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Argyll and Bute Council **Comhairle Earra-Ghàidheal Agus Bhòid**

Executive Director: Douglas Hendry



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21 September 2021

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - MICROSOFT TEAMS on WEDNESDAY, 22 SEPTEMBER 2021 at 11:00 AM

I enclose herewith a supplementary report for **item 5** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORT

- 5. MR GRAHAM GARDNER: CHANGE OF USE FROM (CLASS 9) RESIDENTIAL TO (SUI GENERIS) EXCLUSIVE USE VISITOR ACCOMMODATION (RETROSPECTIVE): INVERGARE CASTLE, GLENARN ROAD, RHU (REF: 21/01404/PP) (Pages 3 - 6)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Audrey Forrest
Councillor George Freeman	Councillor Kieron Green
Councillor Graham Hardie	Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan BEM	Councillor Roderick McCuish
Councillor Jean Moffat	Councillor Alastair Redman
Councillor Sandy Taylor	Councillor Richard Trail

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

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 21/01404/PP

Planning Hierarchy: Local Application

Applicant: Mr Graham Gardner

Proposal: Change of Use from (class 9) residential to (sui generis) exclusive-use visitor accommodation (retrospective)

Site Address: Invergare Castle, Glenarn Road, Rhu, Helensburgh, G84 8LL

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to advise Members that 38 no. further representations have been received in association with the above proposal. These comprise 31 no. representations expressing support and a further 7 no. objections as set out below: -

Supporters

Amy Hills - 10 North Street, Dorchester Dt2 9QS – Support
 Steve Hills - 10 North Street, Dorchester Dt2 9QS – Support
 Steve Thompson - 1 Sycamore Close, Elswick, Preston PR4 3UW – Support
 Roddy MacRae – Flat 16, 114 East Clyde Street, Helensburgh G84 7AH – Support
 Mrs Gillian MacRae - Flat 16, 114 East Clyde Street, Helensburgh G84 7AH – Support
 Zoe Haining - 8 Lansdowne Drive, Glasgow G68 0JB – Support
 Neil McGlinchey - 2/2 17 Barrington Drive Glasgow G4 9DS – Support
 Richard Shields – Rowaleyn, Glenarn Road, Rhu, Helensburgh G84 8LL – Support
 Mark Shields - Murano Woodstone, Pier Road, Rhu, Helensburgh G84 8LH – Support
 Andrew Parkin - Blueberry Hill, Pilgrims Lane, Canterbury CT4 8AB – Support
 Sophie Napier - 30 Rockcliffe Path ML6 8LH – Support
 Neil Macaulay - 2 Hillcrest Sq., Reddingmuirhead, Falkirk FK2 0GR – Support
 Marie Macaulay - Address not provided – Support
 Chloe Robinson - 20 Wood Street, Flat 0/1, Glasgow G31 3BY – Support
 Lauren Soltvedt - 20 Muirfield Station, Gullane EH31 2HY – Support
 Mr Derek Mcneil – 0/1 ,11 Ballindalloch drive, Glasgow G31 3DP – Support
 Dr Dylan McNeil - 0/1 ,11 Ballindalloch drive, Glasgow G31 3DP – Support
 Fiona Gardner - West Dyne Bishops Park, Thorntonhall, Glasgow G74 5AF – Support
 Rachel Oommen - Woodlands, 51 Broom Road, Newton Mearns, Glasgow G77 5DN – Support
 Alan Philp - Flat 1/2, 14 Battlefield Avenue, Glasgow G2 5JF – Support

Mr. Iain Colquhoun - 17 Larchfield Court, Newton Mearns, Glasgow G77 5PL – Support
Dr Keith Watson - 9 Kirkton Road, Charlotte Gate, Perth PH2 0AF – Support
Ms Shaneese Harvey – 12, Armadale Place, Glasgow G31 3ET – Support
Dr. Zuher Elgrady - 53 Ballater drive Glasgow G61 1BZ – Support
Drassana Martin - 15 Glenhead Crescent, Glasgow G22 6ST – Support
Rose Habicht - 45 Viewlands Road Perth Perth PH1 1NL – Support
Miss Chantelle Chrystal - 2 Armadale Place Glasgow G31 3ET – Support
Dr Alison Sneddon - 42 Glasgow Road Perth PH2 0PB – Support
Rohan King - 3 Cheyne Road, Aberdeen, AB24 1UA – Support
Hazel Laughlin – 19 Peters Gate, Bearsden, Glasgow G61 3RY – Support
Mr Kenneth Spittal - Croitbheag Peaton Farm, Peaton Road, Peaton, Helensburgh G84 0PE – Support

Objectors

Jillian Ferguson - Address not provided – Objection
Nikki Ferguson - Address not provided – Objection
Hamish Forbes - Address not provided – Objection
Zoe von Runkel - Address not provided – Objection
Romaine Runkel - Address not provided – Objection
Shanny Newall - Address not provided – Objection
Susan MG Matheson OBE - Address not provided – Objection

2.0 DETAIL OF REPRESENTATIONS

No new issues have been raised by Objectors. The issues raised by Supporters are set out below together with comments.

