

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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DX 599700 LOCHGILPHEAD

14 September 2020

SUPPLEMENTARY PACK 1

ARGYLL AND BUTE LOCAL REVIEW BODY - BY SKYPE on MONDAY, 21 SEPTEMBER 2020
at 9:00 AM

Enclosed herewith copy of Agenda pack issued for 1st calling on 1 June 2020.

Douglas Hendry
Executive Director

**3. CONSIDER NOTICE OF REVIEW REQUEST: DUNEIRA, PIER ROAD, RHU,
HELENSBURGH, G84 8LH (REF: 20/0007/LRB)**

(e) Agenda Pack from 1st calling held on 1 June 2020 (Pages 3 - 70)

Argyll and Bute Local Review Body

Councillor Gordon Blair
Councillor Roderick McCuish

Councillor Rory Colville (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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DX 599700 LOCHGILPHEAD*

25 May 2020

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held by **SKYPE** on **MONDAY, 1 JUNE 2020 at 10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: DUNEIRA, PIER ROAD, RHU, HELENSBURGH, G84 8LH (REF: 20/0007/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 24)
 - (b) Comments from Interested Parties (Pages 25 - 66)
 - (c) Comments from Applicant (Pages 67 - 68)

Argyll and Bute Local Review Body

Councillor Gordon Blair
Councillor Roderick McCuish

Councillor Rory Colville (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100172697-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Duneira"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Rhu"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Rhu"/>
Telephone Number: *	<input type="text" value="Redacted"/>	Town/City: *	<input type="text" value="Helensburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Argyle and Bute"/>
Mobile Number:	<input type="text" value="Redacted"/>	Postcode: *	<input type="text" value="G84 8LH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jmacarchitect@me.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="DUNEIRA"/>
Address 2:	<input type="text" value="PIER ROAD"/>
Address 3:	<input type="text" value="RHU"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="HELENSBURGH"/>
Post Code:	<input type="text" value="G84 8LH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="683621"/>	Easting	<input type="text" value="227252"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from dwellinghouse to residential training centre AT: Duneira Pier Road Rhu Helensburgh Argyll And Bute

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Supporting Documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to supporting documents

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

What date was the application submitted to the planning authority? *

What date was the decision issued by the planning authority? *

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? * Yes No

Is it possible for the site to be accessed safely and without barriers to entry? * Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr john maclean

Declaration Date: 02/03/2020

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APPEAL AGAINST CONDITIONS

Duneira

Rhu Helensburgh G84 8LH

Proposed Training Centre

Planning Approval 19/01573/PP



jmacArchitects
7 Glebfield Road
Rhu, Helensburgh
G84 8SZ

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Introduction

An application for a Certificate of Lawfulness was validated on 16th July 2019 and after further discussion with the appointed Planning Officer was withdrawn and resubmitted as a Full Planning Application for a Change of Use which was then validated on 26th July 2019.

Only after much prompting seeking a formal decision was a request for a Transport Assessment issued and received in early January 2020, some 6 months after the application was validated.

Much debate was held between the agent and the Planning Officer who had earlier resigned her post and the application had then been allocated to an alternative officer.

All debate was in relation to vehicle movements and this is reflected within the conditions attached to the Formal Approval granted on 27th January 2020.

No formal notice of this approval has yet been received by the appointed agent.

We wish to appeal the Conditions as issued on line to reflect the reality of the proposals and the actual site constraints within the site which is in the Rhu Conservation Area.

Planning Application Approval

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION

REFERENCE NUMBER: 19/01573/PP

**Mr Paul Smith
JmacArchitect
7 GlebeField Road
Rhu
Helensburgh
Scotland
G84 8SZ**

I refer to your application dated 26th July 2019 for planning permission in respect of the following development:

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 27 January 2020



Fergus Murray
Head of Development and Economic Growth



REFERENCE NUMBER: 19/01573/PP

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

1902 (--) 001 rev A
1902 (01) 001 rev -
1902 (01) 002 rev -
1902 (01) 003 rev -
1902 (01) 011 rev -
1902 (01) 012 rev -
1902 (01) 013 rev -

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the effect of Condition 1, the proposed alterations to the existing access are required prior to any other works commencing on site;
 - I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.
 - II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.
 - IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.
 - V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'



3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

INFORMATIVES

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
3. A further application for planning permission and tree works will be required in order to comply with the Area Roads Managers requirement for the exiting access onto Gareloch Road.
4. Surface water must not be able to flow from the site onto carriageway.
5. A Section 56 Road opening Permit is required for any works carried out on the public road.



NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 19/01573/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 19/01573/PP

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

N

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

N

- C. The reason why planning permission has been approved:
The proposal is considered to be in accordance with the policies outline above and complies with LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015



Conditions and Responses

2. Notwithstanding the effect of Condition 1, the proposed alterations to the existing access are required prior to any other works commencing on site;

Noted. Condition may be subject to review on conclusion of appeal.

I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

Currently the visibility splay at the Shore Road (A814) entrance is 42 x 1.8 x 1.05 towards the junction with Pier Road and 42 x 2.1 x 1.05 towards Helensburgh (Refer enclosed drawing 1903 (10) 001 – the red area highlights where the existing situation does not comply with the requested visibility splay).

This would no longer be critical if this was to become the main property access only. Additionally there is a bus layby (utilised by only 2 buses per hour) directly opposite which is currently used by drivers when vehicles are turning right into the site (travelling from Helensburgh) at the main entrance on Shore Road (A814) (refer photograph). In addition the likely volume of traffic is unlikely to cause issues since vehicles waiting to turn right into the site can be passed utilising the layby. The small number of trips likely for each course and the timeframes for arrivals would be unlikely to co-incide with the local 'rush hour'.

The proposals would not result in a significant increase in traffic movements and is likely due to course durations to result in less than existing.



Bus Lane/Stop

Consideration to a visibility splay exiting onto Pier Road would permit exiting safely although Pier Road is an unclassified road and the proximity to the junction generally results in traffic slowing down over the section of road that contains the exit. From this exit the traffic would join the Shore Road (A814) at a recognised junction with a substantial visibility splay already in place (refer drawing).



Pier Road Exit

II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

The existing stone gateposts provide a clear access width of 4 Metres and this is sufficient for clear access for all vehicles. We propose that there is no valid reason to insist on and condition repositioning of these Stone Posts or to increase the width of this opening since an alternative exit route from the site is available and feasible. This condition would also have a significant impact on mature trees and established planting along with alterations to the substantial established boundary curved walls (refer to Photograph). To grant Planning Permission with a condition that requires another fresh Planning Permission approval is unjustified (this could result in a refusal which in turn would result in the original approval being unenforceable). Equally this condition does not meet the criteria noted in Scottish Office Circular 4/1998.



Main Shore Road Access

III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.

Refer response to next Condition (2 IV)

IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.

1 Vehicle Space per delegate/staff member.

The current SPP guidance, although not specifically covering a Residential Training Centre, does intimate 1 space per 5 delegates for a conference centre and 1 space per 15 for a non-residential Education facility.

The submission proposal was to provide a minimum of 10 on site spaces. This would be sufficient to support the staff and 14 delegates and as noted against condition 2 V all proposed traffic can enter turn and leave within the site .

The general Scottish Planning policy (SPP clauses 204,269,270, and 286) supports restricting car parking to encourage use of public and other means of transport. This condition is contrary to such a guidance and should be removed or revised to take into account the reality of the extent and the lack of any significant traffic impact from the proposed operation of the Residential Training Centre.

The imposition of parking within village streets should sufficient spaces be available can be discouraged by the facility instructing participants that this is not to be permitted. Furthermore an additional number of spaces can be accommodated within the site if required.

V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'

The current configuration of the landscape clearly permits all vehicles to enter, turn and exit within the site without any alterations.

Assuming the adoption of the suggested entrance from Shore Road (A814) and Exit via Pier Road would also clearly assist in insuring good traffic flow and a safe exit and access into the property.

