



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

*Executive Director: Douglas Hendry*

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12 August 2020

**NOTICE OF MEETING**

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 19 AUGUST 2020** at **10:15 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

**BUSINESS**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

**3. MINUTES**

- (a) Planning, Protective Services and Licensing Committee 17 June 2020 at 10.30 am  
(Pages 5 - 10)
- (b) Planning, Protective Services and Licensing Committee 17 June 2020 at 2.30 pm  
(Pages 11 - 16)
- (c) Planning, Protective Services and Licensing Committee 22 June 2020 at 2.00 pm  
(Pages 17 - 18)
- (d) Planning, Protective Services and Licensing Committee 22 June 2020 at 2.30 pm  
(Pages 19 - 28)

**4. LINK GROUP LTD: APPLICATION UNDER SECTION 75A(2): DISCHARGE OF PLANNING OBLIGATION RELATIVE TO PLANNING PERMISSION REFERENCE: 11/02248/PP: LAND NORTH OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 18/00422/PP) (Pages 29 - 36)**

Report by Head of Development and Economic Growth

- 5. POINT FIVE BUILDING DESIGN: SITE FOR ERECTION OF TWO DWELLINGHOUSES: LAND SOUTH EAST OF ELDESLIE, OBAN (REF: 19/02562/PPP) (Pages 37 - 52)**  
Report by Head of Development and Economic Growth
- 6. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 20/00094/PP) (Pages 53 - 120)**  
Report by Head of Development and Economic Growth
- 7. MS ALISON J SINCLAIR: ERECTION OF HOLIDAY LET COTTAGE: GARDEN GROUND OF OTTER BAY, KILMELFORD (REF: 20/00388/PP) (Pages 121 - 142)**  
Report by Head of Development and Economic Growth
- 8. ISLE OF ULVA COMMUNITY MASTERPLAN: MASTERPLAN REPORT (REF: 20/00804/MPLAN) (Pages 143 - 160)**  
Report by Head of Development and Economic Growth
- 9. CRAIG CANT: ERECTION OF STORAGE BUILDING AND INSTALLATION OF ENTRANCE GATES AND 1.8 METRE HIGH FENCE TO FORM ENCLOSED YARD: LAND NORTH OF DARLEITH LODGE, DARLEITH ROAD, CARDROSS (REF: 20/00971/PP) (Pages 161 - 178)**  
Report by Head of Development and Economic Growth
- 10. JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP) (Pages 179 - 192)**  
Report by Head of Development and Economic Growth
- 11. MACLEOD CONSTRUCTION LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED NORTH EASTERN EXTENSION TO EXISTING SAND AND GRAVEL QUARRY EXTENDING SOME 4HA (EXTENSION TO ALLOCATION REFERENCE MIN-AL 12/2): KILMARTIN QUARRY, UPPER LARGIE, KILMARTIN (REF: 20/01068/PAN) (Pages 193 - 198)**  
Report by Head of Development and Economic Growth
- 12. PRE-DETERMINATION PLANNING HEARING ARRANGEMENTS DURING COVID-19 RESPONSE PERIOD**  
Joint report by Executive Director with responsibility for Legal and Regulatory Support and Interim Executive Director with responsibility for Development and Economic Growth (to follow)

**REPORT FOR NOTING**
- 13. PLANNING PERFORMANCE FRAMEWORK 2019/20 (Pages 199 - 244)**  
Report by Interim Executive Director with responsibility for Development and Economic Growth

## **Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair  
Councillor Robin Currie  
Councillor Lorna Douglas  
Councillor George Freeman  
Councillor David Kinniburgh (Chair)  
Councillor Roderick McCuish  
Councillor Alastair Redman  
Councillor Richard Trail

Councillor Rory Colville (Vice-Chair)  
Councillor Mary-Jean Devon  
Councillor Audrey Forrest  
Councillor Graham Hardie  
Councillor Donald MacMillan BEM  
Councillor Jean Moffat  
Councillor Sandy Taylor

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 17 JUNE 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Hardie	

**Attending:** Shona Barton, Committee Manager  
Stuart McLean, Committee Manager  
Peter Bain, Development Manager  
Howard Young, Area Team Leader – Helensburgh & Lomond/Bute & Cowal  
Sandra Davies, Major Applications Team Leader  
Sheila MacFadyen, Senior Solicitor

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

Councillor Graham Archibald Hardie declared a non-financial interest in item 4 of the Agenda (Planning Application Reference: 19/00253/PP) as his wife knew the Applicant and family. He left the meeting and took no part in the consideration of this application.

**3. MINUTES**

The Minutes of the Planning, Protective Services and Licensing Committee held on 20 May 2020 were approved as a correct record.

Councillor Gordon Blair joined the meeting at this point.

Having previously declared an interest in the following item, Councillor Hardie left the meeting at this point.

Councillor Donald MacMillan, who had joined the meeting by phone, indicated that as he would not be able view the power point presentation made to Members, he

would not take part in the determination of the following item but would remain in the meeting.

**4. MR ANDREW JAHODA: ERECTION OF ONE DWELLINGHOUSE (AMENDED 13.05.20): IANMYO, PEEL STREET, CARDROSS (REF: 19/00253/PP)**

The Area Team Leader spoke to the terms of the report and to supplementary report number 1. Planning permission is sought for the erection of a dwellinghouse within the sub-divided curtilage of the Applicant's existing dwellinghouse. Cardross is a key settlement where there is presumption against major (more than 30 houses) but support for medium and small scale (6 to 30) and (1 to 5) housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. As a single dwellinghouse the proposal is defined as small scale and is acceptable in principle. The development has a high standard of design and sits comfortably within the existing settlement structure which comprises a mix of house styles. A total of 19 objections have been received. The application, as originally submitted, for two dwelling houses, raised a number of concerns regarding potential flood risk, impact on amenity, access road and the potential loss of trees. The development has been reduced to one house and located outwith the flood risk area. It is considered that the proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area. The Roads Officer has indicated no objection subject to conditions, and concerns raised about the access road are a civil matter between the parties concerned. It is not considered that holding a hearing would add value to the process of determining this application as the key issues have been addressed. The potential for bats roosting within the site has also been raised by objectors. The Council's Biodiversity Officer was consulted and required that a bat survey be undertaken. The results of the bat survey are referred to in supplementary report number 1 which also advises of late representations. A further 2 representations were received after publication of supplementary report number 1 from Carol Bone and Gerry Bone. The original report of handling recommended that the application be refused due to the lack of a bat survey. As this has now been submitted and the Council's Bio-diversity has indicated no objections subject to condition, it is considered that the application can now be recommended for approval subject to conditions. The points raised in the late representations are noted but do not provide a basis to refuse the amended proposal.

The application before Members was recommended for approval subject to the conditions and reasons detailed in supplementary report number 1.

**Decision**

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 6 February 2019 and the approved drawing reference numbers AL(0)001, AL(0)005, AL(0)006 Revision N, AL(0)030 AL(0)020 Revision AB 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 Condition 1 above, the finished floor level of the dwellinghouse hereby approved shall be a minimum of 5.5AOD.

*Reason: To ensure the proposed new dwellinghouse is not subject to flooding.*

3. No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided to the Planning Authority for approval before commencement of development.

*Reason: To ensure that the development is adequately served by a public water supply.*

4. No development shall commence until samples of materials to be used in the construction of the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
  - i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

6. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and

approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS), shall be located outwith the 200 year functional floodplain and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

*Reason: To ensure that an acceptable scheme of surface water drainage is implemented.*

7. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
  - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
  - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 3A and 3D of the of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.



*Reason: To protect adjoining dwellinghouses, in the interest of amenity from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

9. Notwithstanding Condition 1 above, no consent is hereby granted for the kitchen window on the west elevation and the window at first floor level on the southern elevation of the dwellinghouse hereby approved. The windows shall be deleted or changed to a high level window unless otherwise agreed in writing. Details of this shall be submitted prior to works commencing on site.

*Reason: To protect the amenity of adjoining dwellinghouses in terms of window to window standards and privacy.*

10. At the junction of the proposed access serving the lanmyo and the proposed dwellinghouse hereby approved and Peel Street a visibility sightline 2 x 20 x 1.05 metres shall be provided in both directions and maintained in perpetuity.

*Reason: In the interests of road safety.*

11. The first 10 metres of the driveway should be surfaced in a bituminous material or other approved hard material.

*Reason: In the interests of road safety.*

12. The provision for car parking and a turning area within the site shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

*Reason: In the interests of road safety.*

(Reference: Report by Head of Development and Economic Growth dated 4 June 2020 and supplementary report number 1 dated 16 June 2020, submitted)

Councillor Hardie returned to the meeting.

## **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22 October 2020. The fares were last reviewed by Members on 24 October 2018 and took effect on 22 April 2019. Consideration was given to a report advising the Committee they were now required to carry out a further review of taxi fares and other charges.

### **Decision**

The Committee agreed:

1. to propose that there be no change to the existing scales and that this take effect from 22 October 2020;
2. to authorise the Head of Legal and Regulatory Support to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting on 19 August 2020; and
3. should no objections or representations be received in relation to the proposal, to delegate to the Head of Legal and Regulatory Support, in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report on the review.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 17 JUNE 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Hardie	

**Attending:** Shona Barton, Committee Manager  
Sheila MacFadyen, Senior Solicitor  
Graeme McMillan, Solicitor  
Stuart McLean, Committee Manager  
Ally Evans-Jones, Trainee Solicitor  
Stuart Mathieson, Applicant

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of report on the Agenda.

