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

Executive Director: Douglas Hendry



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25 February 2022

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on MONDAY, 28 FEBRUARY 2022 at 10:30 AM

I enclose herewith **Supplementary Report 2** in relation to **item 3** of the Agenda which was not previously included with the Agenda for the above meeting.

Douglas Hendry
Executive Director

Supplementary Report 2

- 3. HELCO DEVELOPMENTS LIMITED: ERECTION OF 24 DWELLINGHOUSES: LAND NORTH EAST OF BRAESIDE, STATION ROAD, GARELOCHHEAD (REF: 19/02328/PP) (Pages 3 - 10)**

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/02328/PP
Planning Hierarchy: Local Application
Applicant: Helco Developments Limited
Proposal: Erection of 24 dwellinghouses
Site Address: Land North East Of Braeside, Station Road, Garelochhead, Argyll And Bute

SUPPLEMENTARY REPORT NO. 2

1.0 INTRODUCTION

Since the publication of the officer's report, and Supplementary report No.1' additional late objection letters have been received. A full updated list has been produced and attached as Appendix C to this report. This list incorporates the original list of objectors, those in Supplementary Report 1, and also those presented verbally at PPSL on 19.01.22, as well as the additional objections received and not yet referenced.

2.0 OFFICER COMMENT

These late objections, in general, do not raise any new planning issues which are not already addressed in the main Officer Report. However objections relating to both the approach to the ecological studies carried out and their robustness, and the legislative framework around Protected Species and their interaction with the Planning system has been raised in these additional objections.

It is considered to be beneficial in ensuring that Members are made aware of these matters in more detail to assist their consideration of the application and ensure that the concerns expressed by objectors are properly addressed and considered as set out below:

1. Legislative Biodiversity Duty has not been taken into consideration by the Council

Officer Comment:

Officers consider that in promoting enhanced habitat creation in accordance with the details set out in drawing LS-01 and through the imposition of conditions 9 and 10, the promotion of biodiversity interests and the "Biodiversity Duty" placed upon all public bodies in Scotland by the Nature Conservation (Scotland) Act 2004 has been addressed adequately. Members will also be aware that the Council has its own approved Argyll and Bute Council Biodiversity Duty Action Plan 2017. The proposals are considered to be in accordance with this.

Significantly, and having regard to the above, the Councils Biodiversity Officer who is responsible for ensuring development proposals are in compliance with “Biodiversity Duties” raises no objection to the proposals.

2. **Ecological Surveys carried out are not in accordance with best practice**

The Ecological surveys that have been previously submitted are considered acceptable and do not seek to be detailed technical studies as would be required if evidence had been found that protected species were present on the site, or would be harmfully impacted by the development. An updated survey (Feb 22) has been provided by the applicant in response to the concerns raised by objectors. The updated report confirms that:

Executive Summary

Bat roost potential and Otter surveys were completed in October 2020 on land at Station Road Garelochhead (NS 24257 91224) as supporting baseline information requested by the Planning Officer. The surveys found no evidence of otter presence but that bat roost potential was abundant and that further survey effort was required during the summer of 2021 to be conclusive on the presence or absence of roosting bats. This further survey work for bats was commissioned in 2020 in advance in preparation for these surveys.

Whilst completing the earlier surveys referred to, the surveyor looked for evidence of any other protected species that could be considered a potential ecological constraint which might indicate any need for other species-specific surveys for species such as Badger, Water Vole, Red Squirrel, breeding birds, or reptiles. The client was informed that there were no field signs evident or any sightings of Badger, Water Vole, Red Squirrel, or reptiles. As no other definite ecological constraints were identified whilst completing the bat and otter surveys no other ecological survey work or reporting was commissioned at that time, as the client preferred to wait until planning approval was imminent so that such surveys would still be valid post planning approval for use in the site developmental process.