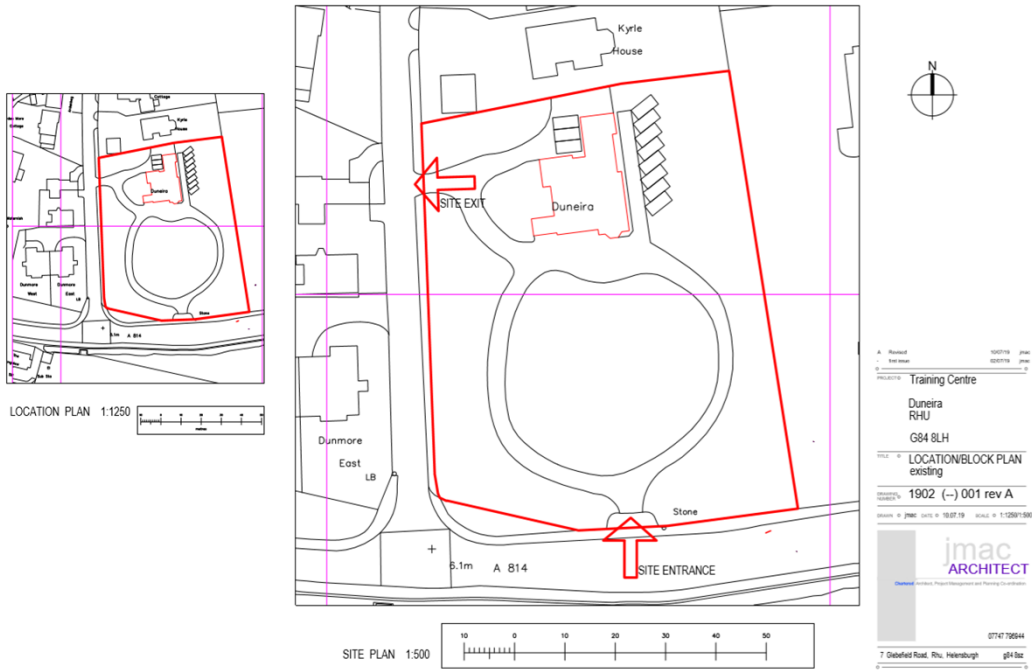
3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

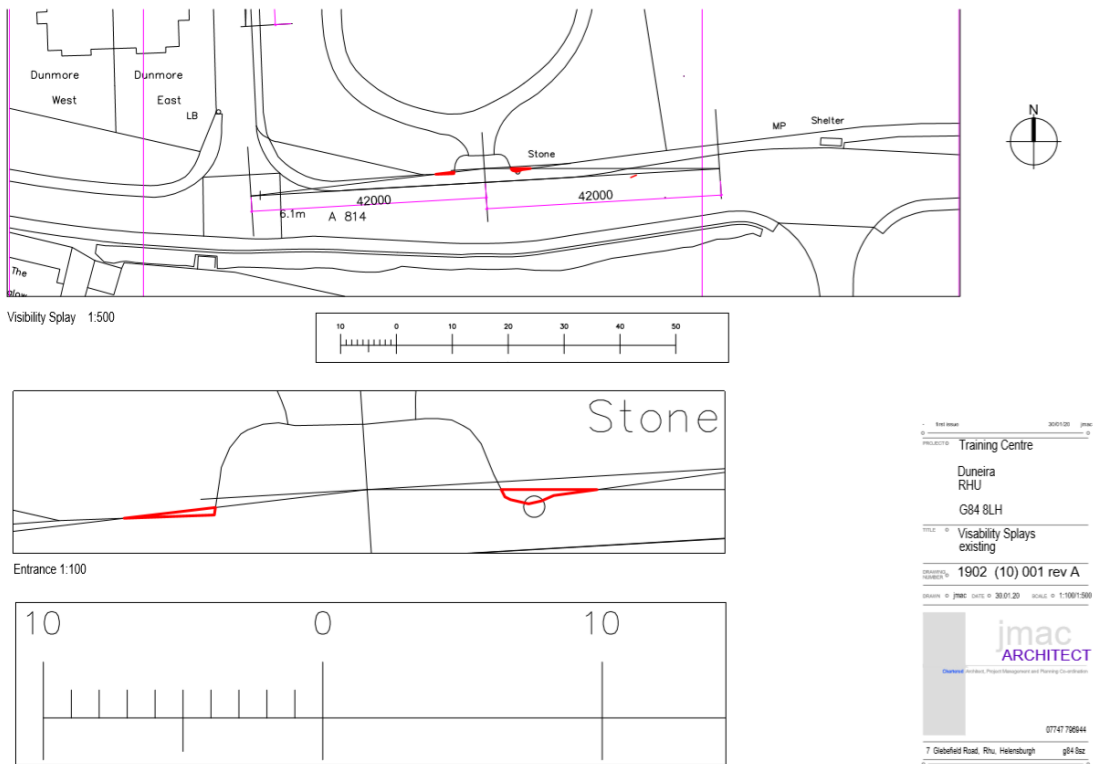
Use of Shuttle Bus

The imposition of this condition insisting in the utilisation of a Shuttle Bus does not meet the stated intentions contained within Scottish Office Circular 4/1998 and is not enforceable or reasonable for the planned numbers. A taxi for example can transport 6 delegates at a time whereas a shuttle bus would generally be 12 or 18 (The maximum number of delegates proposed is 14). Two or three taxis for each week long course would not be an imposition on the local traffic and create less impact than the property being used as an occupied large residential property with occupiers travelling to and from employment most probably at peak times every day.

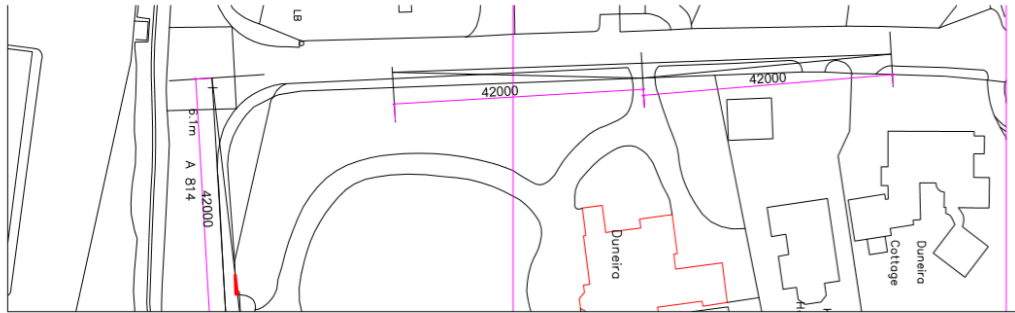
DRAWINGS



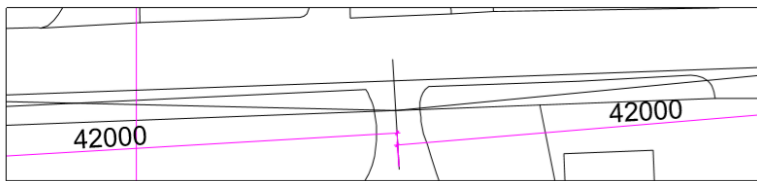
Site Plan



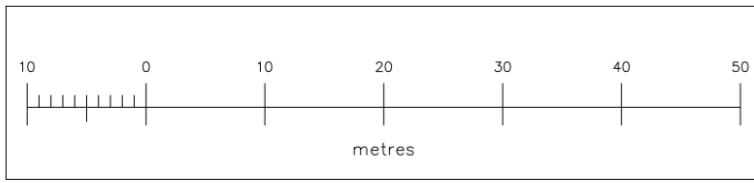
Entrance Visibility Splay



Visibility Splay 1:500



Exit 1:200



1001 0001 3001020 jmac
PROJECT Training Centre
Duneira
RHU
G84 8LH
TITLE Visibility Splays
existing
DRAWING NUMBER 1902 (10) 002 rev A
DRAWN BY jmac DATE 28.02.20 SCALE 1:250(1:500)

0747 796644
7 Glebefield Road, RHU, Helensburgh g84 8az

Exit Visibility Splay

Summary

These conditions do not follow the guidance within PAN 71 Part 1 Conservation Area Management and would fail to protect and enhance the site by destroying established entrance and planting and have a significant impact within the site.

All conditions relating to restrictions on Traffic and vehicle movements should be revoked and our client is prepared to accept that traffic is restricted to enter off Shore Road (A814) and exit via Pier Road. Our client would also accept a condition that restricts the number of delegates to fourteen (14) with the addition of staff.

LOCAL REVIEW BODY REFERENCE: 20/0007/LRB

PLANNING APPLICATION REFERENCE: 19/01573/PP

DUNEIRA, PIER ROAD, RHU, HELENSBURGH, G84 8LH

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Paul Smith of Duneira, Rhu per agent John MacLean, jmacArchitect, 7 Glebefield Road, Rhu ("the appellant").

Planning permission at Duneira, Pier Road, Rhu, Helensburgh, G848LH (the appeal site") was approved subject to condition by the Planning Service under delegated powers on 27 January 2020. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

Planning permission was sought for the change of use from a dwellinghouse (Class 9) to a residential training facility (Class 8) at Duneira, Pier Road, Rhu. This is a traditional, detached dwellinghouse within the Rhu Conservation Area and not a Listed Building. The house sits to the rear of a large plot and is a traditional detached 2 storey dwellinghouse. The proposal does not include any changes to the external appearance of the house.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

- The conditions imposed under planning consent 19/01573/PP do not follow the guidance within PAN 71 Part 1 Conservation Area Management.
- Whether the conditions relating to restrictions on traffic and vehicle movements should be revoked.