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI DRIVER LICENCE (NUMBER 5680) (S MATHIESON, DRUMLEMBLE, CAMPBELTOWN)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant, who was joining the meeting by phone, to speak in support of his application.

**APPLICANT**

Mr Mathieson advised that he had been forced out of his job at the start of March when he was paid off by Wind Towers. He referred to 7 penalty points he had on his driving licence as a result of an accident he had in his own car in 2018. Due to the present circumstances he said that he had no other work and relied on his taxi job to bring in money. He advised that he was currently working for his uncle who had a

taxi business in Campbeltown and had given him the opportunity of working with him when was paid off from his job as a welder with Wind Towers. He advised that he hoped the Committee would agree to renew his licence, even though he had points on his driving licence, as he had no other source of income.

The Chair then asked the Council's Solicitor, Mr McMillan, to provide an update from Police Scotland. Mr McMillan advised that he had received a phone call this morning confirming that Police Scotland would not be taking part in the meeting today. They advised that their representation was the same as previously submitted and was there for Members' information. They also wanted to point out that they have noted that the conviction referred to in the Chief Constable's letter was declared on the application form by the Applicant and that they have taken that into account.

## **MEMBERS' QUESTIONS**

Councillor Freeman advised that he was disappointed that Police Scotland were not in attendance as he would like to have sought clarity from them on what the excessive speed they referred to in their letter related to. He said that it was also unclear whether the conviction was as a result of the accident Mr Mathieson had referred to or if this was for a different incident. He sought clarity on this from Mr Mathieson. Mr Mathieson explained that he had been driving on the B842 which was the road from Drumlemble to Campbeltown. He advised that he had been driving between 55 – 60 mph and that it was raining heavily with rough winds. He said that he lost control of his car going round a bend. He had tried to correct it but could not and went into a field. He said it was about 10 pm when the accident occurred and that he had been driving his own personal car and not the taxi. He added that he was the only one in the car and there had been no collision with any other vehicle. He confirmed that no one had been hurt and that he had got away with some minor bruising from the seat belt.

Councillor Colville said that he noted from the paperwork that Mr Mathieson's current licence expired on 18 April 2020. He sought and received confirmation from Mr Mathieson that he had been working part time when he first drove his taxi and later became full time. He had previously worked full time for CS Wind.

Councillor Colville commented that he would have thought Police Scotland would have drawn this conviction to the Committee's attention before now. Mr McMillan explained that it was correct to say that it was open to the Police, on the date of conviction, to submit a suspension request if they were so minded. Mr McMillan advised that he had followed this up with Sgt Maginnes in advance of today's meeting and she had stated their position had taken account that Mr Mathieson, at the time he was convicted, had advised the licensing authority of his conviction. Mr McMillan explained that the Head of Service at that time had seen no need to call a suspension hearing and on that basis Police Scotland said they did not feel the need to bring a suspension request of their own accord.

Councillor Blair asked Mr Mathieson if he drove his taxi in the same way he drove his private car. He advised that he was perturbed to hear about people who were professional taxi drivers having accidents. He said he knew of the personal upset accidents could cause. He asked if Mr Mathieson had reflected on this incident, he asked if his car had been repaired and asked if he could give the Committee his absolute assurance that he would not drive his taxi in the way he drove his own car. Mr Mathieson said he could give this assurance. He explained the personal cost to

him due to the extent of the damage to his car which he had written off. He also referred to buying a new car and said that the insurance premium had more than doubled. He said that he had been disheartened about the entire situation and that he realised that if this was to happen with his taxi he would not be able to have his taxi licence anymore. He gave the Committee his full assurance that he would not be driving his taxi in any sort of dangerous manner and that he would take care. He referred to this being his uncle's business and that he wanted to make him proud and do the best for him.

Councillor Kinniburgh sought and received confirmation from Mr Mathieson that the road he was driving on had a speed limit of 60 mph and that he had been driving at between 55 - 60 mph at the time of the accident.

Councillor Kinniburgh sought confirmation from Mr Mathieson that he had been convicted under Section 2 of the Road Traffic Act 1988 which related to dangerous driving. Mr Mathieson said it was a careless driving charge.

Councillor Kinniburgh sought clarity on this from Mr McMillan. Mr McMillan confirmed that he had followed this up with Police Scotland. He advised that Mr Mathieson had originally been charged under Section 3 of the Road Traffic Act 1988 which related to careless driving but when it was processed and passed to the Procurator Fiscal, the Procurator Fiscal decided to take it forward as a Section 2 offence and the outcome of this was a conviction for dangerous driving.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that careless driving related to driving below a reasonable standard and dangerous driving was far below the reasonable standard.

Councillor Kinniburgh commented that the disposal being a fine of £400 and 7 penalty points reflected the severity of the offence. Mr McMillan confirmed that there was no discrepancy with the disposal and no dispute of that.

Councillor Kinniburgh referred to the letter advising that the charge related to excessive speed and asked if it was the view of Police Scotland that this was not a speeding offence but Mr Mathieson was travelling at an excessive speed in relation to the weather conditions and that was why he was charged at the time with careless driving. Mr McMillan advised he could not speak for Police Scotland in terms of how they formulated their letter.

### **SUMMING UP**

#### **Applicant**

Mr Mathieson referred to everything that had happened to him over the last 2 years, with having to replace his car, arrange different insurance, receiving a higher insurance premium and penalty points on his driving licence. He said that he has held his driving licence for close to 7 years and had no other claims on his licence. He said that this had been his first accident and that he had no other offences on his licence apart from this one. He confirmed that there was no chance anything like this would happen again as due to having 7 points on his driving licence he could not afford to have any other sort of accident. He advised that he would be taking his time and driving as safely as he could.

Mr Mathieson confirmed that he had received a fair hearing.

## **DEBATE**

Councillor Colville advised that taking account that when this incident was first reported to the Licensing Department Officers decided to take no action, taking into consideration that Mr Mathieson was driving his own car, and given his explanation about the weather conditions, he would be willing to grant the application as applied for today.

Councillor Currie pointed out that this accident had occurred in September 2018 and Mr Mathieson had been convicted in March 2019 and immediately advised the Council about the conviction. He said that during that time he had his driving licence and taxi driver's licence and everything was fine. He said he would have no hesitation in granting the renewal of his licence.

Councillor Redman advised that he was in line with others. He commented that the accident had happened in Mr Mathieson's personal car and not his taxi. He said that Mr Mathieson had been very open and honest and had presented himself very well. All things considered, he said he was minded to approve the application.

Councillor Blair advised that it was obvious that Mr Mathieson had taken full cognisance of the error of his ways. He commented that whether it was his own private car or a taxi did not matter and the Applicant accepted that. He said he would be happy to grant this licence.

Councillor Douglas also agreed with her colleagues and said that Mr Mathieson had shown great humility and honesty and she was sure he had learnt from his past and would do all that he could to mitigate any dangers in the future. She confirmed that she would agree to grant the licence.

Councillor Hardie advised that the Applicant had answered his questions honestly. He said he thought he was genuine about making a mistake and had shown remorse for it. He confirmed that he would have no problem in granting the licence.

Councillor McCuish advised that he had nothing to add and agreed that the application be granted.

Councillor Devon also agreed that the application be granted.

Councillor Taylor advised that he echoed the comments of Councillors Colville and Douglas. He said he was very impressed by the Applicant's honesty in making sure the Council knew of his driving history as and when it happened. He advised that since he had been driving through that interim he could see no point in applying any sanctions now so would be happy to grant the application.

Councillor Moffat advised that she had been very impressed with Mr Mathieson's honesty and the fact that he came forward before the Police even had a chance to. She said that if the Committee can help someone during the current hard times then it should.

Councillor Kinniburgh advised that he was of the same opinion expressed by most of the Members. He said he thought that the fact Mr Mathieson had come forward and

declared his conviction was a testament to him. He said he thought Mr Mathieson had learnt his lesson and he would be happy to grant the application.

**DECISION**

The Committee unanimously agreed to grant the renewal of Mr Mathieson's Taxi Driver Licence.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on MONDAY, 22 JUNE 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Mary-Jean Devon	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor George Freeman	

**Attending:** Shona Barton, Committee Manager  
Graeme McMillan, Solicitor  
Ally Evans-Jones, Trainee Solicitor  
Stuart McLean, Committee Manager

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Donald MacMillan BEM and Roderick McCuish.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 4274) (D MACINTYRE, OBAN)**

The Chair welcomed everyone to the meeting and invited the Council's Solicitor, Mr McMillan to provide an update.

Mr McMillan advised the Committee that on Friday he had received a communication from the Ruben's Solicitors confirming that they had just been engaged that day to represent Mr MacIntyre. They advised that they would appreciate if the Committee would agree to adjourn this case as they were still receiving instructions from their client and Mr Murdanaigum would be unable to attend the hearing today due to court commitments. They asked that the Committee agree to this adjournment so that Mr MacIntyre could be given a fair hearing and obtain legal advice.

Mr McMillan confirmed that Police Scotland have advised that they would not object to this adjournment in the circumstances for the reasons relating to fairness/natural justice. Mr McMillan asked the Committee to take into account 3 particular aspects.

He advised that this was the licence holder's first request for a continuation, the reason being to allow him to obtain legal advice and then get legal representation at the proposed continued hearing. He also advised that if the Committee agreed to continue the hearing until August, Mr MacIntyre will have had his first court appearance by then and there may be further information available to the Committee which may provide a clearer picture of how, or if, a criminal case was proceeding. On the basis of this request both parties were not in attendance today.

Mr McMillan confirmed that his advice to the Committee would be that they should agree to the request for continuation of this case to allow both parties to be present for a full hearing.

The Members debated whether or not to continue consideration of this case until August with arguments both for and against the continuation being put forward.