The original Bat roost potential and Otter surveys were, as noted, completed in October 2020. The client requested that these previously completed surveys be updated following the submission of late observations by third parties to the application and to ensure a broad range of valid in-date ecological survey information was available to assist with the final planning decision making process and will remain valid for post-approval use. The survey update therefore included not only bat roost potential and otter surveys but also a walkover extended Phase I habitat survey that included a protected species walkover survey that considered the potential presence of Badgers, Water Voles, Red Squirrel, reptiles, and breeding birds, with particular reference to those species with enhanced statutory protection.

3. **The relationship between Protected Species/Habitat legislation and the determination of a planning application**

Allegations of protected species being present on a site by objectors does not in itself inhibit the determination of a planning application. The recommended approach to such matters is set out by NatureScot on their website as follows:

The presence of protected species rarely means that no development can take place. But measures often need to be taken, which may affect working methods and the timing of works.

*If there is ***reasonable evidence** that a protected species is present on site or may be affected by a proposal, its presence must be assessed and measures proposed where necessary to avoid impacts.... (*Officer Emphasis)*

Therefore, only where there is “*reasonable evidence*” that protected species are to be found on the site, would officers consider that they could not recommend the grant of planning permission as in this instance.

The recently submitted updated Ecology Survey update (Feb 22) when read together with the October 2020 and June/July 2021 surveys in the opinion of Officers provides sufficiently robust information and reassurance on such matters to allow the current application to be determined by Members fully in accordance with the legal framework associated with the interaction between the planning regime and the habitat and other related regulations.

As an additional check Officers have also looked at the National Biodiversity Network online data resource and can find no evidence on this of protected species being identified on the site or nearby. A link to this national data base is provided below.

[Explore Your Area | NBN Atlas Scotland](#)

This in itself is not a matter of significant weighting, but does reinforce the views of Officers and the submissions of the applicants that there is not “*reasonable evidence*” before the Planning Authority that protected species exist on the site, and would be harmed by the development proposal.

It is therefore Officers’ opinion that should Members wish to do so, it would be competent to grant planning permission in this instance notwithstanding the objections which have been raised in respect of Protected Species and habitat legislation compliance matters by objectors.

3.0 RECOMMENDATION

Members are requested to consider the matters set out in this report in reaching any decision. The objections made in these late submissions do not alter the recommendation contained in the main Report of Handling.