The Report of Handling (Appendix 4) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 4. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant has outlined 2 main reasons for review, these are;

- The conditions imposed under planning consent 19/01573/PP do not follow the guidance within PAN 71 Part 1 Conservation Area Management and would fail to protect and enhance the site by destroying established entrance and planting and have a significant impact within the site.

- All conditions relating to restrictions on traffic and vehicle movements should be revoked. The appellant states that their client is prepared to accept that traffic is restricted to enter off Shore Road (A814) and exit via Pier Road. Our client would also accept a condition that restricts the number of delegates to fourteen (14) with the addition of staff.

Comment;

1. The conditions imposed under planning consent 19/01573/PP do not follow the guidance within PAN 71 Part 1 Conservation Area Management and would fail to protect and enhance the site by destroying established entrance and planting and have a significant impact within the site.

The background to this case can be found in the report of handling. The main issue is whether the imposition of the Area Roads Managers advice to use Gareloch Road as a main access and the required sightline visibility splays are to the detriment of the Conservation Area as these will mean tree removal and boundary alteration.

The report of handling examined this issue in which it was considered that the boundary of the site onto Gareloch Road was bounded by bushes and some trees, none of these trees appear to be veteran that would have a detrimental impact upon the Conservation Area if removed. Overall, the proposal was considered to have no impact upon visual amenity within the Conservation Area and was acceptable in terms of road traffic safety subject to compliance with safeguarding conditions.

These conditions were imposed in accordance with Government Guidance under Planning Circular 4/1998: the use of conditions in planning permissions. (Appendix 3. References). This explains that conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects.

The Scottish Government attaches great importance to these criteria being met so that there is an effective basis for the control and regulation of development which does not place unreasonable or unjustified burdens on applicants and their successors in title. Planning conditions must not, however, be applied slavishly or unthinkingly; a clear and precise reason for a condition must be given. While the use of standard conditions can be important to the efficient operation of the development control process, such conditions should not be applied simply as a matter of routine. Conditions should be used to achieve a specific end, not to cover every eventuality.

The conditions imposed as part of the planning decision notice 19/01573/PP (Appendix 4) met all of these tests and were not imposed in an unreasonable way.

Planning Advice Note 71 (PAN71) Conservation Area Management (Appendix 3. References) provides advice on good practice, complements existing national policy and provides further advice on the management of conservation areas. It identifies good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

Pg 10 states;

Physical change in Conservation Areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in Conservation Areas should always be founded on a detailed understanding of the historic and urban design context. Whilst the scope for new development may be limited in many Conservation Areas, all will present some opportunities for enhancement. Most will contain buildings, vacant sites or inappropriate street furniture that have a negative impact on the character and appearance of the area. These represent opportunities for improvement and when managed effectively, can act as a catalyst for economic, community and environmental regeneration.

The Council considers this advice has been followed and has understood that in order to support this proposed new business. The alterations will involve a minor alterations to an existing 1.5m stone boundary wall in terms of height and position, this will have little or no impact upon the wider Conservation Area. The removal of bushes/hedgerow and some trees will undoubtedly be needed to facilitate sightlines. This will require further consideration as part of a planning application for tree works. The resultant effect of the tree removal and possible replanting may have a positive impact upon the Conservation Area by opening up new views to/from Duneira which is an impressive detached villa set within large open grounds. This opportunity could also be of benefit to the proposed new business in terms of visitor orientation and route finding.

Pg 12 states;

Once an understanding of the special characteristics, pressures and priorities of a Conservation Area has been established, it is vital that they are fed into the development plan or supplementary guidance.

This guidance is already incorporated into heritage Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas of the Argyll and Bute Development Plan 2015. (Appendix 3. References).

The aim of this Supplementary Guidance is to maintain and enhance the character and amenity of existing and proposed Conservation Areas in accordance with current guidance and legislation. When considering applications for new development in Conservation Areas, the Council's priority will be to have regard for the special architectural and other special qualities that are the reason for the area's designation. The Planning Authority intends to continue to review its Conservation Areas and to prepare and review detailed Conservation Area Appraisals. There are currently Conservation Area Appraisals for Campbeltown, Rothesay Town Centre, and Helensburgh. There are currently none for Rhu at this stage.

Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas therefore conforms to:

- SPP
- PAN 71 (Conservation Area Management)

- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes

Pg 19 states;

Trees contribute greatly to the character and quality of many Conservation areas. As woodlands, planted avenues, or individual specimens, they can enhance the landscape setting of Conservation Areas, soften streetscapes and bring life and colour to gardens. Trees may also have historic or cultural significance. Trees in Conservation Areas are protected through the Town and Country Planning (Scotland) Act 1997. Before carrying out any work on a tree, owners are required to notify the local authority giving details of the intended works. Councils can serve a Tree Preservation Order if they consider a tree to be under threat, but they can also protect and promote tree planting through conditions in planning consents. Individuals, organisations and local authorities should take responsibility for ensuring that trees and woodlands in Conservation Areas remain healthy through good management. Management plans and appraisals will help to determine when and where new planting is appropriate, what form it should take and the species to be planted.

The Councils is of the view that this advice was followed in which, as part of the decision notice, the applicant was advised that a further application for planning permission for tree works will be required. The purpose of this is to assess the impact upon visual amenity and the impact upon the Conservation Area.

2. All conditions relating to restrictions on Traffic and vehicle movements should be revoked. The appellant states that their client is prepared to accept that traffic is restricted to enter off Gareloch Road (A814) and exit via Pier Road.

Our client would also accept a condition that restricts the number of delegates to fourteen (14) with the addition of staff.

The conditions relating to restrictions on Traffic and vehicle movements are outlined in the decision notice contained in Appendix 4. The Area Roads Manager was re-consulted and has provided additional comments in relation to this ground of appeal;

The visibility splay. - The proposed alterations to the existing access are required prior to any other works commencing on site in the interest of road safety and to prevent impeding vehicle flow on A814 Gareloch Road which has a vehicle count of over 8,278 vehicles per day. In accordance with The Roads Development Guidance a visibility splay of 42 x 2.4 x 1.05 in both directions is the minimum requirement for a strategic route.

A Strategic Route is defined as a route carrying a traffic volumes greater than 3000 vehicles per day (vpd). The last vehicle count record for A814 Rhu by the Department for Transport (DFT) in 2016 recorded a count of 8,278 vehicles a day. This figure will have increased and will continue to increase in line with the increase in vehicle ownership and the growth of HM Naval Base Clyde (Faslane) In accordance with The Roads Development Guidance a visibility splay of 42 x 2.4 x 1.05 in both directions is the minimum requirement for a Pier Road a 30mph lightly trafficked road (less than 3000 vehicles per day).

For the avoidance of doubt a visibility splay a zone in which all structures/walls/trees/bushes should be cleared to allow a seated driver views both ways. In this circumstance it is a zone that extends 42m long each way and 2.4m set back from the centre of the proposed new
--

access and at a drivers eye height of 1.05m. These 42m long zones cannot have any obstructions that are 1m greater in height.

The use of Pier Rd. - The residential road network which incorporates Pier Road has been the subject of local community groups and Police Scotland concern regarding the road safety of both motorists and pedestrians. The existing layout does not provide a formal footway from the A814 and the introduction of multiple additional traffic movements could not be supported.

The use of the bus stop pull in. - The use of the bus stop pull in is not acceptable as an alternative route for northbound through traffic for two reasons:

1. There could be a bus or other vehicle stopped in bay.
2. The exit splay is not designed to accommodate through traffic but for a service bus to return to carriageway from a standing start. There are also Health and Safety concerns for pedestrians either walking footway or waiting for a bus.

Relocation of gate pillars at Gareloch Road. - Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road. The existing entrance on A814 does not meet the minimum requirements for sightlines nor provides sufficient width to allow an exiting vehicle to be stationary waiting to turn right (north) whilst allowing a second vehicle to enter the property. This could also cause a right turning vehicle on A814 to be waiting for access to clear to enable them safe access.

Off Street Parking provision. - Parking shall be provided for 1 vehicle per staff member and onsite turning provision required within the boundary. Pier Road is not suitable for on street parking due to the width and lack of pedestrian facilities, there is no suitable overflow parking available therefor in the interest of road and pedestrian safety all staff vehicles are required to be parked with in the curtilage of the property.

Parking for 1 vehicle per course participant.- In accordance with the Argyll and Bute Council Local Development plan, Supplementary Guidance Trans 6 – Vehicle Parking Provision, the minimum parking requirement for Bed and Breakfast accommodation is 1 space per letting room. According to the Supporting document dated 10th July 2019 the accommodation being offered to the delegates is on a bed and breakfast basis. There are no overflow facilities and Pier Road is not suitable for on street parking, therefore in the interest of road and pedestrian safety and not to impede the flow of traffic on Pier Road or A814, parking for all the delegates shall be required to be within the curtilage of the property.