### **Motion**

To agree to continue consideration of this case to a hearing in August.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman.

### **Amendment**

To agree that the Committee take action today and suspend Mr MacIntyre's Taxi Driver's Licence as requested by Police Scotland in their letter.

Moved by Councillor George Freeman, seconded by Councillor Gordon Blair.

A vote was taken by calling the roll.

### **Motion**

Councillor Rory Colville  
Councillor Robin Currie  
Councillor Mary-Jean Devon  
Councillor Graham Archibald Hardie  
Councillor David Kinniburgh  
Councillor Jean Moffat  
Councillor Alastair Redman  
Councillor Sandy Taylor  
Councillor Richard Trail

### **Amendment**

Councillor Gordon Blair  
Councillor Lorna Douglas  
Councillor George Freeman

The Motion was carried by 9 votes to 3 and the Committee resolved accordingly.

### **Decision**

The Committee agreed to continue consideration of this case to a hearing on 19 August 2020.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on MONDAY, 22 JUNE 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

**Attending:** Shona Barton, Committee Manager  
Stuart McLean, Committee Manager  
Graeme McMillan, Solicitor  
Ally Evans-Jones, Solicitor  
Sgt Gillian Gall, Police Scotland  
John Paul Gallacher, Licence Holder's Solicitor

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF ITINERANT METAL DEALER LICENCE (NUMBER 4782) (W CAMERON, BY LOCHGILPHEAD)**

The Chair welcomed everyone to the meeting and introductions were made. Sgt Gall, on behalf of Police Scotland, and Mr Gallacher, on behalf of the Licence Holder, joined the meeting by telephone.

The Committee were advised that Police Scotland had requested that the Committee take into consideration a conviction which was considered "spent" in terms of the Rehabilitation of Offenders act 1974.

The Council's Solicitor, Mr McMillan, outlined the procedure that would be followed in this respect and the Chair invited Police Scotland to address the question of relevancy of the spent conviction.

### **POLICE SCOTLAND**

Sgt Gall advised that the spent conviction was relevant to the current charges the Licence Holder was looking at.

### **LICENCE HOLDER**

Mr Gallacher advised that it was his opinion the spent conviction was irrelevant at this stage. The reason for this being he was aware that when Mr Cameron's current metal dealer's licence was granted in 2018 this conviction was before the Committee on that occasion and the licence was granted. He advised that it was his submission to reconsider that conviction again would be unjust. He said that all the information was before the Committee on that occasion and the application was granted so it would be unjust to reconsider especially as the licence was granted on the previous occasion.

### **POLICE SCOTLAND**

Sgt Gall commented that the spent conviction may not have been relevant at the time when the application was granted but due to the new charges it was her view that it would be relevant to admit the evidence in relation to the spent conviction.

### **DEBATE**

Councillor Currie advised that he agreed with the comments made by the Licence Holder's Solicitor. He said that it seemed crazy to him to call something spent if it was not spent. He advised that considering that the Committee addressed this last time round and still awarded the licence, he did not see why the Committee should re-look at this today.

Councillor Kinniburgh sought and received confirmation from Sgt Gall that it was her opinion that the circumstances around the spent conviction were relevant to this hearing.

Councillor Colville referred to the Police letter requesting the suspension of the licence. He commented that the letter stated that the spent conviction was a similar conviction to the current charge, and said perhaps it would be relevant for today's hearing.

Councillor McCuish advised that he thought it would be relevant and that the Committee should hear more about it and decide whether to give it more or less weight this time.

Councillor Redman said he agreed with Councillor Currie as given the licence was granted before he could not see how the spent conviction would be relevant now.

Councillor Kinniburgh advised that he personally thought the spent conviction would be relevant. He said that the Police seem to have insinuated that it was the same type of offence which made him think that it would be relevant to today's hearing. He

commented that when the Committee made the decision to grant the licence the last time the Committee may have taken the view that if anything similar occurred again it would come before the Committee.

The Committee agreed that the spent conviction was relevant and agreed to take this into account. A copy of this was circulated via email to the Committee. It was also read out by Mr McMillan and presented onscreen.

The Chair then outlined the hearing procedure that would be followed and invited Police Scotland to speak in support of the Chief Constable's complaint.

### **POLICE SCOTLAND**

Sgt Gall advised that the current charge was similar to the previous conviction. As it was a matter of public record she said she could advise that the lower reading of the breath sample provided by the Licence Holder contained 41 micrograms of alcohol in 100 millilitres of breath, exceeding the limit of 21 micrograms which, she advised, was almost double and similar to the last time.

### **LICENCE HOLDER**

Mr Gallacher advised that Mr Cameron was deemed to be a fit and proper person when his licence was last granted in 2018 and said that at this stage nothing had changed. He asked the Committee to take account of his innocence until otherwise proven guilty. He advised that he believed Mr Cameron has held his scrap metal licence for 5 years and, as previously said, on that last occasion he was deemed to be a fit and proper person to hold this licence. He referred to the Chair advising that it may have been said at the time that if anything similar to his previous conviction came up again it would be brought to the Committee. He said that he was not sure if it was concrete that had been said the last time or if it may have been said and it was not possible to know this for sure. He advised that Mr Cameron was a 44 year old man who worked for the Council and only had one previous conviction from 6 years ago. He acknowledged that Mr Cameron was just under twice the limit the last time, but asked the Committee not to suspend his licence and allow him to continue to operate his licence. He pointed out that Mr Cameron was in production for himself and for the wider community. He picked up lots of scrap lying around and worked an 80 mile radius, travelling down to Campbeltown and up to Oban. He advised that his work benefited the community and asked the Committee to take that into consideration. He said that a decision had still to be taken on the charge and he was still innocent until proven guilty. He advised that he has been instructed by his client to plead not guilty and asked the Committee to take account of that also.

### **MEMBERS' QUESTIONS**

Councillor McCuish referred to Mr Gallacher advising that since 2018 nothing had changed. He asked if he would agree that the breath test readings have changed since 2018. Mr Gallacher said that he had not seen all the evidence and was not sure if the device used was correct so he could not comment on that at this time.

Councillor McCuish asked Mr Gallacher what the relevance was in mentioning that this gentleman worked for the Council. Mr Gallacher said he meant it in regard to Mr Cameron being an upstanding member of the community and a hardworking individual.

Councillor Trail asked Mr Gallacher if he would accept that having 2 incidents of a similar nature over the last 6 or 8 years was starting to show a pattern of behaviour. Mr Gallacher advised that there has only been one conviction at this stage. He said that if Mr Cameron was found guilty on the next occasion if he went to trial then it could be said that it was showing a pattern of behaviour but said there was quite a significant amount of time between each incident.

Councillor Colville referred to Mr Gallacher advising that Mr Cameron had held his metal dealer's licence for 5 years and asked what he did 6 years ago. Mr Gallacher said he thought he was just starting out and that he had applied for his licence in 2013. He advised that he did not have that in writing and that he had only just taken instructions from his client and had only spoken to him on 2 occasions. He said that Mr Cameron operated his licence for leisure as he worked full time for the Council. He commented on the previous occasion, and said he believed that when he was disqualified from driving he employed someone else to drive the vehicle and had provided insurance details.

Councillor Freeman referred to Mr Gallacher advising that Mr Cameron worked full time for the Council and that his metal dealing business appeared to be a side line. He asked Mr Gallacher if he could confirm that Mr Cameron did not depend on his metal dealer's licence for his livelihood. Mr Gallacher said it did make a contribution to this livelihood along with his full time employment with the Council.

Councillor Currie asked both parties if they would agree that if Mr Cameron did lose his driving licence this would not necessarily mean he was not a fit and proper person to be a metal dealer. He commented that even if he did not have a driving licence he could still be a metal dealer as Mr Gallacher had advised that he could have someone else drive whatever vehicle was required to carry out the activity.

Mr Gallacher agreed with what Councillor Currie said and advised that was why he had raised the point. He said that if Mr Cameron was found guilty and disqualified from driving, and should he be in a position to maintain his metal dealer's licence, he was sure he would do so.

Sgt Gall said there was a concern about safely carrying on the activity.

Councillor Freeman asked Mr Gallacher if he could confirm that the legislation was clear and allowed the Licensing Committee to suspend a licence prior to any court conviction. Mr Gallacher said that as he did not have the legislation in front of him he could not confirm.

Councillor Freeman asked Mr McMillan the same question. Mr McMillan referred to the Licensing Committee being a quasi-judicial body and being a civic body where any decisions taken were based on a balance of probabilities in terms of burden of proof. In order for any conviction to be secured in court a case had to be made for beyond reasonable doubt which was a higher standing. He confirmed that the Committee did not necessarily require a conviction for grounds to suspend a licence. He advised there was still a body of evidence and information that the Committee required to satisfy that a case for suspension of a licence had been made.

Councillor Blair asked if Mr Cameron's driving licence was suspended would that have an effect on his duties as an employee of the Council. Mr Gallacher advised

that Mr Cameron used his own vehicle and not a Council vehicle. He said that he believed on the last occasion, he was employed by the Council and maintained his employment during that disqualification. He confirmed that Mr Cameron was an HGV mechanic.

Councillor Colville commented that the Committee were not here to convict the Licence Holder of drunk driving. He said the Committee were here to look at his licence as an Itinerant Metal Dealer.

Councillor Kinniburgh sought clarification from Sgt Gall on whether the readings of the alleged offence were similar to the readings of the past conviction. Sgt Gall advised that the current reading was 41 with the limit being 21. She said that last time the reading was 66 and the limit was 35.

