible for Argyll & Bute Council to reach a conclusion on the acceptability of this proposal in respect to Ornithology or Trunk Road matters. This is because these matters have not been resolved and discussions are ongoing between the Applicant, the ECU, NatureScot, RSPB Scotland and Transport Scotland.

In respect to the outstanding Ornithological matters, Argyll & Bute Council would defer to the expert advice of NatureScot and the RSPB Scotland.

In respect to the outstanding Trunk Road matters, Argyll & Bute Council would defer to the expert advice of Transport Scotland.

(Reference: Report by Head of Development and Economic Growth dated 9 May 2024, submitted)

The Chair ruled, and the Committee agreed, to adjourn the meeting at 1.00 pm for a short comfort break.

The Committee reconvened at 1.10 pm with all those Members present as per the sederunt with the exception of Councillors Armour, Kennedy and Philand.

9. MRS JOANNA PEACH: ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW VEHICULAR ACCESS: LAND BETWEEN LAGARIE LODGE AND LAGARIE HOUSE, TORWOODHILL ROAD, RHU (REF: 23/01502/PP)

The Area Team Leader spoke to the terms of the report and to supplementary report number 1, which advised of a further submission by an existing objector. She also advised of a typographical error at section Q of the report of handling, which indicated that the proposed development was not consistent with the Development Plan. She confirmed that it should have stated that the proposed development was consistent with the Development Plan.

The proposed development relates to the erection of a 4 bed detached dwellinghouse and formation of a new vehicular access.

The site is located within the settlement area of Rhu and lies within the Rhu Conservation Area and the residential property adjacent to the West “Lagarie House” which is a Category 2B” listed building and within the vicinity of the Category “A” listed “Ardencaple Hotel”. The site is also covered by a Tree Preservation Order (TPO).

The proposal is considered to be consistent with the relevant provisions of the Development Plan and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 05.08.2023; , supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 15	A	22.08.2023
Existing Site Plan	2 of 15	A	22.08.2023
Existing Site Cross Section and Photos - Sheet 1 of 2	3 of 15	-	01.08.2023
Existing Site	4 of 15	-	01.08.2023

Cross Section and Photos - Sheet 2 of 2			
Proposed Site Plan	5 of 15	B	29.02.2024
Proposed Site Cross Sections	6 of 15	-	01.08.2023
Proposed Site Cross Section, Access Wall Elevation and Layout Plan	7 of 15	A	23.08.2023
Proposed Sightline Plan	8 of 15	D	22.08.2023
Proposed Elevations and Sections	9 of 15	-	01.08.2023
Proposed Floor/Roof Plans	10 of 15	-	01.08.2023
Planning Design and Access Statement	11 of 15	-	01.08.2023
Tree Survey Report	12 of 15	A	28.02.2024
Bat Scoping Survey Report	13 of 15	-	28.02.2024
Sustainability checklist	14 of 15	-	12.03.2024
Sustainable buildings checklist	15 of 15	-	12.03.2024

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

2. **Sustainable Urban Drainage** – Notwithstanding Condition 1, details of a sustainable urban drainage system compliant with the guidance set out in CIRIA's SuDS Manual C753 must be submitted to and approved in writing by the planning authority prior to construction. The surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure adequate surface water drainage is implemented to prevent flooding elsewhere.

3. **Landscape and Biodiversity Enhancement** - Notwithstanding Condition 1, No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include:

- proposed finished site levels or contours;
- hard surfacing materials;
- details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification – these shall include compensatory planting for the trees already identified as to be removed as part of the development;

- details of measures to enhance biodiversity within the site;
- location and design, including materials, of walls, fences and gates;
- programme for completion and subsequent on-going maintenance.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of biodiversity and the natural environment.

4. **External Materials** - Notwithstanding Condition 1, Prior to work starting on site samples of the proposed materials to be used for the external finishes of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.

5. **Sustainable Design** – Notwithstanding Condition 1, Prior to the commencement of development, details of the on-site micro renewable energy to provide heat or electricity to the property and details of the use of the final materials – including details of any re-cycled materials or local sourced materials and their embodied energy for each materials, shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the approved micro renewables and materials must be used in the development hereby approved.

Reason: In order to ensure compliance with LDP2 Policy 09 and to ensure the building is being as energy efficient as possible in order to respond to climate change.

6. **Electric Vehicle Charging** – Notwithstanding Condition 1, Prior to the commencement of development, details of the provision of electric vehicle charge points shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charge points must be available for use in the development hereby approved.

Reason: In order to ensure compliance with LDP2 Policy 34.

7. **Quality homes** – Notwithstanding Condition 1, no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

8. **Trees** – Notwithstanding Condition 1, All retained trees on site shall be protected at all times during construction in accordance with the British Standard; BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).

Reason: The landscape features to be protected are important to the appearance and character of the site and the surrounding area and are required to successfully integrate the proposal with its surroundings.

9. **Potential sources of nuisance** – Notwithstanding Condition 1, Prior to work starting on site identification and assessment of all potential sources of nuisance, including noise/ vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the demolition / construction process should be undertaken by the applicant and submitted to and approved by the Planning Authority. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site.

For all potential sources of nuisance the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Reason: In order to avoid sources of nuisance in the interest of amenity.

10. **Scottish Water** – Notwithstanding Condition 1, Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply and waste water sewage network.

Reason: In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.

11. **Parking and Turning** – The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

12. **PP - Junction with public road:**

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/005 Rev. B (as laid out on approved drawings L(9)2D and L(9)4B) and visibility splays of 2.4m metres to point X by 75.0 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 access hereby approved shall be 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. 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.

13. **Bird and Red Squirrel Survey** - Notwithstanding Condition 1, Prior to work starting on site a pre-commencement survey for the presence of birds and red squirrels on site; shall be carried out by an appropriately qualified person at the optimum time of year and submitted to and approved by the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

(Reference: Report by Head of Development and Economic Growth dated 7 May 2024 and supplementary report number 1, submitted)

10. MRS JOANNA PEACH: FORMATION OF NEW VEHICULAR ACCESS THROUGH THE EXISTING STONE WALL: LAND BETWEEN LAGARIE LODGE AND LAGARIE HOUSE, TORWOODHILL ROAD, RHU (REF: 23/01503/LIB)

The Area Team Leader spoke to the terms of the report and to supplementary report number 1, which advised of a further submission by an existing objector and of an amendment to the order of the recommended planning conditions and reasons.

Listed Building Consent is sought for the alterations to form a new vehicular access through an existing stone wall. The proposal lies within the Rhu Conservation Area and the residential property adjacent to the West "Lagarie House" is a Category "B" listed building. Additionally, within the vicinity is the Category "A" listed "Ardencaple Hotel". The existing stone wall is deemed to be Category "B" listed by way of curtilage in relation to "Lagarie House".

Having regard to all material considerations it is considered that the proposal is acceptable and it was recommended that Listed Building Consent be granted subject to the conditions and reasons detailed in supplementary report number 1.

Decision

The Committee agreed to grant Listed Building Consent subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 28/07/2023; supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 8	-	01.08.2023
Existing Site Plan	2 of 8	-	01.08.2023
Existing Site Cross Section and Photographs	3 of 8	-	01.08.2023
Proposed Site Plan	4 of 8	C	22.08.2023
Proposed Site Cross Sections	5 of 8	-	01.08.2023
Proposed Site Cross Section Access Wall Elevation and Layout Plan	6 of 8	-	01.08.2023
Proposed Sightline Plan	7 of 8	C	01.08.2023
Supporting Statement	8 of 8	-	01.08.2023

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

2. The works permitted to which this consent relates must be begun within three years from the date of this permission.

Reason: to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

3. Notwithstanding the effect of condition 1; Samples of the replacement stone to be used for the of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.

4. Notwithstanding the effect of condition 1; any replacement stone shall match the detailing including joint thickness of the existing listed stone wall.

Reason: To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.

5. Notwithstanding the effect of condition 1; should any gateposts be formed additional details of these shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.

(Reference: Report by Head of Development and Economic Growth dated 7 May 2024 and supplementary report number 1, submitted)

11. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO BREACKERIE WIND FARM: LAND APPROXIMATELY 8KM SOUTH WEST OF CAMPBELTOWN (REF: 23/02230/S36)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1, which advised of the Applicant raising matters of clarification in relation to the proposed conditions and their response to NatureScot.

Consideration was given to a recommended response to the Scottish Government's Energy Consents Unit and Deployment Unit consultation on the Section 36 Application for the construction, 35 year commissioning and subsequent decommissioning, of up to 13 wind turbines with a tip height of up to 200m.

Spanning approximately 1273 hectares, the site is situated at the southern end of the Kintyre peninsula within an area of active commercial coniferous forestry.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government.

It was recommended that the ECU be notified that Argyll and Bute Council does not object to the proposed development subject to the inclusion of conditions recommended by consultees being included in any consent and subject to further conditions and legal agreements as discussed with the Applicant to mitigate the specific impacts of the Breackerie Wind Farm proposal as detailed in the supplementary report number 1.

During discussion of this application a short adjournment was taken at 2.43 pm to allow Councillor Blair to seek advice on preparing a competent Motion.

The Committee reconvened at 3.10 pm.

Decision

The Committee agreed that the ECU be notified that Argyll and Bute Council objects to the proposed development for the following reasons:

1. Given its proposed location on the terminal section of Kintyre, set apart from the main spine of the peninsula, the development would be seen as an outlier from the established pattern of windfarm development in Kintyre which is contained within the interior uplands of the Kintyre spine and associated with the woodland hinterland.
2. The Development will have a significant impact on landscape character and visual impact contrary to Policy 30 and Policy 71 of LDP2 and will also be contrary to NPF4 Policy 11 e (ii). The development will have a significant effect on highly sensitive coastal and smaller scale landscapes. This is contrary to the guidance in the Landscape Wind Energy Capacity Study 2017 (LWECS) which identifies no opportunities to accommodate large turbines in this area of landscape character.

(Reference: Report by Head of Development and Economic Growth dated 9 May 2024 and supplementary report 1 dated 21 May 2024, submitted)

Councillors John Armour and Dougie Philand returned to the meeting during consideration of the foregoing item.

12. MINISTRY OF DEFENCE C/O DEFENCE INFRASTRUCTURE ORGANISATION (DIO): PROPOSAL OF APPLICATION NOTICE FOR THE ERECTION OF 639 SINGLE ACCOMMODATION UNITS (SLU) FOR MILITARY PERSONNEL WITH ASSOCIATED SERVICE ACCESS ROAD AND ENGINEERING/INFRASTRUCTURE WORKS: HM NAVAL BASE CLYDE, FASLANE, HELENSBURGH (REF: 24/00580/PAN)

The Senior Planning Officer spoke to the terms of the report. The proposed site is located within the H M Clyde Naval Base, located 2km south west of Garelochhead. The proposed site has been partially cleared and is surrounded by the built up area of the Naval Base which fronts onto the Gare Loch to the west. In terms of the adopted Local Development Plan 2 (2024), the site is located within the Garelochhead Settlement Area and borders the Helensburgh/Lomond Countryside Area to the east.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and expressed disappointment that accommodation for naval personnel was being built on the base and not nearer to the town centre which would support local services and businesses.

(Reference: Report by Head of Development and Economic Growth dated 9 May 2024, submitted)

13. LAGGAN PROPERTIES/BAIRDS MALT: PROPOSAL OF APPLICATION NOTICE FOR HARVESTING OF PEAT MOSS FOR USE IN MALT WHISKY PRODUCTION AND RESTORATION OF PREVIOUSLY DRAINED SITES: LAND AT LAGGAN MOSS, BOWMORE, ISLE OF ISLAY (REF: 24/00661/PAN)

The Senior Planning Officer spoke to the terms of the report. The proposed peat extraction area of Laggan Moss comprises 110ha blanket bog which has historically been used for peat harvesting. The proposal site, as identified in the submitted plans, comprises approximately 12ha of open peat moss land at Laggan Moss, Bowmore. The site is located approximately 3km south west of Bowmore and is served by a single access road that leads from the A846 Port Ellen to Bowmore road and also serves the Bowmore waste water treatment works and the Bowmore landfill and waste reclamation site.

The site is located within a Countryside Zone. The entire site lies within both Laggan Bay and Peninsula designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and provided no feedback to the Applicant.

(Reference: Report by Head of Development and Economic Growth dated 9 May 2024, submitted)

14. UPDATE ON RECENT SCOTTISH MINISTERS SECTION 36 NARACHAN WIND FARM DECISION

A report summarising the decision made by Scottish Ministers to refuse Section 36 consent and deemed planning permission for Narachan Wind Farm was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 29 April 2024, submitted)

15. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising a recent decision by the Scottish Ministers in respect of an appeal against refusal of planning application reference 22/00678/PP which was dismissed, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 22 May 2024, submitted)

16. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE

A report providing an update on the number of private hire cars and taxis across the licensing authority's area was before the Committee for information.

Decision

The Committee noted the number of private hire cars and taxis across the licensing authority's area as detailed at Appendix 1 and 2 of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 25 March 2024, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

17. REQUEST FOR TREE PRESERVATION ORDER

Consideration was given to a report requesting the serving of a Tree Preservation Order.

Decision

The Committee agreed the recommendations in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 22 May 2024, submitted)

18. CONFIRMING A TREE PRESERVATION ORDER

Consideration was given to a report requesting confirmation of a Tree Preservation Order.

Decision

The Committee agreed the recommendations in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 22 May 2024, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MAY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Audrey Forrest	Councillor Andrew Kain
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Katie Clanahan, Solicitor
David Walker, Solicitor
Michael Shields, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jan Brown, Amanda Hampsey, Mark Irvine, Paul Kennedy and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI CAR LICENCE (M S SHIELDS, HELENSBURGH)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of audio call and Mr Shields joined the meeting by telephone.

The Chair then outlined the procedure that would be followed and invited the Applicant to speak in support of their application.

APPLICANT

Mr Shields advised that he had never driven a taxi before but had long term connections to the local taxi trade. He advised of his parents working in the business and of being an apprentice to his father who fitted taxi meters. He said that he had since taken over that business and was responsible for fitting meters to taxis across Argyll and Bute and elsewhere and that he knew most of the taxi drivers and had a good overview of the trade. He also advised of working for a local takeaway food delivery facility within the town and said he knew the area well.

Referring to demand for taxis, he pointed out that at certain times of the day and on certain days, particularly the evenings and weekends, the demand was there. He said that he could be flexible with his hours and would work to demand. He advised that he had an 8 seater car, which, he believed, were few and far between. He said he believed there was still the demand for private hire work, which he advised would be his primary source of work. He said that he was applying for a public plate so that at peak times he

would be able to join the rank. He commented that he had heard of families having to wait for over an hour for taxis at times.

He advised that he wanted to be a taxi driver so that he could increase his income, be flexible with his hours and be his own boss.

MEMBERS' QUESTIONS

There were no questions from Members.

SUMMING UP

Applicant

Mr Shields said he had nothing further to add and confirmed that he had received a fair hearing.

DEBATE

Councillor Hardie agreed that the demand for taxis was there and that certain aspects of Helensburgh were booming. He confirmed that he supported this application.

Councillor Green commented that for a number of recent applications it had been noted that the demand was there and said that perhaps the information contained within the Taxi Survey report was out of date. He said he would be happy to support the application.

Councillor Hampsey also confirmed that he would be happy to approve this application.

DECISION

The Committee unanimously agreed to grant a Taxi Operator Licence to Mr Shields and noted that he would be notified in writing of this within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on TUESDAY, 28 MAY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Dougie Philand
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Daniel Hampsey	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
David Walker, Solicitor
Alison MacLeod, Licensing Standards Officer
Matthew Toberman, Applicant
Iona Campbell, Applicant's Partner
Keith Shanks, Applicant's Agent
Frances Lowsley, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mark Irvine, Andrew Kain and Paul Donald Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT-TERM LET LICENCE (M TOBERMAN, GARELOCHHEAD)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of video call and Mr Toberman joined the meeting by MS Teams.

Mrs Lowsley, Objector, also opted to proceed by way of video call and joined the meeting by MS Teams. It was noted that Mr Lowsley and Mr Russell, Objectors, were also invited to attend the meeting but were unable to do so.

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT'S AGENT

Mr Shanks advised that he managed the property on behalf of the management company, BnBHost, and that the property had been a pleasure to manage. He advised that the property was marketed for families, and it had been lovely to see people being able to book and enjoy a property in a spectacular part of Scotland. He noted that the property had also housed staff from Faslane who were working in the area for extended periods of time. Mr Shanks advised that the Applicants were a pleasure to deal with, and were very responsive and readily available to correspond with.

Mr Shanks outlined the process followed to ensure that only quality guests were allowed to stay at the property. He advised that procedures had been put in place to ensure that the importance of being respectful to neighbours and their privacy was highlighted to guests, and that he was open to corresponding with neighbours about anything further which could be done to assist. He noted that he had introduced himself to the neighbours and provided his contact details when he had started to manage the property, and they had been very gracious and provided recommendations for local restaurants in the area for inclusion in the property guestbook.

QUESTIONS FROM OBJECTOR

Mrs Lowsley advised that she had tried to contact the Applicant, Mr Toberman, and his partner, Ms Campbell, directly on a number of occasions to discuss matters, but had received no response. She noted that she felt that she had not received sufficient information about the context of the Applicants long-term intentions with regard to letting out the property, and would have preferred to have discussed this with them directly. She asked Mr Toberman and Ms Campbell why they had avoided discussing these matters in advance of the meeting, and noted that this may have avoided the need for the meeting to take place. Mrs Lowsley also highlighted concerns about the excess noise levels caused by guests.

Mr Toberman advised that, prior to the start of the application process, where any concerns arose around the property he had attempted to reply as quickly and as helpfully as he could, and passed on concerns to the management company as quickly as possible. He noted that recently he had received legal advice indicating that it would better to avoid corresponding with Mr and Mrs Lowsley directly about specific issues.

Mrs Lowsley asked why Mr Toberman would have received legal advice not to correspond with them. Mr Toberman indicated that he did not wish to discuss the legal advice that he had received in this forum.

Mrs Lowsley advised that she understood that efforts had been made to address the disturbance issues raised, but that they had been unsuccessful. She asked what could be done in addition to the existing mechanisms in place.

Mr Shanks advised that there are often additional measures which can be put in place, and many of these involve additional communication with guests. He advised that he would be happy to discuss what could be put in place to make Mrs Lowsley feel more comfortable, such as increasing the quiet hours at the property. He advised that the importance of being respectful to neighbours was already very clearly outlined in the guidebook for the property.

Mrs Lowsley suggested that the property being in a rural area may allow guests to feel that they can make excessive noise. She advised that regardless of the good intentions of

Mr Shanks, people staying at the property were taking advantage of the situation, and that the occupants of the neighbouring properties were having to spend time monitoring a property that they should have no involvement with. She also noted that at weekends, often additional guests appeared at the property, which increased the risk of excessive noise. She expressed frustration with this, and asked Mr Shanks how this could be resolved.

Mr Shanks advised that he would be happy to explore possible solutions to people staying at the property having additional guests, such as implementing a Ring doorbell camera to monitor the situation. Mrs Lowsley advised that she would be strongly opposed to having cameras implemented around the property. Mr Shanks advised that he would not impose any measures which the occupants of the neighbouring properties did not feel comfortable with.

OBJECTOR

Mrs Lowsley advised that her concerns had been outlined clearly in her written submissions. She advised that she was grateful for the efforts that had been made to address the issues outlined with regard to anti-social behaviour and waste disposal, however they remained a very serious concern.

Mrs Lowsley advised that in the past the bins at the property had been overflowing, which had led to guests using her bins. She advised that the waste disposal company hired to address the issue had brought a very large vehicle onto the shared private driveway, and caused damage.

Mrs Lowsley noted that pictures of damage caused to her car had been provided for Members. She also outlined damage done to the wall of her property by someone reversing down the shared driveway. She advised that Mr Toberman had originally said he would pay for these damages, but this had not happened.

Mrs Lowsley advised that she had previously had a good relationship with Mr Toberman and Ms Campbell, but the lack of communication around their long term plans had felt disrespectful and underhand.

Mrs Lowsley expressed frustration around the lack of responses relating to damage caused to her car and wall. She noted that the repairs to the car had now been carried out, but the invoice had not been paid by Mr Toberman despite assurances to the contrary.

Mrs Lowsley advised that what was done with the property was not her concern, but the damage in shared areas and disturbance caused was. She noted that there was lots of noise, and often a large number of vehicles using the shared driveway. She noted that the vehicles attending the property could often be very large, and some occupants had multiple large vehicles. Mrs Lowsley advised that there had also been damage caused to the fence at the side of the driveway, and this had had to be repaired.

Mrs Lowsley advised that there had been issues with backflow from the shared septic tank, which had never occurred previously, and suggested that this may have been caused by guests at the property flushing wet wipes. She noted that this was a serious concern for her household.

Mrs Lowsley advised that she would have been more open to the property being used for long term lets. She expressed her frustration about the lack of communication prior to the property being used for short term lets, and the lack of responses from Mr Toberman and Ms Campbell.

Mrs Lowsley advised that the property was also now listed for sale, and she did not understand why the application was continuing if the property was being sold.

QUESTIONS FROM APPLICANT

Mr Shanks thanked Mrs Lowsley for bringing to his attention that there had been issues with the septic tank. He advised that he would be happy to put in place a sign in the property outlining what materials are able to be flushed safely to prevent future issues. Mrs Lowsley responded that someone had attended the property to fix an issue with the toilet not flushing, consequently the company had been aware of the issue previously.

MEMBERS' QUESTIONS

Councillor Blair thanked Mrs Lowsley for her comprehensive report of her concerns. He requested clarification from Mr Shanks as to why Mr Toberman had been asked not to correspond directly with Mrs Lowsley, as this appeared to be poor customer service and counterproductive to reaching a resolution. Mr Toberman clarified that this did not relate to the management company and was specifically with regard to an issue with damage to a car, for which he had obtained separate legal advice.

Councillor Blair clarified the involvement of Mr Shanks with insurance companies, where any damage was caused by guests. Councillor Blair advised that, as the management company, he felt that their communications with neighbours were very important, and there appeared to be serious communication issues. Mr Shanks confirmed that he had provided contact details to neighbours and met with them personally, and would be happy to continue communicating with them.

Councillor Blair requested clarification as to which parties were involved in relation to the insurance claim. The Council's Solicitor, Ms Clanahan, advised that this meeting would not be an appropriate forum to discuss any issues surrounding ongoing insurance claims. She highlighted that Mr Toberman had previously clarified that he did not wish to discuss the matter or legal advice that he had obtained in this forum. She noted that a management company for a short term let would not usually be involved in any ongoing insurance disputes between parties.

Councillor Green requested clarification around whether Mr Shanks would ordinarily provide details of occupants to authorised agencies if any damage was caused to the property or by guests. Mr Shanks confirmed that he would be able to do this.

Members requested clarification around whether the Licence, if granted, would transfer with the property when sold. Ms Clanahan confirmed that the Licence would be specific to the Applicant, and no one else could run the property as a short term let under that Licence. She highlighted that it was not clear whether anyone purchasing the property would seek to utilise the property as a short term let and although there were prospective changes to the law, there was not enough information at this time to confirm what these would be.

Councillor Brown sought and received clarification from Mr Shanks that staff from the management company were available at all times to deal with any issues. Mr Shanks confirmed that there was support available at all times, and the company had a local base in Alexandria.

Councillor Hardie sought clarification from the Applicant around when they would be hoping to sell the property and move. Mr Toberman advised that they could not be sure of this, as it would depend on the property market.

Councillor Armour sought clarification from Mrs Lowsley around whether there was currently CCTV in operation on the property. Mrs Lowsley advised that there was a sign on the perimeter wall which stated that CCTV was in operation, but no CCTV cameras were in place.

Councillor Armour requested clarification from Mrs Lowsley as to whether she had put in place a sign indicating that CCTV was operating on the property, and if so, did she have an objection to CCTV being used on the property. Mrs Lowsley confirmed that she had installed the sign, and advised that she did not want cameras to be pointed at her or her guests as a result of other people causing disturbances.

Councillor Hampsey sought and received confirmation from Mr Shanks that a doorbell camera could be implemented prior to the Licence's start date, if requested.

Councillor Green sought and received confirmation from Mr Shanks that a doorbell camera could be implemented to avoid any view of neighbouring properties or shared access areas.

Councillor Green asked Mrs Lowsley if she would be happy for a doorbell camera to be fitted to alleviate concerns about additional guests, on the condition that it did not have any view of the neighbouring properties or shared areas. Mrs Lowsley advised that she would not be happy with this, as the issues were with the shared areas which she did not wish to have cameras to have sight of. She advised that she would also be unhappy at having to alert the management company to any possible issues on the cameras. She noted that a small number of guests could still cause a lot of noise, and she wasn't concerned about the guests at the property unless they were causing a disturbance.

Councillor Philand sought and received clarification that, since Mr Shanks provided his contact details to Mrs Lowsley in June 2023, there had been no communication from Mrs Lowsley to Mr Shanks. Councillor Philand asked Mrs Lowsley why she had not contacted Mr Shanks. Mrs Lowsley advised that she wished to speak to Mr Toberman and Ms Campbell directly, and did not think it was her responsibility to liaise with their management company.

Councillor Armour sought clarification that concerns about large waste vehicles using the shared driveway had been alleviated by arrangements that the bins would be uplifted from the main road. Mrs Lowsley advised that this did not alleviate her concerns, as she was worried that this may happen again in future.

SUMMING UP

Objector

Mrs Lowsley advised that she believed that the management company's base in Alexandria was a storage facility, rather than an office space.

Mrs Lowsley expressed her frustration with the issues around damage to her car, and the additional costs and stress involved with this. She advised that they had been left to deal with the aftermath of damage caused by other people, despite assurances from Mr Toberman that payment would be made for repairs. Ms Clanahan highlighted that this would not be the appropriate forum to discuss matters relating to any insurance claims, and Mrs Lowsley should seek her own legal advice in this regard.

Mrs Lowsley advised that damage had also been caused to the garden wall, and the responsible party had driven off without stopping.

Mrs Lowsley advised that she did not understand why this process had to continue when the property was being sold.

Applicant's Agent

Mr Shanks advised that he did not wish to add anything further, and thanked Mrs Lowsley for highlighting her concerns.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Green advised that, following in depth discussion and opportunities for clarification, he felt that it would be reasonable to grant the application. He advised that assurances had been received in relation to procedures which could be implemented to alleviate a number of the concerns raised. He highlighted that there was a degree of tension between the Applicants and Objectors, and he would encourage improved communication going forward, however this was not for the Committee to consider.

Councillor Forrest advised that it was an unfortunate situation when there are difficulties in communication between two parties. She noted that the recommended conditions in relation to antisocial behaviour, privacy and security, and littering and waste disposal were quite stringent and she would therefore be minded to approve the application with these conditions attached.

Councillor Daniel Hampsey noted that he would be minded to approve the application with the recommended conditions attached.

Councillor Brown noted her agreement with her fellow Councillors. She advised that the recommended conditions were quite extensive, and as long as they were abided by, she would be minded to grant the application. She highlighted that there were avenues available for the Objectors to complain, and the management company would be available to deal with any issues at all times. She advised that better communication between the parties may have assisted prior to this point.

Councillor Hardie advised that he felt that the management company could do more to communicate with neighbours, however he would be happy to grant the application with the additional recommended conditions.

Councillor Philand noted that he felt that the management company had dealt with the situation well, and had provided contact details to neighbours for communications at the time of taking responsibility for managing the property. He advised that he would be minded to grant the application with the additional recommended conditions attached.

Councillor Armour advised that he was also minded to approve the application, with the additional recommended conditions attached. He noted that reasonable efforts had been made to address the concerns raised, and it was reasonable to expect that Mrs Lowsley should communicate with the management company directly.

Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour, privacy and security, and littering and waste disposal. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour, privacy and security, and littering and waste disposal conditions set out at paragraph 6 of the report.

(Reference: Report by Regulatory Services and Building Standards Manager dated 28 May 2024, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on TUESDAY, 28 MAY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Liz McCabe
Councillor Jan Brown	Councillor Dougie Philand
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
David Walker, Solicitor
Alison MacLeod, Licensing Standards Officer
Guy Crichton, Applicant
Douglas Graham, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Mark Irvine, Andrew Kain, and Paul Donald Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Peter Wallace, prior to consideration of item 3 (Civic Government (Scotland) Act 1982, The Civic Government (Scotland) Act 1982 (Licensing Of Short-Term Lets) Order 2022: Application For Grant Of A Short-Term Let Licence (Bute Island Developments Ltd)) on the agenda, advised that he had recently dealt with the Applicant in a business setting, and noted that the Applicant owns a property in the same building as Councillor Wallace's business. He advised that he would leave the meeting during discussion and deliberation of the item.

Having declared an interest in the following item of business, Councillor Wallace left the meeting and took no part in discussion of this item.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT-TERM LET LICENCE (BUTE ISLAND DEVELOPMENTS LTD)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of video call and Mr Crichton joined the meeting by MS Teams.

Mr Graham, Objector, also opted to proceed by way of video call and joined the meeting by MS Teams.

Mr and Mrs Forrester, Objectors, opted to proceed by way of written submission and a copy of this was included in the Agenda pack for this meeting.

It was noted that Mr Liddell, Objector, had also been invited to attend the meeting but was unable to do so.

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

The Applicant, Mr Crichton, provided an overview of the work of Bute Island Developments (BID), and the work of 'On Tranquil Shores', who specialise in providing quality accommodation in tranquil settings, promoting relaxing, peaceful breaks.

Mr Crichton advised that the company aimed to provide high-end properties for families and groups to enjoy luxurious breaks in nature. He noted that the company aimed to promote Argyll and Bute, and to encourage people to travel to the area to enjoy the setting.

Mr Crichton advised that he had reviewed the objections in detail, and had also attended an onsite visit with one of the Council's Licensing Standards Officers to alleviate concerns raised. He advised that the company did not wish to cause any inconvenience or disruption.

Mr Crichton highlighted that concerns around parking had been addressed by widening the driveway to allow an additional parking space, as well as clearing the garage to allow for an additional parking space. He advised that it had been possible for staff to turn a long wheelbase van in the turning circle, and so it was unlikely that there would be any need for guests to reverse down the driveway.

Mr Crichton confirmed that the listing for the property would advise that no events or parties of any description could be held there, and that the property would be aimed at families. He also advised there would be a quiet period in place for guests between 10pm-7am, to ensure that there was no excessive noise or outside activities. He noted that a guest information pack would be available at the property to remind guests of these rules, and a contact number would be provided to the occupants of neighbouring properties in case of any issues.

Mr Crichton advised that he found that guests in the area were very respectful, and he had received no complaints in relation to the other properties that the company managed in the area. He highlighted that there was a vetting process in place through AirBnB to ensure that only quality guests were accepted to stay at the property.

QUESTIONS FROM OBJECTORS

Mr Graham, Objector, advised that increasing the parking spaces to accommodate 4 cars, only increased concerns from neighbours that there would be a large number of people at the property. He advised that a neighbour had highlighted to him that he did not feel that the new parking space which had been created would be large enough to accommodate a vehicle. He asked if a turning circle would still be available if 4 cars were parked at the property.

Mr Crichton advised that a photo of a Jeep parked in the newly created space had been provided for the Committee's attention. He confirmed that it would be possible for a car to turn in the turning circle if there were 4 cars parked at the property.