Turning facilities. - Due to the volume of traffic on A814 all vehicles must access and egress from the property in a forward gear therefor turning facilities are required. In accordance with the Highway Code Chapter 6 Reversing: para 201 which states, do not reverse from a side road into a main road.

Delivery drop off and onsite turning provision shall be within the boundary. - The residential road network which incorporates Pier Road has been the subject of local community groups and Police Scotland concern regarding the road safety of both motorists and pedestrians. The existing layout does not provide a formal footway from the A814 and the introduction of multiple additional traffic movements could not be supported.

Shuttle bus for users - The Supporting document dated 10th July 2019 stated 20 persons to undertake training with 8 bedrooms available. Volume of traffic movement highlighted on the Transport Assessment dated 7th January 2020 states 6-8 traffic movements a day. It is not

clear and concise as to the number of delegates and staff that will be arriving and departing daily from the property and the number that will be residing for the duration of the training.

3. CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The attached Report of Handling (Appendix 4) clearly details why the proposal could be supported within this sensitive area subject to compliance with the road safety requirements of the Area Roads Manager and the benefit of an application for tree works. It is not considered that the Council has not followed the guidance within PAN 71 Part 1 Conservation Area Management and that all conditions relating to restrictions on traffic and vehicle movements should be revoked. The Councils also does not consider the imposition of the applicants suggested safeguarding condition, to restrict the number of delegates to fourteen (14) with the addition of staff, to be appropriate in this instance. Taking account of the above, it is respectfully requested that the application for review be dismissed.

Planning Appeals are referred to in Planning Circular 4/1998: the use of conditions in planning permissions. It advises that in the case of planning inquiries, the statement submitted by the planning authority should include a list of conditions that it would wish to see imposed on any approval which may be given. A similar practice, which some authorities already follow, is also appropriate to cases proceeding by way of written submissions. The Scottish Government expects the Local Review Board will be vigilant in ensuring that conditions imposed meet the criteria described above.

If the review is determined to be upheld, alternative safeguarding conditions are provided in Appendix 1.

Appendix 1. List of conditions that the Planning Authority would wish to see imposed on any approval which may be given.

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

1902 (--) 001 rev A
1902 (01) 001 rev -
1902 (01) 002 rev -
1902 (01) 003 rev -
1902 (01) 011 rev -
1902 (01) 012 rev -
1902 (01) 013 rev –

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the effects of Condition 1, the number of delegates shall be restricted to fourteen (14) with the addition of staff.

Reason. In the interested of residential amenity.

3. Notwithstanding the effects of Condition 1, the proposed alterations to the existing access on Pier Road are required prior to any works commencing on site;

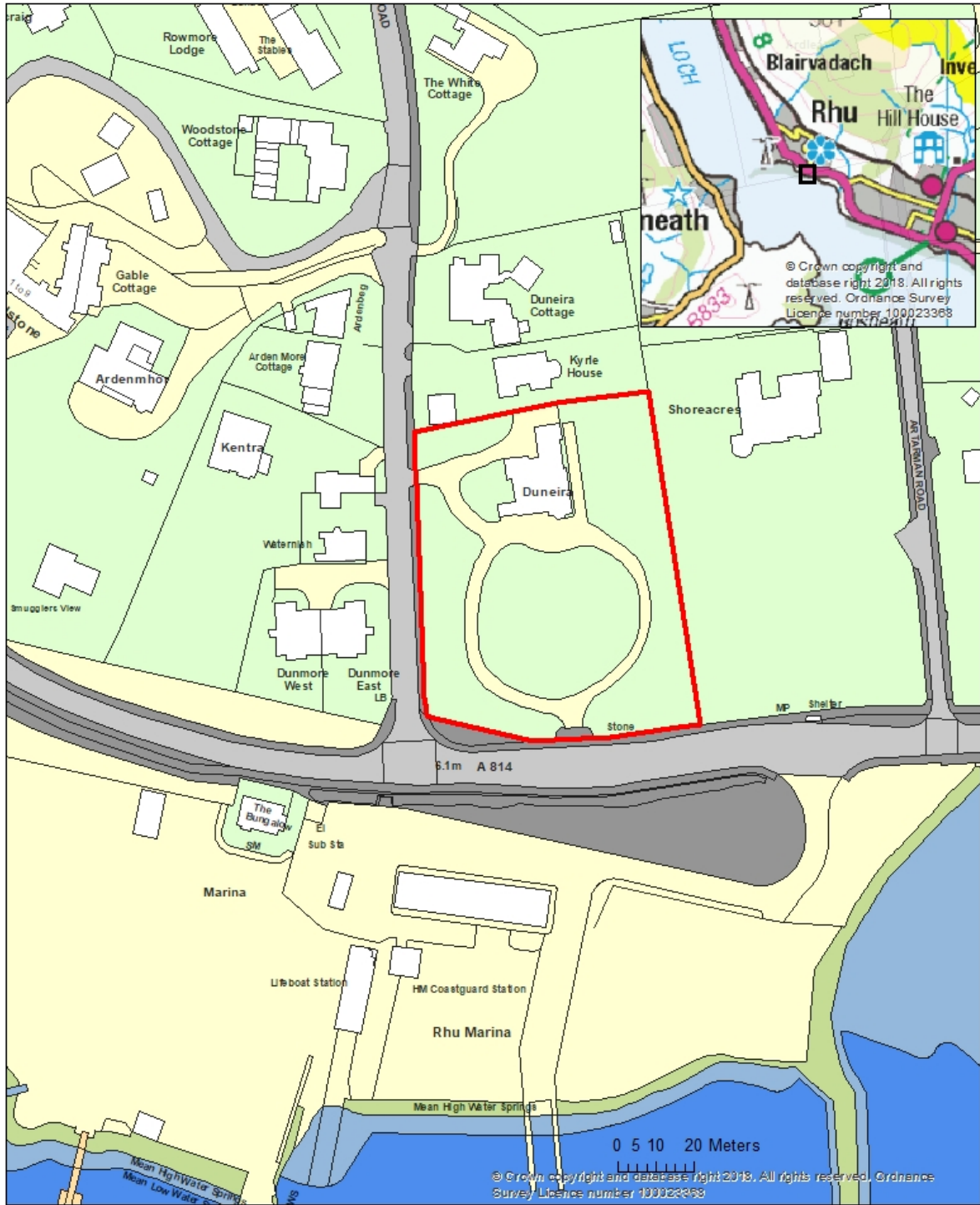
- I. Visibility splay of 42 x 2.4 x 1.05 metres shall be provided in both directions.
- II. The access shall be a minimum of 4.5 metres wide for a distance of 10 metres from the radius tangent point as per Drg SD 08/002
- III. The access at the junction with the public road should be constructed as per Drg SD 08/002
- IV. The access shall be surfaced with bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
- V. The gradient of the private access and driveway shall be no greater than 10% absolute maximum 12.5%.
- VI. Car parking provision shall be in accordance with SG LDP TRAN 6 - Vehicle Parking Provision



Reason; In the interest of road safety.

Note to Applicant

1. The length of this planning permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. Surface water must not be able to flow from the site onto carriageway.
5. A Section 56 Road opening Permit is required for any works carried out on the public road.

Appendix 2. Location Plan of site.



 **Location Plan Relative to Local Review Body: 20/0007/LRB** 

1:1,250

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Appendix 3. References.

Rhu Conservation Area Map

<https://www.argyll-bute.gov.uk/sites/default/files/planning-and-environment/Rhu%20Conservation%20Area.pdf>

Planning Circular 4/1998: the use of conditions in planning permissions

<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

Planning Advice Note 71 Conservation Area Management (Dec 2004)

<https://www2.gov.scot/Resource/Doc/83397/0028610.pdf>

Argyll and Bute Development Plan Policies 2015;

https://www.argyll-bute.gov.uk/sites/default/files/supplementary_guidance_adopted_march_2016_env_9_added_june_2016_0.pdf

SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas of the Argyll and Bute Development Plan 2015. Pg 48

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes Pg 135.

SG LDP TRAN 6 - Vehicle Parking Provision Pg 140

Highway Code – Chapter 6 Reversing. Para 201

<https://www.highwaycodeuk.co.uk/using-the-road-reversing.html>

The Roads Development Guidance

The Council's Roads Development Guide is being reviewed in light of the emergence of the SCOTS National Roads Development Guide (NRDG). Both the NRDG and the emerging Argyll and Bute Local Roads Development Guide seek to support the Scottish Government policy Designing Streets.

SCOTS National Roads Development Guide

<http://www.scotsnet.org.uk/documents/national-roads-development-guide.pdf>

Scottish Government policy Designing Streets

<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2010/03/designing-streets-policy-statement-scotland/documents/0096540-pdf/0096540-pdf/govscot%3Adocument/0096540.pdf>

Appendix 4. Report of handling 19/01573/PP and decision notice.