Support

- The owners are taking this very seriously as demonstrated by thorough vetting (of guests); being present at check-in; installing a ring camera doorbell; stressing the need to minimise noise to a minimum after 9pm and being respectful to neighbours; and instructions of where to park.
- Request that committee ascertain from police whether the outcome of their numerous call outs to the property and whether any evidence of wrongdoing was ever found; the outcome of noise monitoring studies carried out by the council. Has this been a good use of police time and resources?

Comment: - Impact upon residential amenities and character, including proposed management mechanisms to mitigate against potential adverse impact, has been fully addressed within the main report. The representations do not raise any further issues. The Council's Area Environmental Health team has objected to the proposed development unless suitable noise mitigation measures can be provided by the applicant.

- The majority of traffic will be along the small private lane to the house while any impact along the adjacent Glenarn Road and Per Road will be proportionately very small.

Comment: - The issue of impact upon road traffic safety is considered within the main body of the report. The Area Roads Engineer has objected to the proposal on grounds of detrimental impact upon road safety. The representations do not raise any new issues. No further comment is required.

- The property rental contributes to the local economy in terms of bringing lots of visitors into the area; use of local caterers; local staff employment to clean the property after each visit. This is particularly important during post-pandemic recovery.

Comment: - The impact upon economic growth/positive contribution to the local economy has been fully addressed within the main report. The representations do not raise any new issues. No further comment is required.

- This is a building of important historical value that is an asset to the area and that has been painstakingly saved and sensitively restored from a ruin. The rental income supports the expensive up-keep of the building. Risk of the building falling back into disrepair should a financially viable use not be found.

Comment: - Whilst the retention and restoration of the listed building is supported in principle, it is considered that the proposed use will give rise to materially detrimental impact upon land use planning issues, all as set out within the main body of the report. Without prejudice, the planning authority is prepared to consider alternative uses to a single dwellinghouse that are consistent with Local Development Plan policy.

- Unfortunately the dimensions and layout of the house are no longer suitable for single private use. It is ideally suited for Air B&B type accommodation.

Comment: - The authorised use of the property is as a single dwellinghouse as defined within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The property has been periodically operating as short-term let accommodation without the benefit of planning permission. If retrospective planning permission is refused then the authorised use will remain as a (Class 9) dwellinghouse. Should the property prove too big for single family occupation as claimed, then without prejudice, the planning authority will consider alternative uses which are considered to be consistent with Local Development Plan policy. The property is not considered to be ideal for Air B&B type as fully assessed within the main report.

- There is a lack of accommodation for large groups of people including large family gatherings, (refusal) would mean that there is even more of a struggle to find a place.

Comment: - The demand for such accommodation is not disputed. However, it is not of such significant material weight as to override the assessment set out in the main report that the proposed development will have a significantly adverse impact upon residential amenities, local character and road traffic safety contrary to Local Development Plan policy.

- Favourable reviews of previous guests' experiences with regard to the qualities of the property and the attractions of the local area.

Comment: - These favourable reviews do not raise any material land-use planning issues.

3.0 CONCLUSION

It is considered that the majority of the content of the above representations do not raise any new issues which are not covered in the report or that affect the original recommendation, with the possible exception of the submission that the proposed change of use to short-term letting accommodation is the most appropriate use for this property and that the resultant income will support the refurbishment works and longer-term maintenance of an important listed building that makes a positive contribution to the wider community

Having regard to Policy LDP 3; SG LDP ENV 16(a); Historic Environment Policy for Scotland (HEPS) – 5th April 2019; and Managing Change in the Historic Environment – Use and Adaptation of Listed Buildings – April 2019 (both published by Historic Environment Scotland), it is recognised that appropriate new uses for underused or dis-used buildings can secure the longer term retention of an historic asset in principle. However, the guidance acknowledges that changes of use will have planning implications and that proposals will have to comply with local and national planning policies. Having regard to the specific planning implications of this current planning application, it is considered that the proposed use is not appropriate to the property and its location, and that it would give rise to material adverse impact to material planning issues contrary to Local Development Plan Policy. Furthermore, it has not been demonstrated to the satisfaction of the development management service that other alternative uses have been considered. It is not considered that the proposed change of use (retrospective) can be justified on the basis of the restoration/maintenance of the listed building in this instance where it is considered that the use has significantly adverse impact upon other material planning issues.

There are no other procedural issues which would prevent the application from being determined.

3.0 RECOMMENDATION:

The contents of the representations listed do not change the recommendation set out in the Report of Handing.

Author of Report: Norman Shewan

Date: 21/09/2021

Reviewing Officer: Howard Young

Date: 21/09/2021

Fergus Murray
Head of Development and Economic Growth