Mr Graham noted that the company would be relying on AirBnB to vet potential guests, despite AirBnB not having a very good reputation. He advised that ratings referring to how a guest treats a property did not guarantee that the person would behave well. He noted that if guests were to go out in the area, there was likely to be noise in the evenings when they returned to the property.

Mr Graham advised that the property is in a quiet conservation area, and access to the property is via a narrow lane between two neighbouring properties. He noted that anyone walking up to the property could see into his own garden, and a large number of people doing this would violate his privacy. He noted that as a short term let, there was likely to be a lot of different people at the property, and there was no guarantee that these people would be well behaved.

Mr Graham noted that, although the listing may state no parties or events, people do not always tell the truth, and they may host celebrations there. He noted that, as the property is able to accommodate up to 12 people, it is unlikely that these people would be from one family. He noted that all of these issues provided him with concern, and he would like to be able to enjoy his garden in peace and quiet outwith designated quiet hours.

Mr Graham asked, as there would be no one onsite to monitor the AirBnB, how neighbours could contact the Applicant to resolve any issues which may arise. Mr Crichton advised that a contact number would be provided to neighbours in case of any issues, and although this support may not be available 24/7, any issues would be resolved as soon as possible. He advised that AirBnB allows hosts to rate guests, and if any guests were poorly behaved, there would be a mechanism in place for hosts to give them a bad rating. He advised that this would also ensure that any guests staying in the property had been respectful of properties that they had stayed at in the past, as the company could reject guests with any bad reviews.

Mr Graham advised that he was not only concerned with the guests behaviour in the property, but also outwith the property. He advised that in addition to cars accessing the property, it was likely that people would also be walking up and down the access road. He noted that he had grandchildren who regularly used the garden, and was not comfortable with strangers walking past them in the garden frequently. He also advised that any guests would be able to see valuable items in his garden. He asked Mr Crichton how he could guarantee that these concerns would be alleviated. Mr Crichton advised that he could not guarantee the actions of anyone else, and could only talk about the track record of guests and provide assurance that the company would assist in dealing with any issues. He noted that it was not possible to guarantee what someone else would do, but the property would be marketed for high-end luxury breaks and would be unlikely to attract people who were likely to cause any issues.

Mr Graham asked if pictures had been provided of all of the renovations which had been carried out. Mr Crichton advised that some of the renovations were still ongoing.

Mr Graham advised that he did not believe that the situation was great, and that it was detrimental to the area.

OBJECTORS

Mr Graham advised that he would reiterate the point which he had previously made during the meeting in relation to the application jeopardising the area's tranquil and quiet setting. He advised that noise carries in the area, and the Applicant would be unable to guarantee that guests would be quiet and not hold parties or events. Mr Graham advised that excessive noise caused by guests was likely to impact negatively on his way of life.

Mr Graham also advised that he did not feel that issues could be appropriately monitored without on-site supervision.

Mr Graham reiterated issues around the access to the property, and noted that the road in front of the access was narrow and often very busy with traffic.

Mr Graham advised that he was fearful of theft and damage to his own property. He was also fearful for the wellbeing of his grandchildren, due to the volume of strangers who would be walking past the property and would be able to see them in the garden. He advised that granting the application could have a serious impact on the quality of life that people in the area had enjoyed in the past, and could also impact on local house valuations.

QUESTIONS FROM APPLICANT

Mr Crichton confirmed that he had no questions for the Objector.

MEMBERS' QUESTIONS

Councillor Howard asked if Mr Crichton was willing to trim a hedge to the property to aid access, as this had been raised by one of the Objectors. Mr Crichton confirmed that he would be happy to ensure that the hedges on the driveway were kept trimmed to allow easy access to the property for vehicles.

Councillor Brown enquired about the extension to the driveway, and Mr Crichton confirmed that an additional space had been added to allow a car to park beside the porch.

Councillor Brown sought and received confirmation from Mr Crichton that the driveway could now accommodate 4 cars.

Councillor Brown asked if the other properties managed by Mr Crichton's company were based in Argyll and Bute. Mr Crichton confirmed that approximately 95% of the properties managed by the company were in Argyll and Bute. Councillor Brown sought and received confirmation that two other properties in the area which were managed by the company had been maintained to a high standard, and had not been subject to any complaints.

Councillor Armour advised that he had a better understanding of the changes to the driveway from an image on Google Maps, and was happy with the improvements which had been made to alleviate issues around parking. Councillor Armour sought and received confirmation from Mr Crichton that this was the first application for the property to be used as a short term let.

Councillor Armour sought and received confirmation from the Council's Licencing Standards Officer that conditions relating to shared doors were provided in the form of

standard wording, and that there were no specific concerns about shared doors relevant to the property.

Councillor Philand asked Mr Crichton about the hours during which support would be available from the management company in the event of any issues. Mr Crichton advised that a contact number would be provided to neighbours and assigned to a member of staff, and the member of staff responsible would aim to get in touch with the guest or attend the property as soon as possible to resolve any issues. Councillor Philand sought and received confirmation from Mr Crichton that a member of staff would be able to attend the property if required.

Councillor Brown sought and received confirmation from Mr Crichton that the property would be available to book for only one group at a time.

Councillor Green advised that he had walked past the access to the property previously on a walk to Arden Craig Gardens, and asked Mr Graham if he considered that it would be reasonable to expect that a lot of people would be walking in the area to the Gardens. Mr Graham advised that not a lot of people chose to walk to the Gardens as they were uphill, but people do walk on the pavement past his house, and he had experienced disrespectful behaviour from people walking past the house previously.

Councillor McCabe commented that it was a nice walk up to Arden Craig Gardens on that route, and it was very busy.

SUMMING UP

Objectors

Mr Graham asked Mr Crichton if the other properties being managed in the area were as big as the one that was subject to the application. Mr Crichton confirmed that the other two properties were large, although they had smaller garden areas.

Mr Graham advised that his main concerns were around safety and security, noise levels, and the effects on his quality of life. He advised that he had no objection to other people enjoying themselves, but this application had the potential to negatively impact upon the lifestyle of the occupants of the neighbouring properties.

Mr Graham reiterated that the increased availability of parking spaces increased concerns about large gatherings at the property.

Mr Graham also highlighted that the property was in a conservation area, and that people living in the area did not want properties to be used as short term lets.

The Committee Manager, Mr McLean, read the written submission from Mr & Mrs Forrester to the Committee, and the Committee noted its contents.

Mr Graham advised that he was in agreement with Mr & Mrs Forrester in terms of their objections.

Applicant

Mr Crichton advised that he noted concerns from Mr Forrester in relation to the hedge on the driveway, and would ensure that it was kept trimmed to allow safe access to the

property for vehicles. He also noted concerns in relation to guests at the property parking on the road, and advised that he would expect that most guests would wish to utilise the parking areas provided at the property.

Mr Crichton advised that he noted suggestions that guests at the property could be restricted to 4-5 people, however he did not think that this would be practical.

Mr Crichton reiterated that a contact number would be provided to the occupants of neighbouring properties if the application was granted, and the company would do everything possible to ensure that clients and guests were respectful of the property and neighbouring properties.

During the Applicant's summing up, the Chair briefly lost connection to the meeting and the meeting was adjourned to resolve this issue. The meeting resumed at 13:02, with all present as per the Sederunt. Subsequently, the Applicant reiterated his summing up.

Mr Graham advised that the suggestion about restricting the number of guests at the property to 4-5 had been in relation to adults, and not total number of people. He advised that he felt that this had been misrepresented by Mr Crichton in his summing up.

When asked, Mr Crichton confirmed that he had received a fair hearing.

When asked, Mr Graham advised that he had not received a fair hearing.

DEBATE

Councillor Hardie advised that the marketing and price of the property was likely to deter party-goers, and was more likely to appeal to families. He advised that he was minded to grant the application with the recommended conditions.

Councillor Armour advised that he was minded to approve the application.

Councillors Armour and Green enquired with the Council officers about the competency of including a condition relating to guests being required to park at the property. The Council's Solicitor, Ms Clanahan, advised that a condition could not be applied to stop guests from parking in other legally available parking spaces, but that this could be included as a request for guests in the guidebook for the property.

Councillor Brown advised that she was minded to approve the application, and noted that there was a market for large houses which could accommodate families. She highlighted concerns that there would not be support available from the management company at all times, but noted that neighbours would still be able to call the Police to address disturbances where appropriate, if the management company could not be contacted. She advised that she would be happy to grant the licence with the recommended conditions attached.

Councillor McCabe advised that she would have no concerns with approving the application. She noted that there were opportunities for guests to park at the property but there was nothing that could be done to stop people from parking legally outwith the property.

Councillor Philand agreed with Councillor Brown's concerns regarding the management company not being available at all times to resolve any issues. He noted that, despite this,

the suggested conditions to be attached to the Licence were sufficient that he was happy that this could be revisited in case of any issues, and on this basis he would be minded to approve the application.

Councillor Blair advised that he shared the concerns of Councillors Brown and Philand regarding the accessibility of the management company. He suggested that it may be beneficial for neighbours to be provided with contact details for owners and agents going forward to ensure that there is always the ability to contact someone, in case of any issues arising. Councillor Blair advised that he would be minded to support the application, with the recommended conditions attached.

Councillor Green sought confirmation from Council officers as to what could be included as a condition of the Licence around the maintenance of the driveway and hedges to allow easy access for vehicles. Ms Clanahan advised that there were already mandatory conditions in place around ensuring safety, but the Committee could agree to include an additional condition requiring that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon.

Councillor Green advised that he was minded to approve the application, and had been satisfied by the actions taken by the Applicant and their willingness to continue this.

Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour, privacy and security, and littering and waste disposal, and with the inclusion of an additional condition requiring that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour, privacy and security, and littering and waste disposal conditions set out at paragraph 6 of the report, and subject to the inclusion of the condition that the Licence Holder ensures that the property's private access is maintained to a reasonable standard to enable the safe passage of vehicles to and from the property and parking areas thereon.

(Reference: Report by Regulatory Services and Building Standards Manager dated 28 May 2024, submitted)

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**Argyll and Bute Council
Development & Economic Growth**

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: 23/00185/PP
Planning Hierarchy: Local Development
Applicant: Torloisk Estate
Proposal: Conversion and extension of stone barn to form dwellinghouse, installation of septic tank and formation of vehicular access
Site Address: Land West of Lagganulva Farm, Ulva Ferry, Isle of Mull

SUPPLEMENTARY REPORT NO. 2

(A) INTRODUCTION

This application was presented to the Planning, Protective Services and Licensing (PPSL) Committee on 22 May 2024, where the Committee agreed to continue consideration of the application to the meeting of the PPSL Committee on 19 June 2024.

The purpose of this Supplementary Report is to update Members on the status of the further information requested in relation to Policy 83 of Local Development Plan 2, as addressed in Section B below.

(B) REQUESTED INFORMATION

Further information has been requested from both the applicant and the tenant farmer in relation to the impact of the proposed development with regards to the provisions of LDP2 Policy 83 – Safeguarding Agricultural and Croft Land.

Additional time is required to gain the requested information from the relevant parties.

(C) RECOMMENDATION

That Members note the content of this report and continue consideration of this application to the meeting of the PPSL Committee on 21 August 2024 to allow for the requested information to be prepared.

Author of Report: Emma Shaw **Date:** 10.06.2024

Reviewing Officer: Tim Williams **Date:** 10.06.2024

Fergus Murray
Head of Development and Economic Growth

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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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Planning Hierarchy: Local Development
Applicant: Torloisk Estate
Proposal: Conversion and extension of stone barn to form dwellinghouse, installation of septic tank and formation of vehicular access
Site Address: Land West Of Lagganulva Farm, Ulva Ferry, Isle of Mull

SUPPLEMENTARY REPORT NO. 1

(A) INTRODUCTION

This application is to be presented to the Planning, Protective Services and Licensing (PPSL) Committee on 22 May 2024.

The purpose of this Supplementary Report is to bring Member's attention to late representations received regarding the proposed development which is addressed in Section B below.

(B) REPRESENTATIONS

A late representation has been received from Cllr Willie Hume, local member for Oban South and the Isles (received 21st May 2024) raising the following issues:

"I have been contacted by one of my constitutions, all be it very late in the day regarding Planning Application 23/00185/PP.

A few points I would like to highlight before tomorrows meeting.

1 The application states that the house will connect to a public water supply, there is no public water supply in that area.

2 The electricity supply is on the opposite side of the road, the application does not state if the supply will be overhead or underground. If it is poles and overhead wires this will impact the surrounding landscape.

3 The proposed development is contrary to polices LDP Strat 1 and LPD 9 of the local development plan, I would strongly recommend a **SITE VIST** before any decision is made."

Comment: It is noted that the application is to be served by a private water supply, this matter is detailed in the main report of handling. It is noted that the provision of a connection to the electricity network is not a matter that requires express planning permission. The reference to LDP STRAT 1 and LDP 9 is unclear and it is assumed is made with reference to the now superseded Argyll and Bute Local Development Plan 2015. It is noted that there is no obvious conflict in respect of the intentions of LDP STRAT 1 which promotes the concept of sustainable development which is now looked at more extensively under the provisions of LDP2; it is also noted that the provisions of LDP 9

related to development setting, layout and design – again matters which are all reflected in detail within the updated context of LDP2 and against which officers have set out their assessment of the proposal and a recommendation that the current application is in accordance with these requirements. It is noted that officers have undertaken a site visit in their own assessment of the proposal and will include site photographs in their presentation to PPSL; it would be up to members to determine if a further site appraisal would add value to their own consideration of this matter.

A further late issue has been conveyed as a verbal representation (further to her original written representation) from Kirsty Leitch to the Planning Authority, advising that the replacement agricultural building, as detailed within application reference 24/00259/PNAGRI, would not be suitable for the agricultural activities associated with the farm.

Comment: The comments regarding the replacement agricultural building are noted. It is proposed to amend Condition 15 – Phasing of Development, relative to the application to allow for increased flexibility for an alternative scheme for the provision of the replacement barn.

A late representation has been received, by email only, from Helen Mackay, dated 21.05.2024. The representation is summarised as:

The replacement agricultural building is unsuitable, in practical terms, for the required agricultural purposes. The field forming part of the application site for the new house is part of the farm's in-bye land and is classified as improved grassland. The field is used for holding hogs on their return from away-wintering and at this time all other in-bye land is used to capacity. If allocating another field for these purposes, flock size would have to be reduced, losing support payments and productivity. This would be contrary to LDP2 Policy 83 where this would result in this loss of agricultural land where it weakens the viability of the agricultural unit. Housing hogs elsewhere would be costly and an additional building would have visual impacts.

Comment: The development proposed by the current application seeks to develop an existing barn and a rough area of adjacent ground. In terms of the land capability for agriculture, the application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. NPF 4 Policy 5, sets out 'Prime Agricultural Land' as being Class 1, 2 or 3.1 in the land capability classification for agriculture. The proposed development would be of a location that it would not impact upon prime agricultural land, and its limited scale is such that it would not impact significantly upon land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

The full list of conditions, to include the amendment to Condition 15, is appended to this report.

(C) RECOMMENDATION

That Members note the content of this report which does not introduce any new information that has not already been addressed in the original Report of Handling.

The recommendation of the Planning Authority remains that planning permission be granted subject to the conditions and reasons appended to Supplementary Report No. 1.

Reviewing Officer: Peter Bain

Date: 21.05.2024

Fergus Murray
Head of Development and Economic Growth

APPENDIX A – CONDITIONS AND REASONS RELATIVE TO APPLICATION NO. 23/00185/PP, TO INCLUDE AN AMENDMENT TO CONDITION 15, PHASING OF DEVELOPMENT.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00185/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 01.02.2023, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Drawings 1 (downtakings in red)	PL_003		02.02.2023
Existing Drawings 2 (downtakings in red)	PL_004		02.02.2023
Proposed Elevations	PL_008		02.02.2023
Proposed Plan	PL_006		02.02.2023
Proposed Section A-A South Elevation and Section B-B	PL_007		02.02.2023
Proposed Renders	PL_009		02.02.2023
Proposed Interior Renders	PL_010		02.02.2023
Existing Site Plan	PL_002		27.02.2023
Proposed Site Plan	PL_005		27.02.2023
Proposed Plan	PL_006		27.02.2023
Location Plan	PL_001		27.02.2023

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

2. Timescale to be Agreed for Completion

No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

3. Sustainable Drainage System

Notwithstanding the effect 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 and Sewers for Scotland 4th Edition. 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 .

4. **Landscaping and Biodiversity Enhancement**

No development shall commence until a scheme of biodiversity protection and enhancement, boundary treatment, surface treatment and landscaping has been submitted to and approved 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; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

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.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

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

5. Junction with Public Road

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/004a and shall include visibility splays of 2.4 metres to point X by 75 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 access hereby approved shall be 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. 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.

6. Parking and Turning As Shown

The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

7. Private Water Supply

No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Note to Applicant:

- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

8. Submission of Details of Materials

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

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

9. PP - Removal of PD Rights – Dwellinghouse

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

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

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

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

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

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

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

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

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

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

Reason: To maintain the integrity and architectural value of this bespoke dwellinghouse and to protect it and its immediate setting against inharmonious additions and accretions and to protect the sensitive area and the setting of the proposed dwellinghouse in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

11. **Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

12. **Implement/Operate Development in Accordance with Identified Mitigation Measures**

Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the mitigation measures set out in the documents titled 'Preliminary Ecological Appraisal' dated August 2022 and 'Otter & Bat Surveys Report' dated September 2022.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

13. **Contaminated Land**

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and

approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- c) Development and agreement of a remedial strategy (if required) to treat/remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

14. **Tree Retention and Protection**

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.

15. Phasing of Development

No development shall commence until such time as the associated replacement agricultural building (either as granted under prior notification ref. 24/00259/PNAGRI; or subsequently renewed/amended, or an alternative scheme for the provision of a replacement building that has been acknowledged as such in writing by the planning authority) has been erected and made available for agricultural use in the management of Lagganulva Farm.

Reason: In order to ensure that the development of the existing barn the subject of this current planning permission is delivered in accordance with the stated management and development of the remainder of the agricultural holding.

**Argyll and Bute Council
Development & Economic Growth**

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: 23/00185/PP
Planning Hierarchy: Local Development
Applicant: Torloisk Estate
Proposal: Conversion and extension of stone barn to form dwellinghouse, installation of septic tank and formation of vehicular access
Site Address: Land West of Lagganulva Farm

DECISION ROUTE

Committee - Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Conversion and extension of barn to form dwellinghouse
- Installation of private drainage system
- Formation of vehicular access
- Connection to private water supply

(ii) Other specified operations

- None
-

(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) CONSULTATIONS:

Argyll and Bute Council – Roads Authority

Report dated 14.03.2023 advising of no objections to the application subject to conditions relating to the formation of the access at the junction with the public road, the clearance and maintenance of visibility splays, the provision of a system of surface water drainage, and the provision of a parking and turning area. The report further advises that the required sightlines are achievable within the public road corridor.

Scottish Water

Letter dated 14.03.2023 advising of no objections to the application.

NatureScot

Letter dated 04.04.2023 advising that the proposed development lies within the Lagganulva Woodland Site of Special Scientific Interest and within the Loch na Keal National Scenic Area. The letter advises that the proposed development is unlikely to have a significant effect on the qualifying interests of these sites either directly or indirectly. The letter further advises that European Protected Species, such as bats and otters, may be present on the site.

Argyll and Bute Council – Environmental Health Service

Report dated 27.03.2023 advising that the application appears to be proposing the redevelopment of land where there is an indication of previous use which may be contaminative. The response recommends the inclusion of a planning condition relating to a site investigation and risk assessment.

Local Biodiversity Officer

Email dated 19.04.2023 advising of agreement with the submitted Preliminary Ecological Appraisal and requesting further surveys to identify the presence of otters, bats and nesting birds, and requesting the provision of a Tree Protection and Management Plan. Upon the submission of an Otter and Bat Survey Report, the Local Biodiversity Officer was re-consulted and, in an email dated 26.06.2023, advised that works should be carried out in accordance with the submitted Report.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

24/00259/PNAGRI

Erection of agricultural shed

Prior Approval Not Required and permission therefore granted – Decision Issued 10.04.2024

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 18.04.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

22 objections have been received to the application.

OBJECTIONS

Mr Daniel Brooks, Sapling Cottage, Ulva Ferry, Isle of Mull, PA73 6LY (14.04.2023)

Mr Rhuri Munro, Ferry House, Ulva, Isle of Mull, PA73 6LZ (17.04.2023)

Christine Leach (15.04.2023 and 17.04.2023)

Celia Royce, Kellan Old Farm, Aros, Isle of Mull, PA72 6JY – by email only (17.04.2023)

Kirsty Leitch – by email only (17.04.2023)

Miss Hilary Sutton, The Bothy, Tigh-Na-Caora, B8073 North of Ulva Ferry, from Grouse Cottage to C44 Ulva Ferry Road, Ulva Ferry, Isle of Mull, PA73 6LT (18.04.2023)

Ms Irene Anderson, Burnedge, Bridge of Eam, Perth, PH2 9BP (18.04.2023)

Ms Elizabeth Wood, 9 Lochmill Holding, Milton of Campsie, Glasgow, G66 8AG (18.04.2023)

Mr Michael Hogan, 29 Coltpark Woods, Hamsterley Colliery, Newcastle Upon Tyne, NE17 7SP (18.04.2023)

Mr Kieran Murray, Craighead Cottage, Braco, Dunblane, FK15 9LP (18.04.2023)

E Wood – by email only (17.04.2023)

Nick Mawhinney (14.04.2023)

Sarah Mawhinney – by email only (17.04.2023)

Dr Robert Stewart, Killiemore Garden Caravan, Killiechronan, Isle of Mull, PA72 6JZ (18.04.2023)

Ms Helen Stace, Scoor Cottage, Ulva Ferry, Isle of Mull, PA73 6LX (four representations dated 18.04.2023)

Tim Dixon, Scoor Cottage, Croft 3, Fanmore (18.04.2023)

North West Mull Community Woodland Company Ltd, Penmore Mill, Dervaig, Isle of Mull, PA75 6QS (17.04.2023)

Lauren Worrell, NFU Scotland, Rural Centre – West Mains, Ingliston, Newbridge, Midlothian, EH28 8LT (18.03.2024)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

OBJECTION

Conversion of existing barn

- The existing barn is of historic and visual interest.
- The tenant farmers still use the barn and have done so for a long time. The existing building remains in use for agricultural purposes. The building is not redundant and is part of a local enterprise. A replacement building would be required and is unlikely to be of a similarly traditional appearance.
- If the existing barn building were to be removed from its current use, a replacement building would be required. The replacement building would not be in keeping with the setting.
- Steading buildings that are maintained and in use on Mull are rare.

Officer Comment: *The barn the subject of this planning application is not listed or protected in any way. Neither is it located within a conservation area. It could, therefore, be demolished at any time without reference to the planning authority. The agent has advised that the existing barn, on the opposite side of the public road to the established farm steading, is unsuitable in terms of its siting, scale and form, and is not suitable for current agricultural use or machinery storage and does not provide an efficient space for such uses. The barn as existing is unable to accommodate agricultural machinery, meaning that machinery is kept outside. The ceasing of the agricultural use of the existing barn does not form a material planning consideration,*

however, the applicant submitted a prior notification application to erect a building as 'agricultural permitted development' on land to the north of Lagganulva Farm (our reference 24/00259/PNAGRI). The application was determined as permitted development in terms of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended. The report accompanying application 24/00259/PNAGRI considered that the erection of an agricultural building within the holding would have no materially negative visual impact on the environment or the wider landscape including the National Scenic Area. The replacement agricultural building is to be sensitively sited within the existing farm complex where it would be largely screened from the public realm by existing built development. The replacement agricultural building would instead relate both visually and functionally to existing buildings associated with the agricultural business and the scale of the replacement agricultural building would be commensurate with the functional need for the building and its setting in the landscape.

Provision has therefore been made for an alternative building for use by the tenant farmer on land within the farm steading and closer to the existing buildings than the barn the subject of this application. The provision of the alternative agricultural building can be secured through the use of a suitable planning condition which would require it to be available for use by the tenant farmer before any works on the conversion of the existing barn commence.

The existing barn would be retained as part of the development proposal. It is proposed to repair and repoint the existing stone walls of the barn and make use of the existing tiled roof. The alterations to the existing barn would be limited to repairs to the walls and roof, the installation of windows and doors, and downtakings to facilitate the adjoining of the proposed extension. In this way, the proposed development would largely preserve the existing building, thereby retaining its character and appearance.

Biodiversity

- The existing barn and the wider application site hosts bats, birds and otters.
- Otters, bats and barn owls are present on and around the application site.
- The submitted information does not demonstrate how the development would benefit biodiversity.

Officer Comment: *The application has been submitted with a Preliminary Ecological Appraisal and an Otter and Bat Survey Report. The Council's Biodiversity Officer was consulted on the application and confirmed agreement with the submitted information, stating that a pre-commencement survey is required to identify bird nests within the application site. The Council's Biodiversity Officer confirmed agreement with the proposed mitigation measures in relation to the impact of the proposed development upon otters, bats and nesting birds. Suitable conditions are required to ensure that the proposed development is carried out in accordance with the mitigation measures outlined within the submitted Preliminary Ecological Appraisal and the Otter and Bat Survey Report, and to secure the provision of a pre-commencement nesting bird survey to ensure that no bird species are compromised.*

NPF4 Policy 3(c) requires development proposals to include appropriate measures to conserve, restore and enhance biodiversity. The information submitted with the

application has demonstrated that the development proposal would conserve biodiversity. With regard to biodiversity enhancement, adequate and proportionate measures for biodiversity enhancement and protection can be delivered by planning condition, to be secured prior to the commencement of development. The condition will secure the provision of biodiversity enhancement measures prior to the occupation of the development.

Landscape and visual impact

- The installation of windows into the existing barn would have a detrimental impact upon the character and appearance of the National Scenic Area, increasing the prominence of the building. The existing development at Lagganulva is a focal point and the existing house and steadings are important local landmarks. The proposed extension would be harmful to the location which is highly valuable in terms of scenic beauty.
- The development would be sited within the Loch na Keal National Scenic Area. The Landscape Capacity Study specifically identifies the existing Lagganulva setting for special consideration.
- The nearest electricity supply is on the opposite side of the road. No information has been provided as to whether the connecting cable would run underground or result in additional unsightly poles and lines.
- No information has been provided regarding landscaping and boundary treatments.

Officer Comment: *The proposed windows are considered to be suitable to the scale of the existing barn and would have a negligible impact upon the appearance of the existing building. The application proposes to retain the scale and form of the existing barn, to include the repair of the existing stone walls and slate roof, and in this regard the development would retain the character and appearance of the existing barn without any material harm to the character and appearance of the National Scenic Area.*

The proposed extension would be modest in scale, occupying a total external footprint of 56 square metres. The proposed extension would have a simple and traditional narrow, linear form and a single storey dual-pitched roof, ensuring that it would not appear as unduly prominent. The proposed timber finishing materials would assist in providing the proposed extension with a simple appearance, ensuring that it would integrate with the appearance of the rural surroundings. The extension would be sited sensitively on land between the existing barn and the public road, ensuring that it would not encroach into more open and undeveloped areas of the site.

The application proposes to retain the existing development at the site through the repair and conversion of the existing stone barn. In this regard, the site would remain a focal point within the landscape. Given the small scale and appropriate form, design and appearance of the proposed extension, the visual composition of the site would not be adversely impacted and the proposal would not therefore disrupt the visual focus.

A scheme for boundary treatment, surface treatment and landscaping is to be secured via planning condition, to include the submission of details any proposed walls, fences and gates; surface treatment; and hard and soft landscaping works.

Proposed use

- The area does not need short term holiday letting properties; the area instead requires long term affordable accommodation.
- Granting planning permission for a development of this nature would set a precedent for the use of agricultural buildings as short-term holiday letting accommodation where agricultural buildings are already in scarce supply.

Officer Comment: *The proposal the subject of this planning application is seeking to secure planning permission for the conversion of and extension to the existing stone barn to form a dwellinghouse. This is by no means an unusual type of development. The Planning Authority is satisfied that the existing barn, and the application site, is able to successfully accommodate a suitably sited, scaled and designed extension which would facilitate the conversion of the existing stone barn to form a dwellinghouse which would relate to the established appearance of the surrounding area. The application relates to the provision of a dwellinghouse and does not relate to short term let accommodation. Whilst it is acknowledged that the future occupancy or tenure of the dwellinghouse is unknown, the Council currently has no planning policies that could control this and, in that regard, this is not considered a planning issue of any overriding material significance.*

Water supply and drainage

- The application indicates a connection to the public water supply, however no such supply is available and no details have been submitted regarding the private water supply.
- All existing water supplies are barely adequate and demand from another development could not be sustained.
- The proposed arrangement for sewage disposal is not satisfactory; the discharge would be to Laggan Bay which is within a designated Shellfish Waters Protected Area and that must be safeguarded.
- The application has not been submitted with a technical report for foul water drainage. This is relevant as the building is adjacent to a watercourse and the proposed soakaway would be adjacent to a well and on an area of ground which is waterlogged all year round.

Officer Comment: *The agent has confirmed that the proposed development would be served by a private water supply. A suitable pre-commencement condition is required to secure an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.*

The application proposes the installation of a private drainage system and a soakaway. The Council's Building Standards Service will apply sufficient control over the treatment plant arrangements at Building Warrant stage. The proposed drainage system would be regulated under the building standards to ensure that it is capable of being provided to a safe, effective and appropriate technical standard. Any discharge to the water environment would be regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). It is the responsibility of the installer and owner to ensure that the drainage system is installed and maintained correctly. Pollution enforcement is the responsibility of SEPA and as the proposed development is not located within a Waste Water Drainage Consultation Area there is no reason to assume that a safe and effective private wastewater system cannot be utilised.

Additionally, the area of the marine environment within the vicinity of the proposed development site is not within either a Marine Protected Area or a Marine Consultation Area.

Trees

- No works should occur within the root protection area or tree protection zone. The site features veteran trees and the application describes felling, limbing, crown reduction and pollarding, which would significantly impact upon the appearance of the area.
- The submitted tree report fails to recognise the age and significance of the trees and fails to take into account elder trees on the roadside boundary.
- The clearance of visibility splays for the access may result in the loss of roadside trees and walls.
- The trees provide a food source for insects.

Officer Comment: *The proposed extension to the existing barn would be sited towards the southeast corner of the application site, away from the mature trees which are sited adjacent to the northwest of the existing barn. The submitted information advises that any excavation works in the area adjacent to the tree protection zone would be excavated by hand. The application does not propose any works to the trees on site. However, given the presence of established mature trees at the site, a suitable condition is required to secure the provision of a scheme for the retention and safeguarding of trees during construction work, to include detail of any proposed tree works and a programme of measures for the protection of trees during construction works.*

The proposed development would not harm the Lagganulva Wood Site of Special Scientific Interest.

Suitability of the site

- The application has been submitted with insufficient information with regard to biodiversity, landscape impact, sustainability, water supply, the proposed use of the site, and the impact upon the Site of Special Scientific Interest designation.

- The steading proposed for conversion is part of a working farmyard with characteristic noises created by animals and machinery. This may create conflict between neighbours.
- The Torloisk Estate already has properties which have been moved into the self-catering market.
- A house in this location is invasive of privacy. The location and design of the proposed development would negatively impact upon the residents of Lagganulva Farm and the surrounding landscape.
- The barn is not a suitable site for the development proposed.
- Protection is required for agricultural land which is good quality and locally important. The field associated with the steading is valuable in this location.