## **SUMMING UP**

### **Police Scotland**

Sgt Gall advised that as a result of an incident on 2 May 2020 Mr Cameron was reported to the Procurator Fiscal for driving a Ford Tipper Van with a reading of 41 micrograms of alcohol in 100 millilitres of breath. He was due to appear in court for that on 6 August 2020. She advised that if Mr Cameron continued to drive up to 80 miles in his tipper van there could be a threat to public safety if this vehicle was loaded with scrap metal while he carried out his activity as an Itinerant Metal Dealer.

### **Licence Holder**

Mr Gallacher asked the Committee to take account that Mr Cameron was deemed a fit and proper person the last time. He advised that Mr Cameron had not pled guilty to anything. He pointed out the burden of proof had been explained to the Committee by Mr McMillan. He said this was not a man who was 6 or 7 times over the limit. He advised that he was under double the limit 6 years ago and that conviction was now spent. He asked the Committee to take into consideration the fact that should Mr Cameron be disqualified from driving he would still be in a position to employ someone else to drive his vehicle so that he could maintain his metal dealer's licence. He acknowledged that Mr Cameron was in full time employment with the Council but he did not doubt that he also relied upon the income he received from being a metal dealer in order to survive. He asked the Committee to take that into consideration.

When asked, both parties confirmed that they had received a fair hearing.

## **DEBATE**

Councillor Colville advised that he thought the Committee should wait until the court decided what action to take and said he would move continuation of this case. He suggested that this would be until the September meeting as the court appearance was not until August.

Councillor Moffat said her propensity was to always wait until the outcome of court proceedings, however, she advised that she was not inclined to do so this time. She commented that this was 2 incidents that were the same in a very short space of

time and they had not occurred in a private car. She said she was afraid to say she could not back Councillor Colville's supposition.

Councillor McCuish referred to Mr Gallacher advising of the burden of proof and said that the Committee had to consider the burden of risk if the Committee were to do nothing about this. He asked if the Committee could suspend the licence until the outcome of the Court appearance. Mr McMillan advised that would be an option open to the Committee but it would not be possible to have one period of suspension and then immediately order another. He advised that if the Committee first decided to suspend they would then need to decide on a definite period for the suspension or agree the maximum term which would be the unexpired portion of the licence. He said that it would not be possible to suspend for 2 months and then after 2 months bring back to the Committee and then decide on another period of suspension.

Councillor Kinniburgh sought confirmation from Mr McMillan that if the Committee did take the decision to suspend the licence today and if the case subsequently went to court and the Licence Holder was found not guilty of the charge against him, he would have the option to come back to the Committee for reinstatement of his metal dealer's licence. Mr McMillan confirmed that it would be possible under Schedule 1 of the Act for any party or, the licence authority of their own accord, to make an application to recall the suspension. He advised that the immediate question for the Committee first of all was to consider whether or not to order the suspension in the broadest sense.

Councillor Currie said he could not see any reason why this person could not continue as a metal dealer. He advised that the Licence Holder could sit in his house as long as he had the licence and another person could use the vehicle to collect and drive. He advised that removing his metal dealer's licence would be a bad move and suggested that in this time of hardship the Committee had to allow people to make some sort of income. He commented that the case did not come to court until August and until that time if his metal dealer's licence was suspended this person could still drive his vehicle loaded with anything as long as he was not dealing. He suggested that the Committee should wait until August at the very least.

Councillor Redman said that the notion of taking away the metal dealer's licence based on a potential offence seemed wrong to him. He said the Committee would be depriving the man of a source of income. As Councillor Currie had stated, he pointed out that another man could do the driving if he was proven to be guilty. He said he was leaning towards favouring the Licence Holder.

Councillor Blair advised that he would be keen to suspend the licence until September and reassess at that point depending on the court case. He said the Committee needed to be serious about zero tolerance to drink driving.

Councillor Freeman said this was probably the most serious charge any driver could face. He referred to the Licence Holder already having a previous conviction and although this case had not been to court there was now a similar charge hanging over him. He commented that the man did not rely on his driving licence for his main employment which was full time. He confirmed he supported Police Scotland and would suspend the licence. He pointed out that if the individual was then found not guilty then the Committee could consider lifting that suspension.



Councillor Taylor said he was absolutely in line with Councillor Currie as far as this was concerned that this was a licence to deal, not a licence to drive. He said it would be different if this was an issue of honesty, criminal intent, or a risk to vulnerable people. He said this was the wrong time for the Committee to take action.

Councillor Trail said he took a different view. He said it was almost hard to believe that it was only twice this person had drunk and drove and been caught, so there may be a pattern of behaviour. He said he was in favour of suspending the licence today.

Councillor Colville referred to Councillor Currie and Councillor Taylor advising that there was nothing to stop this person carrying out his metal dealer job if the court removed his driving licence, as the last time the court removed his driving licence the Committee did not remove his ability to be a metal dealer. He advised that metal dealer's, from his experience, travelled together as the loads they carried were very heavy. He advised there was nothing to stop the man continuing with his job and employing someone else.

Councillor Kinniburgh advised that he had heard what was said about this being a metal dealer's licence and had heard from Mr McMillan regarding what the Committee were here to consider. He also referred to the breath test readings given by Police Scotland. He advised that it seemed to him these were 2 similar offences, though the most recent one had not been to court. He advised that based on what Mr McMillan had said, he thought it would more likely than not go to court. He said that he believed a suspension should be carried out in this instance.

### **Motion**

To agree to suspend Mr Cameron's Metal Dealer's Licence.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman.

### **Amendment**

To agree not to suspend Mr Cameron's Metal Dealer's Licence.

Moved by Councillor Robin Currie, seconded by Councillor Alastair Redman.

A vote was taken by calling the roll.

### **Motion**

Councillor Gordon Blair  
Councillor Mary-Jean Devon  
Councillor Lorna Douglas  
Councillor George Freeman  
Councillor Graham Archibald Hardie  
Councillor David Kinniburgh  
Councillor Roderick McCuish  
Councillor Jean Moffat  
Councillor Richard Trail

### **Amendment**

Councillor Rory Colville  
Councillor Robin Currie  
Councillor Donald MacMillan  
Councillor Alastair Redman  
Councillor Sandy Taylor

The Motion was carried by 9 votes to 5 and the Committee resolved accordingly.

The Chair advised that the Committee now had to determine the length of the suspension. He invited Mr Gallacher to speak in relation to the duration of the suspension.

Mr Gallacher asked the Committee to take into consideration that although this was not Mr Cameron's main source of income, it was still a source of income. He advised that he could not comment on whether or not Mr Cameron would be disqualified from driving as if he was found guilty he was not sure if he would lose his licence. He advised that he was not sure if anything else he said would be relevant at this stage. He asked the Committee to impose the minimal amount of suspension available to them at this stage.

## **DEBATE**

Councillor Moffat asked if Mr McMillan could recommend the length of the suspension. Mr McMillan said the Committee should consider what was proportionate in relation to the evidence. He advised that the suspension should be either for a definite period of time, for example, X number of week or months, or for the default period which was the unexpired portion of the licence which, in this case, would be June 2021. He said it was for the Committee to decide, but any suspension order must be proportionate in relation to the information before the Committee.

Councillor Colville asked what the position would be if the case came to court and the Licence Holder was found not guilty and this Committee have suspended his licence based on information it did not have. He advised that now it has been agreed to suspend the licence, he would suggest that this suspension only run until the outcome of the court appearance.

Councillor Kinniburgh pointed out that this had been covered by Mr McMillan earlier on. Mr McMillan advised that if a suspension was ordered for X number of weeks or months at the end of the suspension period the same complaint could not be tied to another suspension on the back of the first one. He said that the Committee could not string 2 suspensions together from one complaint. He advised that from what Councillor Colville had said, a suspension could run from the first court appearance.

Councillor Colville asked if it would be competent to have the suspension start once there was a second conviction. He said the Committee were working on the basis that this man was guilty and this was not known. He said the Committee would look really foolish if the Court found him not guilty.

Councillor Kinniburgh advised that was why he had asked the earlier question about whether or not the Licence Holder could come back to this Committee. Mr McMillan advised that if during the period of the suspension order circumstances came to light to justify the recall of that suspension, the Licence Holder could make an application to recall that suspension in light of the new information available.

Councillor Currie asked if he was right in thinking that now a decision had been taken to suspend the licence, if Mr Gallacher was to appeal that decision right now or tomorrow, the suspension would not happen until that appeal was considered. Mr McMillan said that in addition to agreeing the length of suspension the Committee also have to determine the commencement date of the suspension. He advised that

usually a suspension did not take place until 28 days after the decision as that was the appeal period. He advised that if the Committee decided there was enough gravity they could order the immediate suspension of the licence but this decision would still be appealable.

Councillor Currie sought clarity on whether the suspension could be put on hold. Mr McMillan advised that it would depend on what the Committee decided in regard to the commencement of the suspension. It could be immediately or 28 days after today's decision.

**Motion**

To agree to suspend Mr Cameron's Metal Dealer's Licence with immediate effect for the unexpired portion of the licence.

Moved by Councillor David Kinniburgh, seconded Councillor George Freeman.

**Amendment**

To agree that the suspension of Mr Cameron's Metal Dealer's Licence should commence 28 days after today for the unexpired portion of the licence.

Moved by Councillor Robin Currie, seconded by Councillor Alastair Redman.

A vote was taken by calling the roll.

