

Reference Number: 08/01587/COU
Applicants Name: Denice Purdie
Application Type: Change of use
Application Description: Partial change of use of dwellinghouse as a soap manufacturing business and retention of timber storage unit and metal container in connection with soap manufacturing business (retrospective).
Location: Crawford Cottage, Strathlachlan, Strachur, Argyll, PA23 8BU.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Partial change of use of dwellinghouse to soap manufacturing business.
- Retention of timber storage unit
- Retention of metal storage container

(ii) Other specified operations.

N/A.

(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 and informatives, detailed below.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Given the limited landscape impact of this development on the surrounding area the proposal is considered to be consistent with policies POL RUR 1 and 13 of the adopted local plan.

The site is identified within both an 'Area of Panoramic Quality' and a 'Rural Opportunity Area' (ROA) in the Argyll and Bute Local Plan Post Inquiry Modifications. The Appeal Directorate's report on this emerging local plan recommended that ROA designations within '*Areas of Panoramic Quality*' be deleted and replaced by 'Sensitive Countryside'. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council. The proposal is considered to be consistent with policies LP BUS 2 and LP BAD 1 of the emerging local plan.

The soap production business is contained within the existing dwellinghouse, while two small outbuildings within the curtilage of the Crawford Cottage are used for associated storage. The development does not therefore have any impact on the settlement pattern of Strathlachlan, while its wider landscape impact is minimal. The proposal is also considered consistent with policy STRAT DC 5 of the approved Structure Plan.

(ii) Representations:

Six letters of representation received from five individuals.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Based on the number of representations received, the department would not recommend the undertaking of a non-statutory hearing in this instance.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No.

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
22 December 2008

Author: John Irving, Tel: 01369 708621 **Date:** 15 December 2008
Reviewing Officer: David Eaglesham, Tel: 01369 708608 **Date:** 22 December 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01587/COU

1. The use of the premises for the manufacturing and storage of soap based products shall be restricted to the dwellinghouse's kitchen and dining area, as detailed on submitted drawing dated 22nd September 2008 titled 'Floor Plans 1:50', along with the timber storage unit. This use shall cease **no later than 31st June 2010**, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In order to control the partial change of use applied for.

2. **No later than 30th June 2009**, the metal storage container shall be completely removed from the site and the ground reinstated to the satisfaction of the Planning Authority, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In the interest of visual amenity.

3. **No later than 20th February 2009** an Odour Management Plan shall be submitted for the written approval of the Planning Authority, in consultation with the Area Environmental Health Manager. This plan shall detail the causes and controls of odour from the receipt of raw materials through to processing, packaging, storage and the handling of waste materials. The plan should also include procedures for dealing with spillages and the washing of equipment.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

4. **No later than 20th February 2009** full details of the waste storage provision shall be submitted to and approved in writing by the Planning Authority, in consultation with the Area Environmental Health Manager. Waste packaging and materials shall be stored in a secure and sealed environment to prevent both litter problems and odour nuisance.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

5. The soap manufacturing business shall only operate (i.e. deliveries, staff, production and packaging) between the hours of 08:00 and 18:00 Monday to Saturday and not on Sundays or statutory public holidays.

Reason: To prevent any loss of amenity to local residents and/or nuisance as a result of the use of the premises.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01587/COU

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan (November 2002)

Policy STRAT DC 5 '*Development in Sensitive Countryside*' supports development in the countryside which demonstrates the specific development proposed will integrate sympathetically with the landscape and settlement pattern.

Cowal Local Plan 1993 (October 1995)

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development which could have an adverse landscape impact.

Policy POL RUR 13 '*Development in the Countryside*' supports development in the countryside which are sensitive to and integrated with, their surroundings.

Policy POL COM 5 '*Bad Neighbour Development*' seeks to oppose potential "Bad Neighbour" developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties.