Officer Comment: *The information submitted with the application, in the form of the Preliminary Ecological Appraisal, photomontages, Tree Report, Otter and Bat Report, Design Statement, and 'Six Qualities of Successful Places' Statement have satisfactorily demonstrated that, in this instance, the proposed development site would represent an appropriate opportunity for development with a sensitively sited extension which would be of an acceptable scale, design and finish that would integrate with the application site and its wider setting within the landscape.*

The application site is located southwest of the existing farm. Whilst the application site and the proposed development would be located in proximity to the agricultural business, the proposed development would be sited at a sufficient distance to ensure that there would be no impact upon neighbour amenity with regard to overlooking, visual intrusion or shading. In terms of 'bad neighbour' development, the application site would be physically separate from the established farm, which is sited on the opposite side of the public road. The proposed development would be well contained within the application site and would not share access with the farm, nor would the application site be functionally associated with the agricultural business. The proposed development would be sufficiently distinct from the farm and its associated activity such that it is not considered that there would be any adverse impacts upon the sensitive receptor of the dwellinghouse with regard to noise disturbance, odour pollution or light pollution.

The development proposed by the current application seeks to develop a rough area of ground adjacent to the existing barn. In terms of the land capability for agriculture, the application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale and would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No

(iii) **A Design or Design/Access statement:** Yes No

A Design Statement has been submitted with the application.

(iv) **A Sustainability Checklist (with reference to the requirements of LDP2 Policy 04)** Yes No

The application was submitted prior to the adoption of the LDP2 and has been submitted with a Preliminary Ecological Appraisal, photomontages, a Tree Report, an Otter and Bat Report, a detailed Design Statement, and a 'Six Qualities of Successful Places' Statement, which together with the site visits undertaken, has demonstrated that there would be no significant adverse effect on landscape and visual amenity resulting from the development of the site with the conversion of, and extension to, the existing barn and therefore, in this instance, it is not considered that any further landscape/visual information is required to allow a decision on the proposal to be made.

(v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 11 – Design – Conversions and Change of Use

Policy 14 – Bad Neighbour Development

Connected Places

- Policy 34 – Electric Vehicle Charging
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision

Sustainable Communities

- Policy 58 – Private Water Supplies and Water Conservation
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 63 – Waste Related Development and Waste Management

Homes for People

- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing

High Quality Environment

- Policy 70 – Development Impact on National Scenic Areas (NSA's)
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 75 – Development Impact of Sites of Special Scientific Interest (SSSIs)
- Policy 77 – Forestry, Woodland and Trees
- Policy 79 – Protection of Soil and Peat Resources
- Policy 82 – Contaminated Land
- Policy 83 – Safeguarding Agricultural and Croft Land

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)
- [ABC Landscape Studies](#)
- [ABC Housing Needs and Demand Assessment](#)
- [ABC Housing Emergency Statement](#)

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

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

(M) Does the Council have an interest in the site: Yes No

(N) Requirement for a pre-determination hearing: Yes No

Whilst there has been considerable objection raised, it is noted that only approximately half of those objections are from the local area. In addition, the representations relate largely to the conversion of the existing barn to form a dwellinghouse and the resultant loss of its existing use for agricultural purposes. The loss of the agricultural use of the existing barn is not, in itself, a material planning consideration as it is a privately owned building that is not afforded any protection status. Whilst officers have every sympathy with the tenant farmer, the applicant has, at the insistence of the planning authority, addressed this concern through the provision of a replacement agricultural building, as detailed within application reference 24/00259/PNAGRI. With regard to objections raised in terms of biodiversity, landscape, servicing, infrastructure and access, the Officer's recommendation is aligned with the consultation responses received on the application and as such it is not considered that a pre-determination hearing would add value to the decision making process.

(O)(i) Key Constraints/Designations Affected by the Development:

- Loch na Keal National Scenic Area
- Lagganulva Wood Site of Special Scientific Interest

(O)(ii) Soils

Agricultural Land Classification:

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1
Class 2
Class 3
Class 5
N/A

Peat Depth Classification:

1 metre

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

Yes No N/A

The application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale such that it is considered that the proposed development would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

(O)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(O)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP2 Settlement Strategy

Settlement Area
 Countryside Area
 Remote Countryside Area
 Helensburgh & Lomond Greenbelt

ABC LDP2 Allocations/PDAs/AFAs etc:

N/A

(P) Summary assessment and summary of determining issues and material considerations

The proposal the subject of this planning application is seeking to secure planning permission for the conversion of, and extension to, an existing barn to form a dwellinghouse, and the installation of a septic tank and the formation of a vehicular access.

In terms of the adopted LDP2 the site is defined as 'Outwith Settlement Areas' within an area identified as 'Countryside Area' where Policy 02 of LDP2 gives a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies of LDP2.

Policy 02 further states that certain development will be supported, generally without the need for detailed environmental assessments, with these comprising, infill, redevelopment opportunities of clusters; or previously developed sites. In Countryside Areas, where there are nature conservation or landscape designations in place, Policy 02 details that development proposals will have to demonstrate that they are compatible with the designation interests.

The application site comprises an irregular plot of land located on the northern edge of Laggan Bay, immediately to the west of the B8073 public road. To the northeast of the application site, to the east of the public road, there is a farmhouse and associated outbuildings. The application site features an existing 'L' shaped stone barn with a hipped slate roof, set within the southeast corner of the plot. There are a number of mature trees within the site boundary.

This application is seeking to secure planning permission for the conversion of, and extension to, the existing stone barn at the site to form a dwellinghouse, and the installation of a septic tank and the formation of a vehicular access. The existing stone walls of the barn would be repaired and repointed as necessary, and the slate roof would be retained. The proposed extension to the barn would be sited upon the

eastern elevation and would take a linear form, orientated parallel to the public road, with a dual-pitched roof and gable ends.

The application proposes the upgrade of an existing vehicular access to serve the proposed development, with the formation of a turning area and parking provision for two vehicles. The water supply would be via connection to a private supply and the foul drainage would be by way of a private system comprising a septic tank and soakaway due to the lack of public infrastructure within the vicinity of the application site.

The proposal has elicited 22 objections.

The main considerations relate to whether or not the conversion of, and extension to, the existing stone barn at the application site to form a dwellinghouse is appropriate in terms of scale, design, siting and use for its countryside location; whether the servicing, infrastructure and access arrangements are suitable; whether the proposal is acceptable in terms of biodiversity and landscape impacts; and whether it is consistent with the provisions of adopted National and Local Planning Policy.

(Q) Is the proposal consistent with the Development Plan: Yes No

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan and National Planning Framework 4 and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

(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:
Yes No

Author of Report: Emma Shaw

Date: 08.05.2024

Reviewing Officer: Tim Williams

Date: 08.05.2024

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00185/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 01.02.2023, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Drawings 1 (downtakings in red)	PL_003		02.02.2023
Existing Drawings 2 (downtakings in red)	PL_004		02.02.2023
Proposed Elevations	PL_008		02.02.2023
Proposed Plan	PL_006		02.02.2023
Proposed Section A-A South Elevation and Section B-B	PL_007		02.02.2023
Proposed Renders	PL_009		02.02.2023
Proposed Interior Renders	PL_010		02.02.2023
Existing Site Plan	PL_002		27.02.2023
Proposed Site Plan	PL_005		27.02.2023
Proposed Plan	PL_006		27.02.2023
Location Plan	PL_001		27.02.2023

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

2. Timescale to be Agreed for Completion

No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

3. Sustainable Drainage System

Notwithstanding the effect 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 and Sewers for Scotland 4th Edition. 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 .

4. **Landscaping and Biodiversity Enhancement**

No development shall commence until a scheme of biodiversity protection and enhancement, boundary treatment, surface treatment and landscaping has been submitted to and approved 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; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

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.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

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

5. Junction with Public Road

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/004a and shall include visibility splays of 2.4 metres to point X by 75 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 access hereby approved shall be 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. 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.

6. Parking and Turning As Shown

The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

7. Private Water Supply

No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Note to Applicant:

- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

8. **Submission of Details of Materials**

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

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

9. **PP - Removal of PD Rights – Dwellinghouse**

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

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

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

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

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

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

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

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

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

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

Reason: To maintain the integrity and architectural value of this bespoke dwellinghouse and to protect it and its immediate setting against inharmonious additions and accretions and to protect the sensitive area and the setting of the proposed dwellinghouse in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

10. **Electric Vehicle Charging**

Notwithstanding Condition 1, Prior to the commencement of development, details of the provision of supply cabling suitable for electric vehicle charge points shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charge points must be available for use in the development hereby approved.

Reason: *In order to ensure compliance with LDP2 Policy 34.*

11. **Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

12. **Implement/Operate Development in Accordance with Identified Mitigation Measures**

Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the mitigation measures set out in the documents titled 'Preliminary

Ecological Appraisal' dated August 2022 and 'Otter & Bat Surveys Report' dated September 2022.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

13. Contaminated Land

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- c) Development and agreement of a remedial strategy (if required) to treat/remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

14. Tree Retention and Protection

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.

15. Phasing of Development

Notwithstanding the provisions of Condition 1, prior to the commencement of any development on site, the associated replacement agricultural building, as granted under application 24/00259/PNAGRI, shall be erected and available for use.

Reason: In order to ensure that the development of the existing barn the subject of this current planning permission is delivered in accordance with the stated management and development of the remainder of the agricultural holding.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/00185/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

1.1. The proposal the subject of this application is seeking to secure planning permission for the conversion of, and extension to, an existing stone barn to form a dwellinghouse, the installation of a private drainage system and the formation of a vehicular access.

2. Location of Proposed Development

2.1. The application site comprises an irregular plot of land located on the northern edge of Laggan Bay, immediately to the west of the B8073 public road.

2.2. To the northeast of the application site, to the east of the public road, there is a farmhouse and associated outbuildings. The application site features an existing 'L' shaped stone barn with a hipped slate roof, set within the southeast corner of the plot. There are a number of mature trees within the site boundary.

3. Settlement Strategy

3.1. In terms of the Settlement Strategy set out in the adopted LDP2, the application site is situated 'Outwith Settlements' in the designated 'Countryside Area' where Policy 02 of LDP2 gives a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies of LDP2. Policy 02 further states that certain development will be supported, generally without the need for detailed environmental assessments, with these comprising, infill, redevelopment opportunities of clusters; or previously developed sites. In Countryside Areas, where there are nature conservation or landscape designations in place, Policy 02 details that development proposals will have to demonstrate that they are compatible with the designation interests.

In order to address the determining issues, the key considerations in this application are:

- 3.1.1. Compliance with the Development Plan and other relevant planning policy.
- 3.1.2. Whether the conversion of, and extension to, the existing stone barn at the application site to form a dwellinghouse is appropriate in terms of scale, design, siting and use for its countryside location.
- 3.1.3. The suitability of the proposed servicing, access and infrastructure arrangements.
- 3.1.4. Any other material considerations.

4. Proposal

4.1. The proposal is seeking to secure planning permission for the conversion of, and extension to, the existing stone barn to form a dwellinghouse, and the installation of a private drainage system and the formation of a vehicular access.

4.2. The proposal relates to the refurbishment of and extension to an existing stone barn to form a dwellinghouse. The existing barn, which has an 'L' shaped footprint covering an area of approximately 89 square metres, is constructed of stone walls with a hipped slate

roof. The proposal would involve repairing and repointing the existing stone walls. The proposed extension would adjoin the east elevation of the existing barn and would take a narrow linear form with a small linking corridor, occupying a total footprint of 56 square metres. The extension would have a dual-pitched roof set at a height of 4.7 metres with an eaves height of 2.5 metres. The linking corridor set between the existing barn and the proposed extension, would have a flat roof at a height of 2.4 metres, set below the eaves height of the existing barn. The proposed extension would feature large single windows within the south, north and west elevations, and there would be two rooflights within the east elevation roofslope. Windows would be inserted within each elevation of the existing barn. An appropriate condition is required to secure the exact details of the proposed facing and roofing materials so as to ensure that the proposed development integrates into its surroundings.

- 4.3. The existing vehicular access into the site, positioned to the north of the existing barn, would be upgraded and a parking and turning area would be formed. The application includes the installation of a private drainage system and connection to a private water supply.

5. Compliance with National Policy

5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. The Spatial Settlement Strategy set out within LDP2 seeks to deliver sustainable levels of growth by steering the majority of development to our existing settlements as these are where the most of our current infrastructure, services, employment opportunities, housing and community facilities are to be found, however LDP2 recognises that there are instances where a different approach to significant development has to be taken particularly where existing infrastructure or services are at capacity and where a more sustainable option would be to provide new facilities elsewhere.

5.3. NPF4 Policy 3 – Biodiversity

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

The application has been submitted with a Preliminary Ecological Appraisal, which sought to establish the potential for the application site to support protected species known to inhabit the area, namely otters, nesting birds, bats, reptiles, and butterflies/day flying

moths and bats. The Preliminary Ecological Appraisal also sought to map the habitats within the site boundary to identify the presence of any priority habitats or flora. The existing barn was classed as having 'Moderate' bat roost potential and four trees within the application site boundary were found to have the potential to support bats, classed as 'Low' potential. No notable or rare plant species or habitats were identified on the site. No evidence was discovered to suggest the presence of otters within the application site.

The Council's Biodiversity Officer has been consulted on the application and confirmed agreement that additional surveys were required with regard to the impact of the proposed development upon otters and bats. The consultation response from the Council's Biodiversity Officer confirmed agreement that a pre-commencement survey is required to identify bird nests within the application site and a Tree Protection and Management Plan is provided so as to protect the existing trees within the application site during the clearance and construction phases of the proposed development.

An Otter and Bat Survey Report was subsequently submitted following the findings and recommendations of the Preliminary Ecological Appraisal. The Report stated that an otter survey undertaken concluded that it is unlikely that there is an otter holt close enough to the development site as to be at risk of disturbance and therefore no European Protected Species Licence need be sought in respect of otters. However, at least one otter utilises the burn adjacent to the site and therefore mitigation measures should be adhered to. The two trees adjacent to the existing barn were subject to activity surveys however were not found to contain bat roosts and therefore no further survey work would be required. The Report states that the proposed development of the existing barn would result in the destruction of two summer roosting non-maternity Soprano pipistrelle roosts impacting on up to three Soprano pipistrelle bats and one summer roosting Brown Long-eared roost impacting on up to five Brown Long-eared bats. A European Protected Species Licence for bats would be required and mitigation measures adhered to. The Report further states that due to the nature of the habitat present and the identification of several nests within the site boundary and within the barn itself, should the development be planned to take place during the breeding bird season, pre-construction checks for nests would be required. Following the submission of the Otter and Bat Survey Report, the Council's Biodiversity Officer was re-consulted and confirmed agreement with the proposed mitigation measures in relation to the impact of the proposed development upon otters, bats and nesting birds. Subject to relevant conditions to ensure that the proposed development is carried out in accordance with the mitigation measures outlined within the submitted Preliminary Ecological Appraisal and the Otter and Bat Survey Report and to secure the provision of a pre-commencement nesting bird survey to ensure that no bird species are compromised, the proposal would adhere to the requirements of NPF4 Policy 3(d).

Whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection can be delivered by planning condition. Such a condition will be attached to this permission. With a condition to secure adequate and proportionate biodiversity enhancement and protection measures within the development, the proposal aligns with the broad aims of NPF4 Policy 3 and is consistent with the requirements of LDP2 Policy 73, Development Impact on Habitats, Species and Biodiversity.

5.4. NPF4 Policy 4 – Natural Places

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

NPF4 Policy 4(a) states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. In this instance, the proposed development relates to the addition of a small scale extension to an existing building to facilitate the conversion of the building to form a dwellinghouse. The proposal would make use of an existing building and its setting, and the proposed extension would be of a small scale such that there would be no adverse impact upon the surrounding environment.

The application site lies within the Loch na Keal National Scenic Area, designated for its coastal scenery, expansive seascape and interior mountain peaks. The application site lies within the Outer Loch na Keal Area, which comprises relatively level terrain and alluvial deposits. The development would be set against the backdrop of rugged steeper slopes and would make use of an existing building to ensure that the development would not encroach upon undeveloped sites or impact upon key views. The consultation response received from NatureScot advised that the proposed development would be sited within the Loch na Keal National Scenic Area, however given the size and scale of the proposed development and with regard to previous developments within the application site, the integrity of the National Scenic Area or the qualities for which it has been designated, would not be adversely affected. It is therefore the considered opinion of the Planning Authority that the proposal would not result in any significant adverse effects on the integrity of the area.

The proposed development is sited within the Lagganulva Wood Site of Special Scientific Interest, designated for its geological interest and upland oak woodland habitat. The proposed development would have no ecological connectivity to the site's qualifying interests and would not therefore undermine the conservation of the qualifying interests. In line with the consultee response received from NatureScot, the proposal would not have a significant effect on the natural heritage interests of national importance due to the proposed development being sited away from the features for which the site has been designated. In this regard, the proposal would be compliant with NPF4 Policy 4 and LDP2 Policies 70 and 75.

Notwithstanding the above, the proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

5.5. NPF4 Policy 5 – Soils

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current application seeks to develop a rough area of ground adjacent to the existing barn. In terms of the land capability for agriculture, the application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale such that the proposed development would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

The application site is located within an area designated as Class 5 Carbon and Peatland, where no peatland habitat has been recorded. The proposed development would not therefore adversely impact upon peatland, carbon-rich soils or priority peatland habitat.

The development proposed is therefore considered to be in accordance with NPF4 Policy 5 and Policies 79 and 83 of LDP2.

5.6. NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees.

The application site features a number of large Sycamore trees which are long-established and are exposed to the prevailing south westerly wind. The application has been submitted with a Tree Report detailing a general description of the trees present at the application site, the dimensions and details of the individual trees, and options for their management. The information submitted with the application indicates that there is a small overlap of the tree protection zone in the location where the existing barn is sited. The information submitted with the application advises that any excavation inside the existing barn in this location would be limited and carried out by hand. The submitted information further advises that any excavation works in the area adjacent to the tree protection zone would be excavated by hand. The proposed extension to the existing barn would be sited towards the southeast corner of the application site, away from the mature trees which are sited adjacent to the northwest of the existing barn.

Given the presence of establish mature trees at the site, a suitable condition is required to secure the provision of a scheme for the retention and safeguarding of trees during construction work, to include detail on any proposed tree works and a programme of measures for the protection of trees during construction works. The proposed development would not adversely impact ancient woodland, veteran trees or native woodland and the proposed development would not lead to the fragmentation of woodland habitats. Subject to a suitable condition to secure appropriate tree protection measures, the proposed development would adhere to the requirements of NPF4 Policy 6 and the provisions of LDP2 Policy 77.

5.7. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

NPF4 Policy 9(d) provides support for development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option. The development the subject of this current application proposes to convert and extend the existing stone barn at the application site to form a dwellinghouse. The development proposal would retain the existing stone barn, with repairs to the existing stone walls undertaken as necessary. It is considered that the conversion of the existing stone barn would constitute an appropriate redevelopment opportunity whereby the character and appearance of the existing barn would be retained without the need for significant alterations.

The proposed extension would be sited immediately adjacent to the existing barn and in this regard is considered to be brownfield site and accordingly the use of the land for the proposed extension is considered to represent the sustainable reuse of brownfield land which is afforded direct support under NPF4 Policy 9(a).

The application site lies 'Outwith Settlement Areas' in the designated 'Countryside Area'. LDP2 Policy 02, Outwith Settlement Areas, seeks to promote a more flexible approach to development in areas identified as Countryside Area, with Part A of Policy 02 giving a

presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant sustainable siting and design policies. In this instance, the proposal involves the conversion of an existing barn and the addition of an appropriately scaled and designed extension to form a dwellinghouse. The scale of the proposed development would be appropriate to the size of the wider application site and its setting within the landscape. The proposed design would be of a simple form, respecting local architectural styles and the siting would be such that it would not appear as obtrusive within the landscape, making use of the existing built development at the site.

In this instance, the site is considered to represent an appropriate opportunity for the conversion, redevelopment and extension to the existing barn to form a dwellinghouse within the Countryside Area which has been specifically designed with due regard to the context of the site in terms of its character and appearance and in this regard would be consistent with NPF4 Policy 9 which does not conflict with the spatial and settlement strategy set out in LDP2 Policy 02.

The Council's Environmental Health Service have been consulted on the application with regard to previous, potentially contaminative, uses of the site. NPF4 Policy 9(c) states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. An appropriate planning condition is required to ensure that, prior to the commencement of development, a phased site investigation and risk assessment is carried out to identify and assess potential contamination on site. Subject to such a condition, the proposed development would adhere to the requirements of NPF4 Policy 9(c) and LDP2 Policy 82.

5.8. NPF4 Policy 12 – Zero Waste

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to secure permission for the conversion of an extension to an existing building to form a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it would benefit from regular waste uplifts by the Council and would be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, the proposed development is considered to be in compliance with NPF4 Policy 12 and does not conflict with the requirements of LDP2 Policy 63, Waste Related Development and Waste Management, which seek to ensure that effective provision for waste and recycling are provided within developments.

5.9. NPF4 Policy 13 – Sustainable Transport

This application is seeking to secure permission for a single dwellinghouse which is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

The application site as existing features a vehicular access from the B8073 public road. It is proposed within this application to upgrade the existing vehicular access into the site and provide a parking and turning area within the application site, to be sited immediately to the north of the existing barn.

The Council's Area Roads Authority have been consulted on the application and have raised no objections subject to conditions relating to the construction of the access at the

junction with the public road, the clearance and maintenance of visibility splays, the provision of a system of surface water drainage, and the provision of a parking and turning area for two vehicles.

Subject to the required conditions, the proposed development is consistent with the broad aims of NPF4 Policy 13 and is consistent with the requirements of LDP2 Policies 35, 37, 39 and 40 which collectively seek to ensure that proposed developments are served by a suitable and safe access regime and provide appropriate parking provision commensurate with the scale of the development proposed.

5.10. NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

The proposed conversion of the existing barn would be undertaken with minimal works to the existing external appearance of the barn, with works limited to repairs to the existing stone walls and slate roof, and the installation of windows. It is considered that the siting of the proposed extension in the existing vacant area between the existing barn and the public road would ensure that the proposal would not encroach into more undeveloped areas of the site, thereby reducing its visual impact upon the landscape. New built development at the site would be limited to the proposed extension, which would have a modest footprint and an appropriately simple form and appearance. The narrow linear form would respect local architectural styles and would readily integrate into the application site. The proposed finishing materials would comprise natural timber cladding, which would contrast appropriately with the stone walls of the existing barn, giving the proposed extension a suitably subservient appearance that would read clearly as a later addition. The use of natural timber cladding would assist in integrating the proposed extension into the landscape. The proposed extension would be a contemporary addition that would have a different character to the existing barn, however it would be of a sympathetic design and appropriately sited such that it would respect the application site and its wider rural context.

The siting of the access to the north of the existing building ensures that it would be screened from view when approaching the application site from the south. The proposed parking and turning area would be facilitated within the courtyard that would result from the 'U' shaped built development at the site. A condition is proposed to remove permitted development rights normally associated with residential properties in order to protect the setting of the proposed dwellinghouse from inappropriate development.

The proposed development is considered to be designed to an appropriate standard to ensure compliance with the six qualities of successful places set out in NPF4 Policy 14 as follows. **Healthy:** being situated within a quiet rural setting but within proximity to an existing community; **Pleasant:** being an attractively designed and finished development that would contribute to the character of the area; **Connected:** situated immediately adjacent to the public road, connecting the development to larger settlements; **Distinctive:** the design of the development would be of a distinct, high quality design which would respond to its unique setting whilst respecting the surrounding natural landscape; **Sustainable:** the dwelling would utilise appropriately proportioned and designed fenestration which would maximise potential for natural light; **Adaptable:** the development would be of a high quality design that would be capable of adaption for accessibility and for alternative future uses.

NPF4 Policy 14(c) states that development proposals that are detrimental to the amenity of the area will not be supported. 'Bad neighbour uses' are uses that can result in a

negative impact upon neighbouring amenity and proposals for development can also introduce the reverse situation by proposing a sensitive receptor, including housing, in close proximity to existing operations or land uses where the introduction of sensitive receptors into these situations could compromise the existing operations. In this instance, the proposed conversion of and extension to the existing barn to form a dwellinghouse is not considered to be a 'bad neighbour' development given that the application site is sited at a sufficient distance from the established farm, on the opposite side of the public road. The proposed development would be well contained within the application site and would be adequately separate from the farm both physically and visually. The proposed development would be sufficiently distinct from the farm and its associated activity such that it is not considered that there would be any adverse impacts upon the sensitive receptor of the dwellinghouse with regard to noise disturbance, odour pollution or light pollution that may result from the use of the nearby land for agricultural activity.

The development the subject of this planning application is considered to be in accordance with the broad aims of NPF4 Policy 14 and does not conflict with the sustainable siting and design policies of LDP2 namely Policy 5, Design and Placemaking, Policy 08, Sustainable Siting, Policy 09, Sustainable Design and Policy 10, Design: all policies which, in summary, collectively seek to ensure that developments are compatible with surrounding land uses, are sited sensitively within the landscape making use of existing infrastructure, are of an appropriate scale, sustainable design and finishes for their site, and ensure that no adverse visual or amenity impacts arise.

5.11. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the 'Place Principle' and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

In terms of our adopted settlement strategy, the site of the proposed dwellinghouse is in an area identified as being Outwith Settlement Areas where LDP2 Policy 02 seeks to promote a more flexible approach to development in areas identified as Countryside Area, within which the site is situated, with Part A of Policy 02 giving a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant sustainable siting and design policies.

In this instance, it is considered that the small scale of the proposed development, and its rural location, would reasonably comply with Policy 15 of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home.

The proposed development aligns with NPF4 and there is no conflict with LDP2 Policy 02.

5.12. NPF4 Policy 16 – Quality Homes

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16(c) supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified

gaps in provision, including 'self-provided homes' of which the proposed development represents.

With regards to Part (f) of Policy 16(i) an agreed timescale for build-out will be covered through the use of a planning condition; 16(ii), whilst the development proposed by this planning application is not on land actively allocated for housing in the LDP2, it would wholly accord with the adopted settlement strategy and would accord with the principles of 'local living' and '20 minute neighbourhoods'; 16(iii) the proposal is consistent with NPF4 Policy 17, Rural Homes, being a suitable site which is in keeping with the landscape character of the area.

The proposed development is deemed to be consistent with NPF4 Policy 16 and there is no conflict with LDP 2 Policy 02, Outwith Settlement due to the proposed development being of an appropriate scale, design and use for its countryside location.

5.13. NPF4 Policy 17 – Rural Homes

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy 17(a) supports development proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area. It has been demonstrated at NPF4 Policies 9 and 14 above that the proposed dwellinghouse is of a suitable scale and design for its countryside location.

Policy 17(b) requires proposals for new homes in rural areas to consider how the development will contribute towards local living and take into account identified local housing needs. It has already been seen at NPF4 Policy 15 above that the proposed development is consistent with our adopted settlement strategy policies and that it would have no materially harmful access or environmental impact. The proposed development seeks the introduction of a single dwellinghouse through the conversion of and extension to an existing barn, which would accord with the Council's key planning policies aims of supporting and sustaining fragile rural communities by contributing to actions to reverse our falling rural populations and supporting the local economy.

Policy 17(c) offers support to new homes in remote rural areas where such proposals (i) support and sustain existing fragile communities; (ii) support identified local housing outcomes; and (iii) are suitable in terms of location, access and environmental impact.

The development proposed accords with the broad aims of NPF4 Policy 17 and does not conflict with LDP2 Policy 09, Sustainable Development, Policy 10, Design all Development, and Policy 67, Provision of Housing to Meet Local Needs.

5.14. NPF4 Policy 18 – Infrastructure First

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use, which puts infrastructure considerations at the heart of placemaking.

Due to the lack of public water or drainage infrastructure within the vicinity of the site, as was confirmed within the consultation response from Scottish Water, the application proposes private arrangements comprising a private water supply and a private drainage system. A condition is required to secure a report on the proposed private water supply to ensure that it is sufficient to serve the proposed development and does not impact on existing users of the same supply or adjacent supplies. The Council's Building Standards

Service will apply sufficient control over the septic tank arrangements at Building Warrant stage.

With a condition to secure a report on the proposed private water supply, the proposed development aligns with NPF4 Policy 18 and is in accordance with LDP2 Policy 04, Sustainable Development, Policy 58, Private Water Supplies and Water Conservation and Policy 60, Private Sewage Treatment Plants and Wastewater Drainage Systems which seek to ensure that suitable infrastructure is available to serve proposed developments and give support to private water supply and drainage arrangements where connection to the public systems is not available.

5.15. NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed at NPF4 Policy 18 above, the development the subject of this planning application proposes a private water supply, the details of which will be sought by planning condition.

With regards to the management of rain and surface water at the site, this will be controlled through a condition imposed on the grant of permission to secure a suitable sustainable drainage system for the site. The proposal aligns with NPF4 Policy 22 and LDP2 Policy 61, Sustainable Drainage Systems.

6. Other Considerations

6.1. Public Representation

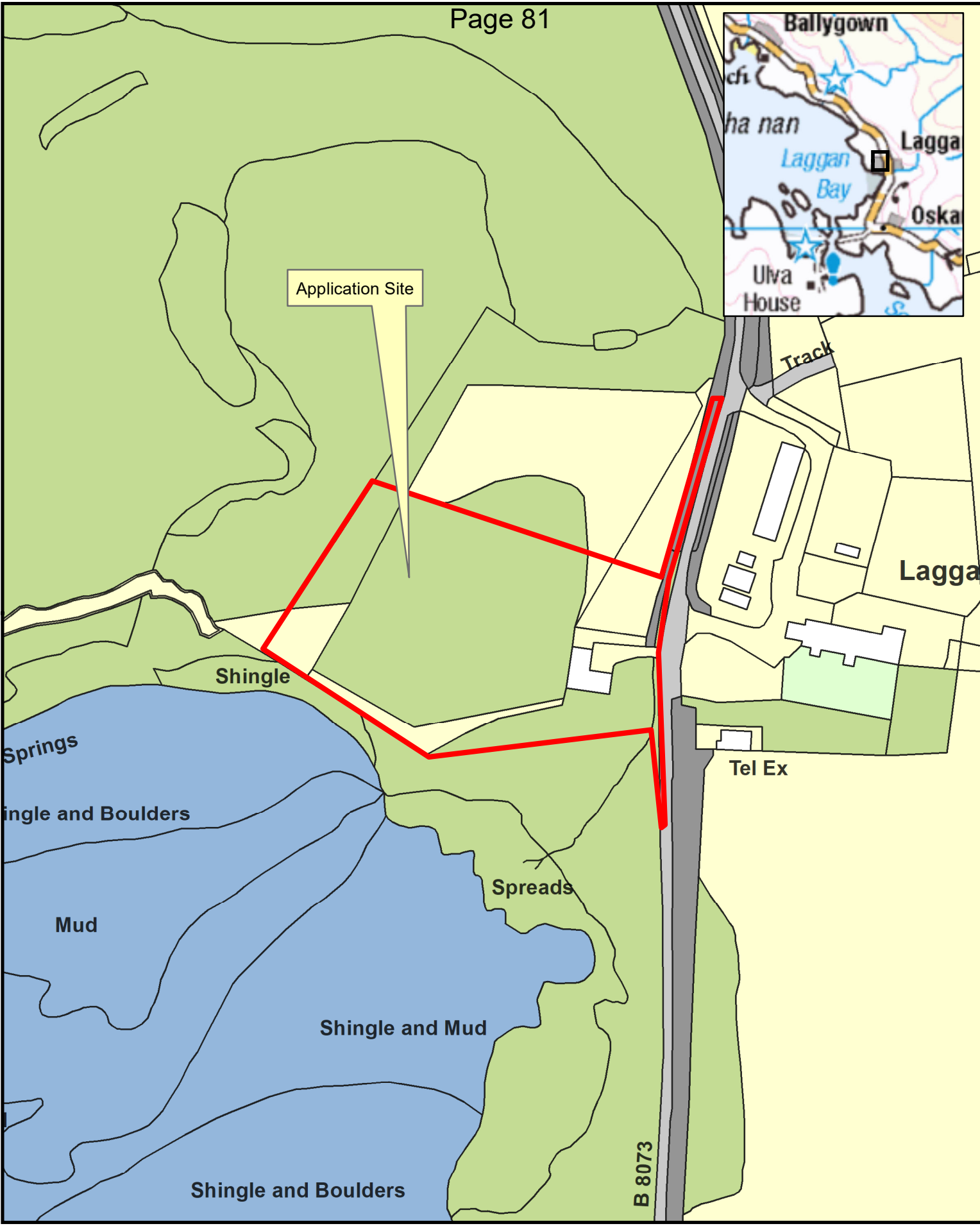
The application has been subject to 22 objections.

