

**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:** 22/00221/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr And Mrs S Raeburn  
**Proposal:** Erection of dwellinghouse  
**Site Address:** Andrews Garage, Tighnabruaich, Argyll And Bute PA21 2DS

---

**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 a dwelling house
  - Erection of new fencing
  - Formation of pedestrian access
- (ii) Other specified operations**
- Removal of building
  - Connection to public water supply and public foul drainage system
- 

**(B) RECOMMENDATION:**

Refuse

---

**(C) CONSULTATIONS:**

**Roads Bute and Cowal - 26.02.2023 –**

In the interest of road safety the recommendation is for refusal.  
The minimum acceptable visibility splay of 20 x 2 metres. All walls, hedges and fences with the visibility must be maintained a height not greater than 1m above the road cannot be achieved. The minimum acceptable dimensions in front of garage shall be the parking bay of a length of 6 metres up to garage and a 2 metre strip across the access. Total of 8 metres from edge of road to front of garage cannot be achieved. Based on conditions sent on 8th July 2022 not being achievable:

- The access must be a sealed bituminous surface for the first 5 metres.
- The required sightlines are 20 x 2m. All walls, hedges and fences with the visibility must be maintained a height not greater than 1m above the road.

- The forward visibility should not be lower than previously in place, the design figure for forward visibility is 35 metres.
- If vehicles are to be parked in front of garage the parking bay should have a length of 6 metres up to garage and should also allow a 2 metre strip across the access. Total of 8 metres from edge of road to front of garage.
- If a new pedestrian access is proposed further uphill a 2 metre verge should be provided at the edge of the carriageway.
- Surface water must be prevented from running off the site onto the road.

#### **Scottish Water - 05.04.2022**

There is currently sufficient capacity in the Tighnabruaich Water Treatment Works to service your development. This proposed development will be serviced by Tighnabruaich Waste Water Treatment Works. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

#### **Contaminated Land - initial memo 26.05.2022**

The application involves the redevelopment of land where there is an indication of previous use which may be contaminative. It is noted that preparatory works have been undertaken which may impact on the understanding of land contamination issues at the site, including removal of structures, excavation and disposal of soils. It is recommended that planning permission should not be granted pending the submission of a scheme which identifies and assesses potential contamination on site.

A report from Crossfield Consulting Ltd was submitted in January 2023, which received initial feedback from the Contaminated Land Officer (CLO) in March 2023.

Further comments by the consultant in April 2023 were considered by the CLO in May 2023, at which time he stated that the desk study:

- has not utilised available information which would assist in describing potential pollutant linkages
- has relied on 3<sup>rd</sup> party reconnaissance without demonstrating appropriateness or competency in its provision
- has not developed a conceptual site model which considers relevant pollutant linkages
- has not provided transparency in the preliminary risk assessment, in line with cited guidance
- has not developed an investigation strategy consistent with the code of practice/ relevant pollutant linkages
- has progressed a site investigation on the basis of inaccurate information
- reports on an investigation without necessary factual information (including sample chain of custody) being provided

Further comments and information were then provided by the applicant and Crossfield Consulting, to which the CLO responded in his e-mail of 11<sup>th</sup> September 2023. This contained comment on four specific aspects of the report (authoritative guidance; preliminary risk assessment; site investigation; and water environment), which gave further context to the original review comments from May 2023.

One of the main points in the CLO's September 2023 e-mail that is particularly important to note is the description of sampling depth as '*surface*' within the report;

it is unclear whether this was a literal description or a generalisation of sampling within the surface layer.

There are also questions over the whether the correct area was sampled in relation to the former above ground oil tank. The CLO states that there is ample historic and recent photographic evidence available to show it was located in the south west corner of the site and location S1 that was sampled to the north west is inconsistent with this.

This final response from the Contaminated Land Officer required a relatively large number of matters to be satisfactorily resolved before it could be confirmed that there was no risk of contaminants and, therefore, the conclusion is that the January 2023 report from Crossfield Consulting Ltd is insufficient to address the potential land contamination issues.

The full reviews referred to above are available on the file.

**Environmental Health - Bute And Cowal - 06.04.2022** - No objections to the granting of planning subject to the following conditions and notes to applicant being attached to any consent in relation to Construction Methods, Operating Hours during construction.

---

**(D) HISTORY:**

21/02096/PNDEM Prior Notification for Demolition of buildings. – *This application was returned and refund provided. Notification of demolition is not required for buildings that are not residential.*

---

**(E) PUBLICITY:**

Neighbour notification in accordance with the requirements of the Development Management Procedure (Scotland) Regulations 2013 (expiry date: 20<sup>th</sup> April 2022) and advertised under Regulation 20 (expiry date. 6<sup>th</sup> May 2022).