Download PPDEC approval decision notice dated 28 January 2020 and

Download Report of Handling - 1573_ROH dated 27 January 2020 from

<https://publicaccess.argyll-bute.gov.uk/online->

[applications/applicationDetails.do?activeTab=externalDocuments&keyVal=PV7UCRCHHWV00](https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=PV7UCRCHHWV00)

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION

REFERENCE NUMBER: 19/01573/PP

**Mr Paul Smith
JmacArchitect
7 Glebefield Road
Rhu
Helensburgh
Scotland
G84 8SZ**

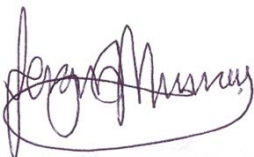
I refer to your application dated 26th July 2019 for planning permission in respect of the following development:

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 27 January 2020



Fergus Murray
Head of Development and Economic Growth



REFERENCE NUMBER: 19/01573/PP

**Change of use from dwellinghouse to residential training centre
AT:
Duneira Pier Road Rhu Helensburgh Argyll And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

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1902 (01) 001 rev -
1902 (01) 002 rev -
1902 (01) 003 rev -
1902 (01) 011 rev -
1902 (01) 012 rev -
1902 (01) 013 rev -

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the effect of Condition 1, the proposed alterations to the existing access are required prior to any other works commencing on site;
 - I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.
 - II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
 - III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.
 - IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.
 - V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'

3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

INFORMATIVES

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
3. A further application for planning permission and tree works will be required in order to comply with the Area Roads Managers requirement for the exiting access onto Gareloch Road.
4. Surface water must not be able to flow from the site onto carriageway.
5. A Section 56 Road opening Permit is required for any works carried out on the public road.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 19/01573/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 19/01573/PP

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

N

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

N

C. The reason why planning permission has been approved:
The proposal is considered to be in accordance with the policies outline above and complies with LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015

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: 19/01573/PP
Planning Hierarchy: Local Application
Applicant: Mr Paul Smith
Proposal: Change of use from dwellinghouse to residential training centre
Site Address: Duneira Pier Road Rhu Helensburgh Argyll And Bute G84 8LH

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

- i) Development Requiring Express Planning Permission**
Change of use from dwellinghouse to residential training centre
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved.

(C) HISTORY:

02/02115/COU - Change of use from residential care home to dwellinghouse - 27.01.2003
03/00973/DET - Installation of Replacement Windows - 05.08.2003
08/02087/DET - Erection of greenhouse - 14.01.2009
11/01545/PP - Erection of replacement 1 metre high chicken mesh wire fence - 10.10.2011
12/00100/PP - Erection of extension to dwellinghouse - 05.03.2012
19/01408/CLWP - Change of use of dwellinghouse to training centre - withdrawn

(D) CONSULTATIONS:

Rhu and Shandon Community Council - 02.09.2019 – No response
Environmental Health - Helensburgh and Lomond – Verbal reply – No objections
Care Inspectorate – No reply
Roads Helensburgh And Lomond – No objections subject to safeguarding conditions.
Rhu And Shandon Community Council – Objections submitted on 28.08.2019 and 14.01.2020 refer to (F) REPRESENTATIONS:

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert Expiry Date: 29.08.2019

(F) REPRESENTATIONS:

Eight representations were received from the following:

Objections (7)

Jim Duncan Shoreacres Artarman Road Rhu G84 8LQ 20.08.2019
Mr John McGall Dunmore West Pier Road Rhu Helensburgh 21.08.2019
Mrs Ann Roy Ardenmore Cottage Pier Road Rhu Helensburgh 23.08.2019
Charles McKerracher Duneira Cottage Pier Road Rhu Helensburgh 15.08.2019

Linda J Duncan Shoreacres Artarman Road Rhu Helensburgh 20.08.2019
Rhu And Shandon Community Council 28.08.2019 and 14.01.2020

Support (0)

None

Representation (1)

Mary Fisher Kyrle House Pier Road Rhu Helensburgh 04.08.2019

i) Summary of issues raised:

Concern regarding road traffic safety, on and off street parking, access to the site and increase in traffic movements.

Comment: The Area Roads Manager has no objections subject to safeguarding conditions.

Concern over general noise and traffic through the day but more importantly noise in the evening.

Comment: The Councils Environmental Health Manager has no objections to this proposal. If a noise issue should arise separate Environmental Health legislation can be used to control this matter.

Concern regarding the number of people attending, the duration and the general running of such a proposal that could affect residential amenity.

Comment: The course is a weekly residential programme catering for 20 residents. The applicant has agreed that the majority of these guests will arrive by an organised shuttle bus running to/from the train station. This will minimise the number of traffic movements from attendees. The impact upon residential amenity will be neutral. Any other matters relating to noise or anti-social behaviour can be controlled by either the Police or Environmental Health.

In the LDP the site is not designated for commercial development/the proposal is contrary to Conservation Area Policies.

Comment: The site falls within classification Settlement Zone - Village / Minor Settlement of Rhu in which Policy LDP DM1 (Villages and Minor Settlements) applies. This allows development up to small scale on appropriate sites. The proposal is considered to be small scale and in accordance with this policy. There are no changes to the exterior of the house that will impact upon visual amenity, the proposal therefore poses no conflict to Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas.

The narrative says there is no demand for family homes. In fact, 2 have recently been sold close to Duneira.

Comment: This is not a material planning consideration.

The proposal could lead to antisocial behaviour from residents.

Comment: This is not a material planning consideration, if such a matter arises this should be reported to Police Scotland.

The proposal is a party pad and a bad neighbour development. It is an Air BnB property and increase traffic will be detrimental to amenity.

Comment: This proposal is for a residential training facility not a 'party pad'. Environmental Health have no objections and the proposal is not considered to be a bad neighbour development. The use of the property as an Air BnB may require planning permission and may be subject to separate planning enforcement action. The matters regarding road traffic safety are considered acceptable by the Area Roads Manager.

The proposed use of the house will require fire safety alterations to its exterior by way of fire escapes.

Comment: This matter will be addressed as part of a Building Warrant application, is external alterations are required this may be subject to further planning approval.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement: Y
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N

A supporting statement was submitted which outlined the business proposal and the extent and scale of the residential occupancy. The applicant also submitted a transport assessment and later confirmed the mode of transportation by occupants. This was considered acceptable by the Area Roads Manager.

(H) PLANNING OBLIGATIONS

None Required

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: 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.**

Local Development Plan Policies

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zones
- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting layout and Design
- LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan – Supplementary Guidance Policies

- SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas
- SG LDP BAD 1 – Bad Neighbour Development.
- SG LDP TRAN 2 - Development and Public Transport Accessibility
- SG LDP TRAN 6 –Vehicle Parking Provision

- (ii) List of other material planning considerations taken into account in the assessment of the application.**

Consultation responses.

Transport Assessment.

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

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for hearing: No

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

Planning permission is sought for the change of use from a dwellinghouse (Class 9) to a residential training facility (Class 8) at Duneira, Pier Road, Rhu. This is a traditional, detached dwellinghouse within the Rhu Conservation Area and not a Listed Building. The house sits to the rear of a large plot and is a traditional detached 2 storey dwellinghouse. The proposal does not include any changes to the external appearance of the house. The main issues in determining this application is effect the change of use will have on the amenity of surrounding properties and road traffic safety.

Policy LDP STRAT 1 seeks that developers should seek to demonstrate that the proposals are sustainable in that they conserve and enhance the built environment, Policy LDP DM 1 sets out the scale of developments that are acceptable within the development management zones, Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. Policy LDP 11 seeks to ensure that all development maintains and improves connectivity and make best use of existing infrastructure.

The site falls within classification Settlement Zone - Village / Minor Settlement of Rhu in which Policy LDP DM1 (Villages and Minor Settlements) applies. This allows development up to small scale on appropriate sites. The proposal is considered to be small scale and in accordance with this policy.

The proposal is to change the use of the dwellinghouse to a residential training facility. This will involve ground floor rooms as training areas and upper floors being used as accommodation. It is envisaged to have up to 20 people at a time available to undertake training. There is no detail of the type of training as this is not a material planning consideration. In terms of residential amenity there will be no impact upon neighbouring properties as the proposal is currently operating as Air BnB accommodation and is marketed as a complete house for rent. The applicant has agreed that the majority of training attendees will arrive by an organised shuttle bus running to/from the train station. This will minimise the number of traffic movements. The overall impact upon residential amenity will be neutral. Any other matters relating to noise or anti-social behaviour can be controlled by either the Police or Environmental Health legislation. The proposal is considered to accord with LDP 9 – Development Setting layout and Design and is also not considered to be a bad neighbour development and compliant with SG LDP BAD 1 – Bad Neighbour Development. As there are no changes to the exterior of the house the proposal poses no conflict to Policy SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas.