**Motion**

Councillor Gordon Blair  
Councillor Mary-Jean Devon  
Councillor Lorna Douglas  
Councillor George Freeman  
Councillor Graham Archibald Hardie  
Councillor David Kinniburgh  
Councillor Roderick McCuish  
Councillor Jean Moffat  
Councillor Richard Trail

**Amendment**

Councillor Rory Colville  
Councillor Robin Currie  
Councillor Donald MacMillan  
Councillor Alastair Redman  
Councillor Sandy Taylor

The Motion was carried by 9 votes to 5 and the Committee resolved accordingly.

**DECISION**

The Committee agreed to suspend Mr Cameron's Itinerant Metal Dealer's Licence with immediate effect for the unexpired portion of the licence as he was no longer a fit and proper person to be the holder of this licence.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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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**

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**Reference No:** 18/00422/PP

**Planning Hierarchy:** Local Application

**Applicant:** Link Group Ltd

**Proposal:** Application under Section 75A (2): Discharge of planning obligation relative to planning permission reference 11/02248/PP.

**Site Address:** Land North Of Dunstaffnage Mains Farm, Dunbeg

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

Discharge of Section 75 Planning Obligation relative to planning permission reference 11/02248/PP

**(ii) Other specified operations**

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**(B) RECOMMENDATION:**

That the Section 75 Obligation in respect of Phase 1 be discharged due to the provision of the required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

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**(C) HISTORY:**

11/02522/MIN - Borrow working to be used in association with new housing development on Land North of Dunstaffnage Mains Farm, Dunbeg, Argyll & Bute – application approved 12th April 2012.

11/02248/PP - Erection of 50 dwellings (comprising 14 houses and 36 flats). Approved 22.8.12. Section 75 Agreement in respect of provision of formal play area.

In summary the Section 75 agreement requires the provision of a formal play area for Phase 1 within five years of the date of commencement of the development or a bond to the value of not less than £40,000 pounds to be able to be used by the Planning Authority to provide the formal play area.

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**(D) CONSULTATIONS: No**

Members are requested to note that Amenity Services have been consulted in respect of the discharge of condition 13 of 18/00375/PP (which relates to the provision of play equipment, including Phase 1 and Phase 2) to ensure that the scale and type of play equipment proposed is to required standards.

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**(E) PUBLICITY: N/A**

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**(F) REPRESENTATIONS: No**

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) Environmental Statement: No**
  - (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
  - (iii) A design or design/access statement: No**
  
  - (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No**
- 

**(H) PLANNING OBLIGATIONS**

- (i) Is a Section 75 agreement required: No**

The current application seeks to discharge the requirements of the current Section 75 in its entirety for the reasons set out in this report.

Members are requested to note that should the recommendation of this report be approved it will be necessary for a Memorandum of Instruction to be sent to Legal Services to instruct them to undertake necessary steps to remove the S75 from the title of the land.

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- (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.**

Argyll and Bute Local Development Plan adopted March 2015

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP PG 1 – Planning Gain

SG LDP HOU3 – Housing Green Space

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

- Planning Permission 18/00375/PP and its current role in providing formal play areas for the Phase 1 (and Phase 2 Developments) under condition 13 of that permission.
- Circular 1/2010 Planning Agreements

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

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

However Members are requested to note that extensive discussions about co-ordinating and providing suitable play areas for Phase 1 and Phase 2 has been undertaken as part of designing the Phase 3 development under planning permission ( 18/00375/PP).

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**(M) Has a sustainability check list been submitted: N/A**

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

Although the Council has no legal interest in the land, Members are requested to note that Strategic Housing Investment Programme (SHIP) payments are being provided by the Council as part of a joint package for funding the provision of the Phase 3 development of

300 houses, some of which are to be constructed on this land formerly identified as a play area for Phase 1.

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**(O) Requirement for a hearing (PAN41 or other):** No

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

The primary planning objective in this instance is to ensure that the necessary play area and appropriate play equipment for Phase 1 ( and Phase 2) of the original Dunbeg Social Housing developments are provided in accordance with the requirements of SG LDP HOU3 which requires that 6 sqm of formal play area be provided per dwellinghouse.

Phases 1 and 2 of the Dunbeg development, comprising 75 dwellings have been completed for a number of years. No formal play areas have, as yet, been provided for these developments.

This matter is also subject to planning conditions for the respective developments and the applicants have also submitted two separate Section 42 applications to remove the conditions associated with the provision of play areas for Phases 1 and 2 (Ref:18/00376/PP & 18/0377/PP).

Should members agree to the recommendation of this report to discharge and remove the Section 75 agreement for Phase 1 and secure the play provision as part of discharging condition 13 of permission 18/00375/PP, it is the intention of Officers to deal with these two discharge of condition applications as delegated decisions.

A Section 75 agreement was entered into requiring either the provision of play equipment or the payment of funds of not less than £40,000 to the Planning Authority if this was not provided for Phase 1 under permission 11/02248/PP within five years of the commencement of the development.

It has been understood, and agreed by officers, since the initial Masterplan submissions for Phase 3 that it was appropriate to amalgamate the, as yet unmet, play provision for Phases 1 and 2 with the development of the larger phase 3 proposals and as a result provide a coherent overall layout and new play facilities for all of the existing and future residents as part of this wider and more ambitious housing development.

The applicants have been developing their play strategy for the whole site in consultation with local schools and this has now reached the stage where they have worked up detailed designs in order to meet the requirements of SG LDP HOU3 to provide play areas for Phases 1 and 2 as well as the new phase 3. Details of the proposed play areas are under discussion with amenity services as part of discharging condition 13 of Permission 18/00375/PP. The detailed design of the play areas to serve Phases 1, 2 and 3 at Dunbeg has reached the stage that Officers are now reassured that in terms of location, scale, and quality of provision, that the new play areas for Phases 1 and 2 will be brought forward under condition 13 18/00375/PP in an acceptable manner and in accordance with required standards. Therefore the Section 75 control is no longer considered to be required to secure the necessary play areas.

Members are therefore requested to endorse the recommendation of this report that the Section 75 Obligation in respect of Phase 1 be discharged due to the provision of the



required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

---

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

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

The applicants have been developing their play strategy for the whole site in consultation with local schools and this has now reached the stage where they have worked up detailed designs in order to meet the requirements of SG LDP HOU3 to provide play areas for Phases 1 and 2 as well as the new phase 3. Details of the proposed play areas are under discussion with amenity services as part of discharging condition 13 of Permission 18/00375/PP. The detailed design of the play areas to serve Phases 1, 2 and 3 at Dunbeg has reached the stage that Officers are now reassured that in terms of location, scale, and quality of provision, that the new play areas for Phases 1 and 2 will be brought forward under condition 13 of that permission in an acceptable manner. Therefore the current Section 75 is no longer considered to be required to secure the necessary play areas.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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

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**Author of Report:** David Moore

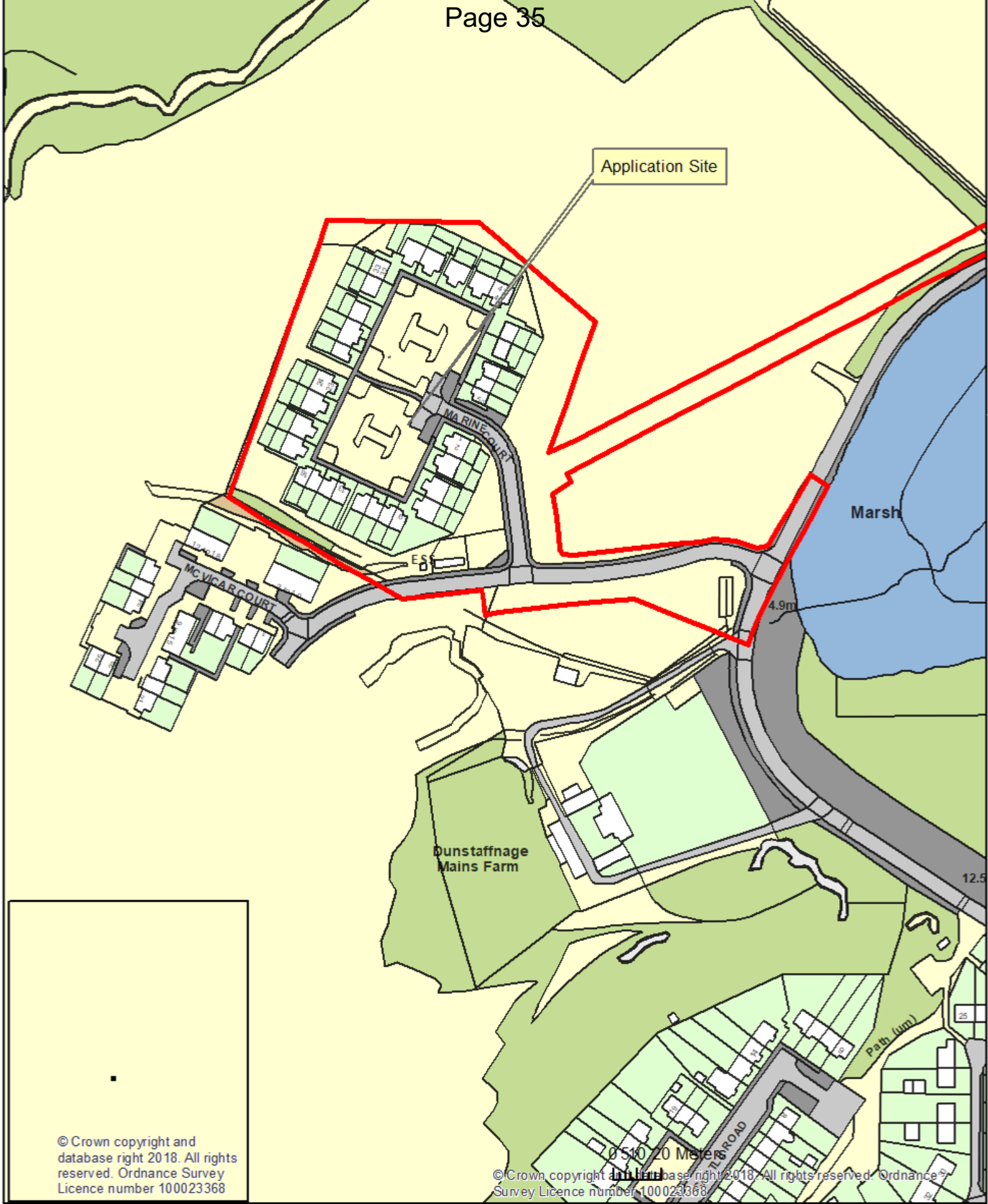
**Date:** 4.8.20

**Reviewing Officer:** Sandra Davies

**Date:** 4.8.20

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

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**Location Plan Relative to Planning Application: 18/00422/PP**