---

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

**Objections**

Stephen Williamson The Manse Tighnabruaich Argyll And Bute PA21 2DX  
03.09.2022

Robin Brown Appin Middle Cottage Tighnabruaich 14.04.2022

Janie Boyd No Address Provided 20.04.2022

Mark Brunjes The Old Fire Station Tighnabruaich Argyll And Bute PA21  
2DS 23.04.2022

Robert Blair Ground Floor 1 Appin Cottage Tighnabruaich Argyll And Bute

Mary N Taylor Seaview Tighnabruaich Argyll And Bute PA21 2DS

21.04.2022

Keith Turner Tigh An Allt Tighnabruaich Argyll And Bute PA21 2BA

19.04.2022

Helen Brown Appin Cottage Middle Tighnabruaich Argyll And Bute PA21  
2DS 14.04.2022

John Taylor Seaview Tighnabruaich Argyll And Bute PA21 2DS 11.04.2022  
Paul Paterson, 2 Manor Way, Tighnabruaich, Argyll And Bute, PA21 2BF

**Representatives - neutral**

Mr Colin Slinger Hillside Tighnabruaich Argyll And Bute PA21 2BE  
26.07.2022 – *Alerting authority of local contractor being on site.*

Jennifer Irwin, Ross MacArthur Ltd – *clarifying matter raised by Mr Slinger that the company machine was working on a job in the area and are not the owners of the site. The machine had been parked on site as a safe overnight parking place.*

**(ii) Summary of issues raised:**

Design/Impact on Built Environment – There are a number of objectors that are concerned about the design and impact on the built environment. A summary of key points:

- It is described as basement plus two storeys, but the actual height is close to three storeys at road entrance. The height of the 3-storey building is too high and disproportionate to any surrounding buildings and will stand out and dominate skyline. A two-storey building would be more appropriate.
- The design response is not appropriate reference to the immediate context and architectural language as stated in the applicant's statement. The existing "architectural language" is mid-19th century, predominantly natural stone and slate. Beyond the concerns of immediate neighbours, this has created 'a pretty little village' centre (as described by Visit Scotland), which depends to some extent on this appearance to encourage tourism. The proposed development would be visually erroneous in the existing context. The art deco style of the building is not suitable for this area, and either a traditional style building or a contemporary style building would be more appropriate. The only building it will remotely be sympathetic to architecturally, is the old fire station, but it is close to bottom of hill, uses natural materials externally and is only 2 storeys high.
- As a proportion to the size of the building, the space at ground level is very small. The plot is narrow and it is squeezed between a remaining Nissan hut and the access road and this leaves no significant space for any planting which could soften the visual impact.
- The proposal is likely to have an adverse impact on the public view for pedestrians from the single track road above the proposed building. Many people comment on the wonderful, elevated sea views of the Kyles and the Isle of Bute while walking down the Village Brae. This aspect would be obscured by the proposed dwelling.

**Officer response:** *This issue is covered in the assessment in section P below.*

Parking - There is no suitable parking designated on a narrow road which is already heavily populated by vehicles. The applicant's supporting statement makes the point that the parking situation will improve on Village Brae because the road recovery vehicles, previously parked there by Andrew's

Garage, will no longer be a problem. The site is being used at present to park the recovery vehicles so they will be displaced and park on the hill exacerbating the problems of visibility on the corner.

**Officer response:** *This issue is covered in the assessment in section P below.*

Access - The site location is on a tight bend. This road is steep and narrow and above the corner is single track, only 2.74 metres wide and is without a pavement. Concern raised about visibility around the corner on the Village Brae and how when the hut existed, visibility was reasonable. The building will be closer to the edge of the top side of the plot with a proposed 1.8m fence and it will have a straight vertical edge on the corner of the hill, which means that the eye level visibility around the corner, either going up or down the hill, both for vehicles and pedestrians, will be reduced causing a road safety issue. Another two representatives makes similar comments and states the house would create a visual block where the road narrows significantly and climbs, and sightlines for any vehicle using this access will be obscured bringing an increased risk for pedestrians and road users. In addition a representative raised the issue of emptying waste bins and how a lorry would need to stop in a location just after the corner.

**Officer response:** *This issue is covered in the assessment in section P below.*

Residential Amenity/Overlooking - A development of this nature is not appropriate for such a restricted site and will have a major impact on the properties overlooking the site. A condition on height or screening should be included in the planning conditions in the event the remaining neighbouring industrial unit should be reconfigured or developed in the future.

**Officer response:** *This issue is covered in the assessment in section P below.*

Contaminated land – One of the representatives said “The proposed house build is on land used as industrial site for over 40 years, the workshop on the site included a large vehicle inspection pit.” It then says, “There is no mention of any contamination assessment. Any contamination assessment should include assessing presence of petrol, diesel, chemicals and asbestos and should specify any remedial works, such as the removal of ground to a suitable depth, perhaps up to three metres.” And “There should also be a condition on any planning approval that onsite inspection at the appropriate point is completed to ensure that this remedial work has taken place.”