The proposal will enhance the education and training facilities within the town, by doing so it meets the terms of LDP8 – Supporting the Strength of our Communities which seeks to strengthen communities.

Access to the house was initially proposed to be via Pier Road, however the Area Roads Manager advises this is not suitable for commercial vehicles that would impede the flow of traffic. The preferred mode of access/egress is required to be via the existing access onto Gareloch Road. The Transport Assessment submitted by the applicant outlines the methodology for customers arriving/departing, off street parking. They also later agreed to the provision of a shuttle bus. These matters were considered acceptable by the Area Roads Manager subject to a number of safeguarding conditions one of which is a minimum 6 metre wide vehicle access required at Gareloch Road and sightline provision. This will require relocation of existing gate piers to ensure the width is achieved, further planning permission will be required for this. It should also be noted that the applicant will require a further application for Tree Works in order to comply with the forward visibility sightline splays for the existing access onto Gareloch Road. The boundary of the site onto Gareloch Road is bounded by bushes and some trees, none of these trees appear to be veteran that would have a detrimental impact upon the Conservation Area if removed. This matter, and others, will be conditioned to ensure compliance with LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 2 - Development and Public Transport Accessibility and SG LDP TRAN 6 –Vehicle Parking Provision.

Overall, the proposal is considered to have no impact upon residential amenity, no impact upon visual amenity within the Conservation Area and is acceptable in terms of road traffic safety subject to compliance with safeguarding conditions. By doing so the proposal is considered to be in accordance with the policies LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted.

The proposal is considered to be in accordance with the policies LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015

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

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

Author of Report: Frazer MacLeod


Date: 21/1/2020

Reviewing Officer:



Howard Young

Dated: 27/01/2020

A handwritten signature in black ink, appearing to read 'Fergus Murray', written in a cursive style.

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01573/PP

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

1902 (--) 001 rev A
1902 (01) 001 rev -
1902 (01) 002 rev -
1902 (01) 003 rev -
1902 (01) 011 rev -
1902 (01) 012 rev -
1902 (01) 013 rev -

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the effect of Condition 1, In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers' the proposed alterations to the existing access are required prior to any other works commencing on site;

- I. Visibility splays of 42 x 2.4 x 1.05 metres shall be provided in both directions of the access at Gareloch Road. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.
- II. Relocation of gate pillars at Gareloch Road to ensure a 6m wide vehicle access. The access shall be surfaced with bituminous material for a distance of 10 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.
- III. Parking shall be provided for 1no. Vehicle per staff member and onsite turning provision will be required within the boundary.
- IV. Parking for 1no. Vehicle per course precipitant and onsite turning provision will be required within the boundary.
- V. Delivery drop off and onsite turning provision shall be within the boundary.

Reason: In the interest of road safety and to accord with 'Road Guidance for Developers'

3. Notwithstanding the effect of Condition 1, the primary mode of transport by attendees to and from the training centre shall be via a shuttle bus provided by the applicant.

Reason: To minimise the number of traffic movements and in the interests of residential amenity and road traffic safety.

NOTE TO APPLICANT

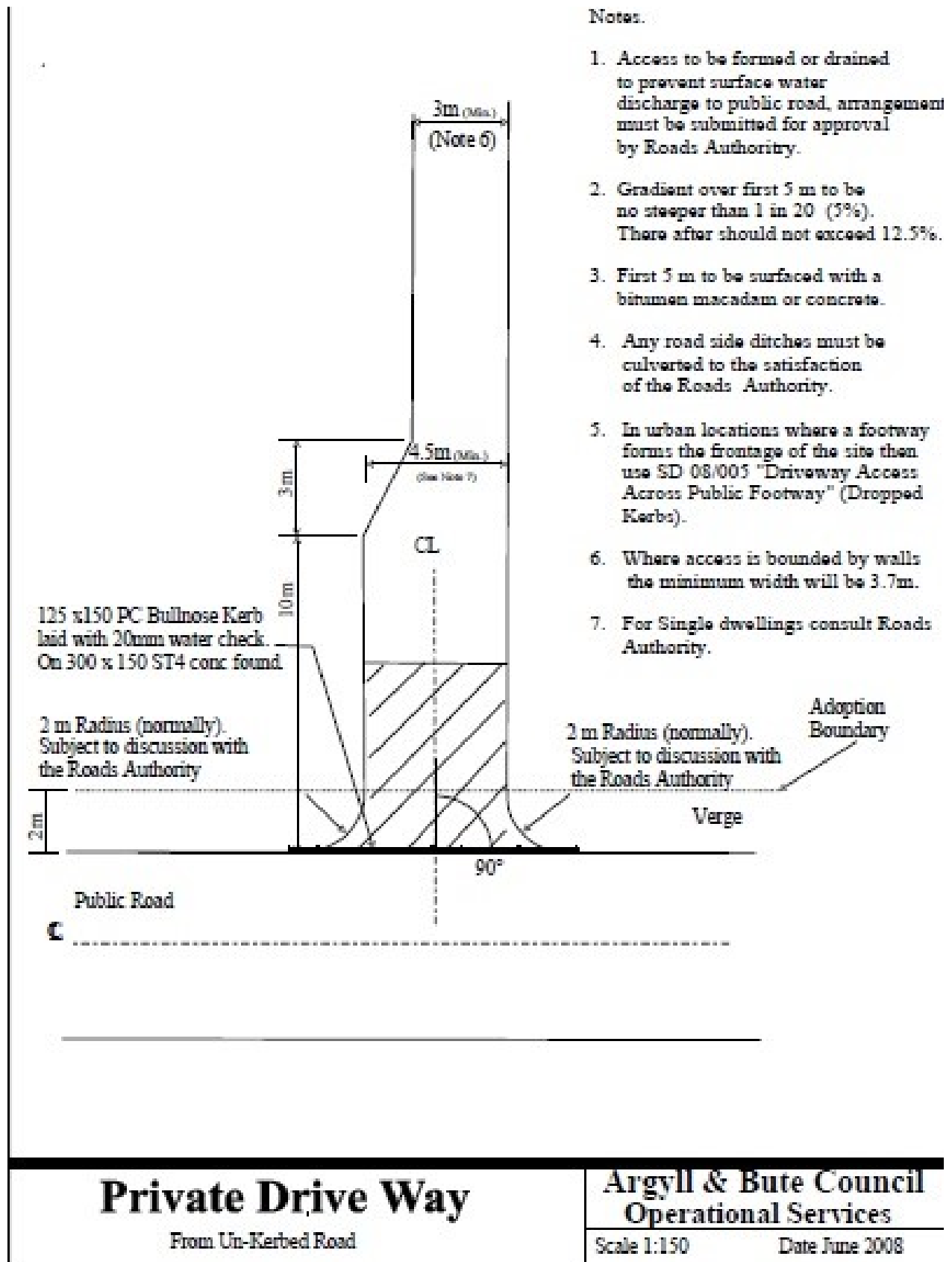
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- A further application for planning permission and tree works will be required in order to comply with the Area Roads Managers requirement for the existing access onto Gareloch Road.
- Surface water must not be able to flow from the site onto carriageway.
- A Section 56 Road opening Permit is required for any works carried out on the public road.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 19/01573/PP

- A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): N
- B. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. N
- C. The reason why planning permission has been approved:
The proposal is considered to be in accordance with the policies outline above and complies with LDP STRAT 1, LDP DM1, LDP 8, LDP 9, LDP 11 Supplementary Guidance Policy and SG LDP ENV 17, SG LDP BAD 1, SG LDP TRAN 2 and SG LDP TRAN 6 of the Argyll and Bute Development Plan 2015

Appendix 5. Drg SD 08/002 Private Driveway Specification.



Private Drive Way

From Un-Kerbed Road

**Argyll & Bute Council
Operational Services**

Scale 1:150

Date June 2008

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From: Jim Duncan
Sent: 13 April 2020 22:01
To: localreviewprocess
Cc: McCallum, Fiona; Linda Duncan
Subject: Notice of Review Reference 20/0007/LRB. (Planning Ref:
19/01573/PP - Duneira, Pier Road, Rhu, G84 8LH)
Attachments: Duneira JD.pages; Duneira LJD.pages

Local Review Body
Committee Services
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

13th April 2020

Dear Sir/Madam

Review Reference 20/0007/LRB. Duneira, Pier Road, Rhu, G84 8LQ

Our objections to the original planning application 19/01573/PP still remain and are attached below.

In light of the appeal 20/0007/LRB we would like to make the following additional comments.

Information is lacking on what type of "training" is proposed, what duration, start and stop times, how many days per week.