Post Inquiry Modified Argyll & Bute Local Plan (November 2008)

Policy LP ENV 10 '*Development Impact on Areas of Panoramic Quality*' seeks to resist development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LP BUS 2 '*Business & Industry Proposals in the Countryside Development Control Zones*' proposals for development of new or extensions to existing business and industrial development in the Countryside Development Zone will only be permitted where: the development is of a form, location and scale consistent with policy STRAT DC 5 OR small scale development in the sensitive countryside where the applicant can demonstrate a clear operational need for a specific location.

Policy LP BAD 1 '*Bad Neighbour Developments*' will only be permitted where there is no adverse effects on the amenity of neighbouring properties, includes appropriate mitigation measures, no consultation objections and roads standards are adhered to.

Note (i): The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk.

(ii) SITE HISTORY

Planning permission 04/02168/DET granted on 7th March 2005 for the erection of the subject dwellinghouse.

Enforcement Investigation 07/00226/ENFOTH commenced 29th August 2007 following a complaint that a soap manufacturing business was being run from Crawford Cottage. Retrospective application requested and submitted (Ref: 08/00101/COU). Applicant advised that they were moving home and the business running from this property was going to cease.

Planning application 08/00101/COU submitted on 7th January 2007, subsequently withdrawn on 19th March 2007.

Further enforcement Investigation 08/00256/ENOTH3 commenced 21st July 2008 following a complaint that the soap manufacturing business continued to operate from Crawford Cottage.

(iii) CONSULTATIONS

SEPA (letter dated 13th November 2008) No objection.

'A local Environmental Protection Officer has inspected the site and found no causes of concern from our view, regarding both waste disposal and foul drainage. SEPA does not object to this application.'

Area Roads Manager (memo dated 28th October 2008): No objection.

'This proposal is at a location previously granted planning permission, as no change is being made to the access and the business is not retailing from this location no objections to the application.'

Area Environmental Health Manager (memo dated 24th November 2008): No objection subject to conditions.

'Having considered the application and supporting information, I have no objections of an environmental health nature to lodge. However, should you be mindful to grant consent, I would recommend conditions (submission of odour management plan, storage of waste packaging and operating hours) be attached.'

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedure and Section 34 advertisement published 7th November 2008, expired 21st November 2008, six letter of representation have been received from the following:

- Major FB Campbell (letters dated 10th & 20th September 2008), Barandachoid Croft, Strathlachlan, Strachur, Argyll, PA27 8BU.
- Mary Jewison (letters dated 20th September & 21st November 2008) Creag Bhreac, Strathlachlan, Strachur, PA27 8BU.
- E. J. R. Malachaln (letter dated 2nd October 2008), Castle Lachlan, Strathlachlan, Strachur, Argyll, PA27 8BU.
- F McLeod & I Crawford (letter dated 30th October 2008) Stangroom, 6 Leanach, Strathlachlan and Burnside, Strathlachlan, Strachur, Argyll.

An email representation received on 10th November 2008 from Mr Andrew Weir, Branter Lodge, Old School Road, Strachur, Argyll, PA27 8DH was withdrawn on 17th November 2008.

The points raised are summarised below:

- i. Rural and residential environment would be devalued by the presence of a commercial operation in this small hamlet.
Comment: See assessment below.