**Officer response:** *This issue is covered in the assessment in section P below. A ‘Site Investigation and Environmental Report’ was submitted on behalf of the applicant in June 2022 whilst a Phase 1 & 2 Environmental Assessment Report was received in January 2023.*

Sewage - The proposed plans show sewage outlet is untreated onto beach, the objector understands that new developments have to treat sewage with septic tank or other treatment plant. The Scottish Water plans for the village drainage show that the sewage pipe under the road discharges into the sea close to the RNLI station. As a new development the continuation of this practice would not be acceptable and a septic tank would be required.

**Officer response:** *Scottish Water has no objections to the proposals and has confirmed there is likely to be suitable capacity within the public sewer network and there is therefore no requirement for a septic tank.*

Impact on ground drainage - Reference is made to removing ground to lower the building level - how much is to be removed as it is not actually specified. A current ground survey drawing should be made available along with proposed new ground levels.

**Officer response:** *A topographical survey was submitted together with elevation drawings containing annotation on the ground, floor and roof levels of the proposed dwellinghouse. Based on this information, the ground level at the south-eastern corner of the former building on the site was 10.58mAOD and the south-eastern corner of the proposed building would be approximately 8.7mAOD, which indicates a lowering in the level of the site by 1.88 metres.*

Accessibility - This has been highlighted as a priority but the garage is not wide enough to meet accessibility requirements in its current layout. The drive is also not wide enough. Standard space for accessible parking is 4.8 by 2.4 m, providing 1.2m access space on both sides plus 1.2m at rear of vehicle. The proposed lift size would not meet standards for accessibility. The pedestrian access to the road from front door would also have to be assessed with regard to accessibility given change in gradients.

**Officer response:** *This is an issue that would be dealt with through Building Warrant.*

Environmental health – noise - The proposed new residential unit it, including the large balcony, will overlook the industrial unit and be very exposed to any noise from the unit during its operating hours. Given that the industrial unit and residential site have the same ownership at present then measures to limit the operating hours that the industrial unit is used and the type of activity undertaken in the unit would help deal with the noise issue. For example including a condition limiting the use to specific activities and to 8am to 6pm on weekdays.

**Officer response:** *This is an issue that can be readily dealt with by condition.*

Construction Impacts - Consideration should be given to including specific planning conditions relating to site management during construction. Given the location of the site a suitable site management plan should be provided and subsequently implemented, addressing such factors as safety, access and the removal of waste.

**Officer response:** *This is an issue that can be readily dealt with by condition.*

Demolition of previous building– The building on site was demolished without any due diligence to health and safety, without correct and best practice of planning/demolishing/laws in place.

**Officer response:** *It is permitted development to demolish a structure that is not within a conservation area, not listed and not a dwelling. Therefore*

*there was no planning procedure to follow. Comment cannot be made with respect to any other demolition requirements via different bodies.*

---

**(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:** Prepared by High Street Architects (Dec 2023) summarised below: Yes No

- Amongst considerations for any potential negative impacts of the proposal, care and attention has been paid to maintaining the sea views enjoyed by the houses behind the proposed house even though this is not required by planning.
- A full topographic survey has been carried out to establish levels of ground floor windows in the housing behind and line of sight to any relevant neighbouring windows.
- The proposed house will be accessible with an internal lift, and unobstructed entrance.
- The amenity for the house consists of a garden around the proposed house and the external wrap round balcony on the first floor level.
- Vehicular and pedestrian safety on Village Brae will be improved as the former commercial building on the site had been used for parking and storage of vehicles. The house will not have these commercial vehicle movements.
- The Statement then describes the site, site massing, building design and character and material, architectural character and building materials. The key points are that an Art Deco principles using modern materials is being used to prevent the decay traditionally associated with this design style. The first floor exploits the views of the loch. The immediate area contains various existing housing typologies, with a mixture of sandstone and render. This has been incorporated into the design.
- The overall approach is to create strong, clear and simple interpretation of a typical modern house in a stylistic manner. An ordered and rhythmic system of combining vertical and horizontal opening proportions with a single brick deep reveal to all windows and doors. This set up is an appropriate reference to the immediate context and architectural language. The overall aim is to create an elegant and well-proportioned modern building that will stand the test of time.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

Environmental Assessment Report – Crossfield Consulting (Jan 2023) summarised below and also covered in the assessment section of the report in relation to contaminated land:

The report is an investigation of the site to identify potential constraints to redevelopment relating to the ground conditions and including a risk-based environmental assessment and recommendations for remediation works.

Key points include:

- Based on available historical information, the site was formerly occupied with a former vehicle maintenance garage which was present during the 1970s and possibly earlier. Given the historical nature of the garage, the standard of infrastructure maintenance is not known (such that cracked or broken surfacing/floor slabs could permit contaminant release to the ground) and poor working practices, such as disposing waste liquids to drains or solids to the ground, could have caused contaminant releases to shallow soils.
- Based on the likely age of the former garage located on site, asbestos fibres/ACM could have been present within the building materials.
- It is noted that a small plastic double-skinned above-ground oil tank existed on site, since decommissioned and removed. Although unlikely, leaking and therefore release of contaminants into the topsoil may have been possible.
- Based on the available information, representative soil samples were recovered from the materials found at the site and tested for the potential contaminants. All of the potential contaminant concentrations are recorded below the GAC (negligible risk to human health) and therefore, do not represent an unacceptable risk to end users.