The determining factor in the assessment of this application is whether the conversion of and extension to the existing stone barn to form a dwellinghouse at the site the subject of this application is consistent with the Development Plan which comprise National Planning Framework 4 and Local Development Plan 2 and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

In this instance, as detailed above, the proposed development would represent a suitable opportunity for the conversion of, and extension to, an existing barn to form a dwellinghouse where the development would be of an appropriate scale and design for its setting. The proposed development would involve the sustainable reuse of the existing built development at the site, with an appropriately scaled, sited and designed extension, to form a dwellinghouse. The applicant has addressed the needs of the tenant farmer through the provision of a replacement agricultural building, as detailed within application 24/00259/PNAGRI, where the replacement agricultural building is of a scale that is commensurate with the need and its setting within the landscape, is related physically and functionally to existing buildings associated with the agricultural business, and is sensitively sited. The information submitted with the application has satisfactorily demonstrated that, subject to appropriate conditions, there would be no adverse impacts on biodiversity, nature networks or the natural environment. No objections have been received from consultees with regards to the proposed infrastructure to serve the proposed development.

7. Conclusion

7.1. The detailed information submitted with the application, in the form of the Preliminary Ecological Appraisal, photomontages, Tree Report, Otter and Bat Report, Design Statement, and 'Six Qualities of Successful Places' Statement have satisfactorily demonstrated that, in this instance, the proposed development site would represent an appropriate opportunity for the conversion of and extension to the existing stone barn to form a sensitively sited and designed dwellinghouse that would be of an acceptable scale, design and finish that would integrate with the application site and its wider setting within the landscape. The above assessment has concluded that appropriate servicing and infrastructure arrangements can be provided to serve a dwellinghouse on the site. Accordingly, the application is recommended for approval subject to conditions.



Location Plan Relative to Planning Application: 23/00185/PP



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**Argyll and Bute Council
Development & Economic Growth**

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: 23/01358/PP
Planning Hierarchy: Local Application
Applicant: Mr J. Herrod
Proposal: Erection of dwellinghouse and detached garage, upgrade of existing access and installation of septic tank with associated infiltration system
Site Address: Leananmor Muasdale Argyll And Bute

DECISION ROUTE

Committee Decision under Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse and detached garage;
- Improvement of existing vehicular access onto A83(T);
- Installation of septic tank and soakaway.

(ii) Other specified operations

- Connection to public water supply.
-

(B) RECOMMENDATION:

Recommend that planning permission be approved subject to the conditions and reasons attached.

(C) CONSULTATIONS:

Transport Scotland – 15.09.23, 20.09.23, 07.03.24 – No objection subject to conditions relating to the provision of improvements to the existing access onto the A83(T) to a standards suitable to serve the development proposed.

Area Roads Mid Argyll Kintyre And Islay - 07.08.2023 – No objection subject to conditions prescribing requirements for onsite parking and turning.

Scottish Water - 26.07.2023 – No objections subject to advice to applicant.

Scottish Environmental Protection Agency - 03.08.2023 – No objection subject to condition prescribing a minimum finished floor level to protect the development against risk of flooding.

(D) HISTORY:

04/01130/OUT - Erection of a dwellinghouse – Approved 21.09.2004

14/00424/PPP - Site for the erection of dwellinghouse and garage. (As amended by email correspondence received 26.06.14) – Withdrawn 23.07.2015

15/02370/PPP - Site for the erection of dwellinghouse – Approved 27.10.2015

16/02681/PPP - Site for the erection of dwellinghouse (amended access relative to planning permission in principle reference 15/02370/PPP). – Approved 24.11.2016

18/02627/PP - Erection of dwellinghouse with garage, installation of treatment plant, air source heat pump and formation of new access off the A83(T) – Withdrawn 28.02.2019

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 25.08.2023

(F) REPRESENTATIONS:

(i) Representations received from:

Objection

1. Jessie Macdougall Isleview Muasdale Tarbert Argyll And Bute 25.07.2023
2. John Macdougall Isleview Muasdale Tarbert Argyll And Bute 25.07.2023
3. Mr Andrew Taylor Ceol Mara Muasdale Tarbert Argyll And Bute 07.08.2023
4. Archie Graham Parklea Muasdale Tarbert Argyll And Bute 01.08.2023
5. Mr Robin Graham The Old Post Office Muasdale Tarbert Argyll And Bute 08.08.2023
6. Margaret Graham Parklea Muasdale Tarbert Argyll And Bute 01.08.2023
7. Anne Maccallum Sunset Cottage Muasdale PA29 6XD 04.08.2023
8. Sharon Maccallum Sea Renity House Muasdale PA29 6XD 04.08.2023
9. Gary Breeden Sea Renity House Muasdale PA29 6XD 04.08.2023
10. Joseph Loganbill Taigh A' Pheantair Muasdale PA29 6XD 09.08.2023

Support

n/a

Representation

Jeanne Loganbill Taigh A' Pheantair Muasdale Tarbert Argyll And Bute 08.08.2023

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- Concern is raised in relation to road safety and the use of the proposed means of vehicular access. In particular it is noted that

visibility to the south is limited by a hedge which would appear to be outwith the ownership and control of the applicant.

- Concern is raised that the existing road layout/40mph speed limit of the A83(T) is unsuitable to accommodate the new access.

Comment: It is noted that Transport Scotland have not raised objection to the proposal on road safety grounds. See assessment below.

- Concern is expressed that the applicant has failed to maintain hedgerows within his land.

Comment: It is noted that Transport Scotland's acceptance of the proposed access arrangements is subject to the provision and maintenance of visibility splays, this will necessitate maintenance of the hedge. The applicants previous actions or lack of action in this respect are not a material consideration in the determination of this application.

- It is highlighted that the existing access is a track that is widely utilised by the public as a right of way to access the beach from the A83. Concern is expressed that the application appears to show that this access will be blocked off by the development.

Comment: The applicant has confirmed that the existing public access to the beach will be retained.

- If public access to the existing track were to be maintained then concern is expressed that this may bring pedestrians into conflict with traffic accessing/exiting the new development.

Comment: It is noted that the proposal will improve the existing means of access to the beach for all users. ABC Roads have not raised objection on the grounds of road/pedestrian safety. See assessment below.

- Concern is raised that the development of this shoreside plot will have a significant impact on the natural environment and wildlife habitat.

Comment: The application site relates to an area of rough grazing which is of limited biodiversity value. See assessment below.

- Concern is raised that additional development may impact adversely on the capacity of the water supply to the locality.

Comment: The proposal will be served by a connection to the public water supply; Scottish Water have not raised objection to the proposal.

- Concern is raised that permitting additional development on the beachfront would be 'an environmental blight on the local area and its natural beauty'.

Comment: The proposed development lies within the 'settlement area' for Muasdale where there is an established settlement pattern that includes development upon the shore side of the road. The acceptability of development at this location has previously been established through earlier, but now expired, grants of planning permission in principle. The development will not have a significant impact upon the character or visual amenity of the West Kintyre Local Landscape Area. See assessment below.

- The applicant's claim of ownership over the existing access track is queried.

Comment: The applicant has confirmed that the access track is within the ownership of a third party. Updated land ownership certification and notification has been undertaken.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|-----|
| (i) Environmental Impact Assessment Report:
(if Yes insert EIAR topics below) | No |
| (ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:
(if Yes attach as an appendix) | No |
| (iii) A Design or Design/Access statement:
(if Yes insert summary of key issues below) | Yes |

Design Statement identifies that the site has previously benefited from planning permission in principle for a site the erection of a dwelling (16/02681/PPP) which has expired.

Advises that position of building has been located to avoid coastal flood constraints and that access will utilise an existing opening onto the A83(T).

Proposal is for a modest family home with design, proportions and orientation to reflect the site and surrounds.

Proposal includes for ASHP and solar panels.

- (iv) Sustainability Checklists (with reference to the requirements of LDP2 Policy 04)**

- | | |
|--------------------------------------|-----|
| TN06 Sustainability Checklist | Yes |
| TN07 Sustainable Buildings Checklist | Yes |

- (v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**
(if Yes list supporting documents below)
- No

(H) PLANNING OBLIGATIONS

- Is a Section 75 agreement required:** No
(if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** (if Yes insert details of direction below) No
-

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

(delete as appropriate)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 5 – Soils

NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 10 – Coastal Development

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 22 – Flood Risk and Water Management

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

(delete as appropriate)

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Connected Places

Policy 32 – Active Travel

Policy 33 – Public Transport

Policy 34 – Electric Vehicle Charging Points

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 40 – Vehicle Parking Provision

Sustainable Communities

- Policy 55 – Flooding
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 63 – Waste Related Development and Waste Management

Homes for People

- Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

- Policy 71 – Development Impact on Local Landscape Areas (LLA's)
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 79 – Protection of Soil and Peat Resources

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [TN06 Sustainability Technical Note and Checklist \(Oct. 2023\)](#)
- [TN21 VII and LVIA Light Technical Note \(Oct. 2023\)](#)
- [TN07 Sustainable Buildings Technical Note and Checklist \(Oct. 2023\)](#)

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: (if Yes confirm date of screening opinion and reference below)	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC): (if Yes provide summary detail of PAC below)	No
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(M)	Does the Council have an interest in the site: (if Yes provide detail below)	No
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(N)	Requirement for a pre-determination hearing: (if Yes insert details below)	No
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(O)(i) Key Constraints/Designations Affected by the Development:

SEPA Flood Zones (River and Coastal)

SPR Paths

West Kintyre Local Landscape Area

Trunk Roads

(O)(ii) Soils

Agricultural Land Classification: Class 4.2

Peatland/Carbon Rich Soils Classification: N/A

Peat Depth Classification: N/A

Does the development relate to croft land? No

Would the development restrict access to croft or better quality agricultural land? No

Would the development result in fragmentation of croft / better quality agricultural land? No

(O)(iii) Woodland

Will the proposal result in loss of trees/woodland? (If yes, detail in summary assessment) No

Does the proposal include any replacement or compensatory planting? N/A

(O)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Greenfield

ABC LDP2 Settlement Strategy Settlement Area

ABC LDP2 Allocations/PDAs/AFAs etc: N/A

(P) Summary assessment and summary of determining issues and material considerations

The proposal seeks detailed planning permission for the erection of a 1½ storey dwellinghouse and a single storey detached garage within the minor settlement of Muasdale. The development is considered to be of appropriate scale, siting, design and finishes required to be assimilated successfully within the existing settlement pattern and without harm to the wider landscape setting of the West Kintyre Local Landscape Area.

The proposal has been subject to representation from 11 individuals raising concern on a variety of matters that include impacts upon road safety, public access, impact on landscape/visual amenity, impact on biodiversity.

The proposed development has not been subject to any objection from statutory or non-statutory consultees, including Transport Scotland, SEPA, Scottish Water and the Council's Roads Service.

The site which is subject of the current application has previously benefitted from planning permission in principle for the erection of a dwellinghouse; however, these permissions pre-date the current Development Plan and have been allowed to lapse unimplemented.

Notwithstanding the concerns raised by third parties, the proposal is considered to be consistent with the relevant provisions of the Development Plan (NPF4 and LDP2), and there are no other material considerations identified to indicate that planning permission should be withheld.

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

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

(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: (If yes provide detail below) No

Author of Report: Peter Bain **Date:** 06.06.2024

Reviewing Officer: Bryn Bowker **Date:** 06.06.2024

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01358/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 12.07.2023, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	Herrod 23/100-01	Rev A.	13.07.2023
Site Plan	Herrod 23/100-02	Rev B.	07.02.2024
Floor Plans and Elevations of Dwellinghouse	Herrod 23/100-03	Rev A.	13.07.2023
Floor Plans and Elevations of Detached Garage	Herrod 23/100-04	Rev A.	13.07.2024

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

2. PP – Timescale to be Agreed for Completion

No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

3. PP – Access, Parking and Turning As Shown

The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles. Notwithstanding the details on the approved plans, the access arrangements shall be implemented to accord with the following requirements with the submission of further information for approval as specified:

1. Prior to the occupation of the development, the existing access on the A83 Trunk Road shall be upgraded, generally in accordance with Herrod drawing No. 23/100-02 Revision B dated 30.09.2023, to the satisfaction of the planning authority, after consultation with Transport Scotland.
2. The first 5 metres from the edge of the A83 trunk road shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

3. Prior to the commencement of development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the planning authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reasons: In the interest of road safety; to ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished; to ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely; to ensure that material from the site is not deposited on the trunk road to the detriment of road safety; to ensure that the efficiency of the existing drainage network is not affected; to minimise the risk to pedestrians and animals gaining uncontrolled access to the trunk road with consequential risk of accidents.

4. No built development should take place below existing ground level of 3.76mAOD.

Reason: In order to prevent unacceptable flood risk to people and property. To ensure a precautionary approach to flood risk and to ensure the longevity and future resilience of the development of the site to climate change and sea level rise by promoting flood risk avoidance as set out in Policy 22 of NPF4.

5. **PP – Submission of Details of Materials**

Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of external walls, roofs, windows and doors have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

6. **PP – Full Landscaping Scheme**

No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

In the interests of biodiversity retention/enhancement, the proposed landscape scheme should include consideration of the retention of the existing hedgerow along the eastern and southern boundaries of the site in so far as this may be practicable to comply with the requirements of condition 3. Which requires the formation of visibility splays and agreement of boundary treatment along the edge of the A83(T) with Transport Scotland.

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

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

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3

7. **PP – Surface Water Drainage – No further detail required**

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

ADDITIONAL NOTES TO APPLICANT

- The applicant should have regard to the guidance provided by Scottish Water & SEPA in their consultation responses.
- The applicant is required to contact Transport Scotland to identify and obtain any necessary permissions to work within the trunk road boundary. Further detail is provided in Transport Scotland's consultation response.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/01358/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

1.1. The proposal seeks detailed planning permission for the erection of one dwellinghouse with a detached garage, the improvement of an existing access onto the A83(T) and the installation of a septic tank and soakaway.

2. Settlement Strategy

2.1. The proposal is located within the 'settlement area' for the Minor Settlement of Muasdale as defined by the Argyll and Bute Local Development Plan 2 wherein the provisions of ABC LDP 2 Policy 01 sets out general support in principle for development of a non-brownfield site where the proposal is considered to be acceptable in relation to the overall land supply for the proposed use, and it is compatible with surrounding uses, is of an appropriate scale and fit for the size of settlement, and respects the character and appearance of the surrounding townscape.

2.2. Planning permission in principle has previously been granted for the erection of a single dwellinghouse at this location in 2004, 2015 and 2016 although these have since been allowed to lapse unimplemented. These proposals are very similar in nature to that of the current application with the single exception that they have explored different means of connecting to the A83(T).

2.3. In order to address the determining issues, the key considerations in this application are:

- Compliance with the Development Plan and other relevant planning policy;
- Any other relevant material considerations.

3. Location, Nature and Design of Proposed Development

3.1. The application relates to a field of some 0.3ha located on the shore side (west) of the A83(T) within the defined 'settlement area' for Muasdale. The site is bounded to the east and south by an unkempt hedgerow which demarcates the field boundary. The boundaries to the north and west are open. The field to the north contains a static caravan; to the west is the natural foreshore and a sandy beach.

3.2. Muasdale is identified to be a linear settlement with existing buildings predominantly located to the landward (east) of the A83(T) public road. There is however an established presence of built development along the shoreside although this is more sporadic with gaps that allow views out from the A83(T) to the coast. The current application site lies within a gap set between two existing buildings with Tigh-na-Cladaidh located some 80 to the south and The Old Post Office 50m to the north. Existing development within Muasdale is relatively low density and consists primarily of a mix of single, 1½, 1¾ and 2 storey buildings of traditional design emphasis and orientated to face the A83(T)/coast. There is also an established caravn park within the settlement which utilises land between the A83(T) and the foreshore.

3.3. The current proposal is for a 1½ storey building with a general rectangular footprint and pitched roof dormers set in approx. 5m from the eastern site boundary and parallel to the A83(T). The proposed 3 bedroom dwellinghouse will be finished in a roughcast render, with horizontal timber boarding detailing, concrete roof tiles and uPVC window units. The submitted plans do not include details of colour finishes however these could readily be secured by planning condition.

The proposal also includes for the provisions of a detached garage building with finishes to match the dwellinghouse.

- 3.4. Water connection will be by connection to the public water main; foul drainage will be to a new septic tank and soakaway arrangement. Access will be by means of improvement of an existing field access from the A83(T) and the formation of a connecting driveway with onsite parking and turning for 3 vehicles within the application site boundary.
- 3.5. NPF 4 Policy 16 and ABC LDP 2 Policy 09 seek to encourage and promote the delivery of high quality, affordable and sustainable homes. NPF 4 Policy 14 and ABC LDP 2 Policies 08 and 09 all seek to ensure that development proposals are designed to improve and respect the existing qualities of an area. The application details that the development design will seek to utilise local aggregates in its construction, that top soil will be retained on site for landscaping. The building design provides a flexible living space and is adaptable for full accessibility with space for a chair lift to the upper floor and sockets to be located at accessible levels. Heating will be from an ASHP with solar PV panels. The garage will provide bicycle storage and an EV charging point is to be provided to comply with Building Standards Regulations. Waste will be managed onsite with space for recycling bins provided beside the access to facilitate collection. The proposed dwelling and detached garage are considered to be of appropriate siting, layout, scale, design and finishes having due regard to the existing linear settlement pattern and existing built development to which it will relate. The proposal is sufficiently removed from existing residential property that it will not give rise to any loss of privacy or residential amenity.

4. Natural Environment & Biodiversity

- 4.1. There are no nature conservation designations relating to the proposed development site or located within the wider locality that are likely to be impacted by the proposed development.
- 4.2. The proposal relates to a greenfield site located within the 'settlement area' of Muasdale. The site is currently utilised as rough grazing and is considered to have limited biodiversity value. The hedgerow surrounding the eastern and southern boundary is likely to provide opportunities for nesting birds and shelter for small mammals. Whilst the proposal will see some reduction in the height of the hedgerow there is scope within the development layout to seek that this is largely retained aside from clearance required to form and maintain visibility splays. Aside from a bitumen junction with the A83(T), hard surfaces within the development site will be permeable.
- 4.3. The Sustainability Checklist accompanying the application indicate that additional native tree planting will be provided within the development site however no detail is provided. This could however be secured by condition to confirm landscaping details which include further proposals to enhance biodiversity and accord with the requirements of NPF4 Policy 3(c) and ABC LDP 2 Policy 73.

5. Built / Historic Environment

- 5.1. There are no built heritage designations within the immediate locality of the proposed development.

6. Impact on Woodland/Access to Countryside.

- 6.1. The development will improve an existing field access that is currently utilised by the wider public to access the beach to the west. The details accompanying the application confirm that the development will not preclude public access to this location and it is noted that enhancement of the existing junction will improve accessibility to this location.

7. Landscape Character

- 7.1. The application is located within the West Kintyre Local Landscape Area as designated within the Argyll and Bute Local Development Plan 2 wherein the provisions of ABC LDP 2 Policy 71 set out that development which would have a significant adverse impact upon the character of the landscape will be resisted.
- 7.2. Within the context of the wider landscape setting, the proposed development will be viewed within the context of existing built development. The proposed development is considered to be of appropriate siting, scale, design and finishes that it will readily be assimilated within its surrounds without detriment to the character or appearance of the receiving landscape.
- 7.3. Having regard to the impact of development upon visual amenity, it is observed that due to the presence of a tall hedgerow along the eastern boundary of the site there is limited outlook for users of the A83(T) across the development site to coastal views. The introduction of a new building at this location will not appear incongruous within the context of the existing settlement pattern and has potential to open up views through the site to the coast through reduction in the height of the hedgerow.

8. Road Network, Parking and Associated Transport Matters.

- 8.1. The provisions of NPF 4 Policy 13, and LDP 2 Policies 36, 37, and 40 set out a requirement that new development is served by appropriate access arrangements and define the appropriate standards.
- 8.2. Access to the proposed development from the A83(T) shall be taken from an existing field access that serves the adjoining field to the south and which provides public access to the beach/foreshore to the west.
- 8.3. An amended site plan submitted by the applicant (ref. 23/100-02 Rev B) details that the access will be formed to meet Transport Scotland specifications (DMRB CD 123 and CD 109) with visibility splays of 2m by 120m in both directions. The existing field access shall be widened out to a minimum of 3.7m to the point where it connects with a private driveway to serve the development. Parking and turning for three vehicles shall be provided within the development site adjacent to the proposed garage.
- 8.4. Transport Scotland have not raised objection to the proposed access arrangements from the A83(T) subject to the access being constructed in accordance with the detail proposed, and subject to additional conditions that require the first 5m of the field access to be surfaced in a bituminous material, and for provision of any fencing/barriers along the trunk road boundary to be submitted and agreed by the planning authority in consultation with Transport Scotland. The Council's Roads Service has not raised objection to the proposal and commented that the proposed parking and turning arrangements are acceptable.

9. Infrastructure / Flood Risk

- 9.1. NPF 4 Policy 15 seeks to ensure that new development will contribute to local living. In this instance it is identified that the proposal is located a short distance from a local shop, and the Muasdale GP surgery. The proposal also falls within the catchment area for Glenbarr Primary School. The development is also located on the A83 bus route.
- 9.2. The small portion of the site adjacent to its western boundary is located within the 1:200 plus climate change coastal flood map provided by SEPA. It has however been confirmed that the proposed dwellinghouse is located outwith the area subject to flood risk and SEPA have not raised any objection to the proposal subject to a condition specifying the minimum finished floor level of the development to 3.76m AoD. The details accompanying the application specify a FFL of 4.3m AoD. The proposal is considered to be consistent with the relevant provisions of NPF 4 Policy 22, and LDP 2 Policy 55 in this respect.

- 9.3. Water shall be by connection to the public water main, Scottish Water have not raised any objection.
- 9.4. Foul drainage shall be to a new septic tank and soakaway; the development is located outwith areas currently served by public drainage infrastructure and this arrangement is accordingly consistent with the requirements of LDP 2 Policy 60.
- 9.5. The submitted details do not include for surface water drainage, it is however observed that a requirement to provide SuDS can be secured by planning condition to address the requirements of LDP2 Policy 62



Location Plan Relative to Planning Application: 23/01358/PP



1:1,250

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Argyll and Bute Council
Development & Economic Growth

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: 23/02259/PP
Planning Hierarchy: Local
Applicant: Mr Joe Lafferty
Proposal: Erection of dwellinghouse and formation of vehicular access
Site Address: Garden Ground Of 47 Campbell Street, Helensburgh
Argyll And Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
 Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Subdivision of the residential curtilage of a dwellinghouse to create a separate plot for residential development.
- Erection of a single-storey dwellinghouses.
- Formation of new private driveway
- Associated alterations to a boundary wall including removal of a section of stone wall to form a gateway; and formation of gate piers; and, installation of gates.
- Erection of new post and wire fence to demarcate new boundary between the 'donor' property, no. 47 Campbell St. and the curtilage of the proposed new house.
- Formation of hard surfaced parking and turning area; and paved pathway/terrace around part of the proposed house.

(ii) Other specified operations

- Removal of trees and shrub planting.
 - New landscape planting
-

(B) RECOMMENDATION:

That planning permission be approved subject to conditions as set out within this report.

(C) CONSULTATIONS:

Area Roads

21.12.2023:

Acknowledges that there has been a previous application for planning permission for a house in this location. No objections subject to conditions requiring that the proposed new access junction be designed and implemented in accordance with Roads Authority standards, including but not exclusively, visibility splays; maximum gradients; surfacing etc. and, provision of off-street parking and turning in accordance with approved Council standards.

08.04.2024:

The Area Roads Engineer re-assessed the proposal with regard to a revised design, considered to comprise non-material amendments. It is not considered that the revised design raises any new transport, access and parking issues (in relation to the original drawings); however, the Roads Engineer has taken the opportunity to add to the recommended planning condition in respect of any gate being inward-opening and set back a minimum of 6.0 metres from the edge of the carriageway.

Helensburgh Community Council

23.02.2024:

Support the proposal for erection of a new house on this site in principle. However, having assessed the proposed development with regard to its Helensburgh Design Statement (HDS) the Community Council objects on grounds of poor design quality, with particular regard to impact the character and appearance of the Conservation Area.

15.04.2024:

HCC considers that the current application represents a cheaper and inferior quality of design in comparison to the earlier application.

HCC supports determination of this application at a Public Hearing.

Objection 1 – Building Design:

It's considered that the proposed house design is "*ordinary in the extreme*" and would clash with the existing Edwardian villa(s) to the detriment of the character and appearance of this part of the Conservation Area contrary to policies LDP 3 and SG LDP ENV 17 of the Argyll and Bute Local Development Plan 2015; and the provisions of the HES guidance on Managing Change in the Historic Environment. A preference is expressed for an alternative siting of any proposed building against the eastern site boundary wall.

Objection 2 – Setting on Site:

Proposed siting against western boundary will appear incongruous in relation to the 'donor' villa. Facing east will deprive the proposed house and much of the garden of light, except early in the mornings.

Objection 3 – Access

HHC fully supports the objections from neighbours with regard to the proposed access onto Barclay Drive on the following grounds:

- Barclay Drive is quiet residential street much used by pedestrians and children:
- It will damage the visual integrity of the distinctive stone boundary wall and its existing grass verge: and,
- It requires removal of several mature trees and heavy pruning of several trees in a neighbours garden.

Scottish Water

02.04.2024:

No objection. (It should be noted that this does not confirm that the proposed development can currently be serviced.)

Currently, there is sufficient service infrastructure capacity in relation to Water (supply) and Waste Water (drainage); however, further investigations may be required once a formal application by the applicant/developer has been submitted to Scottish Water.

Scottish will not accept any surface water drainage connection into their combined sewer system. There may be limited exceptional circumstances where this may be allowed on Brownfield sites only, however this will require significant justification from the applicant/developer.

08.04.2024:

No changes to the original consultation response (above) are required with regard to the non-material amendments to the original design/layout.

(D) HISTORY:

22/00996/PP - Erection of dwellinghouse at Garden Ground Of 47 Campbell Street, Helensburgh, Argyll And Bute G84 9QW
Refused – 24.11.2022

(E) PUBLICITY:

Site Notice - Conservation Area – Expired 09.01.2024

Listed Building/Conservation Advert - Expired 04.01.2024

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 22 contributions have been received. Four of these raise planning matters that require to be taken into account but do not specifically object to the proposed development. Sixteen objections have been submitted.

Representations:

- Fiona Miller - 66 Campbell Street Helensburgh Argyll And Bute G84 9QW
- Steve McGlynn - 10 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Amanda McGlynn - 10 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Julie Fraser - No Address Provided

Objections:

- Emma Mason - 21 Queen Street Helensburgh Argyll And Bute G84 9QL

- Tom Stewart - 24A Queen Street Helensburgh Argyll And Bute G84 9LG
- Deborah Dennett - 64 Campbell Street Helensburgh Argyll And Bute G84 9QW
- Elizabeth Whitney - 6 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- David Whitney - 6 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Geoffrey Holliman - 28 Queen St Helensburgh G84 9QL
- Alison Holliman - 28 Queen St Helensburgh G84 9QL
- Peter Holmes - 2 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Ruth Holmes - 2 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Neil Wightwick - 4 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Karin Gow - 57 Campbell Street Helensburgh Argyll And Bute G84 9QW
- Fiona Baker - Hillcroft Station Road Rhu Helensburgh Argyll and Bute G84 8LW
- Fiona Howard - Ground Floor Flat Ravenswood Shore Road Cove Helensburgh Argyll And Bute G84 0LR
- T. Wightwick - No Address Provided
- R.A. Murray - 8 Barclay Drive Helensburgh Argyll And Bute G84 9RD
- Wendy Hamilton - 8 Barclay Drive Helensburgh Argyll And Bute G84 9RD

Representations are published in full on the planning application file and are available to view via the Public Access section of the Council's website.

(ii) Summary of issues raised:

Impact on the Conservation Area

- The proposed development is out of keeping with the character and appearance of the conservation area, with reference to the Helensburgh Conservation Area Appraisal 2008, and the development will not preserve or enhance the character and appearance of the conservation area contrary to the provisions of NPF 4 and LDP 2 policy.
- The proposed access will result in the loss of a section of historic boundary wall to the detriment of the character and appearance of the conservation area and create an inappropriate precedent.
- Loss of mature and specimen trees and garden shrubs that make a positive contribution to the character and appearance of the conservation area.

Comment: Potential impact upon the character and appearance of the Upper Helensburgh Conservation Area is assessed in detail within this report and its appendices (below) having regard to all material planning considerations including relevant NPF 4 and LDP 2 policies; the Helensburgh Conservation Area Appraisal; third party representations; and the application submission.

Impact on the Setting of Nearby Listed Buildings

- Proposed development will be detrimental to the setting of nearby listed buildings, specifically no. 28 Queen Street.

Comment: No. 28 Queen Street is not a listed building. The closest listed building to the site is “Deanston”, a Category C listed building at no. 32 Queens Street, some 70 metres to the west of the application site with two intervening properties. The proposed building will not impact upon the immediate setting of the listed building. In relation to the wider setting, it is considered that, by reason of the modest scale of the proposal; its relatively unobtrusive siting within a clearly separate curtilage demarcated by high walls; and the dense, natural screening within the area, that the proposal will not have a detrimental impact on the wider setting of nearby listed buildings. It is also noted, that several other villas on the southern side of Barclay Drive have structures within their rear gardens, including “Deanston”.

Impact on Visual Amenity and Townscape Character

- Siting, scale, design, material finishes and footprint of proposed development relative to site area will result in over-development out of keeping with and detrimental to the visual amenities of the area.

Comment: Officers are satisfied that the reduced scale of development, both in terms of footprint area and height (compared to the previously refused scheme) has a relatively low density that reflects the density of the existing pattern of built development. The siting is to be sited towards the south west corner of the site, set back from the site boundaries with adjacent public roads; and in this respect it is considered that the spacious character of the site can be adequately protected. Additional boundary planting will help the new development to be assimilated within its wider setting.