Author of Report: David Moore

Date: 24.02.2022

Reviewing Officer: Howard Young

Date: 25.02.2022

Fergus Murray
Head of Development and Economic Growth

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Appendix C

Representations in relation to: 19/02328/PP

Date: 24 February 2022

Objection

A Ferguson 1 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
A M McCafferty 3 St Michaels Knowe Feorlin Way Garelochhead Helensburgh 26.01.2022
A.Armitage (E-Mail Provided)(Likely same Objector as above) 25.02.2022
Adele Gardiner Creagach Garelochhead Helensburgh Argyll And Bute 14.10.2020
Alan Laird Brentwood Garelochhead Helensburgh Argyll And Bute
Alastair Brown 6 Station Road Garelochhead Helensburgh Argyll And Bute 22.02.2022
Alexandra Glazsher 1 Rosebank Garelochhead Helensburgh Argyll And Bute
Alistair McIntyre Craggan Garelochhead Helensburgh Argyll And Bute 06.02.2020
Amanda Kennedy 8 Dunivard Place Dunivard Road Garelochhead Helensburgh
12.10.2020
Amanda Robinson 4 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
Amy Ursell Fasgadh Dunivard Road Garelochhead Helensburgh 24.02.2022
Andrew Armitage Flat 2/2 21 Baird Avenue Helensburgh Argyll And Bute 18.01.2021 &
25.02.2022
Angela Sanderson (E-Mail provided) 25.02.2022
Ann Robertson Avoch Station Road Garelochhead Helensburgh
Anne Johnston Lilybank Old School Road Garelochhead Helensburgh 03.02.2022
Anne Matheson No Address Provided 03.02.2022
Anne Pennycour 2 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
Ashley Perks 9 Upland Wynd Garelochhead Helensburgh Argyll And Bute 18.11.2020
C Grout 18A Upper Glenfinlas Street Helensburgh Argyll And Bute G84 7HD
Carole Cowan Address Not Provided 14.02.2022
Carole Spencer Craigellen Cottage Garelochhead Helensburgh Argyll And Bute
27.01.2021
Caroline Brown 6 Station Road Garelochhead Helensburgh Argyll And Bute 22.02.2022
Carolyn Gallagher 6 Dunivard Place Garelochhead
Celia Gibb Hedgehog House Dhustone Ludlow SY8 3PL 22.02.2022
Centre 81 Old School Road Garelochhead Helensburgh
Charlotte Wright Waveney Argyll Road Kilcreggan Helensburgh 24.02.2022
Cherish Lawrence 17 Greenfield Way Garelochhead Helensburgh Argyll And Bute
18.11.2020
Chris Ines Lilybank Old School Road Garelochhead Helensburgh 03.02.2022
Christine Cameron High Bagatelle Station Road Garelochhead Helensburgh
Christine Spencer 10 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute
24.11.2020
Claire Nicolson Woodside House Feorlin Way Garelochhead Helensburgh 18.01.2022
Clare Scott 5 Fairway Garelochhead Helensburgh Argyll And Bute 07.01.2021
D Bruce 4 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
Dani Grant 1 Euston Place Garelochhead Helensburgh Argyll And Bute
David Aitken 3 Cairn View Garelochhead Helensburgh Argyll And Bute 11.11.2020
David B Tinsley 7 Park Avenue Garelochhead Helensburgh Argyll And Bute 24.11.2020
David Etchells Colvinston Woodhill Tarholm Road Ayr 24.02.2022
David Kennedy 8 Dunivard Place Garelochhead 12.10.2020
David Muir Address Not Provided 14.02.2022
David Wilson 1 Station Cottages Station Road Garelochhead Helensburgh Argyll And Bute
05.02.2020

Deirdre Martin 43 Linn Walk Garelochhead Helensburgh Argyll And Bute
Derek Gordon Uisken Feorlin Way Garelochhead Helensburgh Argyll And Bute
Donald Martin 43 Linn Walk Garelochhead Helensburgh Argyll And Bute
Douglas Gardiner Creagach Garelochhead Helensburgh Argyll And Bute 14.10.2020
Drew Fyfe, 6 Smiddy Court, Garelochhead, Argyll and Bute 25.02.2022
E Parsons No Address Provided 23.02.2022
Eilidh Steele 11C Inn Buildings Whistlefield Helensburgh Argyll And Bute
Elaine A Hooper 15 Fairway Garelochhead Helensburgh Argyll And Bute 14.10.2020
Elainea Aitken 3 Cairn View Garelochhead Helensburgh Argyll And Bute 11.11.2020
Ewan Summersbey Address Not Provided
Felix Connelly 8 Edge Lane Garelochhead Helensburgh Argyll And Bute 23.02.2022
Fiona Holland Templeton Cottage School Road Kilcreggan Helensburgh 23.02.2022
Frances M Campbell 21 Argyll Road Rosneath Helensburgh Argyll And Bute
Frances Phennah 23 Upland Road Garelochhead Helensburgh Argyll And Bute 22.01.2020
G McGoldrick 2 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
G O Prout Carsaig Old School Road Garelochhead Helensburgh
Gareth Wilson Heatherbank Lower Flat Garelochhead
Gavin Findlay Fasgadh Dunivard Road Garelochhead Helensburgh Argyll And Bute
28.01.2020
Gavin Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
Gordon Forbes Station House Garelochhead 12.10.2020
Gordon Gray Dunavard House Dunivard Road Garelochhead Helensburgh
Gracey Remington Teeling 14 Havelock Place Helensburgh Argyll And Bute G84 7HJ
Hazel Mackinnon Caerphilly Cottage Garelochhead Helensburgh Argyll And Bute
24.01.2020
Hazel Mackinnon Caerphilly Cottage Garelochhead Helensburgh Argyll And Bute
Iain Shonny Paterson 1 Larach Park Ardgartan Glen Croe Arrochar Argyll And Bute
Ian Marshall 2 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
Ishbel Nicolson Woodside House Feorlin Way Garelochhead Helensburgh 18.01.2022
Isobel Orr 6 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020
J Baird Upper Oxford Place Garelochhead Helensburgh 20.01.2022
J Leishman 16 Upland Road Garelochhead Helensburgh Argyll And Bute 26.10.2020
J Nicolson 29 Feorlin Way Garelochhead Helensburgh Argyll And Bute
J Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
J Sullivan No Address Provided 27.11.2020
James A Orr 6 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020
James Feal-Martinez Springbank Dunivard Road Garelochhead Helensburgh 07.10.2020
James Houston Hillside Whistlefield Road Garelochhead Helensburgh Argyll And Bute
James Milne Burnbank Garelochhead Helensburgh Argyll And Bute
James Taylor 2 Bromley Place Station Road Garelochhead Helensburgh 24.02.2022
Jane Nolan 8 Edge Lane Garelochhead Helensburgh Argyll And Bute 23.02.2022
Janet McKillop 1 Queens Crescent Garelochhead Helensburgh Argyll And Bute 14.10.2020
Jean Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN
Jennifer Taylor Gowanlea Feorlin Way Garelochhead Helensburgh 12.10.2020
John Etchells Colvinston Woodhill Tarholm Road Ayr 24.02.2022
John Robinson 4 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
John Saunders 9 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute
16.12.2020
Jolene Hanson Address Not Provided
Jonathan Ursell Fasgadh Dunivard Road Garelochhead Helensburgh 24.02.2022
Joyce Steele Hillcrest Feorlinbreck Garelochhead Helensburgh Argyll And Bute
Julie Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
K Faulks The Manse Old School Road Garelochhead Helensburgh
K McLafferty 2 Schiehallion Dunivard Road Garelochhead Helensburgh 24.02.2021
K Robertson Avoch Station Road Garelochhead Helensburgh