---

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 obligation 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 \(Adopted 13<sup>th</sup> February 2023\)](#)

### **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 5 – Soils  
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings  
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 22 – Flood Risk and Water Management

## [‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

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

## [‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

#### **Natural Environment**

SG LDP ENV 11 – Protection of Soil and Peat Resources

#### **Landscape and Design**

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)

#### **General Housing Development**

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

#### **Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

#### **Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 4 – Contaminated Land  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

## **Transport (Including Core Paths)**

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

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

- Third Party Representations
- Consultation Responses
- Planning History
- ABC Design Guides
- [Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13<sup>th</sup> June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

### **Spatial and Settlement Strategy**

Policy 01 – 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

### **Connected Places**

Policy 32 – Active Travel

Policy 33 – Public Transport

Policy 34 – Electric Vehicle Charging Points

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 38 – Construction Standards for Public Roads

Policy 39 – Construction Standards for Private Accesses

Policy 40 – Vehicle Parking Provision

### **Sustainable Communities**

Policy 58 – Private Water Supplies and Water Conservation

Policy 59 – Water Quality and the Environment

Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Policy 62 – Drainage Impact Assessments

Policy 63 – Waste Related Development and Waste Management

Policy 66 – New residential development on non-allocated housing sites within Settlement Areas

### **High Quality Environment**

Policy 71 – Development Impact on Local Landscape Area (LLA)

---

Policy 73 – Development Impact on Habitats, Species and Biodiversity  
Policy 79 – Protection of Soil and Peat Resources  
Policy 82 – Contaminated Land

---

---

**(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) Has a Sustainability Checklist been submitted:** Yes No

---

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

---

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

---

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

Area of Panoramic Quality (LDP 2015)  
Local Landscape Area (PLDP2)  
Potential Contaminated Land

**(P)(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

**(P)(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

**(P)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

**ABC LDP 2015 Settlement Strategy**

LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

**ABC LDP 2015 Allocations/PDAs/AFAs etc:**

N/A

**ABC pLDP2 Settlement Strategy**

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

**ABC pLDP2 Allocations/PDAs/AFAs etc:**

N/A

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

Site and surroundings

The application site has an area of approximately 199m<sup>2</sup> and the house plot historically was a garage with a curved tinned roof shed on the site and historic mapping shows a building as far back as the 1880 and the applicant informs us that the site was originally Tighnabraich Village Hall before it became a garage. The land is now currently vacant and considered brownfield. It sits on the Village Brae just before there is a bend in the road as it leads up to houses at the rear of the village. The site is within what would be considered the village centre with the remaining garage on the site below, then the converted old fire station below this. Across the street are a number of historic buildings but none are listed and it is not a Conservation Area. The site has been vacant for some time, when the building was removed and has intermittently been used for parking. The garage below the site is within the same ownership.

The immediate surrounding area is a mixture of commercial and residential as explained above. To the north of the plot are 3 nearly identical traditional houses with slate roof and render finish. The building across the road, is historic and built into the slope with a mixture of one and two storey and is constructed of stone and slate roof. The one storey is to the upper part of the slope and as you go down the hill, then it increases to two storey. At the bottom of the village brae is what would be classified as the village centre with the RNLI building then a number of shops and cafes with residential flats above in a row of traditional stone buildings. The centre of the village is dominated by the Tighnabraich Hotel and its grounds which this site is at the upper most corner of. The hotel has extensive grassed area to the front and there are views across to the application site from the village centre.

Proposed Development

The application is for the erection of a 3-storey dwellinghouse on this rectangular plot on Village Brae. The footprint of the house is to be approx. 74m<sup>2</sup> but the basement plans have a parking pend, so this takes the basement floorspace to approx. 66m<sup>2</sup>. The parking area is within the basement level of the house with one car to be

accommodated within the garage and the other half under the house and half on a driveway to be built. The driveway area is approx. 23m<sup>2</sup> and a distance of 3.7m.

The drawing states the garden area is 100m<sup>2</sup> to the rear surrounded with a 1.8m high fence, pedestrian entrance and bin store. However, when measured it only amount to around 56m<sup>2</sup> when the parking area and porch are excluded and if parking area is included it amounts to 84m<sup>2</sup> so the figures on the drawings may not be accurate.

The proposed house is 3 storeys with a flat roof and is a height of 19.4mAOD and the height of the garage remaining on the site below is 14.3mAOD. The house is compact in scale and has an Art Deco (1930s) architectural style. It has a flat roof with a terrace along the upper floor. It is to be white render walls, glass handrail, powder coated windows and DRPM roof covering. The windows on the upper floor are horizontal emphasis with glazing bars that have an Art Dec style. There is a larger vertical slim window going between the basement and ground floor.