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Argyll and Bute Council  
Development 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**

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**Reference No:** 19/02562/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Point Five Building Design

**Proposal:** Site for Erection of Two Dwellinghouses

**Site Address:** Land South East of Elderslie, Oban

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## **DECISION ROUTE**

**Local Government Scotland Act 1973**

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### **(A) THE APPLICATION**

#### **(i) Development Requiring Express Planning Permission**

- Site for erection of two dwellinghouses (Planning permission in principle)
- Upgrade of existing vehicular access (Planning permission in principle)

#### **(ii) Other specified operations**

- Connection to public water main
  - Connection to public drainage system
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### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be refused for the reasons appended to this report.

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### **(C) HISTORY:**

20/00006/NONDET

Appeal to the Scottish Government against non-determination of the current planning application – The appeal was returned to the appellant by the Scottish Government as it was out of time.

19/01351/PPP

Site for erection of two dwellinghouses – Withdrawn 09/12/19 on the advice of the Planning Authority as the application required the junction with the A816 public road to be

included within the application site to allow the Planning Authority to condition upgrades required by the Roads Authority.

16/03392/PREAPP

Pre-application area for development of four dwellinghouses within the grounds of Soroba House Hotel (which included the site subject of the current application) – In the response to this enquiry dated 18/01/17 the Planning Authority advised the applicant that a structural design certificate would be required as part of any formal planning application for development of the sites.

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**(D) CONSULTATIONS:**

Argyll and Bute Roads Authority

Report dated 17/03/20 deferring their decision until such time as the following information was submitted in support of the application:

- A safety audit/risk assessment/traffic management plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school link path/cycle path which forms part of the core path network.
- A full structural survey to demonstrate that the bridge accessing the site from the A816 public road can take a 44t vehicle. Such details will require to be submitted and agreed with the Council's Structures Team.

Scottish Water

Letter dated 21/01/20 stating no objection to the proposal advising that the proposed development will be served by Tullich Water Treatment Works and will require the submission of a pre-development enquiry form to be submitted directly to Scottish Water. Scottish Water further advise that there is no public waste water infrastructure within the vicinity of the proposed development and therefore the applicant is advised to investigate private treatment options.

Argyll and Bute Access Officer

E-mail dated 14/04/20 advising that the proposal does not raise any concerns regarding the anticipated increase in the volume of traffic using the bridge because Sustrans stipulate that a cycle route can be used by unaccompanied 11 year olds provided that under 1000 vehicles use the road daily. The volume of traffic over the bridge is likely to be a very small fraction of this figure even with the two additional properties.

The Access Officer further advised that any additional traffic associated with the construction phase will need to be managed by the contractor responsible for building the houses under the Health and Safety & Works Acts and provided comments on what should be expected of the contractor.

Scottish Rights of Way and Access Society (Scotways)

E-mail dated 15/05/20 advising that Scotways has no additional comments to make on the proposal having had sight of the Traffic Management Plan submitted by the applicant.

Scottish Environment Protection Agency (SEPA)

Letter dated 07/02/20 advising no objection to the proposed development on flood risk grounds.

JBA Consulting

Report dated 05/02/20 advising no objection to the proposed development subject to conditions regarding the siting of the proposed dwellinghouses and their finished floor levels together with an appropriately designed surface water drainage system.

Historic Environment Scotland (HES)

Letter dated 22/01/20 advising no objection to the proposed development.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 13/02/20.

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**(F) REPRESENTATIONS:**

18 objections have been received regarding the proposed development.

A. J. McAlovie, Duart Cottage, Soroba House Mews, Oban, PA34 4SB (26/01/20)  
S. C. McAlovie, Duart Cottage, Soroba House Mews, Oban, PA34 4SB (26/01/20)  
Lorna Conway, Elderslie, Soroba Road, Oban PA34 4SB (25/01/20)  
Susan I. Clark, Lag an Daraich, Croft Road, Oban, PA34 5JL (01/02/20)  
Maria E. Coletta-MacLean, 23 Verona Avenue, Scotstoun, G14 9EB (31/01/20)  
Archie MacLean, 23 Verona Avenue, Scotstoun, G14 9EB (31/01/20)  
A.D. Douglas, Gylen, Soroba House Mews, Oban, PA34 4SB (04/02/20)  
Nigel Evans, Chanonry, Polvinister Road, Oban, PA34 5TN (02/02/20)  
Hazel Evans, Chanonry, Polvinister Road, Oban, PA34 5TN (02/02/20)  
Andrew K. Henderson, Birkmoss, North Connel, PA37 1RE (31/01/20)  
Doreen I. Henderson, Birkmoss, North Connel, PA37 1RE (31/01/20)  
Siobhan MacLellan, 1 Creag Bhan Village, Oban, PA34 4BF (02/02/20)  
William Evans, Carnasserie, Soroba House Mews, Oban, PA34 4SB (02/02/20)  
Pauline Evans, Carnasserie, Soroba House Mews, Oban, PA34 4SB (02/02/20)  
Roger Elliott, The Stables, Soroba Road, Oban, PA34 4SB (06/02/20)  
Lyndsay Elliott, The Stables, Soroba Road, Oban, PA34 4SB (06/02/20)  
Anne MacLarty c/o Anderson Banks, 22 Argyll Square, Oban, PA34 4AT (14/02/20)  
Stewart McIver (by e-mail 02/02/20 stating that he is a member of Oban Community Council but not advising that the e-mail is on behalf of Oban Community Council)

**Summary of issues raised**

- **Structural Integrity of Bridge**

The existing bridge is not capable, or strong enough, to take the heavy site traffic, and increased vehicles, associated with the proposed development to the site.

The brickwork on the bridge is in poor condition and any damage could render the bridge unsafe resulting it being closed and preventing access to the existing properties.

**Planning Authority Comment:** *A report on the structural integrity of the bridge was requested by the Roads Authority during the processing of the application, however, to date, no report has been submitted. The applicant has refused to provide this necessary information despite repeated requests.*

*A structural report of the bridge is necessary to prove that the structure, (in this case the bridge serving Soroba House, Elderslie, Soroba Lodge and surrounding properties) can safely and structurally cope with the increased weight and volume of traffic both during and post construction for the developments covered under the current application.*

*As the report has not been submitted, the Planning Authority is recommending that the application be refused due to the lack of technical evidence that the bridge is robust and structurally sound and solid enough to withstand the increased usage that the proposed development will cause the bridge to endure.*

- **Road Safety**

The access road, especially the bridge, is narrow and is not up to adoptable standards for additional users with no footpath, street lighting or passing places.

The access into the site for the northern plot would impact on the parking and turning area for Elderslie

As the site for the second dwellinghouse has its entrance/exit after the first gate, it would be difficult to drive a car in or out on your own if there were animals in the field.

How could adequate provision be made for existing users of the access road and emergency vehicles during the construction period of the proposed development.

The south side of Oban has become seriously overdeveloped with ongoing issues of serious congestion and the application should be refused.

**Planning Authority Comment:** *The Roads Authority deferred their decision on the application until such time as the applicant submitted further information to allow a definitive decision on the proposed development to be made.*

*The consultation response from the Roads Authority was in two-parts: The first part required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network.*

*The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 to demonstrate it can take a 44 tonne vehicle.*

*The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the necessary structural report has not been submitted.*

*The response from the Roads Authority advised that a road to adoptable standard will be required from the A816 junction to the junction with the access track and the road*



*to the hotel. This would form part of a planning condition should planning permission in principle be granted for the proposed development.*

- **Pedestrian Safety**

The private access track is at present part of a mainly traffic-free right of way for pedestrians travelling from Glengallan Road to the main Oban to Lochgilphead Road. As such it is used by a large number of primary school children travelling to the joint St. Columba's and Rockfield Primary School Campus.

The right of way path was developed specifically to aid safe active transport for young children and the use of this right of way by additional motorised traffic would put pedestrian users at risk.

It is noted that the application incorporate a footbridge to the south side of the existing bridge. This will cause children to cross at a point where cars from the Mews/Soroba House etc. are coming down a hill and are blind to anyone coming up from the path due to buses and, if coming from the main road, will not see small children behind the wall of the old bridge.

Speed bumps would be required to make the area safe.