Access

- Barclay Drive does not have design capacity to accommodate the intensification of traffic without detriment to road safety.

Comment: Barclay Drive is a two-way residential through street that serves nine houses between Campbell Street and Suffolk Street. The level of intensification of traffic generated by one additional house is not considered to be significant in relation to the existing usage and the design capacity of this road. The existing public road access regime (including Barclay Drive) is considered to have adequate design capacity to accommodate the low level of intensification of traffic/pedestrian generated by one additional house without detriment to roads safety, the flow of traffic or detriment to the character of the area or local amenity. This is consistent with the consultation response from the Roads Authority.

- An alternative access onto Campbell Street is put forward as a better alternative to the proposed access onto Barclay Drive.
- One objector submits that the Roads Authority assess and comment on a different access point (onto Campbell Street) in relation to the proposed access onto Barclay Drive.

Comment: The planning authority must assess the proposed development as applied for on the application forms, drawings and supporting information; regardless of alternative possibilities. Likewise, the Local Roads Authority must also assess the proposal on the basis of

the proposed development as detailed in the planning application submission, and not to assess it relative to alternative proposals that do not form part of the application.

Loss of Trees

- The development will have result in the loss of mature garden trees and natural landscape features which will have a detrimental impact on the conservation area.

Comment: It is acknowledged that trees will be lost as a direct result of the proposed built development. It is not considered that the tree specimens proposed to be felled, by reason of species or amenity value, would warrant refusal of this application. It is considered that proposed new tree planting, particularly along the northern and eastern site boundaries will adequately mitigate against the impacts of tree loss within the centre of the site, and that the character and appearance of the conservation area will be preserved.

Residential Amenities

- Loss of privacy to occupiers of nearby houses, specifically no. 28 Queen Street by reason of overlooking.
- Loss of daylight and natural light to existing nearby property by reason of 'overshadowing.'

Comment: Having regard to the siting, orientation, scale and height of the proposed house in relation to nearby properties, officers are satisfied that the new building will not result in material loss of natural day-light/sunlight to the extent that would impact residential amenity.

The internal layout for the proposed house places the majority of window openings onto the principal (east facing) elevation. The rear (west) elevation has a glazed (main entrance) door with fixed side lights giving access to a lobby; and a small secondary window to the kitchen/dining area facing towards the shared boundary wall with no. 28 Queen Street at a distance of some 7.62 metres. On the basis that these are not principal windows to habitable rooms; they are at ground floor level; and that there will be a car parking courtyard, stone boundary wall and existing natural planting screen between the windows and the rear private open amenity space for no. 28 Queen Street, officers are satisfied that there will not be a material detrimental impact on the amenities that the occupiers of 28 Queen Street could reasonably expect to have by reason of loss of privacy/overlooking of the rear garden. The proposed house is sufficiently far away from existing houses on the other sides of Campbell Street and Barclay Drive that these properties will not suffer any material loss of amenity. Houses, facing one another at these kinds of distances across a public road are not uncommon.

- Resultant intensification of traffic using Barclay Drive will have a detrimental impact on the residential amenities of existing houses on Barclay Drive.

Comment: The issue of roads safety is assessed elsewhere. This objection relates to impact on "residential amenity" by reason of increase traffic. Whilst the potential impacts are not specified, officers have assessed the proposed development and its likely resultant traffic

generation with regard to general disturbance by reason of increased number of traffic movement, noise, vibration etc. It is not considered that the intensification of traffic using Barclay Drive, generated by one additional dwellinghouse will be significant enough to have a material impact upon the residential amenities of existing residents on Barclay Drive.

Infrastructure / Surface Water Drainage

- The previous application ref: was refused by the planning authority on the basis that inadequate detail had been submitted to demonstrate that the proposed development can be adequately serviced in terms of surface water drainage infrastructure (having regard to the Scottish Water consultation response.) No additional detail has been submitted in support of the current application and as such, it cannot be supported.

Comment: It is acknowledged that this was a reason for refusal in terms of the previous application and that the current application is not at all clear in terms of how surface water will be dealt with, having regard to the consultation response from Scottish Water. However, unlike the previously refused application officers consider that surface water drainage is now the only remaining matter outstanding, and that it would not justify a refusal on its own when officers are otherwise supportive of the proposal and consider that it would be appropriate to secure a suitable surface water drainage scheme by suspensive planning condition in these circumstances. .

Miscellaneous / General/ Procedural

- The Design and Access Statement is out-dated with reference to the latest design. It also lacks a dimensioned drawing and includes a photograph that may be misleading in that it doesn't show no. 28 Queen Street or the existing houses on the north side of Barclay drive. The Design Statement does not address loss of privacy to the occupiers of no. 28 Queen Street by reason of overlooking.

Comment: It is acknowledged that the Design and Access Statement has been out-dated to the extent that the latest revised design is different from both Options 1 and 2 shown in the Design Statement.

The revised siting is similar in principle to Option 2, albeit that the current layout shows the house 'pushed back' from the eastern boundary by some 2 metres; there is no projecting wing on the principal elevation; and the roof forms are gabled rather than hipped. It is considered that the issues discussed in the original Design Statement still apply to the current revised design. As such, officers consider that the overall package of information currently available is sufficient to allow a full and thorough assessment related to design.

There is no requirement for a Design Statement to provide measured or scaled drawings. The Design Statement should be considered in conjunction with the application drawings.

Notwithstanding that the impact upon the residential amenities of no. 28 Queen Street are not addressed within the Design and Access Statement, officers are satisfied that the complete application submission, including the drawings provides a sufficient level of information to enable a full assessment of this issue. This matter was fully assessed during physical site inspections.

- The Tree Survey submitted in support of the application is not to a sufficient standard, lacks clarity and is ‘open to question.’

Comment: - Officers do not disagree that the tree impact information submitted is of a very basic quality with a lack of precision. However, officers consider on balance that the submission, in conjunction with the case officer’s site assessment, provides adequate information to allow a full assessment of impact on trees. Identification of all trees; protection measures during construction; and replacement tree planting can be achieved by means of planning condition.

- The Planning Authority failed to carry out neighbour consultation and/or advertisement process appropriately and this has prejudiced the opportunity for third parties to consider and submit representations.

Comment: The planning authority does not accept this claim. Officers can confirm that all required neighbour consultation and advertisement has been carried out in full accordance with the provisions of the Town and Country Planning Development Management Procedure (Scotland) Regulations 2013, and as such, all interested parties have been allowed adequate time to contribute.

- The Helensburgh Conservation Area Appraisal is a material consideration.

Comment: Agreed.

- Relevant NPF 4 policy and LDP 2 policies are listed.

Comment: Agreed.

- Several safeguarding conditions are suggested should planning permission be approved.

Comment: - Officers have given due consideration to planning conditions as part of this assessment, having regard to all material considerations including third party/neighbour representations; legislation; and Government guidance on the use of planning conditions. The officers recommended conditions are set out as part of the recommendation below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

The main issues covered in the Design Statement are summarised as follows:

- Proposal is for a single storey 3-bedroom house with a gross floor area of 156 sq metres.
- Sets out historical context
- Refers to planning history i.e. Refusal of planning permission in respect of planning application ref. 22/00966/PP
- 2 optional revised designs are put forward and analysed following discussion with planning officers.
- Option 1 shows a single-storey linear building running (approximately) N – S abutting the existing boundary wall that demarcates the eastern side of the site of the application site with Campbell Street to respond to precedent buildings in the local area. It has gabled end elevations and a small dormer addition facing Campbell Street. The Statement considers that this siting could be successful, it would have a “greater than desired” impact on the presentation of trees behind the boundary wall, which is an important contributing element to the character of the conservation area.
- Option 2 proposes a single-storey building of similar scale with the linear form on a roughly N-S axis, but with the principal volume sited centrally within the site, with a small additive ‘wing’ projecting forward from the east-facing principal elevation towards Campbell Street. The shallow pitched roofs have hipped ends (to better relate to the villa).
- Both options proposed a new access junction from Barclay Drive to the north of the site.
- Option 2 is considered the favourable siting option in that it is away from significant trees in the garden which are primarily located towards the boundaries.
- Proposed materials are a mix of natural stone and render with a natural slate roof to respect the character of the existing villa. Window openings and timber frames will be traditional proportions.
- Access is onto Campbell Street which is submitted as being the less significant frontage.
- Design to meet or exceed the thermal and carbon reduction requirements of the current building standards by using low energy heating systems.
- Scale, massing and form of the revised proposal, better responds to the character of the area and relates to the materiality of the conservation area, and addresses the concerns with the previous application proposal.
- The house can be read as being typical of outhouse development common to the grounds of many larger villas.

(iv) Sustainability Checklists (with reference to the requirements of LDP2 Policy 04)

TN06 Sustainability Checklist Yes No
 TN07 Sustainable Buildings Checklist Yes No

(v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes No

Tree Survey Statement (05/12/2024) – by Stemma Tree Care

- A covering e-mail from Stemma Tree Care advises that the majority of trees on the application site are broadleaf species with none being overly mature. No TPO tags could be seen or any wildlife habitats. There is a lot of smaller shrubbery and small bits of vegetation that weren't needed to be listed.
- The survey comprises a table as follows:
 - 5 no. multi-stemmed Alder - approx. 25-30 high – Healthy;
 - 4 no. Silver Birch – approx. 30-40 feet high – 1 no. in decline;
 - 2 no. Ash – approx. 10-15 feet high – self-seeded saplings;
 - 2 no. White Willow – approx. 15 feet high – Healthy
 - 2 no. Yew – approx. 15 feet high – Healthy
 - 1 no. Portuguese Laurel approx. 15 feet high – Healthy; and,
 - 1 no. Rhododendron – approx. 5 feet high – Healthy.
- Drawing no. 2954/101 revision B – “Existing Site Topographic Survey Retained & removed trees”
- This drawing shows the stem/trunks of 3 number trees to be removed as follows:
 - 2 no. Alder; and,
 - 1 no. Willow

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption
- NPF4 Policy 3 – Biodiversity
- NPF4 Policy 4 – Natural Places
- NPF4 Policy 5 – Soils
- NPF4 Policy 6 – Forestry, Woodland and Trees
- NPF4 Policy 7 – Historic Assets and Places
- NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
- NPF4 Policy 12 – Zero Waste
- NPF4 Policy 13 – Sustainable Transport

Liveable Places

- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods
- NPF4 Policy 16 – Quality Homes
- NPF4 Policy 18 – Infrastructure First
- NPF4 Policy 20 – Blue and Green Infrastructure

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

Spatial and Settlement Strategy

- Policy 01 – Settlement Areas
- Policy 04 – Sustainable Development

High Quality Places

- Policy 05 – Design and Placemaking
- Policy 06 – Green Infrastructure
- Policy 08 – Sustainable Siting
- Policy 09 – Sustainable Design
- Policy 10 – Design – All Development
- Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment
- Policy 16 – Listed Buildings
- Policy 17 – Conservation Areas

Connected Places

- Policy 32 – Active Travel
- Policy 33 – Public Transport
- Policy 34 – Electric Vehicle Charging Points
- Policy 36 – New Private Accesses
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

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

- Third Party Representations
- Consultation Responses
- Planning History
- Appraisal of Helensburgh Conservation Areas - 2008
- [TN06 Sustainability Technical Note and Checklist \(Oct. 2023\)](#)
- [TN07 Sustainable Buildings Technical Note and Checklist \(Oct. 2023\)](#)
- [SEPA Standing Guidance for Development Management \(Dec. 2022\)](#)

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

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

(M) Does the Council have an interest in the site: Yes No

(N) Requirement for a pre-determination hearing: Yes No

This is a local application. It is considered that the proposed development is in accordance with all relevant provisions of NPF 4 and the Argyll and Bute Local Development Plan 2; and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

(O)(i) Key Constraints/Designations Affected by the Development:

- Upper Helensburgh Conservation Area
- Trees with a conservation area

(O)(ii) Soils

[Agricultural Land Classification:](#)

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

- Yes No

Would the development restrict access to croft or better quality agricultural land?

- Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

- Yes No N/A

(O)(iii) Woodland

Will the proposal result in loss of trees/woodland?

- Yes
- No

Does the proposal include any replacement or compensatory planting?

- Yes
- No details to be secured by condition
- N/A

Note – The proposed site plan appears to show new trees shaded dark red, however this is indicative in nature, and whereas the applicant is willing to plant new and replacement trees, it is recommended that a planning condition is required in order to get further details for assessment and to formalise this procedure.

(O)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC LDP2 Allocations/PDAs/AFAs etc:

N/A

(P) Summary assessment and summary of determining issues and material considerations

The application is for a single 3-bed dwelling in the private rear garden of a large, detached 2 storey sandstone villa (no.47 Campbell Street) within Upper Helensburgh Conservation Area.

A previous application for a single dwelling on the identical site was refused. This is a resubmission and re-design of the proposed house.

The house is located within the established settlement area of Helensburgh wherein there is support for infill residential development in principle by both NPF4 and LDP2 Policies.

The key issues are considered to be:

- Proposed layout and design in relation to impact on visual amenities and the character and appearance of conservation area including the setting of the existing house, impact on trees and removal of a section the rear boundary wall adjacent to Barclay Drive.
- Impact on general residential amenity.
- Proposed new private access,
- Other issues include waste and drainage infrastructure.

The proposal is a 3-bed house with L shaped plan form, with gable end roof. The design detailing includes skews to the gable ends, centrally located chimney and timber framed sash in case design windows and natural slate roof. The walls are to be buff colour stone cladding.

The scale of the proposed building has been significantly reduced such that there is now a clear hierarchical relationship between the original villa and the proposed new built form. The massing has also been significantly simplified (in relation to the refused design) to create a more modest, or less demonstrative architectural language. The qualities of the design detailing and materials are considered critical to the 'success' of the proposed building in this instance. As such, it is recommended that the details and materials be controlled by means of a planning condition

By reason of the scale and siting of the proposed development, relative to existing development, officers are satisfied that there will be no loss of amenity by reason of overshadowing or loss of privacy by reason of overlooking.

In terms of trees, the proposal results in the loss of 3 number trees– 2no. Alder and 1no. Willow. It is generally considered that the trees and shrubs in the garden make a significant contribution to the visual amenity and character of the conservation area but the garden is somewhat neglected and unmanaged. It is considered that the loss of these particular individual trees does not affect the overall amenity value of the wider tree groups and individual trees within this garden area. A planning condition is recommended in relation to tree protection and for the planting of suitable species of new trees along the northern and eastern site boundaries.

In terms of the historic environment, a full assessment is made in the Appendix of the settlement character and acknowledging other incremental infill development in the area. The 'donor' house, no 47 is not a listed building and it is considered that the proposal given its scale and siting will not adversely affect the setting of the villa or the qualifying features for conservation area designation. There will be the loss of part of the stone wall to accommodate the access but this is considered a very minor impact in terms of the overall scheme and would not warrant refusal as the integrity of the wall is retained. Whilst it is pointed out that there are no other vehicular openings within this particular stretch of stone boundary wall, vehicle access gates within rear stone boundary walls to large villas is not an uncommon feature elsewhere within the wider conservation area.

Finally, in terms of access, there has been significant concern from neighbours, however it is not considered that one additional house will materially intensify traffic using Barclay Drive. The area roads officer is satisfied with the proposed access in terms of visibility.

In conclusion the revised design and siting is considered to be well-thought through and the proposed infill development will provide a sustainable form of residential development in accordance with the settlement strategy; preserve local visual amenity and the character and appearance of the conservation area; provide satisfactory access and off-street parking; and provide appropriate service infrastructure.

(Q) Is the proposal consistent with the Development Plan: Yes No

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

It is considered that the proposed development would result in a new dwellinghouse, sustainably located within an existing homogenous residential area with good active travel options and convenient access to existing service and community facilities including public transport networks, shopping, services, education, healthcare, leisure etc. As such, the proposal is consistent with NPF 4 the Local Development Plan 2 Spatial Strategy. In relation to planning history, officers consider that the proposed layout and design makes substantial changes in relation to the previously refused proposal (ref: 22/00996/PP) that satisfactorily address the reasons for refusal in relation to the earlier application. By reason of unobtrusive and appropriate siting, low density, modest scale, simple but traditional massing strategy and traditional external material finishes, it is considered that the proposed building will respect the setting of the 'donor' house (no. 47 Campbell Street); reflect the local pattern and character of built development; and preserve the special qualities of the Upper Helensburgh Conservation Area. It is considered that the loss of the particular trees specified will not materially impact the character and appearance of the conservation area, or biodiversity/habitat potential, subject to planting of new and replacement trees along the site boundaries. The application demonstrates that the development can be served by a new private vehicular access off of the public road network without detriment to road safety; and by adequate off-street parking and turning in accordance with the Council's adopted parking standards. The application also demonstrates that the property can be serviced by an appropriate standard of service infrastructure, with the exception of surface water drainage. It is considered that this matter can be satisfactorily safeguarded by means of a planning condition requiring the submission and approval of further details prior to the commencement of any development. The proposed development is considered to be in accordance with all relevant provisions of NPF 4, the Argyll and Bute Local Development Plan 2 and all other relevant guidance; and the application should therefore be supported in the absence of any material planning matters that would warrant departure from these provisions.

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

Not applicable. It is considered that the proposed development is in accordance with all relevant provisions of the Local development Plan.

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

Author of Report: Norman Shewan **Date:** 6/6/24

Reviewing Officer: Kirsty Sweeney **Date:** 6/6/24

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/02259/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 23rd November.2023, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	2954/100	Revision A	28.11.2023
Existing Site Topography showing Retained and Removed Trees	2954/101	Revision B	12.02.2024
Elevations, Site Plan, Floor Plans and Section	2954/110	Revision A	07.03.2024

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

2. PP – Timescale to be Agreed for Completion

No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Such details shall include a phasing scheme for the implementation of the development in stages and shall include a plan differentiating each distinct phase of the development and a schedule detailing the sequence in which development is to be implemented.

Thereafter, the development shall be implemented in accordance with the duly approved timescale and phasing scheme unless an alternative timescale or an amendment to the agreed sequence/timing of development is subsequently agreed in writing by the Planning Authority.

Reason: To ensure the development is implemented on a progressive basis having regard to infrastructure and servicing requirements and in order to comply with the requirements of NPF4 Policy 16F.

3. PP - Junction with public road:

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing 08/002B with the exception of the width of the driveway which is specified below; and in accordance with the following requirements:

- (i) visibility splays of 2.4 metres to point X by 24 metres to point Y from the centre line of the proposed access measured from the rear of the grass verge/line of the front face of the existing boundary wall;
- (ii) a pedestrian visibility splay of 2.4 metres to point X by 2.4 metres to point Y from the centre line of the proposed access;
- (iii) minimum driveway access width of 3.7 metres for the first 10 metres;
- (iv) the first 5.0 metres of the access shall be surfaced with a bound material, such as bitumen macadam or concrete, or any alternative material that has been submitted to and approved in writing by the planning authority in consultation with the road authority, prior to the final wearing surface being laid.
- (v) the proposed private access shall be graded, where possible, and designed to incorporate surface water run-off from the access that drains within the application site in order to prevent water and debris run-off onto the public road.

Prior to work starting on site the access hereby approved shall be 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.

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.

4. **PP - Parking and Turning As Shown**

The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans unless an alternative layout for parking and turning is approved in writing by the Planning Authority in consultation with Area Roads prior to the commencement of development.

The approved scheme shall be completed in accordance with the approved details prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

5. **PP - Electric Vehicle Charging – Residential with off street parking**

Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme detailing the provision of a minimum 7kw electric vehicle charging point shall be submitted to and approved in writing by the Planning Authority. Where charging cannot be provided then the appropriate ducting to future proof the property must be installed.

The approved charging point, or where relevant, the approved cable ducting shall be installed in full prior to the first occupation of the development, and thereafter retained in perpetuity unless otherwise agreed in writing by the planning authority

Reason: to comply with the provisions of NPF4 Policy 13 Sustainable Transport and LDP2 Policy 34 – Electric Vehicle Charging.

6. **PP – Submission of Details / Samples**

Notwithstanding the effect of Condition 1, no development shall commence until full details and/or material samples, where specified (below) have been submitted to and approved in writing by the Planning Authority. The details/samples shall include the following:

- (i) samples of the natural stone to be used in the development and written details of the size and coursing and, means of pointing of all stone work:
- (ii) manufacturers specifications for the natural roof slates and all rainwater goods:
- (iii) details of the surface finish/colour for the fascias and window/door frames: and,
- (iv) details of the coping for the skews, unless this is proposed to be natural stone subject to the provisions of 4 (i) above:
- (v) details for the hard surfacing of the parking/turning area and paving for paths and terraces.

The development shall thereafter be completed using the approved specifications or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its historic context and to ensure that the proposed development will preserve enhance or support the character and appearance of the conservation area.

7. PP – Submission of Further Details for the Proposed Gateway/Gate

Notwithstanding the effect of Condition 1, no development shall commence until full details of the proposed new gateway, including the new gate piers, and the proposed gates are submitted to and approved in writing by the planning authority.

Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings, to preserve the character and integrity of this historic stone boundary wall and to ensure that the development preserves, or where possible enhances the character and appearance of the conservation area.

8. PP – Tree Retention and Protection

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 5837:2012 "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 preserving/enhancing the character and appearance of the conservation area and the amenity and nature conservation.

9. PP – Full Landscaping Scheme

No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of: Amended March 2023 to include additional biodiversity element for NPF4 condition 3C

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) Existing landscaping features and vegetation to be retained;
- (iii) Location design and materials of proposed walls, fences and gates;
- (iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

Reason: To assist with the integration of the proposal with its surroundings in the interest of preserving or enhancing the character and appearance of the conservation area and contributing to biodiversity.

10. PP – Submission of Finished Floor Levels

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

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

11. PP – Surface Water Drainage – Further detail required

Notwithstanding the provisions of Condition 1, no development shall commence until full details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

12. PP – Restriction of Engineering/Construction Activity by Time

Notwithstanding the provisions of Condition 1, no engineering and/or construction activity, including the unloading of vehicles shall be take place on the site outwith the hours of 08:00 till 18:00 on weekdays; 09:00 – 13:00 on Saturdays. No engineering and/or construction activity shall be carried out at any time during Sundays and Bank Holidays.

Reason: In order to protect the amenity of the area.

13. PP – Construction Management Plan - Protection of Grass Verges

Notwithstanding the provisions of condition 1, no development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Planning Authority. The Management Plan should clearly indicate all grass verges on the west side of Campbell Street and the south side of Barclay Drive adjacent to the application site and provide details of how these grass verges (with the exception of the proposed private access as identified on the approved drawings), are to be protected from construction-related damage including, but not exclusively to vehicular movements; storage of spoil and/or materials.

Thereafter, the construction phase shall be carried out in full accordance with the approved plan and the grass verges adjacent to the application site, with the exception of the private driveway identified on the approved drawings, retained in their present condition in perpetuity.

In the event of any accidental damage to the aforesaid grass verges to Campbell Street and/or Barclay Drive, the applicant/developer shall re-instate the grass and soil to the condition of the verges prior to commencement of development.

Reason: In order to retain the grass verges in the interests of preserving local visual amenity and the character and appearance of this part of the conservation area.

ADDITIONAL NOTES 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.
- With regard to the provisions of condition 9. – *“PP – Surface Water Drainage – Further detail required”* the applicant/developer should be fully aware of the consultation response by Scottish Water which is available for inspection on the Council's web site. In particular, it should be noted that Scottish Water will not accept any surface water connections into their combined sewer system for reasons of sustainability and to protect existing customers from flooding. In limited exceptional circumstances, this may be allowed, however this will require significant justification from the applicant/developer. It is therefore, highly likely that a private surface water drainage scheme that drains within the application site will be required. The details of any details will be expected to comply with SuDS and will be considered by the planning authority's Flood Risk Manager as required.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/02259/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

- 1.1. NPF 4 Policy 1 requires significant weight to be given to the global climate and nature crises when considering all development; and requires that LDPs address the global climate emergency and nature crises by ensuring that the Spatial Strategy will reduce emissions and promote nature recovery and restoration.
- 1.2. NPF 4 Policy 02 requires the LDP Spatial Strategy to help to guide development to sustainable locations, based on an understanding of the impact of development on greenhouse gas emissions.
- 1.3. NPF 4 Policy 09 supports the sustainable reuse of “brownfield land”, including vacant and derelict land and buildings. Whilst the garden ground forms part of the existing planning unit, i.e the existing dwellinghouse, it is not clearly vacant nor derelict although it does appear to be in a somewhat neglected condition. However, neither can the garden area be strictly considered as a “greenfield” site. Officers’ therefore consider that this land can be assessed as a ‘brownfield site’ for the purposes of assessing it against NPF 4 Policy 09 as it is located within a previously developed area.
- 1.4. NPF 4 Policy 15 requires development to contribute to local living including, where relevant, 20 minute neighbourhoods, by considering the settlement pattern and levels and quality of interconnectivity with the surrounding area, including access to sustainable transport options; employment; shopping; healthcare; education; child care; and general recreational/community infrastructure.
- 1.5. Local Development Plan 2 Policy 01 normally supports development proposals within Settlement Areas as defined on the LDP 2 Proposals Map where, amongst other considerations, it is:
 - the redevelopment of a brownfield site OR acceptable in relation to the overall land supply for the proposed use;
 - compatible with surrounding land uses;
 - appropriate scale and fit for the settlement;
 - respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements; and where it
 - complies with all relevant LDP 2 policies.

Assessment

- 1.6. The application site is located within the Main Settlement of Helensburgh as identified in the Argyll and Bute Local Development Plan 2 (Adopted February 2024.) It comprises an area of private open amenity space to the rear of an existing large house located within an established residential area.
- 1.7. The proposed use i.e a single dwellinghouse is compatible with regard to its location within an established homogenous residential area.

- 1.8. Additionally, in terms of scale, a single residential unit is appropriate in relation to the nature and scale of Helensburgh as a Main Town.
- 1.9. The detailed assessment that follows, demonstrates to the satisfaction of planning officers that the proposed development will preserve the character and appearance of the townscape in terms of use, density, scale, massing, design, external finishes and access arrangements.
- 1.10. On this basis, it is considered that the proposed development is consistent with the provisions of NPF 4 and the Settlement/Spatial Strategy set out in the LDP 2 Policy 01.

2. Location, Nature and Design of Proposed Development

Site and its Surroundings

- 2.1. The application site is identical in all material respects to the application site for the previous application ref: 22/00996/PP. There has been no objections to the officers' assessment of the site (and its surroundings) as set out in the Report of Handling in relation to that previous application. As such it is reproduced below as an uncontested and accurate site analysis that, in the absence of any material change in site circumstances, is equally applicable to this application.
- 2.2. *"The application site comprises the majority of the private rear garden to the rear (north) of a large, detached 2-storey sandstone villa dating from circa late 19th century. Surrounding land uses are residential. The site lies within the Upper Helensburgh Conservation Area.*
- 2.3. *The existing villa at 47 Campbell Street forms the easternmost of five large, traditional villas that form a planned townscape block that addresses Queen St. to the south, and bounded by Suffolk St. to the west, Campbell St. to the east, and by the swept curve of Barclay Drive to the north. Built development to the east, south and west of this identified townscape block is also within the designated Helensburgh Upper Conservation Area. The development pattern to the west, south and east is generally very similar in terms of being a 19th century planned street layout originally comprising mainly large detached villas set in spacious and maturely landscaped grounds predominantly facing southwards towards the water (Clyde estuary).*
- 2.4. *Some incremental infill development has taken place within the wider conservation area during the 20th Century, notably including the erection of a linear row of 6 no. houses of mid-late 20th Century design fronting onto the eastern side of Campbell Street, from the rear of no. 26 Campbell Street to the south up the hill to the railway line to the north. These houses are mostly of single storey bungalow design with the exception of one two-storey house.*
- 2.5. *The boundary of the Upper Helensburgh Conservation Area in this area runs along the northern side of Barclay Drive immediately to the north of 47 Campbell St. and the current application site. The boundary between the five villas south of Barclay Drive between Suffolk St. and Campbell St, is defined by an historic high stone wall, which as local residents have pointed out, is largely 'unbroken' with the exception of 3 no. pedestrian gates. The crescent of Barclay Drive would historically have formed the northern edge of classically planned Victorian expansion to Helensburgh in this area.*
- 2.6. *The land to the north of Barclay Drive and east of Campbell Street (north of its junction with Barclay Drive) lies outside of the Upper Helensburgh conservation area. This relatively large area, bounded to the north by the railway line has since been*

comprehensively developed with street layout, development pattern, densities, scale and house design typical of mid-late 20th century housing estate development. This period of development, where it fronts into (sic) the northern side of Barclay Drive, is characterised by attractive but relatively modestly scaled bungalows or 1 ½ storey design within more compact curtilages with a generally regular 'building line' relative to the curve of Barclay Drive. Some of these houses have an eaves height and roof form typical of a single-storey bungalow but with accommodation within the roof volume, sometimes with dormer additions – conventionally referred to as 1 ½ storey design.

- 2.7. *No. 47 Campbell Street, as described above, is the easternmost of a 'block' of five villas constructed in the late 19th century. It is a two storey, cream sandstone villa of imposing scale set back from the Queen Street frontage behind a large front garden. The boundary with Queen St. is demarcated by a low stone retaining wall augmented by a continuous hedgerow, with a group of mature specimen trees immediately behind. The principal, formal elevation of the villa faces southwards over this maturely landscaped garden setting towards the Clyde and Gareloch, typical of the prevalent historic pattern of built development within the extensive conservation area.*
- 2.8. *The principal formal access to the villa is off of Campbell Street just to the north of its junction with Queen Street. The existing property is bounded to the east by Campbell Street, which is demarcated by a low stone retaining wall and attractive landscape planting adjacent to the front garden northwards up to a second, more informal gated access that traditionally would have given 'service' access from Campbell Street to the rear of the villa. Beyond these gates, the boundary of the rear private curtilage with Campbell Street is formed by an original stone boundary wall approximately 1.8 metres high. This stone wall continues around the corner of Campbell Street to form the rear (northern) boundary of the property with Barclay Drive. The property is bounded to the west by another detached villa of very similar age, scale, siting, form, design and (cream sandstone) materiality to no. 47 Campbell St.*
- 2.9. *Number 47 Campbell Street is not a listed building. The closest listed building to it, some 65 metres distant, is a category C listed dwellinghouse. Number 32 Queen Street is 3 houses to the west of no. 47 Campbell Street, within the same townscape 'block.'*
- 2.10. *The rear private curtilage to no. 47 Campbell Street measures approximately 0.1136 ha. The application submission states that the application site comprises 950m² (some 84%) of this existing rear curtilage to no. 47 Campbell Street. The southern boundary of the application site will adjoin the remaining curtilage of the original villa at 47 Campbell Street, approximately 10.86 metres to the north of the rear wall of the existing villa. The application site is bounded to the west by a residential property, no. 28 Queen Street and to the north and east by Barclay Drive and Campbell Street respectively.*
- 2.11. *The rear garden to no. 47 Campbell Street is relatively level and has an open lawn area at its southern part adjacent to the rear of the existing villa. The northern part of the application site is characterised by a significant number of trees growing at fairly close intervals as well as some large shrubs."*

Proposed Development

- 2.12. The proposed development has been revised in relation to the design proposed in respect of planning application ref: 22/00996/PP. The proposed development subject of the current application is summarised as follows:
- 2.13. The proposal is for the erection of a single storey 3-bedroom house within the rear garden area to the north of a large, imposing stone villa (no. 47 Campbell Street).