There is also a lack of information detailing how many people in total will be in attendance at the "training courses" or how many staff will be there. The submission now says 14 plus staff. It is also proposed that meals will be delivered and there will be other service providers attending daily. It is clear that this proposed development would produce an unspecified number of additional daily vehicle movements in and out of Duneira.

Car parking areas have now been illustrated on the drawing on the Appeal document 20/0007/LRB . It is for 11 cars. However 8 parking spaces are proposed to be situated adjacent to the boundaries of the only 2 neighbouring residential homes. In fact the area is directly beside our living room and glass conservatory. Positioning the car

parking area here would reduce the amenity and cause nuisance to these 2 neighbouring properties. At present there is no access by vehicle to this area. In fact the area is on 3 levels, which has not been detailed on the submission but can be seen on one of the photographs on the original application. The illustration on the drawing in 20/0007/LRB is seriously misleading in scale and positioning of parking relative to the boundaries with the 2 adjoining neighbours. The reality is that parking 8 vehicles in the proposed location will be much closer to the perimeter of neighbouring boundaries than illustrated and inevitably increase noise, nuisance and disruption to neighbouring properties. We would suggest that a "good neighbour" would consider an alternative location for parking that would cause less nuisance to adjoining properties. There are plenty of alternative areas within Duneira at the western side of the property which does not border with any neighbours.

The applicant does not detail how often these course would run or how long they would last. Is there going to be turnaround of people every 2 days, 3 days or more? This would impact on the traffic and also the possible nuisance to neighbours.

Another detail in the original application says, "There are extensive trees and landscaping around the perimeter which provides screening from adjacent neighbours." This is not now true. Since that application 19/01573/PP was made much of the screening at Duneira's eastern boundary has been almost completely removed, hence our property has lost any security and privacy. This is of particular concern as people using Duneira are transient.

The A814 is an extremely busy road. There are approximately 7,000 employees at Faslane Naval Base and this road is the main route to get there. This number does not include local traffic or tourist traffic. The use of a bus stop/layby is not officially designated as an undertaking route in the event that vehicles approaching Duneira from the east are blocking the A814 carriageway while waiting for a gap in oncoming traffic in order to turn right in to Duneira. In fact the entrance to Duneira is opposite the narrowing part of the bus stop/layby.

There are ongoing issues re traffic in Pier Road. It is used by large trailored HGVs hauling

timber from tree felling operations in the hills above Rhu and this work will continue “ into perpetuity “ according to the company in charge of operations. Also Pier Road is considered to be dangerous for pedestrians in that it does not have a pavement at the area bordering Duneira.

Minutes from an Argyll & Bute Council meeting in December 2019 record that-

“The road carriageway (Pier Road) was sub-standard in terms of width, with one section entirely without a footpath.

“Two short-space lanes are incorporated, further reducing the road lane width,”

“These lanes do not comply with the requirements of the Equality Act and force pedestrians to turn their backs on oncoming traffic.

“Encroachment by traffic into lanes is a common everyday occurrence, with pedestrians prevented from stepping out of harm’s way by a grass embankment and a stone wall. These effectively trap them there.

“It is used as a timber haulage route, with hundreds of timber journeys per year, and the industry suggests it will go on.

“Pier Road is part of the Highland Road, a popular tourist attraction, but it is also a route for children and residents on the A814. It is probably the busiest residential route with traffic, with over 100 vehicles per hour.

“These figures are likely to increase significantly when congestion takes place on the A814. Those with local knowledge see it as a route of bypassing delays and the increased risk to pedestrians has had a negative effect on the community.

At the same meeting a local Councillor, George Freeman, said

“I have a copy of the report from the road policing department at Dumbarton, and clearly they have said that the safety of pedestrians is compromised”.

Although there are problems associated with the whole length of the road Police Scotland have said they have concerns about-

“The shared use of the south lane of Pier Road near to where it junctions the A814”. (at Duneira).

Under such circumstances it would seem irresponsible to add an unspecified but significant number of additional daily traffic movements to this dangerous road, especially drivers who are not familiar with the dangerous nature of Pier Road. The applicant’s assertion that a widened exit from Duneira onto Pier Rd will increase pedestrian safety does not balance with the significant increase in daily traffic movements at this already dangerous part of Pier Rd. Mr Jim Smith, Head of Roads and Amenities department at Argyll & Bute Council has been fully involved with the ongoing issues of pedestrian safety being compromised on Pier Road for

almost a year
now.

In the Report of Handling it was stated that, if a fire escape was required in the property since it was no longer a domestic residence, that would be looked at the Building Warrant stage and may need planning permission. It is of concern that the creation of a fire escape was not part of the planning conditions.

Also in the Report of Handling it states that any " matters relating to noise and anti-social behaviour can be controlled by either the police or Environmental Health". This seems to suggest an acknowledgement that noise and anti-social behaviour could be expected if this application is approved. We would consider that acknowledgement to constitute a loss of our amenity and therefore grounds for refusing the application. There are other properties in the area where there are such issues and local affected residents do not find it easy to get their complaints addressed.

Since there is the possibility that those hearing this appeal may not be from Helensburgh and Lomond Ward, could we suggest that a site visit is organised once this Covid-19 Pandemic is over and normal living is restored. At the moment people here are following the guidelines and there is very little traffic on the roads and Faslane does not have the usual traffic volumes on the normally very busy A 814.

As stated at the start of this submission our objections to the original application still stands. We of course understand that that application has already been given approval but with carefully considered conditions set by experienced planning officials. We remain in hope that the applicant's appeal against the planners decision on conditions will give planners the opportunity to reconsider the conditional approval and now reject the Application 19/01573/PP .

If the Planning Department however is minded to confirm approval of Application 19/01573/PP we would ask that the carefully considered conditions set out in that approval remain.

We trust that you will take all of the above comments into consideration and reject the applicant's application and or their appeal.

Yours sincerely

James Duncan

Linda J Duncan

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Cameron, Zara

From: Linda Duncan [REDACTED]
Sent: 20 August 2019 16:39
To: handl, planning; Spreng, Stephanie
Subject: Planning Application Duneira 19/01573/PP - OBJECTION

Dear Ms Spreng,

As an adjoining neighbour to Duneira I would like to make the following OBJECTION to Planning Application Ref 19/01573/PP

Duneira lies within the residential area and Conservation Area of Rhu, sitting aside similar properties. In LDP and the proposed LPD2 it is not designated for Commercial development.

The narrative enclosed with the planning application states that this was previously a care home. In fact it was the home of a couple who looked after mentally handicapped children as though they were their own. There were no ancillary staff, catering size kitchens or multiple vehicles etc. It was not the same scenario as is now proposed.

Also the narrative says there is no demand for properties the size of Duneira as family homes. In fact two have recently been sold very close to Duneira.

Duneira has two entrances. One is from the A814 close to Pier Road, close to a bend which is near the top of an incline. Site lines are not good and the volume of traffic at peak times is great because it is a main route to and from Faslane Naval Base. The other entrance is off Pier Road, close to the A814. Pier Road has already been identified by Police Scotland as a road that is unsafe for pedestrians and two way traffic, not only when 40 ton articulated timber lorries are using it hourly on a daily basis - a process which will continue in perpetuity according to Scottish Woodlands. I have noted that a consultation request was sent to Campbell Divertie, Roads Department at Blairvadach on 30th July 2019 regarding this application. Since Mr Divertie is no longer a council employee and Blairvadach is no longer a Council office I hope that somebody else in the Council will look at the traffic issues should Duneira have at least 20 cars trying to access the property and report back.

Should Duneira change from being a family home to become a Residential Training Centre I believe that there would be a great loss of amenity to neighbouring properties and the area at large.

At present we know who our neighbours are. In the proposed change of use we could have more than 20 people staying at Duneira, who would have easy sight of, and access to, our property. (There is only a low wire fence separating the properties) Our young grandchildren regularly play in our garden and it is of great concern that strangers from goodness know where, would be around. There is no indication that the current owners would continue to stay in the property.

At present Rhu has major problems from another property, Invergare Castle, being used as a party pad for up to 20 people, creating a nuisance for nearby residents by way of loud noise. It is a huge concern that this type of nuisance could be created by visitors to Duneira. By the nature of the grounds the outside space would be attractive for evening socialising and cause a nuisance to neighbours. My understanding is that the purpose of the training is to teach people how to run short term lets for huge profit. Perhaps this location is to be used to demonstrate how it can be done?

Also the narrative says the grounds could provide parking for those attending. This could also cause nuisance by car doors banging, cars revving etc. There is the potential for 20 vehicles or more to be parking within the drive of Duneira, not to mention deliveries etc. That's a lot of vehicles!

In conclusion, I feel that I must OBJECT to this application. I am fearful for the loss of our amenity, loss of privacy and being subject to the nuisance of intolerable noise from the activities and many visitors to Duneira as well as issues with cars turning in to and exiting from Duneira on the A814 and Pier Road.