Accommodation comprises, garage, utility, wc and lift on the basement, then a master bedroom, ensuite shower room, bathroom, study (that could be used as a third bedroom) and 2<sup>nd</sup> bedroom on the ground floor and then the upper floor has the main living/kitchen/diner area and toilet.

#### Settlement and Spatial Strategy

The site is located within the village of Tighnabruaich identified as a Key Rural Settlement Area in the Argyll and Bute Local Development Plan 2015 (LDP) wherein the provisions of policies LDP DM 1 serve to give encouragement in principle for up to and including small scale housing development on appropriate sites.

It is considered that the application site, principally by reason of size constraints, does not have capacity to accommodate a dwellinghouse with regard to all material planning considerations, and as such that this is **not** an appropriate development site for a dwellinghouse (refer to the detailed assessment below). The proposal is therefore considered to be inconsistent with the Settlement Strategy contrary to policies LDP DM1.

Within the Proposed Local Development Plan the site is located within the Settlement Area and Policy 01 applies which is now a material consideration. It states that within settlements proposals will be acceptable if they are compatible with the surrounding uses including but not exclusively, providing access, service areas, infrastructure for existing, proposed or potential future development and is of an appropriate scale and fit for the size of settlement in which it is proposed.

NPF4 Policy 9 part (a) supports development on brownfield sites and in this case the site is brownfield and redevelopment in principle is supported by part a of this policy. But Part c relating to contaminated land is examined below and there it does not meet this part of the policy.

In principle it is supported because it is a small-scale residential infill development within a settlement but there are a number of issues in relation with the compatibility with the surrounding area which means it is contrary to the Settlement Strategy as indicated above – both LDP DM1 and also the proposed Policy 01.

#### Housing Policy

NPF4 Policy 16 and LDP Policy LDP 8 and SG LDP HOU 1 of the LDP and also Policy 66 within the proposed LDP operate a general presumption in favour of housing development provided that the location and scale accords with the

provisions of policy LDP DM1 unless there is an unacceptable environmental, servicing or access impact. NPF4 Policy 16 supports development for new homes on land not allocated for housing the LDP where the proposal is consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods (Policy 15) and must meet one of the criteria under iii. It is considered the proposal meets the third point which gives support for smaller scale opportunities within an existing settlement boundary. It is also close to facilities and amenities of the village so meets Policy 15.

However, the policies all states that the proposal must accord with all other relevant policies. In this case, the development potential for this site is severely limited by size constraints and it is not considered that the site has capacity to accommodate a dwellinghouse of this scale without resulting in a materially detrimental impact upon the character and visual amenities of the area and upon road safety. In addition, it has not been demonstrated that the site can accommodate the necessary infrastructure, specifically in relation to surface water drainage, within the site boundary.

On this basis, it is considered that the proposal is not consistent with housing policies NPF4 Policy 16, LDP 8 and SG LDP HOU 1. See further details below on why the site and proposal is not appropriate.

#### Design and layout

NPF4 Policy 14, LDP 9 and SG LDP Sustainable Siting and Design Principles and Proposed Plan Policies 05, 08, 09 and 10 serve to ensure that new development, by reason of density and layout, effectively integrate with the urban setting and resists developments with poor quality or inappropriate layouts or densities including over-development.

NPF4 Policy 14 requires proposals to be underpinned by the six qualities of successful places – healthy, pleasant, connected, distinctive, sustainable, adaptable. It also state that proposals that are detrimental to the amenity of the surrounding areas will not be supported.

SG LDP ENV 13 policy and the proposed plan policy 71 concerns Areas of Panoramic Quality and to be renamed as Local Landscape Areas. Tighnabruaich sites within these local designations and the policies seek to resist development in or affecting these areas where its scale, location or design will have a significant adverse impact on the character of the landscape. In all cases, the highest standards of location, siting, design, landscaping, boundary treatment and materials and detailing will be required.

SG establishes general principles for new development including that:-

- New development must reflect or recreate the traditional building pattern or built form.
- Ideally the house should have a southerly aspect to maximise energy efficiency.
- Access should maximise vehicular and pedestrian safety.
- Scale, shape and proportion of development should respect or complement existing buildings and the plot density and size. Colour, materials and detailing are crucial to integrate the development within its context.

The surrounding area is characterised by mix of modest proportions, scale and massing, a simple materials palette and limited architectural detailing. The original Garage (now demolished) was of a simple style with modest proportions, scale and massing with a curved roof and constructed of metal sheeting. The scale, form and

massing and design of the proposed house when combined with the introduction of a modern materials finishing palette to the extension would visually jar with and have a detrimental impact not only on the character of the surrounding area but in particular on the character and appearance of the village centre which would remain and be read in the context of the new house.

Moreover, because of the colour, height, scale and massing of the proposal which would protrude considerably above the height of the neighbouring garage and also be higher than the original building on site, making it visually prominent. It is considered that this would create a development which overall would have a significant material adverse visual impact given its height within the core of the village. It would appear as an overbearing and dominant form of development in its immediate context.