- 2.14. The scale of the proposed building is relatively modest with a total building footprint area of approximately 129 sq.m, in an 'L' shaped plan form. The heights to eaves and ridge level are 3.58 metres and 5.14 metres respectively above existing ground level at the point of the lowest ground level (i.e towards the south east corner of the house plan).
- 2.15. The massing comprises a principal volume some 16.4m long by 6.4m deep with a relatively shallow pitched roof and gable ends with skews. The ridge of the roof will run roughly north to south, parallel with the alignment of Campbell Street and there is a chimney stack at the southern end. This principal volumetric form contains an open-plan living/dining kitchen space, a family bathroom, hallway and two bedrooms. A second, smaller pitched roof volume extends out from the rear of the main form and terminates in a gable end elevation facing west towards the boundary with no. 28 Queen Street. The ridge of the roof over the rear 'additive form' runs at right angles to that of the main volume. The level of the ridge of the roof over the rear 'addition' steps down below the height of the ridge for the roof over the larger, principal form. This rear 'wing' contains a utility room, lobby and 3rd bedroom. The massing strategy therefore comprises one main pitched roof volume facing towards Campbell Street with a smaller addition to the rear, forming an L-shaped plan.
- 2.16. The principal elevation of the house faces east towards Campbell Street (notwithstanding that the main entrance is on the rear elevation). This principal elevation is set back approximately 14.75 metres behind the eastern site boundary wall with Campbell Street. The south end elevation of the house is some 4 metres from the southern site boundary and approximately 12 metres from the rear wall of the villa at 47 Campbell Street. The northern gable elevation is approximately 6.6 metres from the northern site boundary wall with Barclay Drive at its closet point. The main form of the house is set back approximately 7.62 metres from the western site boundary wall with no. 28 Queen Street, although the rear addition will extend to approximately 1.15 metres from the boundary with 28 Queen Street.
- 2.17. The principal windows to habitable rooms are placed, where possible, on the east (principal) elevation facing towards Campbell Street. This includes a large, full-height opening with glazed doors and fixed lights and smaller windows to each of the kitchen space, two bedrooms and an en-suite shower room. The glazed doors give access from the living space onto a raised, stepped terrace that wraps around the SE corner of the proposed house. There is a pair of small secondary windows to the main bedroom on the northern gable elevation at a distance of some 7.95 – 11.2 m from the northern boundary wall with Barclay Drive. The openings on the west facing elevation are limited to a glazed entrance door with fixed side lights (giving access to the hallway), and a small window to the open plan kitchen dining space. These glazed openings in the west elevation will face over the proposed parking court towards the boundary wall with no. 28 Queen St. at a distance of approximately 7.62 metres. Windows on the south elevation, facing towards the rear elevation of no. 47 Campbell Street comprise a pair of secondary windows to the living area; the principal (only) window to bedroom 3; and a glazed door with an adjacent window to a small lobby. The bedroom 3 window is approximately 4.69 metres from the south boundary of the proposed property; and some 8.0 metres from the rear elevation of no. 47 Campbell Street at its's closet point.
- 2.18. Design detailing is restrained. Features include skews to the gable ends and a centrally located chimney on the south gabled elevation. The walls are to be faced with buff coloured coursed stone cladding with dressed stone detailing to window and door surrounds. The roof is to be clad in natural slate. Windows are to be double glazed, timber framed sash in case design. Fascias are to be stained timber and rainwater goods to be black coloured uPVC.

- 2.19. The area between the east (principal) elevation and the boundary wall with Campbell Street is shown as open landscaped curtilage, shown mainly laid to lawn with additional tree and shrub planting to supplement existing trees to be retained. A small paved terrace is shown outside of the glazed doors to the living room on the east elevation. The area formed within the internal angle of the L-shaped plan at the rear of the house, bounded to the north by the stone wall boundary with no. 28 Queen Street, and to the east by the boundary wall with Barclay Drive is shown as small, hard-surfaced courtyard with parking for 2 no. vehicles with a turning area along the northern end of the house.
- 2.20. Vehicular access is proposed by means of a new private access onto the southern side of Barclay Drive. This involves demolition of a 3.5 metres section of the existing stone wall with Barclay Drive; construction of new stone gatepiers and installation of timber gates. It also includes a new access junction onto the southern side of Barclay Drive that will cross the existing grass verge between the edge of the surfaced public carriageway and the 'outside' face of the boundary wall.
- 2.21. Drawing no. 2954/101 Revision B shows that the proposed siting for the house will require the removal of 3 no. trees within the northwest part of the site. The proposed site plan appears to show new tree planting along the eastern and northern edges of the site bounding onto Campbell Street and Barclay Drive respectively. A hedge boundary is indicated to demarcate the southern site boundary with the 'donor' property, no. 47 Campbell Street.

Assessment

- 2.22. Siting – The supporting Design Statement assesses 2 optional layouts.
- 2.23. Option 1 considers that locating the proposed house directly abutting the existing stone boundary wall with Campbell Street presented an opportunity to respond to the traditional siting of ancillary outbuildings within the rear curtilages of large detached villas, of which there are several local examples. This option has been discounted by the applicant on the basis that it would result in the loss of trees behind this part of the boundary wall, or the opportunity to plant new trees along this boundary; and that trees/planting along the street boundaries behind the walls are an important feature of the conservation area. It is further considered (by the applicant that this siting of a new house directly behind this wall would have a *“greater than desired impact.”*)
- 2.24. Option 2 (in the supporting Design Statement) shows a proposed house of similar plan-form to Option 1, but sited towards the centre of the site with a front 'wing' projecting out from the principle (east) elevation of the house towards Campbell Street. The applicant considers that this siting set back from the east boundary and away from significant trees which are primarily towards the boundaries.
- 2.25. The siting under consideration is more along the lines of Option 2 in the Design Statement than Option 1. The main differences are that the projecting 'wing' on the front (east) elevation of the house has been moved to the rear. The current siting is 14.67 metres back from the east boundary wall (approximately 2 metres further back in the site than as shown in Option 2 in the Design Statement).
- 2.26. Officers do not necessarily accept the argument that the siting towards the western part of the site is preferential to being built directly against the eastern boundary wall with Campbell Street, as the latter site layout is considered to relate more successfully with the historic development pattern. However, the applicant wishes the application to be determined on the basis of the latest proposed site plan.

- 2.27. In effect, the site has been 'divided' in half along a north/south axis with the house and the parking court sited in the western half of the site and the eastern half retained as open landscaped garden. Setting the rear wall of the house in from the western boundary wall, forms a smaller, sheltered and enclosed courtyard for car parking in an unobtrusive location to the rear of the proposed house. Notwithstanding a preference for the siting in Option 1, officers consider that the proposed siting is relatively close to the western site boundary leaving open space for landscape planting around the eastern and northern boundaries, and that this siting along with the linear plan form, simple volumetric forms and restrained detailing and materials will result in a new building that will respect the setting and the prominence of the original villa. On this basis, officers consider that the proposal has been significantly revised in relation to the refused design, to the extent that it satisfactorily addresses previous design concerns.
- 2.28. In addition to the revised siting, the footprint and height of the building has been significantly reduced in relation to the design refused under planning application reference 22/00996/PP. The scale of the proposed building has been significantly reduced such that there is now a clear hierarchical relationship between the original villa and the proposed new built form.
- 2.29. The massing has also been significantly simplified (in relation to the refused design) to create a more modest, or less demonstrative architectural language, comprising a main linear, narrow span volume with a secondary additive volume at the rear.
- 2.30. Objectors, including the Community Council, have expressed strong concerns on the basis of their assessment that the proposed design is unremarkable and will have the character typical of a late 20th Century bungalow, and that the standard of architectural design in relation to nearby development will have an adverse impact on the character and appearance of the conservation area.
- 2.31. Planning officers agree to an extent that the proposed design has a bungalow typology principally by reason of proportions and domestic fenestration arrangement, and will not result in a newbuilding of architectural distinction. Rather, by reason of siting back from the eastern boundary, relatively small scale and site density, simple and traditional massing strategy, restrained detailing and traditional material finishes, officers consider that the proposed built development will result in a modest, undemonstrative structure that will strike an appropriate subordinate relationship with the villa, and which will respond in a satisfactory manner to the built development pattern of the conservation area in accordance with relevant planning policy.
- 2.32. It is proposed that the walls be stone clad in order to help to integrate the proposed new building into the historic environment with regard to material finish. 'Modern' stone cladding, even using natural stone, can often appear as an 'artificial' cosmetic element that can clash with historic stone, and result in the new building 'standing out' more than being assimilated into its historic context. Unsympathetic and generic stone cladding can also result in a bungalow typology. The qualities of the stone cladding, as well as the coursing, mortar, and construction methods is considered critical to the 'success' of the proposed building in this instance. As such, it is recommended that the details of the stone cladding be controlled by means of a planning condition. Officers also have concerns regarding the use of uPVC rainwater goods and a stained (rather than painted) finish to fascias. It is recommended that these matters also be controlled by means of condition.
- 2.33. It is important to make it clear within this assessment, that officers are supportive of this application having placed considerable weight on the design, in particular, with regard to the modest scale and single-storey height of the proposed building and the

siting towards the edges of the site. Whilst each application will be professionally assessed on its own individual merits, were an application for an alternative form of design submitted at a future stage, it is unlikely that the planning authority would support a revised design that is larger than the current application design. For the avoidance of any future doubt or ambiguity, the applicant, developer or any future owner of the application site should be fully aware that any aspirations for a larger form of development on this sensitive site, by reason of greater footprint, height or additions to the roof forms will be assessed very carefully and may not be supported, notwithstanding approval of this proposal, should members support the recommendation.

- 2.34. Additionally, given the above, it is also unlikely that any design amendments to the approved design would be accepted as non-material amendments to any approval of this application where those amendments propose enlargement to the approved dwellinghouse.
- 2.35. By reason of the scale and siting of the proposed development, relative to existing development, officers are satisfied that there will be no loss of amenity by reason of overshadowing (i.e loss of natural daylight/sunlight to existing nearby houses.) Although there are two secondary windows to a bedroom on the north elevation, these are at ground level and approximately 30 metres from the front elevation of the closest house on the north side of Barclay Drive. The closest house on the east side of Campbell Street is approximately 25 metres from the front (east) elevation of the proposed house. Officers consider that these distances of separation, combined with an intervening boundary wall, mature natural screening and a public road will mean that the proposal will not have any material impact on the residential amenities of nearby Barclay Drive houses. This spatial relationship between existing properties and the proposed new house is not untypical of residential areas. Concern has been expressed specifically with regard to loss of amenity to occupiers of the adjacent property to the north, no. 28 Queen Street. Openings on the rear (west) elevation of the proposed house are restricted to a (non-habitable room (hallway) and a small secondary/tertiary window to the kitchen area. These openings are at ground level and face towards the boundary wall with no. 28 Queen Street at a distance of some 7.62 metres. Given this relationship between the proposed new house and the rear garden of no. 28 Queen Street, Officers are satisfied that the proposal will not materially impact on the privacy that the occupiers of the adjoining property could reasonably expect to enjoy in terms of direct overlooking of their private open amenity space.
- 2.36. In terms of sustainable design, the application includes a “Sustainability Checklist” and a “Sustainable Buildings Checklist” under the provisions of LDP TN06 and TN07. Officers are satisfied that sustainable principles have been addressed including: proximity to existing local services and facilities; active travel networks; flexibility of layout to support new ways of working; selective loss of existing trees to be mitigated by new planting; etc. In terms of sustainable buildings, it is submitted that the proposed building will use a highly insulated energy efficient construction to exceed current technical standards. A “Site Waste Management Plan” will be implemented and the principles of Zero Waste Scotland’s “Designing Out Construction Waste” followed. A system of rainwater harvesting will be used. Water saving sanitary ware will be installed and water efficient shower heads specified. The surface water disposal system will be attenuated by means of on-site crate storage before connection to the main sewer
- 2.37. Officers are satisfied that the proposal will result in a sustainable form of development during the construction and operational phases.

3. Natural Environment, Biodiversity and Trees

NPF 4

- 3.1. NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.
- 3.2. Policy 4 indicates that development that will have an adverse impact on the natural environment will not be supported. Development proposals that are likely to have an adverse effect on protected species will only be allowed where the presence of protected species is established and potential impact fully assessed prior to determination,
- 3.3. Policy 6 generally aims to ensure that existing woodland and trees on development sites are protected and sustainably managed. Development proposals will not be accepted where they will have an adverse impact on trees of high biodiversity value.

LDP 2

- 3.4. Policy 06 requires that development proposals demonstrate how green and blue infrastructure has been integrated into the design; including, contribution to existing green networks; promotion of active travel; provision for biodiversity; how that proposed development will manage all rain and surface water drainage through SuDS.
- 3.5. Policy 73 indicates that the planning authority will give consideration to all relevant legislation, policies and conservation objectives in relation to potential impact upon nature conservation and protection of species habitat. Development will be encouraged to incorporate, safeguard and enhance existing site biodiversity. The applicant shall provide a specialist survey where there is evidence to suggest that a habitat of importance exists on the site. Development will only be permitted where it can be justified in accordance with the relevant protected species legislation.

Assessment

- 3.6. The application site comprises part of an existing garden area with a significant group of mature trees, large shrubs and smaller ornamental planting and some ground cover (ferns etc.) within the northern part of the garden.
- 3.7. The supporting Design Statement advises that the layout proposed in Option 2 has been selected in preference to Option 1, largely on the basis that it set away from significant trees. As summarised in Section G (v) the following supporting information has been submitted:
 - Tree Survey Statement; and,
 - Drawing no. 2954/101 revision B – “Existing Site Topographic Survey Retained & removed trees”

This drawing shows the stem/trunks of 3 number trees to be removed i.e. 2 no. Alder and 1 no. Willow. The drawing also appears to show new tree planting.

- 3.8. Representations have been received expressing concern that the above information is basic, lacking in information and ambiguous. As such it is submitted that there is inadequate information to make a full assessment in respect of impact on existing trees prior to determinations, and that this may lead to significant loss of trees to the detriment of biodiversity value and visual amenity.
- 3.9. Officers agree with objectors that the supporting information submitted with regard to a tree survey, tree impact plan and tree protection plan falls below the industry standards and that this level of submission lacks clarity as a result.

- 3.10. However, on balance, Officers consider that the information submitted, in conjunction with a site assessment by the case officer, is adequate to allow a full and professional assessment of this proposed development in respect of trees.
- 3.11. The 2 no. Alder trees are multi-stemmed species and form part of a group that extend east to west across the central part of the site. The submitted tree survey advises that these trees are 25-30 feet high and in healthy condition with no sign of diseases or abnormalities. The survey indicates that the White Willow is approximately 15 feet in height, also in healthy condition.
- 3.12. It is considered that whilst the garden trees and shrubs within, and adjacent to the application site, undoubtedly make a significant contribution to the visual amenity and character of the conservation area, and have some biodiversity value, it is also recognised that the garden is in a somewhat neglected and un-managed condition and that a comprehensive landscaping scheme including planting new shrubs and trees, in particular along the northern and eastern boundaries would mitigate against any impact upon the impact of the proposed loss of trees.
- 3.13. The site is not overlapped by any international, national or local nature conservation/biodiversity designation and there is no immediate evidence of protected species habitats within the site. However, the applicant/developer should be aware that existing trees and natural vegetation are likely to provide habitat for roosting birds and as such the applicant/developer should make themselves aware of their obligations under all relevant Wildlife and Nature Conservation legislation with regard to the timing of tree works.
- 3.14. With regards to the need in NPF4 Policy 3 to secure biodiversity improvements, it is not considered that there are any issues of compliance with Policy 3. Whilst 3 no. existing trees are required to be felled by reason of the proposed building, the natural features on the site have not been managed, and it is considered that a comprehensive landscaping design, incorporating planting appropriate new tree and shrub species along the site edges would create an opportunity not only to enhance the visual appearance and character of the site, but also to enhance biodiversity. On this basis, it is considered appropriate to impose a condition on the grant of permission to secure the finer detail of these proposals (biodiversity improvements) as part of the wider landscaping and boundary treatment measures for the site.
- 3.15. With the recommended conditions to secure the finer details of the biodiversity enhancement and protection measures within the development, as part of the wider landscaping and boundary scheme for the site; and, full Tree Impact and Tree Protection details, it is considered that the proposal aligns with the broad aims of NPF4 Policies 3 and 4, and is consistent with the requirements of LDP2 Policy 73, Development Impact on Habitats, Species and Biodiversity.

4. Historic Environment

NPF 4

- 4.1. Policy 7 advises that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. Policy 7 (d) supports development where it will preserve or enhance the character and appearance of conservation areas, having regard to the architectural and historic character of the area; existing density, built form and layout; siting, design and quality of materials. Development will ensure that existing natural and built features that contribute to the

character and appearance of the conservation area are retained, including boundary walls, railings, hedges, trees, structures, etc.

LDP 2

- 4.2. Policy 16 supports development proposals which may affect a listed building, its curtilage or wider setting where it respects the original listed building in terms of setting, scale, design, materials and use.
- 4.3. Policy 17 sets a presumption against development that does not preserve or enhance the character or appearance of a conservation area. New development must respect the architectural, historic or other special qualities that qualified the area for conservation area designation; and conform to national policies and guidance. This includes the Appraisal of Conservation Areas in Helensburgh 2008.

Assessment

- 4.4. The existing villa at 47 Campbell Street forms the easternmost of five large, traditional villas that form a planned townscape block that addresses Queen St. to the south, and bounded by Suffolk St. to the west, Campbell St. to the east, and by the swept curve of Barclay Drive to the north. Built development to the east, south and west of this identified townscape block is also within the designated Helensburgh Upper Conservation Area. The development pattern to the west, south and east is generally very similar in terms of being a 19th century planned street layout originally comprising mainly large detached villas set in spacious and maturely landscaped grounds predominantly facing southwards towards the water.
- 4.5. Some incremental infill development has taken place over period of the 20th Century within the wider conservation area, notably including the erection of a linear row of 6 no. houses of mid-late 20th century design fronting onto the eastern side of Campbell Street from the rear of no. 26 Campbell Street to the south up the hill to the railway line to the north. These houses are mostly of single storey bungalow design with the exception of one two-storey house.
- 4.6. The boundary of the Upper Helensburgh Conservation Area in this area runs along the northern side of Barclay Drive immediately to the north of 47 Campbell St. and the current application site. The boundary between the five villas south of Barclay Drive between Suffolk St. and Campbell St. is defined by an historic high stone wall, which as local residents have pointed out, is largely 'unbroken' with the exception of 3 no. pedestrian gates. The crescent of Barclay Drive would historically have formed the northern edge of classically planned Victorian expansion to Helensburgh in this area.
- 4.7. The development pattern and density of development within this 'block' reflects the prevalent pattern in the wider conservation area i.e. large villas set well back in their plots with principal elevations facing southwards to the water over large, formally landscaped front gardens. The classical curve of Barclay Drive, created by this particular block of townscape development forms the limit of the Victorian expansion in this locality. This important historic boundary is demarcated by an original stone wall.
- 4.8. The land to the north of Barclay Drive and east of Campbell Street (north of its junction with Barclay Drive) lies outside of the Upper Helensburgh conservation area. This relatively large area, bounded to the north by the railway line has since been comprehensively developed with street layout, development pattern, densities, scale and house design typical of mid-late 20th century housing estate development. This period of development, where it fronts into the northern side of Barclay Drive, is characterised by attractive but relatively modestly scaled bungalows or 1 ½ storey design within more compact curtilages with a generally regular 'building line' relative to

the curve of Barclay Drive. Some of these houses have an eaves height and roof form typical of a single-storey bungalow but with accommodation within the roof volume, sometimes with dormer additions – conventionally referred to as 1 ½ storey design.

- 4.9. No. 47 Campbell Street, as described above, is the easternmost of a 'block' of five villas constructed in the late 19th century. It is a two storey, cream sandstone villa of imposing scale set back from the Queen Street frontage behind a large front garden. The boundary with Queen St. is demarcated by a low stone retaining wall augmented by a continuous hedgerow, with a group of mature specimen trees immediately behind. The principal, formal elevation of the villa faces southwards over this maturely landscaped garden setting towards the Clyde and Gareloch, typical of the prevalent historic pattern of built development within the extensive conservation area. The principal formal access to the villa is off of Campbell Street just to the north of its junction with Queen Street. The property is bounded to the east by Campbell Street, which is demarcated by a low stone retaining wall and attractive landscape planting adjacent to the front garden northwards up to a second, more informal gated access that traditionally would have given 'service' access from Campbell Street to the rear of the villa. Beyond these gates, the boundary of the rear private curtilage with Campbell Street is formed by an original stone boundary wall approximately 1.8 metres high. This stone wall continues around the corner of Campbell Street to form the rear (northern) boundary of the property with Barclay Drive. The property is bounded to the west by another detached villa (no. 28 Queen Street) of very similar age, scale, siting, form, design and (cream sandstone) materiality to no. 47 Campbell St.
- 4.10. Number 47 Campbell Street is not a listed building. The closest listed building to it, some 65 metres distant, is a category C listed dwellinghouse. Number 32 Queen Street is 3 houses to the west of no. 47 Campbell Street, within the same townscape 'block.' By reason of its location within a completely separate curtilage (to the closest listed building), clearly demarcated as such by stone boundary walls augmented by mature natural planting, the proposed building and the listed building will not be intervisible. Additionally, modestly scaled buildings and structures within the rear curtilages to large, imposing period villas are not uncommon to the historic pattern of built development within this conservation area. It is noted that there are some other examples of modern development within the curtilages of the historic villas within this townscape block, including the listed building, Deanston, the upper parts and roof of which area apparent in public views from Barclay Drive. Having regard to the above considerations, officers consider that the proposed development will not have an adverse impact on the localised or wider setting of "Deanston", or any other nearby listed buildings, in compliance with the provisions of NPF Policy 7 and LDP 2 Policies 15 and 16.
- 4.11. The special qualifying features in relation to the designation Upper Helensburgh Conservation Area has been set out above. The Appraisal of the Conservation Areas in Helensburgh has been given appropriate material weight as part of this assessment. The key issue, in this element of the assessment, is how the proposed development, in terms of its setting responds to and relates to the understanding of the historic, architectural and cultural significance of the spatial pattern and qualities of the character of the conservation area, particularly with regard to the siting of large imposing stone villas set within large plots. As set out, a strong quality of the spatial character comes from these large detached houses often sited towards the rear, or north of long rectangular plots with a north/south. As a direct response to the natural topography, sunlight and views towards the estuary, the houses were historically orientated such that the principal rooms and principal, formal elevation faced southwards over the largest area of private curtilage. These large gardens were almost always formally landscaped with trees and shrubs along the front and side boundaries. On this basis, it is considered that these open, undeveloped spaces are vulnerable to change as they form the public,

or formal, setting to the principal elevations of the main building. The curtilage to the rear of these villas however, are often smaller in comparison to the front gardens and these areas tended to play a more 'back of house' servicing role, and as such commonly included secondary, more functional entrances and buildings/structures that served the main house, for example, coach houses, boiler houses, gardeners cottages, staff quarters etc. Additionally, the architectural approach to the rear elevations of the villas was often less grand and less ordered than the front elevations and incremental rear additions are not uncommon. It is considered that this building responds to the spatial character of the conservation area in this respect in that it has a clearly subordinate relationship with the original villa in terms of low height and modest scale; simplicity of form and detailing; and an appropriately restrained architectural expression. The siting is towards the south west corner of the site, which places it in proximity to the rear of the 'donor' villa and towards the western boundary wall with the property adjoining to the west. This proposed siting, scale, massing, form, architectural detailing and traditional external materials will therefore strike an appropriately subordinate relationship with the principal building and result in a pattern of development that is typical of the wider conservation area.

4.12. The applicant submits that the siting of the building away from the public boundaries of the plot with Campbell Street and Barclay Drive, will retain the open undeveloped character of the current garden site; and allow the opportunity to enhance the character of the site by additional tree and shrub planting around the site boundaries. Whilst officers consider that a building directly abutting the eastern boundary wall may be preferable in many ways, it is considered that the current approach has validity, particularly in that it will allow for new planting which may enhance, rather than simply preserve the character and appearance of the conservation area.

4.13. Local concerns have been raised with regard to the impact of creating a vehicular access gate within the northern boundary wall on the south side of Barclay drive from Campbell Street to Suffolk Street. Officers are in full agreement that the integrity of this wall has particular historic and cultural importance as it marks the outward edge of an historic phase of 19th Century expansion in Helensburgh. However, as set out above, rear gateways within historic walls to the rear of large villas are quite common throughout this conservation area and as such this element of the proposal will not be out of keeping with the character and appearance of the conservation area. The section of wall to be removed will be in the region of 3.7 metres, amounting to a small proportion of the wall. The wall will otherwise be retained and its continuity, and with it the historic integrity and significance of this boundary will not be prejudiced to any material degree. The principle of forming rear gateway is therefore accepted, however it is recommended that full details of the construction of the gate piers and any gates be required by planning condition, for assessment and approval by officers.

4.14. Having regard to all material factors, and subject to the planning conditions recommended, it is considered that the proposed development will not have an adverse impact upon the setting of nearby listed buildings nor the character or appearance of the conservation area in accordance with the relevant provisions of NPF 4 Policy 7 and LDP 2 Policies 15, 16 and 17.

5. Road Network, Parking and Associated Transport Matters.

NPF 4

5.1. Policy 13 supports proposals where the generated traffic requirements have been considered in line with sustainable travel principles; and where they are linked to local

facilities via walking, wheeling and cycling networks; accessible by public transport; provide vehicle charging points in line with Building Regulations and cycle parking.

LDP 2

- 5.2. Policy 32 largely aligns with the provisions of NPF 4 Policy 13 in terms of ensuring that new development is sustainably located with regard to local services and public transport routes, and has safe links with active travel networks.
- 5.3. Policy 34 requires the provision of electric vehicle charge points, or the infrastructure potential to accommodate charge points in future. For all new-build houses with private off street parking it is required to install dedicated cable ducting connecting each private residential parking space to the nearest electricity supply connection point capable of supporting the installation of a 7 kW EV charging point.
- 5.4. Policy 36 considers that new private accesses may acceptable where it does not, in the view of the planning authority, generate unacceptable levels of traffic in relation to the access regime. The private access should serve a development not exceeding 5 houses.
- 5.5. Policy 39 sets out construction standards for ne private accesses in order to function safely and effectively. This includes reference to visibility, geometry, gradients, widths, etc.
- 5.6. Policy 40 requires the provision of off-street parking to Council approved standards relative to the type of development as set out in Table 5. For housing (Use Class 9) the requirement is for 2 spaces per 2-3 bedroom unit or 3 spaces for a 4-bedroom (or more) unit.

Assessment

- 5.7. It is noted that several local residents have objections to the proposed new access onto the south side of Barclay Drive. Many of these express a strong preference for an alternative new private access onto Campbell Street, however the planning authority must assess the application on the basis that it is submitted. Concerns generally relate to the width, alignment, junction geometry, low intensity usage and that as such, the road is not suitable by design to accommodate the additional traffic movements generated by a new dwellinghouse without creating traffic hazards. Additionally, residents submit that the road is a very quiet residential road with low intensity usage, and that the resultant intensification of use will be detrimental to the quiet character of the street.
- 5.8. Barclay Drive is a two-way residential through road that connects Campbell Street ultimately to Macleod Drive. The eastern section of the road runs between Campbell Street and Suffolk Street. Traffic on Barclay Drive gives way to the junctions onto Campbell Street and Suffolk Street, and in comparison to these latter two roads, it is quieter in nature. The section of Barclay Drive (between Campbell Street and Suffolk Street has 9 no. existing private accesses to dwellinghouses, all of which are off the northern side of the road. There are no vehicular accesses off of the south side of Barclay Drive. The northern side of Barclay Drive has a narrow public footway that runs along the front of houses on Barclay Drive. The southern side of the road has a grass verge with a high stone wall behind.
- 5.9. The proposed means of access to the application site is by means of a new private access off of the south side of Barclay Drive. The centre line of the proposed private access is approximately 35 metres to the west of the junction of Barclay Drive with Campbell Street. The alignment of Barclay Drive is not perpendicular with Campbell

Street, and as such, vehicles travelling north along Campbell Street and turning left onto Barclay Drive have to negotiate a relatively tightly radius curve through approximately 135°.

- 5.10. Notwithstanding the concerns expressed by local residents, officers consider that the level of intensification of vehicular and pedestrian traffic using Barclay Drive as a result of an additional 3 bedroom houses will not be significant relative to the existing use, and that the road although a quiet residential road has adequate design capacity to accommodate the additional residential traffic generated by one dwellinghouse without material detriment to road safety.
- 5.11. This is consistent with the comments by the Council's Area Roads engineer who has no objections to the proposed development subject to specified planning conditions regarding the design, layout and construction of the proposed junction. Area Roads does not raise any potential constraints to these design criteria being achieved.
- 5.12. However, the current application drawings show a new access gateway to be formed in the existing wall with a clear width of 3.5 metres. This is not consistent with the terms of the planning condition recommended by Area Roads that requires a minimum access width of 5.5 metres over the first 10.0 metres.
- 5.13. Additionally, the Area Roads recommend that the roads condition requires the proposed gates to open inwards and to be located at least 6.0 metres back from the edge of the carriageway to allow a standing vehicle to stop clear of the highway when the gates are closed.
- 5.14. Both of these matters have been taken up with the applicant and it is intended that a that a resolution will be reported to Committee in a Supplementary Report, however it is not considered that the width of the access will be a determining factor in this assessment, and this matter can be resolved by means of planning condition.
- 5.15. With regard to active travel principles, it is recognised that the proposed development is located within an existing town with easy access to public transport routes and local facilities and services. The location is appropriate in terms of connecting into existing active travel networks including walking, wheeling and cycling. The provision of a vehicle charging point, or the infrastructure to allow its installation at a future date can be secured by means of a planning condition.
- 5.16. The proposed layout shows a hard-surface parking area for 2 no. cars and a turning head to allow vehicles to turn within the site in order that they can enter and egress the site in a forward gear. The Area Roads Engineer has reviewed this plan and the consultation response does not indicate that the layout cannot provide adequate space for vehicle turning.
- 5.17. On this basis, it is considered that the proposal accords with active travel principles and provides an adequate private access regime to serve the proposed development without any materially adverse impact upon issues of road safety or the flow of vehicles.

6. Infrastructure

NPF 4

- 6.1. Policy 18 advises that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.