Kirsteen McKay 5 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute
16.12.2020
Klaus Robertson Avoch Station Road Garelochhead Helensburgh 20.10.2020
L Hay 7 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.10.2020
Liam Hanson Briarfield Station Road Garelochhead Helensburgh 23.02.2022
Lindsay Doherty 2 Dalandhui Mews Dalandhui Lane Garelochhead Helensburgh
24.02.2022
Lois Smith 25 Queens Crescent Garelochhead Helensburgh Argyll And Bute
Lorna Masterton 09.02.2022
Lorna Masterton 8 Fraser Avenue Helensburgh Argyll And Bute G84 8QP 12.10.2020
M A Jones 7 Park Avenue Garelochhead Helensburgh Argyll And Bute 24.11.2020
M Galli 1D Glencairn Terrace Station Road Garelochhead Helensburgh Argyll And Bute
M M Brown Woodlands Dunivard Road Garelochhead Helensburgh Argyll And Bute
M Neilly No Address Provided 24.12.2020
M Sullivan No Address Provided 27.11.2020
M Williams 10 Hepburn Road Garelochhead Helensburgh Argyll And Bute 26.10.2020
Margaret McRobie 4 Park Avenue Garelochhead Helensburgh Argyll And Bute
Mark Sutherland 40 Queens Crescent Garelochhead Helensburgh Argyll And Bute
14.02.2022
Marlene Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
McGoldrick 2 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
Michael Puxley (E-Mail Provided)(Likely same objector as above) 24.02.2022
Michael Puxley Tigh Na Cluich Fairway Garelochhead Helensburgh Argyll And Bute
28.01.2020
Michelle Douglas 6 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 18.11.2020
Morag Gordon Uisken Feorlin Way Garelochhead Helensburgh Argyll And Bute 14.01.2022
Mrs Baird Upper Oxford Place Garelochhead Helensburgh 20.01.2022
N Coyle Thornlea Dunivard Road Garelochhead Helensburgh 12.10.2020
Nancy Drew 7 Dunivard Place Dunivard Road Garelochhead Helensburgh 16.10.2020
Nicholas Beevers Full Address Not Provided 03.02.2020
Nicola Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
Norah Nicolson 29 Feorlin Way Garelochhead Helensburgh Argyll And Bute
Owner/Occupier High Bagatelle Station Road Garelochhead Helensburgh 14.10.2020
P Godfrey Gowanlea Feorlin Way Garelochhead Helensburgh 12.10.2020
P Sheridan 4 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
Paula Darbyshire Shirlin Whistlefield Road Garelochhead Helensburgh 18.01.2022
Peter Heesom Woodlea House Garelochhead Helensburgh Argyll And Bute
Phillip Douglas 6 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 18.11.2020
Plastic Free Helensburgh (Email provided) 25.02.2022
R Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
Reese Connelly 32 Williamson Drive Helensburgh Argyll And Bute G84 7LH 23.02.2022
Rita Findlay Fasgadh Dunivard Road Garelochhead Helensburgh Argyll And Bute
Robert Feal-Martinez 35 Rosneath Castle Caravan Park Rosneath Helensburgh Argyll And
Bute 14.10.2020
Robert McRobie 4 Park Avenue Garelochhead Helensburgh Argyll And Bute 28.10.2020
Robert Steele Hillcrest Feorlinbreck Garelochhead Helensburgh Argyll And Bute
Roberto Galli Flat 1/2 Bromley Place Station Road Garelochhead Helensburgh Argyll And
Bute
Robin Anderson Roslyn Cottage Garelochhead Helensburgh Argyll And Bute 07.01.2021
Rosemary Wilson Lower Flat Heatherbank Fairway Garelochhead 03.03.2020
S Brown 4 Station Road Garelochhead Helensburgh Argyll And Bute 12.10.2020
S Gilchrist High Bagatelle Station Road Garelochhead Helensburgh 14.10.2020
Samuel Lawrence 17 Greenfield Way Garelochhead Helensburgh Argyll And Bute
18.11.2020