Yours sincerely,

Linda J Duncan
Shoreacres
Artarman Road
Rhu

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Cameron, Zara

From: Jim Duncan [REDACTED]
Sent: 20 August 2019 15:30
To: handl, planning; Spreng, Stephanie
Subject: Planning Application Duneira 19/01573/PP - Change of Use - Objection

Dear Stephanie,

As a direct neighbour I have several concerns regarding this application.

1. COMPLIANCE WITH DEVELOPMENT PLAN POLICY.

The existing Argyll & Bute Council Local Development Plan (LDP) and the proposed new Local Development Plan (LDP2) have not identified the Duneira site for commercial development. In both LDP and LDP2, Duneira lies within a long established residential zone. It also lies within the Rhu Conservation Area. Changes within a Conservation Area are required to "preserve or enhance" the character of a Conservation Area. The proposed "change of use" from a dwelling to a commercial residential training centre would be detrimental to, rather than "enhance" the character of the Conservation Area.

This application therefore fails to comply with Development Plan Policy and Conservation Area requirements.

2. TRAFFIC, PARKING AND ACCESS.

The application proposes a significant increase in the number of vehicles requiring access. The proposal confirms up to 20 attendees at any given time. It also proposes that catering will be brought in rather than produced on site presumably with additional vehicles arriving at breakfast time, lunch time and dinner time in addition to the potential 20 vehicles for attendees. There is no information as to whether the existing owners and residents of Duneira propose to continue living in the property and provide the "training" themselves or if additional trainers will be brought in. Equally there is no information about who would provide the housekeeping services, presumably not the current owners. This would add further to the increase in vehicular traffic on a daily basis. With the potential for 20 vehicles for attendees, multiple repeated daily catering vehicles, additional trainers, owners vehicles and housekeeping services vehicles, this would represent a dramatic increase in vehicular traffic and parking requirements.

If the increase in vehicles associated with the proposed training centre necessitated parking overspill on to Pier Road that would present further issues. Pier Road has its own existing problems. The road is not wide enough for two vehicles to pass and pedestrians to walk safely. It currently is also used by 40 ton double wagon timber transport lorries with hourly passages up and down which is already leading to major safety issues for vehicles and pedestrians.

An officer from Police Scotland's Road Policing Department attended a site visit to Pier Road on 31st May 2019. Following that site visit he highlighted a range of concerns by email and confirmed that **the safety of pedestrians was being compromised**. This planning application, if approved, would substantially increase the risk to pedestrian safety on Pier Rd.

The other access to Duneira is off the busy A814 main route for Faslane naval base. It lies close to the junction of Pier Rd and the A814 and is just off a bend and a rise in height of the road. It is not an ideal access point.

3. RESIDENTIAL AMENITY (NOISE, OVERSHADOWING ETC.)

A change of use from a family home to a residential training centre would produce a dramatic reduction of amenity to adjoining properties and, given the above comments on Traffic, Parking and Access, also to the wider local community.

As a family home Duneira fits in well in a neighbourhood of family homes. You know who your neighbours are and are comfortable that they respect the need to be a good neighbour, taking care of property and ground maintenance and making sure not to disrupt the neighbourhood with noise, disruption and becoming a "nuisance neighbour" or a "bad neighbour". You feel safe that being surrounded by similar homes and like minded neighbours, personal and property security is a priority. This would all change if this application was to be approved. Instead we would have up to 20 unknown people residing on short term basis at any given time who by definition would not be likeminded neighbours. There is no information about the hours of the proposed training sessions so I can only speculate that there would be free time in the evenings. Given the outside space at Duneira it would be highly likely that there would be large numbers of people spilling out from the building and congregating in the gardens for leisure and potentially entertainment activities and becoming a "nuisance" to nearby residents.

There is already disturbance and nuisance in the vicinity from Invergarra Castle which is now being used as short term lets for up to 20 people. Coincidentally some online postings by the owners of Duneira record that the training sessions are to promote and inform attendees on how get into and grow the business of short term letting and to maximise profit with the least amount of effort. The postings also inform that there are opportunities to purchase large properties in this area which could be used for short term letting. This would further create issues for other neighbours of these properties in future.

The proposal states that Duneira is surrounded by trees and shrubs. The boundary in places is defined by a low wire fence which would not deter anyone from gaining easy access to adjoining properties. That raises serious concerns for personal and property security when compared to the present situation of having likeminded neighbours residing in their family home. Our amenity would be seriously compromised if this application was to be approved.

I wish to lodge my OBJECTION to the application for a change of use for Duneira from a family home to a residential training centre.

Regards,

J Duncan
Shoreacres
Artarman Road
Rhu.
G84 8LQ

From: Charles Mckerracher
Sent: 10 April 2020 12:46
To: McCallum, Fiona
Subject: Duneira Planning ref 19/01573/PP

Dear Fiona thank you for sending us the Conditions and Responses to the appeal on this planning matter.

My wife and I have read them thoroughly and would not change any of the complaints we made on the planning application.

We also encourage you to rigidly stick to the approval given with the sensible conditions.

The impression we get is that the owner and his agent want just to leave things as they are particularly in relation to accesses to the property or ignore the approval conditions.

Using a bus lane on the A814 to allow passing on the inside of people turning right into the

property should surely not be permitted. With reference to the access onto Pier Rd the agent is

ignoring the fact that this access used for either access or egress is directly opposite two other

properties only access and Pier Rd is narrow at this point.

Also it should be noted that most owners on this stretch of Pier Rd keep their boundaries in good

order- Duneira boundary is overgrown and untidy and one tree looks as if it is dead. Only

recently the wall either side of the Pier Rd entrance was cleared of ivy and overgrown

vegetation???

We still do not know what type of training will be undertaken and how regularly delegates will

change and create traffic movements - will it be daily weekly monthly or what - will delegates

stay over? Also you would imagine delegates coming to a training centre would come by car? In

the past cars have been at Duneira and people appeared to be there for the day? Can we ask what

sort of delegates are expected and how many would come by train or bus?.

Finally we must emphasise noise and question if any of the courses involve outside activity with

noise - this area of Rhu as you will know has suffered noise disruption as a result of Invergaire

Castle- how are local residents to know what Duneira may become - please have this thoroughly

checked out on our behalf.

With the kindest regards

Charles Mckerracher

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From: mary fisher
Sent: 13 April 2020 15:34
To: McCallum, Fiona
Subject: Re: Intimation of Receipt of Notice of Review Reference
20/0007/LRB (Planning Ref: 19/01573/PP - Duneira, Pier
Road, Rhu, Helensburgh, G84 8LH [OFFICIAL])

Fiona,

As before, I do not object, but do have some comments regarding the proposed parking. The proposed location for 8 cars is insensitive, as it will affect the privacy and amenity of our rear garden to have car parking, and the associated movement of vehicles and people, in the position proposed. Given that it would be possible to achieve the same number of spaces in almost any other part of the property without affecting our amenity at all (between the house and Pier Road being the most obvious location), I feel that other options should be explored first, with the currently proposed option only being consented if others are demonstrated to be unacceptable.

Please can you confirm that this comment has been received (or let me know if I need to submit them in another way)?

regards,

Mary Fisher

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APPEAL AGAINST CONDITIONS

Duneira

Rhu Helensburgh G84 8LH

Proposed Training Centre

Planning Approval 19/01573/PP

ADDENDUM

21.04.20

jmacArchitects
7 Glebefield Road
Rhu, Helensburgh
G84 8SZ

Additional Statement

For clarity the proposal is to develop a residential training centre to support the owner's business which provides courses to high value clientele. The proposal has been granted Permission but the conditions are being appealed.

The proposal is to operate, generally, week long residential courses which would require the participants to be based in the property for the duration of the course.

All course guidance would be provided by the current owners supported by others who would also be resident during the courses.

The impact on vehicle movements would therefore be minimal with the model allowing for staggered arrivals and departures. The owners being present prior to each course commencing and only departing after all participants had left at the end of each course.

Regarding the current imposition of conditions, the most appropriate approach is to permit access only via Shore Road and exit by Pier Road and the configuration put forward in appendix 5 of the response to the appeal would be acceptable to support this approach.

It should also be noted that this approach would result in minimal impact to the frontage (stone gate posts/wall and established trees, landscaping etc.) onto Shore Road.

Equally the configuration for vehicles to be contained on site can be amended to ensure minimal impact on neighbours. The site is capable of supporting a suitable number of vehicles in a variety of solutions.

Bearing in mind that there is significant traffic flow on Shore Road during specific times (traveling to the base in the morning and departing the base at close of the day) the participants would also be advised to avoid these times to minimise any possible disruption.

The suggested alternative proposal contained within the appeal response would ensure that an established property set in substantial grounds can be utilised in a manner that is suitable to its setting within the conservation village of Rhu.

END.