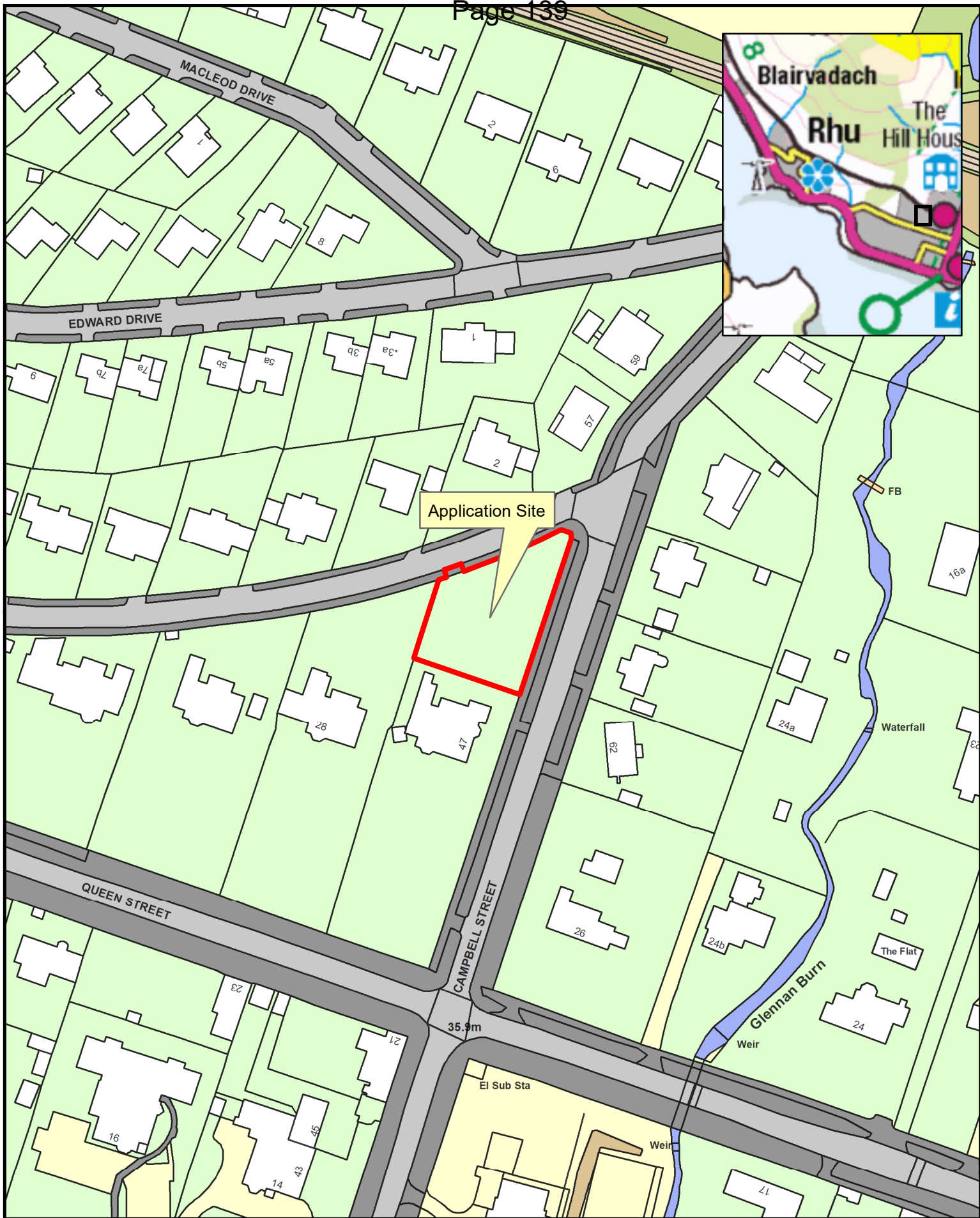
LDP 2

- 6.2. Policy 60 requires that all development will manage all rain and surface water through sustainable urban drainage systems (SuDS), which should form part of and integrate with proposed and existing blue-green infrastructure.

Assessment

- 6.3. It is proposed to connect to the public water supply and waste water drainage network. The consultation response from Scottish water does not indicate that there are any capacity issues that would prevent the proposed development being serviced in this manner.
- 6.4. The planning application forms state that the proposal does not make provision for sustainable urban drainage. Surface water drainage details are not shown on any other drawings and this matter is not covered in the Design Statement.
- 6.5. However, the submitted Sustainable Buildings Checklist advises that *“The surface water disposal system will be attenuated by means of on-site crate storage before connection to the main sewer.”* The Checklist also states that a *“system of rainwater harvesting will be used.”*
- 6.6. There is an inconsistency between the above two elements of the application information; and this does not help with clarity in relation to surface water drainage. The proposal to connect to the main sewer appears to be unacceptable to Scottish Water. Whilst Scottish Water advise that there may be exceptional circumstances where a connection to the combined public sewer system for brownfield sites only, this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges. There is no submitted evidence to suggest that the applicant has entered into negotiations with Scottish Water to demonstrate an exceptional case for surface water connection, and as such there is no certainty that the proposed surface water drainage proposals can be achieved.
- 6.7. It is proposed to surface the private access, parking and manoeuvring area with porous materials.
- 6.8. It is acknowledged that a previous application for planning permission has been refused by the planning authority for several reasons including lack of demonstrable evidence that the proposed development can be adequately serviced by surface water drainage. The revised proposal currently under consideration has undergone significant revisions such that officers are now satisfied that the proposal can be supported, and as such the single remaining issue relates to a technical matter of provision for surface water drainage within the site. In these changed circumstances, officers consider that a technical solution is achievable and as such that it would be appropriate to seek an appropriate resolution of this servicing issue by means of a suspensive planning condition requiring the submission of full details for a sustainable drainage system for assessment by officers in consultation with the Council’s flood risk/drainage consultant, prior to the commencement of any development.

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Location Plan Relative to Planning Application: 23/02259/PP



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**Argyll and Bute Council
Development & Economic Growth**

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: 23/02409/PP
Planning Hierarchy: Local
Applicant: Creran Homes Ltd
Proposal: Erection of 6 Dwellinghouses and Installation of 2 Septic Tanks
Site Address: Land South East of Inverbheach Cottages, Barcaldine

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 6 dwellinghouses
- Installation of 2 septic tanks
- Formation of private access road

(ii) Other specified operations

- Utilisation of existing vehicular access
 - Connection to public water main
-

(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) CONSULTATIONS:

Argyll and Bute Council – Roads Authority

Report dated 16/04/24 advising no objection to the proposed development subject to conditions being imposed on the grant of permission to secure the upgrade of the existing access at the junction with the B845 public road and provision of a 2 metre footway; the provision of speed calming measures; the provision of a passing place along the new stretch of private access track; the provision of a turning head within the new stretch of private access track; the provision of parking and turning for three

vehicles for each dwellinghouse; and the provision of a bin storage area on the new stretch of private access track.

Argyll and Bute Council – Environmental Health Service

Memo dated 17/01/24 advising no objection to the proposed development subject to a condition being imposed on the grant of permission to restrict the hours of construction of the proposed development. However, this is not something that should ordinarily be controlled by planning condition. Should construction noise become an issue within the development, this is a matter that would be dealt with directly by the Environmental Health Service.

Scottish Water

Letter dated 28/12/23 advising no objection to the proposed development which would be serviced from the Tullich Water Treatment Works but providing advisory comments for the applicant regarding connection to their infrastructure.

JBA Consulting Ltd

Final report dated 25/04/24 advising no objection to the proposed development.

Consultation responses are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

22/02546/PP

Erection of 12 dwellinghouses, formation of vehicular access and installation a sewage treatment plant – Withdrawn: 11/01/24

22/01113/PP

Erection of 21 dwellinghouses, installation of sewage treatment plant, formation of access and a play park area – Withdrawn: 06/09/22

20/01879/NMA

Non material amendment for change of house type and relocation of driveways on plots 6 and 9 relative to Planning Permission 19/00150/PP for erection of 10 dwellinghouses and installation of septic tank – Granted: 28/10/20

20/01228/NMA

Non material amendment for amendment to boundary treatment relative to application 17/03075/PP – Granted: 17/07/20

19/00150/PP

Erection of 10 dwellinghouses and installation of septic tank – Granted: 28/05/19

18/02621/NMA

Non material amendment to 17/03075/PP - Relocation of plots 1 -4 south east by 3m – Granted: 13/12/18

18/01843/NMA

Non Material Amendment to planning permission reference 17/03075/PP (Erection of 10 affordable dwellinghouses, installation of private drainage system and formation of vehicular access) Adjustment to the location of the dwellinghouses and driveways for plots 1-4 – Granted: 31/08/18

17/03075/PP

Erection of 10 affordable dwellinghouses, installation of private drainage system and formation of vehicular access – Granted: 16/03/18

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 01/02/24.

(F) REPRESENTATIONS:

(i) 18 objections and 1 representation has been received from:

Oban and District Access Panel – by e-mail only – (21/01/24)
Odile Francois, Glensalloch House, Barcaldine, PA37 1SF (13/01/24)
David Jackson, 17 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Keira Jackson, 17 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Liam Roberts, 23 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Mr Jeremy Moore, Ashfield, Barcaldine (11/01/24)
Mrs Suzanne Black, 10 Inverbhreach Cottages, Barcaldine, PA37 1AH (13/01/24)
Mr Gregory Black, 10 Inverbhreach Cottages, Barcaldine, PA37 1AH (12/01/24)
Ms Sine MacKay, Tigh Sonas, Barcaldine, PA37 1SG (12/01/24)
Mrs Kirsten Leach, 21 Inverbhreach Cottages, Barcaldine, PA37 1AH (12/01/24)
Mr Andrew Leach, 21 Inverbhreach Cottages, Barcaldine, PA37 1AH (12/01/24)
Stephanie Brain, 14 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Emily Buchanan, 16 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Martin George, 9 Inverbhreach Cottages, Barcaldine, PA37 1AH (10/01/24)
Miss Laura Sage, 8 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Mrs Caroline MacInnes, 3 Inverbhreach Cottages, Barcaldine, PA37 1AH (11/01/24)
Christy Walton – by e-mail only – (09/01/24)
Christine Wood - by e-mail only - (06/01/24)
Ms Margaret Taylor, 15 Inverbhreach Cottages, Barcaldine, PA37 1AH (05/01/24)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- **Flooding and Surface Water Drainage**

There are ongoing issues with flooding within the surrounding area, with many of the neighbouring properties often flooded.

Consideration will require to be given to a suitable drainage scheme for the proposed development to ensure that the existing situation is not exacerbated and that existing dwellinghouses are not affected by surface water flooding arising from the proposed development.

Concerns over the siting of an open SuDS pond which would have open access in an area where children regularly play.

Officer Comment: *The agent has worked closely with the Council's flooding advisors JBA Consulting Ltd to agree a suitable scheme for the*

treatment of surface water from the proposed development to ensure that surface water flooding does not arise. A condition is proposed on the grant of permission to ensure that the surface water scheme agreed with JBA Consulting Ltd is implemented within the development.

With regards to the safety issue of the proposed SuDS Pond, this will be covered by the appropriate health and safety legislation and appropriate site management procedures.

- **Road and Access Issues**

The road access from the B845 is too narrow for vehicles to enter and exit Inverbhreach Cottages at the same time with vehicles requiring to reverse back into the development or out onto the main road.

The view when exiting Inverbhreach Cottages is obstructed on both sides, on the left by a sign and on the right by a pole.

Due to the lack of visitor parking within the existing development, with vehicles parked on the street, access for works vehicles is likely to be a problem. Approximately 7 visitor parking spaces are required prior to any work starting on the next phase.

Will there be street lighting within the proposed development.

Barcaldine needs a speed restriction.

Officer Comment: *The agent has worked closely with the Council's Roads Authority regarding the access regime to serve the proposed development.*

The Roads Authority have requested that conditions are imposed on the grant of permission to secure the upgrade of the existing access at the junction with the B845 public road involving it being widened to 6 metres, a 2 metre footway being provided and speed calming measures being provided within the development. The condition will require the access improvements to be provided to at least base course prior to work starting on the proposed development.

The other requirements of the Roads Authority, specific to the 6 dwellinghouse development, are discussed in more detail in the main assessment of the application within Appendix A of this report.

The Roads Authority has not indicated a requirement for street lighting.

The reduction in speed limit is a matter for the Roads Authority, it does not represent a material planning consideration relating to this planning application.

- **Impact on Wildlife**

Concerns over the impact of the proposed development on wildlife due to the proximity to an area of Ancient Woodland and the sea.

Officer Comment: *The site is not covered by any specific nature designation, however, as part of the landscaping scheme for the development which will be sought by planning condition, details of biodiversity enhancement and protection measures will be sought.*

- **Future Phases of Development**

There are concerns over future phases of development and the potential impact they could have on the privacy and amenity of existing properties.

Should permission be granted, does this set a precedent for continued development, how many properties can be expected to be built.

Will there be improvements to local infrastructure to support further development.

Officer Comment: *The site forms part of Housing Allocation H4017 allocated for the overall development of 50 dwellinghouses. Phases 1 and 2 have provided 20 of those units with the current application proposing a further 6.*

Any future application for further development within the Housing Allocation will require to be assessed against the provisions of the Development Plan in force at the time along with all other material considerations, including the requirements of consultees with regards to suitable infrastructure and comments from third parties with regards to the impact of the development on their privacy and amenity.

- **Hours of Operation for Construction Works**

Consideration has to be given to the hours and days of work if approved. There are many young families leaving for school and work, with children playing on the street after school and at weekends.

Officer Comment: *This is not a material planning consideration but a matter for the developer as part of the good practice for the management of the construction phase of the development.*

- Is there a guarantee that the planting on the proposed plans will materialise if permission is granted as this was not done in the previous phases. This is considered to be false marketing to prospective purchasers.

Officer Comment: A landscaping condition is proposed on the grant of permission which requires a timescale for the implementation of the proposed landscaping together with details of its ongoing maintenance. Should the agreed timescale not be adhered to, the Planning Authority has the ability to commence enforcement action to ensure compliance with the requirements of the condition.

- **Will there be provision for the maintenance and upkeep of the proposed public areas.**

Officer Comment: *If this forms part of the landscaping condition, then the powers of the Planning Authority set out above would be relevant.*

- The proposal represents creeping development without any provision or consideration for the residents of the existing dwellinghouses of Phases 1 and 2.

Officer Comment: *The site is within a Housing Allocation in LDP2 allocated for residential development and Scotland has recently declared a 'housing emergency'.*

- **Lack of Neighbour Notification**

Not all properties within Inverbhreac Cottages have received neighbour notification.

Officer Comment: *Neighbour Notification is issued to those properties who have a boundary within 20 metres of the red line which delineates the application site.*

- **Issues with the Previous Phases of Development**

Some of the gardens of Inverbhreac Cottages have not been completed properly, there is no drainage and they are not level resulting in them being waterlogged for a good part of the year.

The play area approved in the previous phases has not been provided resulting in children playing in the street, representing a road and pedestrian safety issue.

The planting and landscaping has not been completed.

There are ongoing issues with the operation of the septic tanks serving the dwellinghouses within the previous phases.

There has been sewage in one of the driveways due to this issue and ongoing odour issues.

SEPA or Environmental Health should investigate the installation of these existing septic tanks before any further septic tanks are installed or building works start as this poses a risk to the health and safety of residents.

This is the third planning application for Phase 3, would it not be advisable for the developer to meet with the existing residents to resolve the issues with the previous phases before the next phase starts.

Officer Comment: *If the development has not been undertaken in accordance with the approved plans, this is something which can be investigated by the Planning Enforcement Officer.*

With regards to the operational arrangements of the existing septic tanks, this is not a matter for the Planning Authority, this is a matter for the developer and/or the Council's Building Standards Service.

With regards to the treatment of surface water within the development, again this would be a matter for the developer and/or the Council's Building Standards Service.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) **Environmental Impact Assessment Report:** Yes No

(ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No

(iii) **A Design or Design/Access statement:** Yes No

A Supporting Statement has been submitted with the application the content of which is discussed in the main assessment of the application within Appendix A of this report.

(iv) **Sustainability Checklists (with reference to the requirements of LDP2 Policy 04)**

TN06 Sustainability Checklist Yes No

TN07 Sustainable Buildings Checklist Yes No

(v) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

Flood Risk Assessment which is discussed in more detail in the main assessment of the application within Appendix A.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 11 – Energy

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Diverse and Sustainable Economy

Policy 30 – The Sustainable Growth of Renewables

Connected Places

Policy 34 – Electric Vehicle Charging

Policy 36 – New Private Accesses

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision
- Policy 41 – Off Site Highway Improvements

Sustainable Communities

- Policy 55 – Flooding
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 63 – Waste Related Development and Waste Management

Homes for People

- Policy 64 – Housing Development on Allocated Sites
- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing

High Quality Environment

- Policy 71 – Development Impact on Local Landscape Areas (LLA's)
- Policy 73 – Development Impact on Habitats, Species and Biodiversity

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [TN06 Sustainability Technical Note and Checklist \(Oct. 2023\)](#)
- [TN07 Sustainable Buildings Technical Note and Checklist \(Oct. 2023\)](#)
- [ABC Housing Needs and Demand Assessment](#)
- [ABC Housing Emergency Statement](#)

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

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

(M) Does the Council have an interest in the site: Yes No

(N) Requirement for a pre-determination hearing: Yes No

In deciding whether to hold a discretionary hearing Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development

plan policy grounds which have recently been considered through the development plan process.

- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

At the time of writing, representations have been received by the Planning Authority from 19 respondents in relation to this planning application. 18 respondents raise objection and 1 submits a representation.

The main thrust of objection relate to the unsuitability of the junction with the public road and the ongoing issues with surface water flooding. In this regard the agent has worked closely with the Council's Roads Authority to agree an upgrade of the access at the junction with the public road which involves an increase in its width and the provision of a pedestrian footway, works on which will require to be undertaken before works on the construction of the dwellinghouses commences.

The agent has also worked closely with the Council's flooding advisors JBA Consulting Ltd to agree a suitable scheme for the treatment of surface water within the proposed development.

The main other concerns raised by objectors relate to the standard of completion of the previous phases of the development and ongoing issue they are having with the developer.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The determining factor in the assessment of this application is whether the proposed small scale housing development is consistent with the provisions of the adopted National Planning Framework 4 and Local Development Plan 2 and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

In this instance the proposed housing development is within an area recently adopted as a housing allocation within LDP2 and is considered to be wholly consistent with that allocation and with the provisions of both National and Local Planning Policy whilst helping to address the locally and nationally declared 'housing emergency'.

(O)(i) Key Constraints/Designations Affected by the Development:

- North Argyll LLA
- H4017 – Barcaldine – 50 Units

(O)(ii) SoilsAgricultural Land Classification:

Class 4.2 - Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops.

Class 5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain.

Peatland/Carbon Rich Soils Classification: Class 1 Class 2 Class 3 N/A

N/A

Peat Depth Classification:

Does the development relate to croft land?

 Yes No

Would the development restrict access to croft or better quality agricultural land?

 Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

 Yes No N/A**(O)(iii) Woodland**

Will the proposal result in loss of trees/woodland?
(If yes, detail in summary assessment)

 Yes No

Does the proposal include any replacement or compensatory planting?

 Yes No details to be secured by condition N/A**(O)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application
(tick all relevant boxes)

 Brownfield Brownfield Reclaimed by Nature Greenfield**ABC LDP2 Settlement Strategy**

(tick all relevant boxes)

 Settlement Area Countryside Area Remote Countryside Area Helensburgh & Lomond Greenbelt**ABC LDP2 Allocations/PDAs/AFAs etc:**

H4017 – Barcaldine – 50 Units

Short/Medium term timescale with 50% affordable requirement

(P) Summary assessment and summary of determining issues and material considerations

The proposal the subject of this application is seeking to secure planning permission for the erection of 6 dwellinghouses, the formation of a private access track and the installation of 2 septic tanks and soakaways.

The principle of residential development on this site has been established by the adopted LDP2 which identifies the site as a Housing Allocation (H4017) allocated for development with 50 units with a 25% affordability requirement.

The proposed dwellinghouses comprise two storey, pitched roof structures finished in a mixture of white render and horizontal weatherboard cladding to the walls with grey upvc doors and windows and a grey concrete roof tile, the design and finishes of which are similar to those within the adjacent completed development of Phase 2.

The dwellinghouses are situated within spacious plots, arranged adjacent to the proposed private access track which will serve them which is taken from the proposed future adoptable road that runs through Inverbhreach Cottages (Phase 2). Three of the dwellinghouses are accessed via one spur off and the remaining three served by another spur.

The proposed private access provides an access point into the future phase of the housing allocation.

Water supply is via connection to the public water main with drainage via the installation of two septic tanks.

At the time of writing, representations had been received by the Planning Authority from 19 respondents in relation to this planning application. 18 respondents raise objection and 1 provides a representation.

The proposed small scale housing development is considered to be consistent with the provisions of the adopted National Planning Framework 4 and Local Development Plan 2 with the issues raised by third parties not considered to raise material considerations of sufficient significance to withhold planning permission.

Taking account of the above, it is recommended that planning permission be approved subject to conditions.

A full report is provided in Appendix A.

(Q) Is the proposal consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission Should be Granted:

The proposal is considered to be consistent with the relevant provisions of the Development Plan and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

(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:
Yes No

Author of Report: Fiona Scott **Date:** 29/05/24

Reviewing Officer: Tim Williams **Date:** 04/06/24

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/02409/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 15/12/23, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Pre-Development Surface Water Run Off Layout	0460-C-0004	P01	08/04/24
Post-Development Surface Water Run Off Layout	0460-C-0005	P01	08/04/24
Proposed Below Ground Drainage Layout	0460-C-0032	P03	08/05/24
Location Plan	5021-02-301	B	19/12/23
Site Plan	5021-02-302	B	19/12/23
GF Plan HT01	5021-03-301	B	19/12/23
GF Plan HT01H	5021-03-301H	B	19/12/23
FF Plan HT01	5021-03-302	B	19/12/23
FF Plan HT01 Handed	5021-03-302H	B	19/12/23
GF Plan HT03	5021-03-305	B	19/12/23
GF Plan HT03 Handed	5021-03-305H	B	19/12/23
FF Plan HT03	5021-03-306	B	19/12/23
FF Plan HT03 Handed	5021-03-306H	B	19/12/23
Elevations HT01	5021-04-301	B	19/12/23
Elevations HT01 Handed	5021-04-301H	B	19/12/23
Colour Options HT01	5021-04-302	B	19/12/23
Elevations HT03	5021-04-305	B	19/12/23
Elevations HT03 Handed	5021-04-305H	B	19/12/23
Colour Options HT03	5021-04-306	B	19/12/23
Site Sections 01	5021-05-301	B	19/12/23
Site Sections 02	5021-05-302	B	19/12/23
Drainage, SUDS and Surface Water Management Plan – 49 Pages			21/03/24
Flood Risk Assessment – 39 Pages			12/02/24
Greenfield Run Off			08/04/24
Percolation Tests – 4 Pages			08/05/24
Supporting Statement – 15 Pages			18/12/23
Surface Water Network (Land Drainage) – 13 Pages			08/04/24
Surface Water Network (Soakaway) – 5 Pages			08/04/24

TN06 – Sustainability Checklist – 7 Pages			18/12/23
TN07 – Sustainable Buildings Checklist – 4 Pages			18/12/23

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

Note to Applicant

Regard should be had to Scottish Water and the Oban and District Access Panel comments in relation to the proposed development, details of which are available to view via the [Public Access](#) section of the Council's website.

2. **PP – Vehicular Access**

No development shall commence until plans and particulars of the means of vehicular access to serve the development have been submitted to and approved by the Planning Authority in consultation with the Roads Authority. Such details shall incorporate:

- i) Upgrade of the existing access at its junction with the B845 comprising a kerb radius of 6 metres and provision of a 2 metre footway at the north west side of the access road;
- ii) Visibility splays measuring 2.4 metres to point X by 75 metres to point Y from the centre line of the junction;
- iii) Details of speed calming measures (speed cushions) within the development road at locations to be agreed with the Roads Authority;
- iv) Details of a passing place approximately midway on the private access road serving Plots 3-04, 3-05 and 3-06;
- v) Details of a 2 metre level service strip for pedestrian refuge along the extent of the new private access roads;
- vi) Details of a turning head to Figure 18 of The National Development Guide at the end of the private access road serving Plots 3-04, 3-05 and 3-06;
- vii) Details of a bin storage area at a point next to the private access road serving Plots 3-01 and 3-02.

Prior to work starting on site, the approved scheme of works in respect of junction upgrade shall be 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 junction at point X to a point 0.6 metres above the public road carriageway at point Y. 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.

The approved speed calming measures, passing place, service strips, turning head and bin storage area shall be implemented in full prior to the development first being occupied to the satisfaction of the Roads Authority.

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.

3. **PP - Sustainable Drainage System**

The surface water drainage system for the development shall be undertaken in accordance with the Drainage, Suds and Surface Water Management Plan dated March 2024 and the associated drawings set out in Condition 1 above and shall be operational before the first occupation of the first dwellinghouse to be completed.

Note to Applicant:

Regard should be had to the consultation comments from JBA Consulting Ltd in relation to the proposed development, details of which are available to view via the [Public Access](#) section of the Council's website.

4. **PP – Landscaping Scheme and Biodiversity Enhancement Measures**

No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;
- vi) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

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

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

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and in order to comply with the requirements of NPF4 Policy 3.

5. **PP – Finishing Materials**

Notwithstanding the effect of Condition 1, no development shall commence until written details of the proposed external finishing materials to be used in the construction of the proposed dwellinghouses have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

6. **PP - Electric Vehicle Charging – Residential with off street parking**

Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a scheme detailing the provision of a minimum 7kw electric vehicle charging point shall be submitted to and approved in writing by the Planning Authority. Where charging cannot be provided then the appropriate ducting to future proof the property must be installed.

The approved charging point, or where relevant, the approved cable ducting shall be installed in full prior to the first occupation of the development, and thereafter retained in perpetuity unless otherwise agreed in writing by the planning authority

Reason: to comply with the provisions of NPF4 Policy 13 Sustainable Transport and LDP2 Policy 34 – Electric Vehicle Charging.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/02409/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

1.1. The proposal the subject of this application is seeking to secure planning permission for the erection of 6 dwellinghouses, the formation of a private access track and the installation of 2 septic tanks and soakaways.

2. Settlement Strategy

2.1. The principle of residential development on this site has been established by the adopted LDP2 which identifies the site as a Housing Allocation (H4017) allocated for development with 50 units with a 25% affordability requirement.

In order to address the determining issues, the key considerations in this application are:

- 2.1.1. Compliance with the Development Plan and other relevant planning policy
- 2.1.2. Any other material considerations.

3. Application Site

3.1. The site is a relatively flat area of rough grazing ground which extends to just under 0.6 hectares in size.

The site lies to the south of Phases 1 and 2 of the existing development which were developed under the provisions of the previous LDP as Housing Allocation (HA) 5/19

Phase 1 comprised 10 affordable units with Phase 2 comprising 10 mainstream units, all of which are completed and occupied.

At the time when the current application was submitted and validated, the site formed part of HA 5/19 with the proposal effectively completing the development within the HA.

However, LDP2 has now been adopted and has merged former HA 5/19 (27 units) and adjacent PDA 5/105 (low density housing) to form Housing Allocation H4017 for the development of 50 units with a 25% affordable requirement.

The Supporting Statement submitted with the application details that it is the applicant's intention is to phase the development of the remainder of H4017 with the proposal the subject of the current application representing Phase 3 with the application showing an area for the future development of Phase 4.

In respect of the affordability component of the development and its context within the wider Housing Allocation and the planning history of the site, it is noted that the current planning application was submitted before the adoption of LDP2 at a time when the total required provision of affordable units was 7. The existing and built Phase 1 and Phase 2 provided 10 affordable units, an over-provision of 3. During the determination period of the current application, however, the new LDP2 now requires a total affordability component of 25%. The current application proposes 6 new units, none of them affordable. The previous Phase 1 and Phase 2 permissions provided 20 units

in total which, added to the 6 units the subject of the current application gives an affordability requirement of just over 6 units (25% of 26 = 6.5). Therefore the existing affordability provision of 10 units is still above the current requirement of 25% although it is accepted that this is a pro-rata calculation and that any future additional development within the housing allocation may require the provision of further affordable units, with a potential need for three additional affordable dwellings should the total capacity of the housing allocation (50 units) be reached.

4. Proposed Development

4.1 The application is seeking to secure permission for 6 detached dwellinghouses which comprise two different but very similar designs comprising two storey, pitched roof structures finished in a mixture of white render and horizontal weatherboard cladding to the walls with grey upvc doors and windows and a grey concrete roof tile.

The design and finishing materials of the proposed dwellinghouses are very similar to those within the adjacent completed development of Phase 2.

The dwellinghouses are situated within spacious plots, arranged adjacent to the proposed private access track which will serve them which is taken from the proposed future adoptable road that runs through Inverbhrec Cottages (Phase 2). Three of the dwellinghouses are accessed via one spur off and the remaining three served by another spur.

The proposed private road provides an access point into the future phase of the housing allocation.

Whilst the site plan shows area of landscaping within the site, the finer details of the proposed landscaping, boundary treatment and biodiversity enhancement measures within the development will be sought by planning condition with such details requiring to be submitted and agreed with the Planning Authority prior to works starting on site.

5. Compliance with National and Local Development Plan 2 Policy

Argyll and Bute 'Local Development Plan 2' (LDP2) was adopted on 28 February 2024 which, together with NPF4 which was adopted on 13 February 2023, represent the Development Plan providing the policy background against which proposed developments are assessed.

The proposal is assessed against the relevant NPF4 Policies below which include details of the associated LDP2 policies.

5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. The Spatial Settlement Strategy set out within LDP2 seeks to deliver sustainable levels of growth by steering the majority of development to our existing settlements as these are where the most of our current infrastructure, services, employment opportunities, housing and community facilities are to be found, however LDP2 recognises that there are instances where a different approach to significant development has to be taken particularly where existing infrastructure or services are at capacity and where a more sustainable option would be to provide new facilities elsewhere.

5.3. NPF4 Policy 3 – Biodiversity

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

With regards to the need in NPF4 Policy 3 to secure biodiversity improvements, it is not considered that there are any issues of compliance with Policy 3. Whilst the Supporting Statement details that habitat improvements have been incorporated into the site design including the provision of native species planting, swift boxes and a SUDS pond area, it is considered appropriate to impose a condition on the grant of permission to secure the finer detail of these proposals as part of the wider landscaping and boundary treatment measures for the site.

With a condition to secure the finer details of the biodiversity enhancement and protection measures within the development, as part of the wider landscaping and boundary scheme for the site, the proposal aligns with the broad aims of NPF4 Policy 3 and is consistent with the requirements of LDP2 Policy 73, Development Impact on Habitats, Species and Biodiversity.

5.4. NPF4 Policy 4 – Natural Places

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or within an area identified as wild land.

Whilst the site is located within the North Argyll LLA, the application proposes a small scale residential development, within an area identified for housing development in LDP2, where it will be viewed in the context of an area of existing housing development, therefore it is the considered opinion of the Planning Authority that the proposal will not result in any significant adverse effects on the integrity of the area or the qualities for which it has been identified.

The proposed development is considered to be consistent with NPF4 Policy 4 and does not conflict LDP2 Policy 71, Development Impact on Local Landscape Areas.

5.5. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Part (b) of Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

The site has been allocated as Housing Allocation H4017 in LDP2 and therefore there is no conflict between NPF4 Policy 9 and the settlement strategy set out in LDP2.

5.6. NPF4 Policy 11 – Energy

NPF4 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development, including energy generation, storage, and new and replacement transmission and distribution infrastructure.

NPF4 Policy 11(a) states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. The proposed development, through the provision of air source heat pumps to the rear of the dwellinghouses, would contribute to the expansion of low-carbon and zero emission technologies.

The proposed development is supported by NPF4 Policy 11 and there is no conflict with LDP2 Policy 09, Sustainable Design, which seeks proposed developments to consider renewable sources of energy.

5.7. NPF4 Policy 12 – Zero Waste

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to secure permission for 6 dwellinghouses. Whilst this is a development likely to generate waste when operational, it will already benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy. The application shows an area within the grounds of each dwellinghouse for the placement of refuse bins with the Roads Authority seeking to secure an area adjacent to the proposed private access track for the placement of these bins for uplift by the Council's Refuse Collection Vehicle.