- ii. This proposal is contrary to Policy LP BU 1 in particular paragraphs B and F.
 Comment: *This policy is not applicable. This application will be assessed in terms of policy LP BUS 2.*
- iii. Concerns regarding waste management and the disposal of commercial waste in a domestic septic tank and resultant discharge to local watercourse. What assurances can be given?
 Comment: SEPA have raised no objections to this application
- iv. Soap factory should be run at a designated commercial site with the correct facilities to support this type of operation.
 Comment: See assessment below.
- v. Commercial deliveries made to this site on a regular basis will in excess of one a month this would increase as business expands.
 Comment:
- vi. I bought this property to escapes noise, traffic and pollution and the prospect of this being allowed to take place is an environmental disgrace.
 Comment: See assessment below.
- vii. If permission is granted can further commercial development be restricted?
 Comment: It is recommended to grant temporary planning permission
- viii. What plans are there to screen metal container?
 Comment: *A specific condition will be attached to the grant of planning permission which will require the container to be removed timeously.*
- ix. There is no precedent for commercial business in Strathlachlan.
 Comment: *This application will be assessed in terms of development plan policy and there does not require to be or not be an existing precedent.*
- x. There is a small driveway with barely enough room for the household's cars let alone those of employees and delivery trucks.
 Comment: *The Area Roads Manager has raised no road traffic safety issues with this application.*
- xi. It is understood that there is pressure on the Planning Authority to approved retrospective application but in this instance I would ask that this application be treated as a new application.
 Comment: *This application will be determined entirely on its own merits and subject to the relevant development plan policy.*
- xii. This is not a cottage industry which is something that is low profile by people working in their own homes. They employ several people at its 'premises' along with regular deliveries.
 Comment: *See assessment below.*
- xiii. The odours are not part of the natural environment; they can be classed as an environmental nuisance. These scents and smells are acceptable in a bathroom they are not acceptable in a rural context.
 Comment: *The Area Environmental Health Manager has raised no objection to this application subject to appropriate conditions. See assessment below.*
- xiv. We are the main employees at the premises one being full time and one being part time. One lives a minutes' walk away the other drives but parks at the other employees property. During the day there are fewer people at the property than in a normal family home.
 Comment: *See assessment below.*

- xv. There are no chemical or hazardous substances uses in any of this work and therefore no effect on the environment.
Comment: *See assessment below*
- xvi. There is no smell outside the premises, no noise and no inconvenience to any of the neighbours
Comment: *See assessment below*
- xvii. Small, local business employing local staff in rural areas such as this should be praised and supported rather than attacked.
Comment: *See assessment below*

The applicant has also submitted additional information with this application in letters dated 23rd September, 31st October and 10th November 2008. The points raised are summarised below:

The soap manufacturing process includes the following:

- *Melting and pouring of organic soap base (mixed with organic essential oils), shampoo, conditioners, bodywash and bath oils.*
- *Bottling and packaging of products above within the house (dining area and kitchen area). The wooden shed and lock up are used for the storage purposes.*

I employ two local ladies, one full time the other part time and they do not require car parking at my property.

My septic tank is emptied and cleaned every year, as it was this year and will of course continue to do so. I feel this is the best and most appropriate method to assure the watercourse.

I run a cottage industry not a soap manufacturing industry. The only commercial equipment is a commercial size microwave.

We as a family need to make a living like most others living in rural Scotland. We therefore did not have a choice locally other than to work from my own home. A business unit is both too costly but more importantly not available nearby.

I have three shops and I do not require my stock to be delivered to Crawford Cottage. It is cheaper to have it delivered to Glasgow and then pick it up myself.

I wish my business was as large as the objectors think it is. I do hope to be in a position where I can create and increase production but this is not the time and we, like every other business, are feeling the effect of an economic turn down.

Like all Cottage Industries today, I do hope to continue working from home given the fact there is nowhere else to currently produce from. Not being able to do so would affect those locals I do employ and who have stayed here all their lives.

Crawford cottage us very much and will remain residential due to the fact that it has 3 bedrooms and I have 2 children. Most of the preparation work is done in the kitchen and dining area. Most of our products have now been outsourced using our recipes and specifications. Equally some packaging is completed by shop staff as we are experiencing quiet times in those shops.

I will never, nor will I ever burn business waste and bottles on the premise and I totally refute this claim. I have a yellow card from the Council which allows me to take my cardboard waste to the recycling area.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01587/COU

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Given the limited landscape impact of this development on the surrounding area and subject to the timeous removal of the unsightly metal storage container, the proposal is considered to be consistent with polices POL RUR 1 and 13 of the adopted local plan. Furthermore, it is considered that any 'bad neighbour' issues and nuisance associated with this development can be resolved through the imposition of appropriate conditions.

The development is considered to be consistent with policies POL RUR 1, POL RUR 13 and POL COM 5 of the Cowal Local Plan 1993.