***Planning Authority Comment:*** *In their response to the application the Access Officer advised that the proposal does not raise any concerns regarding the anticipated increase in the volume of traffic using the bridge because Sustrans stipulate that a cycle route can be used by unaccompanied 11 year olds provided that under 1000 vehicles use the road daily. The volume of traffic over the bridge is likely to be a very small fraction of this figure even with the two additional properties.*

*The Access Officer further advised that any additional traffic associated with the construction phase will need to be managed by the contractor responsible for building the houses under the Health and Safety & Works Acts and provided comments on what should be expected of the contractor.*

*Finally, the Access Officer accepted the content of the Traffic Management Plan prepared for the proposed development for the site referred to above.*

- **Previous Planning Applications**

In their response to a previous application (reference 05/01141/OUT) for two dwellinghouses utilising the private access the Council's Area Roads Engineer advised that the proposal would have an adverse impact, advising that the existing private road should be upgraded to adoptable standard and the existing bridge crossing the Soroba Burn would require to be widened to adoptable standard. The application was recommended for refusal by the Planning Authority but was withdrawn prior to its determination.

The previous planning application (19/01351/PP) was rejected because of concerns from the Roads Department about the structure of the bridge and need for a structural survey; the upgrade of the road access and need for a footpath; and the need for consultation with other owners who use the access from the main road to their properties.

***Planning Authority Comment:*** *The comments relating to the 2005 planning application are noted.*

*With regard to the comments about application 19/01351/PP, this application was withdrawn as a result of comments from the Roads Authority to amend the application site edged red to include the junction with the public road to allow a condition to be imposed on the grant of permission requiring a road to adoptable standard. The current submission shows an area of footpath adjacent to the bridge the details of which were agreed with the Roads Authority. With regard to the structural report, this remains a requirement of the current application and its lack of submission is the reason that the application is being recommended for refusal by the Planning Authority.*

- **Foul Drainage Arrangements**

Concerns over the proposed arrangement for sewage as the main sewer is located at the other side of Soroba Road. The stream to the right of the site is dry for the greater part of the year and, if that is where they proposed the outlet, there may be odour issues.

It is noted that the application states connection to the public sewage network but Scottish Water say there is none close. If it is the intention to run pipes down the foot/cycle path to Balvicar Road, it should be noted that there is a problem with drainage in that area.

**Planning Authority Comment:** *Scottish Water has confirmed that there is no waste water infrastructure within the vicinity of the site. Accordingly, should planning permission in principle be granted, a condition of any further detailed application would be for private drainage arrangements to serve the proposed development.*

- **Flooding**

The south side of Oban has become seriously overdeveloped with ongoing issues of recurrent flooding and the application should be refused.

**Planning Authority Comment:** *SEPA raised no objection to the proposed development on flood risk grounds with the Council's Flood Advisors JBA Consulting raising no objection on flood risk grounds subject to conditions regarding the proposed finished floor level of the proposed dwellinghouses together with an appropriately designed surface water drainage system.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

<b>(i)</b>	<b>Environmental Statement:</b>	<b>No</b>
<b>(ii)</b>	<b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>	<b>No</b>
<b>(iii)</b>	<b>A design or design/access statement:</b>	<b>No</b>
<b>(iv)</b>	<b>A report on the impact of the proposed development</b>	<b>Yes –</b>
	<i>Traffic management plan</i>	
	<b>e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b>	

**(H) PLANNING OBLIGATIONS**

**(i) Is a Section 75 obligation required:** **No**

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** **No**

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**(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.**

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones  
(*Settlement Zone of Oban*)

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 6 – Development Impact on Trees/Woodland

SG LDP ENV 14 – Landscape

SG LDP ENV 16(a) – Development Impact on Listed Buildings  
(*Soroba House Hotel, Category C Listed Building*)

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

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

SG LDP TRAN 6 – Vehicle Parking Provision

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

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Historic Environment Policy for Scotland (HEPS), 2019 Consultee Responses

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

Consultation Responses

Third Party Representations

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

<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>

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

Planning permission in principle is sought for the erection of two dwellinghouses on an area of land to the south east of Elderslie, Oban.

The site is a gently sloping area of ground situated adjacent to a private access track which spurs from the A816 public road. To the north is the long established bed and breakfast establishment of Elderslie with Soroba House Hotel, a Category C Listed Building, and the Soroba House Mews development to the east but at a much higher level than the application site.

The application is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. However, whilst no detailed layout has been submitted, the application does provide an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.

However, whilst the site is within the defined settlement zone of Oban where Policy LDP DM 1 and SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 give encouragement to housing developments, this is on the basis that there is no unacceptable environmental, servicing or access impacts.

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage,

During the processing of the application the Council's Roads Authority deferred their decision until such time as the applicant submitted further information to allow a definitive decision on the proposal to be made. The consultation response was in two-parts:

- The first required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed

development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network.

- The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge can safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access.

The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the structural report has not been submitted and, despite several requests for this vital information, has refused to provide it.

The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application.

During the processing of the application the applicant declined to agree to an extension of time with the Planning Authority to allow the matter of the structural integrity of the bridge to be resolved and bring the application to a positive conclusion. Furthermore, the applicant submitted an appeal for non-determination to the Scottish Government; however the appeal was out of time and was rejected by the Scottish Government.

The proposal has elicited 18 objections. The main thrust of which relate to road and pedestrian safety issues and the requirement for a structural survey of the bridge to be undertaken. Full details of the objections are outlined at Section F above.

Accordingly, notwithstanding the above assessment that the site could, potentially, successfully accommodate two suitably sited and designed dwellinghouses, the structural integrity of the bridge has not been addressed and therefore the application has not demonstrated a suitable access regime and it is recommended that the application be refused due to the lack of technical information.

It should be noted that the applicant was first made aware of the need for a structural survey of the bridge during the processing of a pre-application enquiry undertaken with the Planning Authority in 2016.

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

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**(R) Reasons why planning permission in principle should be refused**

See reasons for refusal below.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**

No

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**Author of Report:** Fiona Scott      **Date:** 20/07/20

**Reviewing Officer:** Tim Williams      **Date:** 28/07/20

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

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 19/02562/PP**

1. Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

The proposed development would result in the intensification in vehicular use of a private access regime where it has not been demonstrated, through lack of structural details of the existing bridge, that the private access track is capable of serving the proposed development, either in its current state or else by any reasonable and necessary commensurate improvements to that access as informed by the submission and assessment of information necessary for the planning authority to properly assess this part of the proposed development.

In this regard, and in the absence of the submission and professional assessment of this necessary information, the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02562/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the Settlement Zone of Oban where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is situated to the west of Soroba House Hotel which is a Category C Listed Building and therefore consideration has to be given to SG LDP ENV 16(a) which seeks to ensure that listed buildings, and their settings, are not adversely affected by new development.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 and SG 2 seek 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 taking into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited 18 objections.

**B. Location, Nature and Design of Proposed Development**

The application site is a gently sloping area of ground situated adjacent to a private access track which spurs from the A816 public road. To the north is the long established bed and breakfast establishment of Elderslie with Soroba House Hotel, a Category C Listed Building, and the Soroba House Mews development to the east but at a much higher level than the application site.

The application is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. However, whilst no detailed layout has been submitted, the application does provide an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.



**With suitably worded planning conditions to control the siting, design and finishes of the development it is considered that the proposal is consistent with the terms of Policy LDP 9 and SG 2 which seek developers to produce and execute a high standard of appropriate design and ensure that development is compatible with and would appropriately consolidate the existing settlement, and takes into account the relationship with neighbouring properties.**

**C. Natural and Built Environment**

The site is situated adjacent to Soroba House Hotel which is a Category C Listed Building which requires the provisions of SG LDP ENV 16(a) to be considered. SG LDP ENV 16(a) seeks to protect Listed Buildings, and their settings, from unsympathetic development and seeks to secure a high standard of appropriate siting, design and finishing materials.

Whilst it is accepted that the site is in close proximity to Soroba House Hotel, due to the surrounding landform, the site sits much lower in the landscape than Soroba House Hotel and will not be readily visible within the same visual envelope. Subject to appropriate siting, design and finishing materials, it is not considered that the proposed development, which is within an area of defined settlement and which is adjacent to existing building development, would be materially harmful to the current setting of Soroba House Hotel or its setting within the wider landscape.

In addition, the woodland surrounding the site has been designated as Ancient Woodland by Scottish Natural Heritage. Ancient Woodland are classified as areas of ancient and semi-natural woodland which are important and irreplaceable national resources which should be protected and enhanced. Whilst there is no significant tree cover on the application site that would be lost as a result of the proposed development, there are areas of woodland surrounding the site and therefore should permission be granted a conditions should be imposed requiring any future detailed application to be accompanied by a detailed Woodland Management Plan which should identify the trees to be retained, tree works proposed, together with details of landscaping to further integrate the proposed development into its landscape setting.

**With a planning condition to secure a Woodland Management Plan, it is considered that the development of the site with two dwellinghouses will not have any significant adverse impact on the character of the site or its setting within the wider landscape consistent with the terms of Policy LDP 3, SG LDP ENV 6 and SG LDP ENV 16(a).**

**D. Road Network, Parking and Associated Transport Matters.**

The application proposes to utilise the existing private access spurring from the A816 public road.

Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage,

During the processing of the application the Council's Roads Authority deferred their decision until such time as the applicant submitted further information to allow a definitive decision on the proposal to be made. The consultation response was in two-parts: The first part required the submission of a Safety Audit/Risk Assessment/Traffic Management Plan to ascertain and mitigate any implications caused by the proposed development both during the construction phase and on completion of the development due to the fact that the proposed access is situated on a primary school/link path/cycle path which forms part of the Core Path Network. The second part of the consultation response required a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge can safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access. The applicant has addressed the first part of the consultation response by submitting a Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways, however, to date, the structural report has not been submitted and, despite several requests for this vital information, has refused to provide it.