The proposed development is considered to be in compliance with NPF4 Policy 12 and does not conflict with the requirements of LDP2 Policy 63, Waste Related Development and Waste Management which seek to ensure that effective provision for waste/recycling is provided within developments and the current proposal would raise no issue of conflict should permission be granted.

5.8. NPF4 Policy 13 – Sustainable Transport

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

A new private access is proposed into the site from the future adoptable road spurring from the B845 public road which runs through Inverbhreac Cottages (Phase 2). Three of the dwellinghouses are to be accessed via one spur off of the new private access track with the remaining three served by a further spur.

The proposed private access provides an access point into the future phase of the housing allocation.

The Supporting Statement submitted with the application details that the application site is readily accessible with links to existing path and public road networks, the existing public bus network and National Cycle Network Route 78 thereby providing suitable vehicular and pedestrian connectivity to the wider network and existing community.

The applicant has worked closely with the Roads Authority to agree the proposed access regime to serve the development which includes an upgrade of the existing access point at the junction with the B845 public road and the provision of a 2 metre wide footway; the provision of speed calming measures along the extent of the internal road spurring from the junction with the B845; the provision of a passing place along the new private access track; the provision of a 2 metre level service strip to provide pedestrian refuge along the new private access track; the provision of a turning head within the new private access track; and the provision of a bin storage area adjacent to the new private access track. The Roads Authority also sought a condition to secure three parking spaces for each dwellinghouse, however as this is shown on the site plan there is no need for such a condition.

With conditions to secure the requirements of the Roads Authority the proposed development is considered to be consistent with the broad aims of NPF4 Policy 13 and is consistent with the requirements of LDP2 Policies 36 , New Private Accesses, Policy 37, Development Utilising an Existing Private Access or Existing Private Road, Policy 39, Construction Standards for Private Accesses, Policy 40, Vehicle Parking Provision and Policy 41, Off Site Highway Improvements which collectively seek to ensure that proposed developments are served by a suitable and safe access regime and provide appropriate parking provision commensurate with the scale of the development proposed and the current proposal would raise no issue of conflict should permission be granted.

5.9. NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(a) details that development proposals should be designed to improve the quality of an area whether in urban or rural locations, regardless of scale with Part (b) affording support to developments where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

A statement addressing the six qualities of place has been submitted with the application as follows.

“Healthy - Pedestrian routes provide for overlooking by neighbouring properties, providing a sense of community and supporting women’s safety. With links to National Cycle Network Route 78 the proposals support improving physical health and the associated benefits to mental health. Enhanced natural features on site and within the local area support the mental health of the surrounding community.

Pleasant - The overall layout for the proposed development has been designed to respond to the existing site constraints and surrounding context including a robust landscape strategy which will ensure the proposals sit well within the existing area. The development retains key landscape features following the natural contours of the site. Existing neighbouring woodland to the Southern border and a backdrop of significant hills and munros creates an attractive setting for the proposals.

Connected - The site is placed within walking distance of local primary education facilities, community facilities, local public transport links and National Cycle Network Route 78. The layout will be clear and easy to navigate around and will provide excellent pedestrian connectivity to the wider network and existing community.

Distinctive - To take advantage of this setting, high quality house design is proposed with the low housing density consistent with the neighbouring properties. Dwellings within a more generous plot size are considered to be more appropriate for this setting and will allow for a more sympathetic approach when considering the integration of housing in this area. Additional structured landscaping and woodland planting is proposed to the edge of the site to ensure the proposed development is well integrated into the landscape reinforcing the links with the surrounding countryside.

Adaptable - The applicant is committed to providing dwellings designed to be flexible through incorporation of the lifetime homes standard as defined within Section three of the Scottish Building Regulations. This standard is a series of design criteria intended to make homes more easily adaptable for lifetime use at minimal cost. The concept was initially developed by the Joseph Rowntree Foundation. The dwellings shall be fully accessible to wheelchair users and ambulant disabled persons.

Sustainable - The site has been designed to accommodate six low energy family homes. By building to this standard this will ensure that the buildings are climatically resilient.

For any development to be sustainable, it needs to create a sense of place and community. A development is required to provide a socially inclusive, attractive environment which meets the current needs of the residents. The development is also required to be adaptable to social and economic change while still meeting the long term needs of the residents.

In order to achieve this, the site layout needs to include; access to greenspace, access to surrounding community services and facilities and be an environment conducive to bringing people together. The location of the site lies within the settlement boundaries of the settlement of Barcaldine, the pedestrian linkages and the close proximity of the site to open spaces, local business, and the Primary School are considered critical in achieving these aims”.

The development the subject of this planning application is considered to be in accordance with the broad aims of NPF4 Policy 14 and the sustainable siting and design policies of LDP2 namely Policy 5, Design and Placemaking, Policy 08,

Sustainable Siting, Policy 09, Sustainable Design and Policy 10, Design: All Development which, in summary, collectively seek to ensure that developments are compatible with surrounding land uses, are sited sensitively within the landscape making use of existing infrastructure, are of an appropriate scale, sustainable design and finishes for their site; and ensure that no adverse visual or amenity impacts arise.

5.10. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 15(a) seeks development proposals to contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to a number of facilities.

The LDP2 settlement strategy seeks to deliver sustainable levels of growth by steering the majority of development to our existing settlements where the most of our current infrastructure, services, employment opportunities, housing and community facilities are to be found and thereby making best use of these resources is a sustainable approach to development.

In this instance, the site, by virtue of being allocated as Housing Allocation H4017, would reasonably comply with NPF4 Policy 15 given the scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home.

The proposed development aligns with NPF4 Policy 15 and there is no conflict with LDP2 Policy 01, Settlement Areas and the current proposal would raise no issue of conflict should permission be granted.

5.11. NPF4 Policy 16 – Quality Homes

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16(a) supports development proposals for new homes on land allocated for housing in LDPs. The site of the proposed residential development is within Housing Allocation H4017, allocated within LDP2 for residential development.

Policy 16(e) supports proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

With regards to the affordability component of the development, as detailed above, the site and its context within the wider Housing Allocation and the planning history of the site, it is noted that the current planning application was submitted before the adoption of LDP2 at a time when the total required provision of affordable units was 7. The existing and built Phase 1 and Phase 2 provided 10 affordable units, an over-provision of 3. During the determination period of the current application, however, the new LDP2 now requires a total affordability component of 25%. The current application proposes 6 new units, none of them affordable. The previous Phase 1 and Phase 2 permissions provided 20 units in total which, added to the 6 units the subject of the current application gives an affordability requirement of just over 6 units (25% of 26 = 6.5). Therefore the existing affordability provision of 10 units is still above the current requirement of 25% although it is accepted that this is a pro-rata calculation and that any future additional development within the housing allocation may require the provision of further affordable units, with a potential need for three additional affordable dwellings should the total capacity of the housing allocation (50 units) be reached.

The proposed development is deemed to be consistent with NPF4 Policy 16 and there is no conflict with LDP 2 Policy 01, Settlement Area with the current proposal raising no issue of conflict.

5.12. NPF4 Policy 17 – Rural Homes

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy 17(a) supports development proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and (i) is on a site allocated for housing in the LDP.

Policy 17(b) requires proposals for new homes in rural areas to consider how the development will contribute towards local living and take into account identified local housing needs. It has already been seen at NPF4 Policy 15 above that the proposed development is consistent with our adopted settlement strategy policies and that it would have no materially harmful access or environmental impact. The proposed development seeks the introduction of 6 dwellinghouses which would accord with the Council's key planning policy aims of supporting and sustaining fragile rural communities by contributing to actions to reverse our falling rural populations and supporting the local economy. In this regard, the proposed development would directly support the local and national 'housing emergency'.

Policy 17(c) offers support to new homes in remote rural areas where such proposals (i) support and sustain existing fragile communities; (ii) support identified local housing outcomes; and (iii) are suitable in terms of location, access and environmental impact.

The development proposed accords with the broad aims of NPF4 Policy 17 and does not conflict with LDP2 Policy 09, Sustainable Development, Policy 10, Design all Development, and Policy 67, Provision of Housing to Meet Local Needs.

5.13. NPF4 Policy 18 – Infrastructure First

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

The application indicates water supply via connection to the public network with private drainage arrangements comprising two septic tanks and soakaways due to the lack of public drainage infrastructure within the vicinity of the site.

Scottish Water raised no objection to the proposed development which would be serviced from the Tullich Water Treatment Works but advised that further investigations may be required once a formal application for connection to their infrastructure is submitted for consideration.

The Council's Building Standards Service will apply sufficient control over the detailed arrangements over the proposed private drainage arrangements at Building Warrant stage.

The proposed development aligns with NPF4 Policy 18 and is in accordance with LDP2 Policy 04, Sustainable Development and Policy 60, Private Sewage Treatment Plants and Wastewater Drainage Systems which seek to ensure that suitable infrastructure is available to serve proposed developments and give support to private drainage arrangements where connection to the public system is not available and the current proposal would raise no issue of conflict should permission be granted.

5.14. NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed above the development proposes connection to the public water supply to which Scottish Water has not objected to.

The site is within proximity of an area identified as having potential surface water flooding issues and accordingly consultation was undertaken with the Council's flooding advisors JBA Consulting Ltd (JBA).

JBA deferred their decision until evidence was provided that the surface water drainage system has been designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition, including:

- Detailed drainage plan and drainage calculations, demonstrating that the post development runoff rate does not exceed the greenfield runoff rate.
- Evidence that the drainage network is designed to accommodate the 1:30 year rainfall event plus climate change and a 10% allowance for future build out, and that the 200 year plus climate change event does not flood existing or proposed buildings.
- Expected overland flow routes should the system be overtopped.

The request from JBA resulted in ongoing correspondence between the agent and JBA to agree a suitable scheme for the treatment of surface water within the development. A suitable system was agreed to which JBA has confirmed their acceptance to.

With a condition to ensure that the surface water drainage system for the proposed development is installed in accordance with the scheme agreed with JBA the proposal aligns with NPF4 Policy 22 and LDP2 Policy 61, Sustainable Drainage Systems and the current proposal would raise no issue of conflict should permission be granted.

6. Public Representation

6.1. At the time of writing, representations had been received by the Planning Authority from 19 respondents in relation to this planning application. 18 respondents raise objection and 1 provide representation.

It is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling.

7. Conclusion

The principle of residential development on this site has been established by virtue of the site being within Housing Allocation H4017 as defined in LDP2.

No objections have been received from consultees with regards to the proposed infrastructure to serve the proposed development.

The proposed development is considered to be consistent with the provisions of both the adopted National and Local Policy with the issues raised by third parties not amounting to material planning considerations that have not been addressed through the processing of the planning application.

Accordingly the application is recommended for approval subject to conditions.

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Location Plan Relative to Planning Application: 23/02409/PP



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PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 24/00796/PAN

Applicant: Chivas Brothers Ltd

Proposal: Proposal of application notice for proposed whisky distillery together with visitor facilities, water abstraction, long sea outfall, road improvement works and all associated infrastructure.

Site Address: Land at Gartbreck Farm, Moss Road, Bowmore, Isle of Islay

1.0 INTRODUCTION

Proposal of Application Notices (PAN) only relate to National and Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application in line with the provisions of the Planning etc (Scotland) Act 2006. The PAN marks the start of a minimum 12 week period to allow for community consultation before an application can be lodged and this PAN was made valid on 29.4.2024.

In considering this item, Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness, impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

The submitted information includes:

- Proposal of Application Notice
- Location Plans
- Copy of newspaper advert draft notices which will be published in the Oban Times and The Heleach newspapers no less than 7 days before the proposed consultation events.

The Proposal of Application Notice describes the proposed development as "*proposed whisky distillery together with visitor facilities, water abstraction, long sea outfall, road improvement works and all associated infrastructure*".

The applicant has confirmed the following consultation steps will be undertaken:

- a) Correspondence will be issued to Islay Community Council and Kintyre and the Isles Ward Councillors, advising them of the consultation event and inviting them to participate
- b) Properties and landowners neighbouring the proposal site will be issued with correspondence advising them of the consultation activities and the applicant will liaise with the Community Council and other local organisations who may be willing to assist with publicising the event on social media.
- c) Two public meetings will be held at Islay Gaelic Centre, Gartnatra, Isle of Islay on Monday 10th June 2024 (3pm to 7pm) and Monday 29th July 2024 (3pm to 7pm).
- d) A press notice will be published in the Oban Times and The Illeach, advertising the consultation events at least 7 days prior to each event and proofs of these press notices have been provided.

Officers consider that the steps set out in the PAN are acceptable and in accordance with the requirements of the Regulations to ensure appropriate community consultation is undertaken.

The applicant has alongside the submission of this PAN, sought an Environmental Impact Assessment (EIA) Screening Opinion and Scoping Opinion as the proposal would comprise an 'urban development project' as set out in Part 10(b) 'urban development projects' Column 1 of Schedule 2 of the 2017 EIA Regulations.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

Based on the description of the development contained within the Proposal of Application Notice, the forthcoming application is anticipated to comprise details on the following:

- Proposed distillery and visitor centre buildings including design and massing;
- Proposed water extraction and discharge infrastructure;
- Proposed long sea outfall;
- Proposed access/road improvement works; and
- Proposed hard and soft landscaping works.

3.0 SITE DESCRIPTION

The proposal site relates to a former dairy farm located at Gartbreck on an area of otherwise undeveloped coastline approximately 3 kilometres south west of Bowmore. The site is served by a single access road that leads off the A846 Port Ellen to Bowmore road and also serves the Bowmore Waste Water Treatment works and the Bowmore landfill and waste reclamation site. Gartbreck Farm is located approximately 1 kilometre due west of the waste reclamation site. An existing coastal path passes through the site.

The former farm buildings on the site have been demolished and cleared in line with the extant Planning Permission 13/02297/PP for the demolition of farm outbuildings and erection of a new distillery proposal on the site.

The site is located within a Countryside Zone and also lies within both Laggan Bay and Peninsula designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The site is designated a SSSI for its blanket bog habitat and the presence of Greenland barnacle goose (*Branta leucopsis*) and similarly designated a SPA for the presence of the Greenland Barnacle Goose and the White-fronted Goose (*Anser albifrons flavirostris*). The site is also subject to Safeguarding Zone for Islay Airport (HIAL).

4.0 DEVELOPMENT PLAN POLICY

This is not a planning application and therefore does not require evaluating and determining in accordance with Section 25 of the Planning Act against the Development Plan and its policies. However, in considering the merits of this PAN, a number of Development Plan Policy considerations are relevant, as set out below:

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

NPF4 Policy 1 – Tackling the climate and nature crises
NPF4 Policy 2 – Climate mitigation and adaptation
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural places
NPF4 Policy 9 – Brownfield, vacant and derelict land and empty buildings
NPF4 Policy 11 – Energy
NPF4 Policy 14 Design, quality and space
NPF4 Policy 13 – Sustainable transport
NPF4 Policy 20 – Blue and green infrastructure
NPF4 Policy 22 – Flood risk and water management
NPF4 Policy 25 – Community wealth building
NPF4 Policy 26 – Business and industry
NPF4 Policy 29 – Rural development
NPF4 Policy 30 – Tourism

Argyll and Bute Local Development Plan 2 (adopted 28th Feb 2024)

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 05 – Design and Placemaking
Policy 06 – Green and Blue Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design: All Development
Policy 14 – Bad Neighbour Development
Policy 21 – Sites of Archaeological Importance
Policy 22 – Economic Development
Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities
Policy 32 – Active Travel
Policy 34 – Electric Vehicle Charging
Policy 35 – Design of New and Existing, Public Roads and Private Access
Policy 37 – Development Utilising an Existing Private Access or Private Road
Policy 38 – Construction Standards for Public Roads
Policy 39 – Construction Standards for Private Access
Policy 40 – Vehicle Parking Provision
Policy 41 – Off Site Highway Improvements
Policy 55 – Flooding
Policy 59 – Water Quality and the Environment
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Drainage Systems (Suds)
Policy 62 – Drainage Impact Assessments
Policy 63 – Waste Related Development and Waste Management

Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 74 – Development Impact on Sites of International Importance
Policy 75 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

Land Use Designations in LDP 2:

- Zoned as Countryside Area
- Within Economically Fragile Area (Diagram 5)

Other Relevant Policy Considerations:

- ABC Technical Note – Biodiversity (Feb 2017)

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal, the following matters will be material considerations in the determination of any future planning application:

- Design, massing and accessibility;
- Landscape and visual issues;
- Climate change mitigation and adaptation;
- Impacts on biodiversity inc. designated sites, habitats and species;
- Impacts on peat and soil;
- Impacts on natural, built and / or historic or archaeological sites and their settings;
- Traffic and transport;
- Flood risk, water quality and drainage;
- Health and safety;
- Amenity impacts (waste, noise, vibration, light and odour);
- Tourism impacts;
- Economic and community impact;
- The views of statutory consultees in respect of any formal planning application (including the views of NatureScot, RSPB and SEPA); and
- Any other material considerations raised within representations.

6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

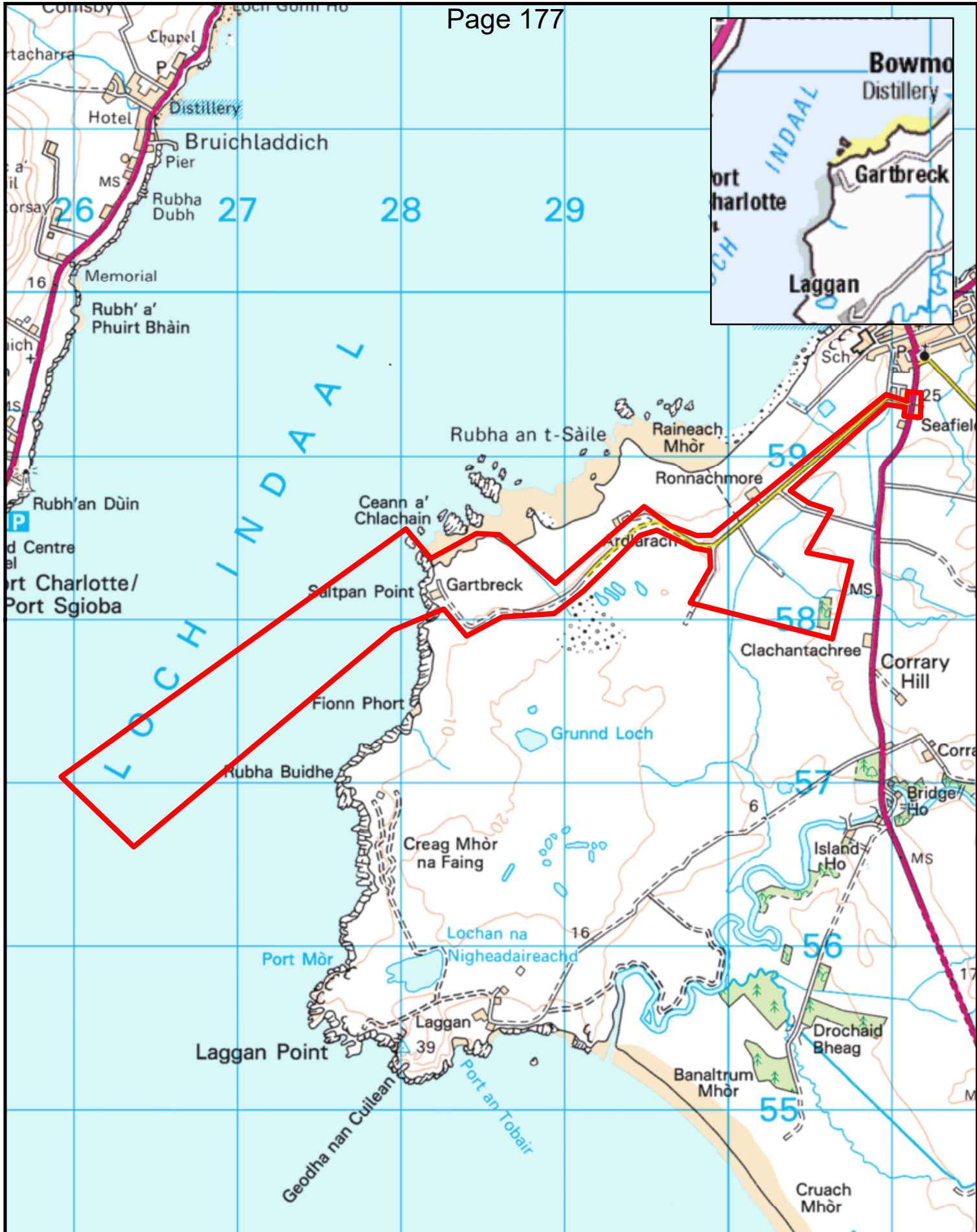
That Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicants in finalising any future planning application submission.

Reviewing Officer: Sandra Davies

Date: 6 June 2024

Fergus Murray
Head of Development and Economic Growth

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Location Plan Relative to Planning Application:24/00796/PAN



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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE****DEVELOPMENT AND ECONOMIC GROWTH****19 JUNE 2024**

BUILDING STANDARDS PERFORMANCE REPORT 2023-24

1.0 HEADLINES

- 1.1 This paper updates members of the Planning, Protective Services and Licensing (PPSL) Committee on the progress which has been made to deliver the Building Standards Balanced Scorecard 2023/25, highlighting achievements and performance in 2023-24, and identifying additional priorities for the forthcoming year. The [Building Standards Balanced Scorecard 2023-25](#) was approved by PPSL Committee on the 21st June 2023.
- 1.2 Building Standards is a statutory service with its duties and powers detailed in the Building (Scotland) Act 2003 and relevant legislation. The purpose of the Building Standards service is primarily to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development. We also ensure that the service operates in a customer focused manner which facilitates development and assists the local economy.
- 1.3 Building Standards have made positive progress in delivering the service plan priorities and exceeding the targets for 2023/24.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that members of the Planning, Protective Services and Licensing Committee consider and note the positive performance by Building Standards in 2023/24.

3.0 BUILDING STANDARDS BALANCED SCORECARD

- 3.1 The Building (Scotland) Act 2003 and associated regulations, sets out the essential standards required to be met for works to existing buildings or to new construction. Building Standards assess detailed applications for proposals to ensure that building work meets these standards; and inspections of works on site, although these are limited to a minimal necessary to ensure compliance with statutory requirements and the approved building warrant consent. The control of work on site is a matter for contracts and arrangements in place between a builder and client. Argyll and Bute Council are the duly appointed

verifier for the Argyll and Bute Council area. We are one of 32 local authority verifiers as appointed by Scottish Ministers and thus are responsible for the verification process within Argyll and Bute.

- 3.2 Building Standards have responsibilities, in addition to their verifier's functions, which account for approximately 19% of surveyor workload averaged over the authority area and is increasing. These include responding to dangerous buildings and structures, unauthorised works, document searches, maintaining the Building Standards register and working with partners across a range of issues including licensing, events and the built environment.
- 3.3 Good progress has been made in delivering the priorities outlined in the [Building Standards Balanced Scorecard 2023-25](#) and targets for the key national performance measures have been exceeded. **Appendix 1** of this report provides a progress report on each of the key priorities but key achievements to highlight are as follows:

- i. The Councils Building Standards service was awarded with a verification licence by the Scottish Government for a six year period. This is the maximum duration of licence and allows for the verification of building warrants for developments within Argyll and Bute and for other commercial work on behalf of other local authorities.
- ii. Met and exceeded all targets for key performance measures in 2023-24.

Key National Performance measure	2023/24 Target	2023/24 Actual
The percentage of requests for a building warrant responded to within 20 days	95%	97.2%
The average time taken to respond to a requests for completion certificate	3 days	2 days
The percentage of building warrants issues (or otherwise determined) within ten days	90%	99.2%
The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	90%	100%
The percentage of applicants providing feedback either satisfied or very satisfied with our service	90%	100%

- iii. The cost of living crisis and increased building costs is resulting in a reduction in building warrant applications across Scotland. This is evident in Argyll and Bute, with an 8% reduction in warrants from 22/23 with a total of 1690 warrants received and determined, including 335 applications from other local authorities. Building warrant income for 23/24 was **£1,108,751 and £7,667 above the projected 23/24 budget.**
- iv. Processed a total of 1690 warrants which were received, compared with 1844 in 2022/23. Argyll and Bute generated warrants actually increased from 1262 to 1355 in 2023/24.
- v. The service was reaccredited with the Customer Services Excellence (CSE) Award on the 23rd April 2024, increasing the number of

compliance-plus criteria to 26, the highest across all Council services. This reflects the excellent “customer-focus” across the team and the auditor concluded that:-

“you clearly remain at the forefront of excellence and the recommendation for retention of the CSE Standard is well deserved”.

- vi. Presentations were given to stakeholders and contractors in regards to the new updates to the Domestic and Non-Domestic Technical Handbooks. These were well received by our customers.
- vii. Completed the actions outlined in the Building Standards Internal Audit Improvement Plan 2023 increasing our resilience to report from systems.
- viii. Our workforce strategy focusing on “growing our own” continues to be successful. In 2023/24, two Assistant Building Standards Surveyors achieved professional membership and met the criteria to be promoted to Building Standards Surveyors. At the same time we appointed another Assistant Building Standards Surveyor, taking the staff complement back to two Assistants.
- ix. There have been 104 dangerous/defective building cases raised and responded to by Building Standards in 2023/24 at various properties across Argyll and Bute, including the former White Hart Hotel, Campbeltown.

3.4 Challenges and issues facing Building Standards service for 2024/25 are:

- i. Our reliance on commercial income from other local authorities is unsustainable as there has been a downturn in building warrant numbers across Scotland. This creates an additional budget pressure and need for action going forward.
- ii. Buildings in disrepair. There is an ever increasing workload associated with action being required by Building Standards in relation to non-maintained buildings in disrepair to assess whether they pose an imminent risk to public safety. This work is being progressed through the Councils Housing Emergency Action Plan.
- iii. Changing landscape for Building Standards. A number of changes are being introduced to the Building Standards system through the work of the Building Standards Futures Board Programme. This follows the recommendations made by the expert review panels on Compliance & Enforcement and Fire Safety, in the aftermath of failings in Edinburgh School buildings and the Grenfell Tower fire, to strengthen the Building Standards system in Scotland. The changes to strengthen the system will require additional verification compliance capacity and financial resources for local authority verifiers over the coming years. The increase in the building warrant fees is part of a planned 3-year model to increase fees annually, dependent on the outcome from monitoring, reporting, and auditing of the application of increased building warrant fee income at local authority level in support of increased verification service capacity. It is intended that the increase in fees will be used by local authorities to support and invest in their Building Standards

Teams as necessary to meet revised Verification Operating and Performance Frameworks being introduced from 1st of April 2024 and to meet future increased inspection and other compliance workload. An Action Plan will be developed over the coming months.

4.0 CONCLUSION

- 4.1 The Council's Building Standards service continues to deliver its statutory duties with a continued focus on providing performance and customer focussed services. The team have worked hard in 2023/24 to deliver the Balanced Scorecard and reaccreditation of the Customer Services Excellent Award with 26 compliant plus criteria, is testament to the team.

5.0 IMPLICATIONS

- 5.1 Policy – consistent with Council policies for built environment and public safety.
- 5.2 Financial – the Service is self-financed through income generated from building warrant verification activity.
- 5.3 Legal – statutory service under the Building (Scotland) Act 2003 and associated legislation.
- 5.4 HR – none.
- 5.5 Fairer Scotland Duty – the Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland, such as Argyll and Bute Council, to pay due regard to (actively consider) how they can reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions and how this has been implemented.
- 5.5.1 Equalities - all activities comply with all Equal Opportunities/Fairer Scotland Duty policies and obligations.
- 5.5.2 Socio-economic Duty - all activities have complied with the council's socio-economic duty.
- 5.5.3 Islands – interventions have been delivered across the Argyll and Bute area, including island communities.
- 5.6 Climate Change – work of the Service supports climate change and net zero through the implementation and enforcement of building standards.
- 5.7 Risk – sustainability of securing commercial work from other local authorities together with increasing demand from dangerous buildings work and Scottish Governments drive for increased pre-completion inspections, reduces capacity and creates additional resilience issue.
- 5.8 Customer Service – the Service achieved Customer Standards Excellence.

5.9 Rights of the Child (UNCRC) – none.

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13 May 2024/0834

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Appendix 1: Progress report against Building Standards Balanced Scorecard
2023/25

Appendix 1: Progress report against Building Standards Balanced Scorecard 2023/25

	Priority	Progress report May 2024	Status
1.	Managing performance and workload against available resources and in the Councils finance outlook 2024-27.	This is ongoing and work is aligned to Councils Budget Strategy. Continuing to provide support on a commercial basis with one other Scottish local authority and securing additional income Professional resource reduced by 0.5FTE from May 2024 due to maternity leave	Ongoing
2.	Continue to provide a verification service to our customers and our statutory duties under the Building (Scotland) Act 2002	Ongoing and exceeding national performance standards and targets.	Ongoing
3.	Monitor the external environment and the impact of the Scottish Building Standards Hub and Scottish Governments Construction Compliance and Notification Plan (CCNP)	Ongoing at a local and national level through the Local Authority Building Standards Scotland (LABSS) Actively participated in work associated with Argyll and Bute Councils Housing Emergency.	Ongoing
4.	Ensuring compliance with the new updates to the Technical Handbooks post February 2023 and further changes in June 2023.	Implemented new Technical Standards and completed training across the team Impact of changes discussed at Building Standards User Forum and through newsletters to agents and customers	Complete
5.	Tackle the pressures on Building Warrant fee income due to the economic downturn.	Budget income for building warrants in 2023/24 of £1,108,751, exceeding the target by £7,667 National downturn out with our control but continuing to source commercial income from another local authority and Babcock Revised RICS Building Cost Information Surveys (BCIS) of Tender prices were adopted and posted on our website. This information is used to calculate the appropriate Building Warrant fee payable in £/square metres for works of different character New Scottish Government fee structure implemented as of 1 April 2024	Ongoing
6.	Workforce planning and the replacement of experienced officers due to retire over the next 3-5 years	Workforce plan revised with HR Assistants promoted to Building Standards Surveyors Recruited new Assistants and currently have two undergoing training and development plans	Ongoing

7.	Continue to grow and develop our team in meeting the national building standards competency framework	Continued training and development to existing team Team Day in March 2024	Ongoing
8.	Maximising our use of digital technology and new ways of working including remote verification and improvements to software information management	Implemented “Near-me” platform which provides video/audio communications as an alternative to MS Teams and Skype. This is less data-driven and supports our Remote Verification Inspection work. Completed the actions outlined in the Building Standards Internal Audit Improvement Plan 2023 increasing our resilience to report from systems.	Ongoing
9.	Migration of Document Management System in line with e-Building Standards	This project has been delayed due to a variety of issues relating to ICT, the systems functionality and testing arrangements. Timescale revised to September 2024 and Project Board to review the direction of the project.	Delayed
10.	Make preparations for assessment of the Customer Services Excellence Award	This work is complete and Building Standards successful gained reaccreditation of the CSE award (following an audit on the 9 April 2024) with a further 2 compliance plus criteria, taking the total to 26. This is the highest across the Council.	Complete but will prepare for 2025
11.	Working and supporting our customers and stakeholders	This work continues	Ongoing
12.	Working with service partners as part of Argyll Property Action Group (APAG) in tackling non-maintained properties prior to any potential enforcement action	Work continues to support all Property Action Groups. Safety Advisory Groups and to respond to dangerous building reports	Ongoing

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