The site is identified within both an '*Area of Panoramic Quality*' and a '*Rural Opportunity Area*' (ROA) in the Argyll and Bute Local Plan Post Inquiry Modifications. The Directorate's report on this emerging local plan recommended that ROA designations within '*Areas of Panoramic Quality*' be deleted and replaced by 'Sensitive Countryside'. The Council's response was to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

The soap production business is contained within the existing dwellinghouse, while two small outbuildings within the curtilage of Crawford Cottage are used for associated storage. The development does not therefore have any impact on the settlement pattern of Strathlachlan, while its wider landscape impact is minimal. The proposal is considered consistent with policy STRAT DC 5 of the adopted Structure Plan.

The emerging local plan will only permit Class 4 uses (business) in the Sensitive Countryside Designation where it is of an appropriate form, scale and location consistent with policy STRAT DC 5. The combined floor area of the allocated area within the house, where this business operates (30sqm), in addition to the size of the timber outbuilding (24sqm) represents a 'small scale' business development as defined by Schedule B2. In addition to the fact that the proposal is consistent with STRAT DC 5, as detailed in the previous paragraph, this proposal is considered to be consistent, in principle, with policy LP BUS 2.

There are neighbouring properties to the northeast and southwest of Crawford Cottage and there is potential 'bad neighbour' odour and noise pollution associated with the production of soap at this property. Potential adverse odour pollution can occur from manufacturing of soap but it is considered that this can be addressed by the imposition of appropriate conditions attached to the grant of planning permission and the Councils Public Protection Service have raised no objection to this application subject to the submission of an odour management plan and the secure and sealed packaging of waste packaging and materials. Furthermore, it is considered that potential noise pollution can occur from vehicular movement and patrons using the property. To combat this concern a suitable condition will be attached to the grant of planning permission which restricts days and hours of operation.

The development is considered to be consistent with policy STRAT DC 5 of the adopted Structure Plan along with policies LP BUS 2 and LP BAD 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

This application is to allow the continued use of Crawford Cottage for the production and packaging of soap based products. Crawford Cottage is a detached three bedroom dwellinghouse and the business operates from the properties kitchen and dining area. This application also seeks to retain two outbuildings within the curtilage of Crawford Cottage, a timber storage unit and a metal storage container, these structure are used to store materials and products.

It is considered that the imposition of conditions which restrict business operations to the kitchen and dining area only will ensure the main use of the property remains residential and that the business cannot expand into other areas of the building which could detract from the overall residential amenity, character and charm of the property and surrounding area.

The metal storage container which has been sited to the southwest of the property is unsightly and it is considered to detract from the overall character of the area and from established levels of amenity afforded to the occupants of neighbouring properties. To this end, a condition will be attached to the grant of planning permission which requires the removal of this structure within 6 months.

The development is considered to be consistent with policy LP ENV 19 and APPENDIX A of the emerging local plan.

C. Road Network, Parking and Associated Transport Matters.

The development does not require any additional employee car parking provision within the site, while a limited number of deliveries are made to the property each month in connection with the business. The Area Roads Manager has raised no objection to this application.

The proposal is therefore considered to be consistent with the provisions of policy LP TRAN 4 of the emerging local plan.

D. Infrastructure

The applicant proposes no change to the existing connection to the public water main and private foul drainage system.

SEPA have raised no objection to this application and, following a visit to the property, have no issue with the foul drainage arrangements and waste disposal.

The proposal is therefore considered to be consistent with the provisions of policy LP SERV 1 of the emerging local plan.

CONCLUSION.

It is considered that the proposed conditions to be attached to the grant of planning permission allow this business to operate from within this residential property without undermining the character of this residential dwellinghouse, while ensuring that its primary use remains residential. Furthermore, specific conditions also ensure that the amenity of neighbours is not unduly compromised by unacceptable levels of odour and noise. In addition, it is considered that a temporary planning permission will ensure the long term use of the dwellinghouse is not compromised while affording the applicant a sufficient period of time to find alternative premises for this expanding business.