The art deco style is also particularly unusual and even though introducing this style is not necessarily against policy, it would be more suitable on a public building trying to make a statement, where it fits within its context. Art deco style has been used on the Pavilion in Rothesay and also the Picture House at Campbeltown but these are buildings in a completely different context that are to be distinctive. This house needs to make more of an attempt to assimilate with the neighbouring buildings as it is not the aim for it to be a prominent building in this instance.

The applicant has quoted other similar modern properties in the locale including the nearby renovated fire station and also a new house at The Chalet. It should be noted these designs are contemporary and modern and not Art Deco. In addition their context is completely different. The fire station was the re-use of an existing building and is further down Village Brae and is only 2 storey so not as prominent and using timber and mono-pitch roof to respond to the context. The other house, has significant garden grounds and has the space to be landscaped and integrate with its surroundings.

The applicant argues that the proposed house (height 19.4mAOD) is no higher than the hotel roof of 20mAOD and the site appears to be on the same OS contour as the hotel.

Every planning application needs to be considered on its own merits, and consider the physical site constraints and adapt to them. This proposal has not done this and it is overdeveloped and the top floor in particular is overly prominent and out of keeping with the surroundings. Because it is flat roof then the white render goes up to the top of the building, and no attempt has been made in making this top floor/roof area recessive in the townscape using darker materials or using a pitched roof with dormers. Buildings tend to assimilate with the context better if they get smaller as they go up the hill, rather than larger as can be seen with the buildings on the opposite side of the street which goes from 2 storey to 1 storey. The street height at the application site will give the impression that this house is bigger than it is. From the village centre this house will also stick out and look out of place given its height, further up the brae and it will block the views of the attractive 3 traditional dwellings to the rear that are adding to the character of the area, rather than detracting from it. The representations have raised the issue of design and make the argument that the art deco style is not suitable for the site. It is agreed that it would dominate the skyline.

As explained above the house is located within the local landscape designation and it requires highest standards of design. It is not considered this house is of the highest standard particularly in relation to detailing, landscaping, boundary treatment and materials which are incongruous with the surrounding housing. Given its height it is likely to be viewed from the sea (recreational boat users) and will seem out of place

in the townscape which is considered to then in turn affect the overall landscape quality of this area.

For all these reasons, it is considered that the proposal is contrary to Policies 14 and Policy LDP 9 of the Argyll and Bute Local Development Plan and also to the LDP SPG Sustainable Siting and Design Principles and SG ENV 13 which are relevant to this proposal. It would also therefore be contrary to Policies 05, 08, 09, 10 and 71 of the proposed LDP which is a material consideration.

#### Residential Amenity of Proposal

Policy LDP 9 and SG on Sustainable siting and Design Principles serve to establish general principles, including that development should take into account issues of open space/density.

The SG (para 4.2) states that “all development should have private open space (ideally a minimum of 100m<sup>2</sup>)” and that detached/semi-detached houses should occupy a maximum of 33% of their site. Whilst it is acknowledged that these standards have ‘guideline’ status, and that each application has to be considered on its own merits, it is a material consideration that proposed housing development can provide an adequate level of amenity with regard to adequate private open amenity space, outlook and sunlight/daylight.

As described above, it is unclear whether the measurements are correct and even though the applicant states that the house would have 100m<sup>2</sup> private open space, it doesn't appear to have this and the area to the rear of the house will be a fairly unattractive area with very little natural daylight and a high fence proposed. It wouldn't be very useable for drying clothes, growing vegetables or sitting out given it will be shadowed by the house. The site is extremely tight and the amenity space would be better on the lower part of the site where it would gain suitable daylight.

#### Residential Amenity of Neighbours

There is concern from some of the contributors with regard to overlooking but this has been considered and there are no issues in this regard. The proposal does have a top level terrace but there is no private garden area within the fire station house that would be visible from this given the garage building between the two plots. The private views from the houses above the application site is not a material consideration but the applicant has shown it would not be obstructing their views.

#### Access and Parking

NPF4 Policy 13 supports development that provide easy access by sustainable transport modes and also provide charging points for vehicles and cycles and safe, secure cycle parking. Argyll and Bute Local Development Plan 2015 by Policy LDP 11 Improving Our Connectivity and Infrastructure and Supplementary Guidance policies SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes and SG LDP TRAN 6 Vehicle Parking Provision. The relevant PLDP2 (as modified) Policies are Policy 35 Design of New and Existing, Public Roads and Private Access Regimes and Policy 40 Vehicle Parking Provision.

As explained above, in the description of the site, it is near to a bend on Village Brae. The recommendation from Roads is a refusal.

It has not been demonstrated that there is adequate visibility for entering and leaving the driveway so close to the bend. The visibility needs to be 20m x 2m in both directions. This visibility can be achieved looking down Village Brae but due to the bend it does not appear to be achievable looking up the brae.