Save Garelochhead Wetland C/o R And R Urquhart Solicitors 117-121 High Street Forres Morayshire 21.02.2022
Sean Murphy 3 Lineside Walk Rhu Helensburgh Argyll And Bute
Sonja Willikonsky Rotkehlchenweg 33335 Guetersloh Germany
Sophie Torrens 3 Greenfield Way Garelochhead Helensburgh Argyll And Bute 13.02.2022
Sunny Townsend 3 Station Cottages Station Road Garelochhead Helensburgh Argyll And Bute 19.02.2022
Susan Will Stewarton Cottage Argyll Road Kilcreggan Helensburgh
T Faulks The Manse Old School Road Garelochhead Helensburgh
Time For Change Argyll & Bute (E-Mail provided) 24.02.22
Tom Walker Shore House Shore Road Kilcreggan Helensburgh 23.02.2022
Toni Taylor 2 Bromley Place Station Road Garelochhead Helensburgh 24.02.2022
Unknown 1 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
Unknown Elmbank Clynder Helensburgh Argyll And Bute 24.11.2020
Unknown Elmbank Clynder Helensburgh Argyll And Bute 24.11.2020
Unknown No Address Provided 03.02.2022
Unknown No Address Provided 11.11.2020
Unknown No Address Provided 24.02.2021
Unknown Rowanbrae Cottage Garelochhead Helensburgh Argyll And Bute 11.02.2021
Unknown The Old Posty The Fairway Garelochhead G84 0BA 12.10.2020
W Kinloch 16 Northwood Woodlesford Leeds 14.02.2022
W Smith No Address Provided 11.11.2020
Wilma Gray Dunavard House Dunivard Road Garelochhead Helensburgh

Support

Representation

Lynda Black Braeside Station Cottages Station Road Garelochhead
Rosemary Wilson Address Not Provided 20.01.2020
Yvonne Plues 5 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020
Lorna Masterton Address Not Provided
John Urquhart 64B Colquhoun Street Helensburgh Argyll And Bute G84 9JP