The applicant has not provided clear drawings to show the sightlines that can be achieved from the access. It looks from the drawings that the 1.8m fence may obscure the visibility but the location of the fence in relation to the sightlines is not clear. This information was requested and an email was received from the applicant on 17<sup>th</sup> August with the following response to the request:

- *“The 5m strip will not be an issue.*
- *The sightlines are not achievable. The new building will improve the existing situation in two ways. The building sits further back on the site allowing much better visibility at the corner and the new use will be domestic so fewer cars than the current use.*
- *Due to the road construction and geometry achieving any speed close to 30mph will be virtually impossible and that the new building because of this will have no impact on existing road safety.*
- *Forward visibility will be the same or better.*
- *There is 6460mm from the garage to the kerb which is an improvement on the former garage.*
- *No new road opening is being created, it is retaining an existing one.*
- *The surface water can be prevented from entering the public road, however the ground levels are such that the public road drains on to the site.”*

In later correspondence the applicant's state *“It has been shown that there was a blind spot on Village Brae. Also as acknowledged by one of the objectors, bin and fuel lorries have to reserve up the length of Village Brae as there is no turning space available.”*

The above does not address the issues.

Roads do not regard the previous use (a garage with similar or possibly more vehicle movements), to be a significantly material factor and this would have been considered further if there were no other issues with the proposal but there is the added issue of the parking area being too close to the footway because it is such a small site and the development is so close to the road. The roads officer has made it clear that 8m is needed between the footway and the garage door and this is not achievable. No drawings have been submitted to show the sightlines that can be achieved for consideration, nor explain if the fence would obscure the sightlines and no traffic speed survey data has been submitted.

Even if we consider the previous use as a significant material consideration and make an exception to policy, there is lack of clarity over this matter and there are other concerns regarding overdevelopment, so the proposal is considered contrary to Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 as it does not provide adequate and safe access and the parking area is too close to the edge of the carriageway.

### Services Infrastructure

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. NPF4 Policy 22(c) supports proposed developments if they can be connected to the public water mains. The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policy LDP 11 Improving Our Connectivity and Infrastructure and Supplementary Guidance policy SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater Systems. The relevant PLDP2

(as modified) is Policy 60 Private Sewage Treatment Plants and Wastewater Drainage Systems.

In addition, NPF4 Policy 12(c) expects that those developments Inc. residential proposals to incorporate measures that allow the appropriate segregation and storage of waste together with convenient access for the collection of waste. The NPF4 Policy is underpinned in the Argyll and Bute Local Development Plan 2015 by Supplementary Guidance policy SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within New Development. The relevant PLDP2 (as modified) Policy is Policy 63 Waste Related Development and Waste Management.

It is proposed to connect the accommodation into the public water main and public sewerage system. Scottish Water has confirmed that there is currently sufficient capacity in the public water supply and public sewerage system to accommodate proposal.

The application does identify the provision of storage for what looks like 2 bins and this is something that could be conditioned.

On the basis of the foregoing, the proposed development is considered to accord with the relevant Policies and Supplementary Guidance.

#### Flood and Water Management

NPF4 Policy 22(c) supports proposed developments that would not increase the risk of surface water flooding to others, or itself be at risk; that would manage all rain and surface water through sustainable urban drainage systems: and that seek to minimise the area of impermeable surface. The above NPF4 Policy is underpinned in the Argyll and Bute Local Development Plan 2015 by Supplementary Guidance policies SG LDP SERV 2 Incorporation of Natural Features / Sustainable Drainage Systems and SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development. The relevant PLDP2 (as modified) Policies are Policy 55 Flooding and Policy 61 Sustainable Drainage Systems.

The site is not within a flood risk zone. The applicant does not include any details of the surface water drainage and there is concern that given the size of the site it may be difficult to secure a sustainable urban drainage system in accordance with the policy within the bounds of the site.

This is however not considered alone a reason for refusal and is something that could be conditioned. On the basis of the foregoing, the proposed development is considered to accord with the relevant Policies and Supplementary Guidance.

#### Contaminated Land

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. SG LDP SERV 4 of LDP 2015 and Policy 82 of PLDP2 (as modified) also states the requirement for the applicant to undertake a contaminated land assessment and implement suitable remediation measures before the commencement of any new use.

The site has been excavated to form the required development levels, exposing weathered rock strata across most of the site. Within the northern and western margin there is an area of topsoil, grass and bushes remaining. A low retaining wall is present on the southern boundary of the site, beyond which the remaining section

of Andrews Garage is approximately 1m below the site level. An above-ground oil tank was present on the western part of the site.

As explained in Section G “Supporting Information” of this report, the applicant submitted a contaminated land assessment after a request was made by the Contaminated Land Officer in the Council. Section C ‘*Consultation*’ above explains the inadequacies of this report and the outstanding information still required to ensure the land can be made safe for its proposed use as a house.

The applicant does not agree with this response and states the following:

*“The report (submitted) addresses all issues raised by Environmental Health and highlights that in any case the site is underlain by impermeable rock strata. This should address the objection that we would have to remove material from the site to perhaps a depth of 3m. Also photos were sent just after the corrugated steel building was taken down when it had rained heavily as contamination on site was a consideration for us. The photos show no iridescence from hydrocarbon contamination on the surface of any puddles on site, or on the surface of the apparently watertight inspection pit which was nowhere near 5m long and 2m deep as alleged in the objection, it is barely 2m.”*

Whilst acknowledging the applicant’s contention, it is therefore contrary to Policy 9 part (c) and also SG LDP SERV 4 as further information is outstanding. It also does not meet Policy 82 of PLDP2 which is a material consideration.

### **Conclusion**

The fundamental issue in relation to this case is the scale and design of the house which is inappropriate in this context within the village setting. There are a number of other matters that also have not been addressed by the applicant, including demonstrating safe access/egress from the parking area and that the contaminants have been fully investigated and can be appropriately dealt with. Despite this being a brownfield, infill housing site within a settlement where there is a lot of support within the policies of the NPF4 and LDP, it is not appropriate response and does not add to the sense of place. There are no other material considerations that give support for this application and therefore the recommendation is a refusal.

---

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

---

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

N/A

---

**(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:** Kirsty Sweeney

**Date:**

**Reviewing Officer:**

**Date:**

**Fergus Murray**  
**Head of Development & Economic Growth**

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/00221/PP**

1. The proposal, by reason of its size, scale, massing, height and design detailing, boundary treatment, would have an adverse visual impact on the immediate and wider surroundings and would be detrimental to the character and appearance of the village centre of Tighnabruaich and the wider Area of Panoramic Quality. The art deco style is an inappropriate design response for this site giving prominence to the site being in an elevated position on Village Brae. It will be highly visible and intrusive in the skyline when viewed from the village shops and in the context of the Tighnabruaich Hotel and even from wider views. The design is inappropriate because of the white render up to the eaves, to the height of 3 storey, and the mass of the building which is not broken up which is sited on an already elevated site. It does not integrate with the surrounding townscape and adversely affects the sense of place and character of this attractive village centre. There are no other Art Deco style in the village and there is no design cues taken from the buildings around it including the neighbouring garage, fire station and the stone/slate traditional buildings. Consequently the proposal would be contrary to Policies 14 and 16 of NPF4, Policy LDP 9 of the Argyll and Bute Local Development Plan and also to the LDP SG Sustainable Siting and Design Principles and LDP SG ENV 13 Areas of Panoramic Quality. It is also contrary to Policies 01, 05, 08, 09 and 10 of the proposed Local Development Plan.
2. The development would not provide an adequate standard of residential amenity for the occupiers. In this instance a terrace is provided which is welcomed and will improve the residential amenity for occupiers but it is limited. More importantly the rear space proposed will provide poor quality amenity by reason of lack of daylight and proximity to traffic using the adjacent road. The proposal is therefore over-intensive development of a very constrained plot and as such would not accord with SG Siting and Design of the Argyll and Bute Local Development Plan.
3. The proposal is considered contrary to Policy LDP 11 and Supplementary Guidance policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015 and Policies 35, 36 and 40 of the proposed Local Development Plan given it has unsuitable visibility onto Village Brae. The parking area is also too close to the edge of the carriageway and a total of 8 metres cannot be achieved to accommodate a 6m parking area and 2m strip across the access. It is recognised that this is an existing access that has been historically been used by the garage, that was previously on site, and was likely to have similar or more vehicle movements, but no evidence has been submitted nor amendments made to try to find the best solution in terms of achieving the visibility from the driveway onto Village Brae and give the required distance for the parking area to the footway. And indeed the erection of a 1.8m fence is likely to further obscure the views when entering and leaving the proposed driveway. There is no clear drawings or evidence to demonstrate if the visibility of 20m, set back 2m in either direction can be achieved or as near to this as possible.

4. The proposal is considered contrary to NPF4 Policy 9, part (c), SG LDP SERV 4 and Policy 82 of the proposed Local Development Plan as it has not been demonstrated, to the satisfaction of the council, that the site is and can be made safe and suitable for the proposed house. There are a list of outstanding requirements in relation to the Contaminated Land Assessment that have not been adequately responded to. These mainly relate to the survey methods, and the depth of sample surveys.

## List of Plans and Documents relevant to the refusal

Title	Drawing No.	Version/Issue	Date Filed
Location Plan and Proposed Site Plan	A1-00		25/03/2022
Proposed Floorplans	A1-01		02/03/2022
Proposed Elevations	A1-02		02/03/2022
3D View and Site Section	A1-03		02/03/2022
Supporting Statement/Design Statement			02/03/2022
Site Investigation and Environmental Report 24.06.2022			15/07/2022
Topographical Survey Sent by K Raeburn 08.06.2022			10/06/2022

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **22/00221/PP**

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

(B) The reason why planning permission has been refused:

**N/A – see reasons above**