A structural report is necessary to prove that the structure, (in this case the bridge serving Soroba House, Elderslie, Soroba Lodge and surrounding properties) can safely and structurally cope with the increased weight and volume of traffic both during and post construction for the developments covered under the current application. Failure to produce this information will result in a refusal of the application from the Roads Authority due to the lack of technical evidence that the bridge is robust and structurally sound and solid enough to withstand the increased usage that the proposed development will cause the bridge to endure.

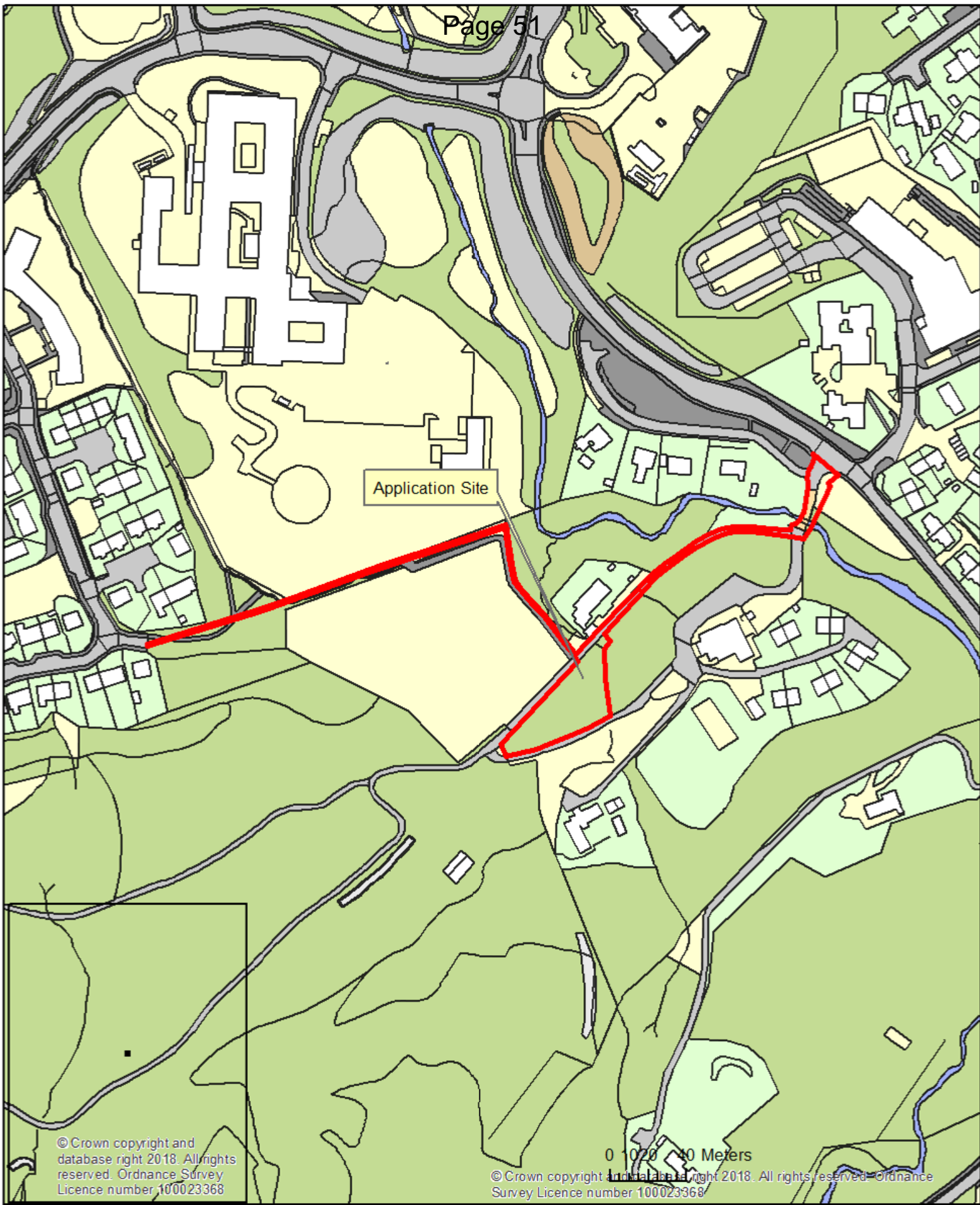
The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application.

**In this regard the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 as it has not been satisfactorily demonstrated, through lack of the submission of a structural survey of the bridge, that the existing private access is capable of serving the proposed development.**

#### **E. Infrastructure**

The application indicates water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and in their response raised no objection to connection to the public water main but advise the applicant to complete a Pre-Development Enquiry form and submit it for consideration. Scottish Water further advised that, according to their records, there is no public Scottish Water Waste Water infrastructure within the vicinity of the site and therefore the applicant is advised to investigate private treatment options. Accordingly, should planning permission in principle be granted, a condition will be imposed requiring any future detailed application to incorporate private drainage arrangements.

**The proposal is considered acceptable in terms of Policy LDP DM 11 and SG LDP SERV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments and gives support to private drainage arrangements where connection to the public system is not feasible.**



### Location Plan Relative to Planning Application: 19/02562/PP



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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**

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**Reference No:** 20/00094/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr Pelham Olive

**Proposal:** Erection of 12 dwellinghouses, alterations to vehicular access and installation of private drainage system

**Site Address:** Land East Of Lochside, Portincaple

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## **DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

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### **(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

Erection of 12 dwelling houses;  
Formation of new road including watercourse crossing;  
Installation of private sewerage treatment plant;  
Installation of loch based district heating system.  
Formation of footpaths

**(ii) Other specified operations**

Connection to public water supply;  
Enhanced landscaping and tree planting

Siting of picnic tables

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**(B) RECOMMENDATION:**

It is recommended that planning permission be granted subject to:

- (i) a pre determination hearing;
  - (ii) A section 75 agreement to ensure a commuted sum for affordable housing and housing addressing the needs relating to the expansion of HMNB Clyde; and
  - (iii) conditions
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**(C) HISTORY:** None

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**(D) CONSULTATIONS:**

**SEPA (dated 4/3/20, 22/5/20, 4/6/20 and 28/7/20):** SEPA initially objection to this application however the letter of 28/7/20 advised that the objection has been removed following the submission of the additional information. In this letter it confirms that the objection has been removed on the understanding that the foul drainage arrangements being proposed are considered to be a betterment to the aforementioned discharge to the inland watercourse.

**Scottish Water (dated 11/2/20):** No objections. There is currently capacity in the Belmore Water Treatment Works. According to our records there is no public Scottish Water Waste Water infrastructure within the vicinity.

**Built Heritage Conservation Officer (dated 25/2/20):** There are a variety of house styles in Portincapple so I believe that this proposal, which respects the settlement pattern and wider landscape but offers a contemporary response, is appropriate for this site from a design point of view.

**Area Roads Officer (dated 20/3/20):** No objection subject to conditions.

**Marine Scotland (dated 7/2/20):** The Marine Scotland Licensing Operations Team do not have any comments to make on this application. Please be advised that some of these works appear to be below Mean High Water Springs (outfall pipe) and therefore a marine licence will be required.

**Ministry of Defence Safeguarding Team (dated 30/3/20):** No objections to this proposal, however, it is recommended that the window's innermost pane (i.e. house side) be at least 6.8mm thick and incorporate a PVB interlayer in accordance with blast hazard mitigation measures. Thicker panes of laminated glass are also acceptable provided they contain a PVB thickness of at least 0.76mm.

**Flood Risk Assessor (dated 28/2/20):** No objections subject to conditions.

**Biodiversity Officer (dated 6/3/20, 10/6/20 and 17/7/20)** Support the proposals and plans.

Further information was requested on Bluebell which was subsequently submitted.

Invasive Non Native Species (INNS) – further control and watching brief for Rhododendron ponticum, Japanese knotweed and Himalayan balsam.

Woodland – Recommend a condition on replacement planting; Birds: A pre start check for nesting bird should be carried out by a suitably qualified person prior to any construction works commencing; Otter – Note the contents of the report and advise that mitigation is implemented; Red squirrel – pre-start check for RS activity.

**Access Officer:** No response to date.

**HSE (dated 10/2/20):** HSE does not advise on safety grounds against the granting of planning permission in this case.

**West of Scotland Archaeology Service (dated 27/2/20):** This application lies in a reasonably rich landscape populated with recorded archaeological sites of prehistoric and later periods. Since there is potential for more discoveries in this landscape, any new major piece of new ground disturbance stands a reasonable chance of encountering buried remains and hence some form of archaeological mitigation is required for the proposal. In order to effect this a condition relating to the archaeological issue should be placed on any consent granted by your Council.

**Garelochhead Community Council (dated 23/7/20)** – Object to the proposal. The objection is on the basis that the proposal fails to comply with many of the policies of the adopted LDP and doubts over the feasibility of the proposed heating system.

**Environmental Health (dated 30/7/20):** No objections in principle. Conditions recommended during the construction phase.

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**(E) PUBLICITY:**

ADVERT TYPE:  
Regulation 20 Advert Local Application  
EXPIRY DATE: 12.03.2020

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**(F) REPRESENTATIONS:**

*A list of the names of all representees received is contained within Appendix 2 of this report. At the time of writing this report the numbers of representations were broken down as follows:  
Objection: 1115*

Representation: 6

Support: 2

The points of objection / representation are summarised below:

**(i) Summary of issues raised**

**Policy Issues**

The proposal is contrary to Scottish Government policies.

*Comment: It is not considered that the proposal is contrary to Scottish Government Policy.*

The proposal is contrary to the National Planning Framework 3 (NPF3)

*Comment: It is not considered that the proposal is contrary to NPF3.*

The proposal contravenes many of the policies and objectives of the Local Development Plan.

*Comment: See assessment.*

The proposal is contrary to the Firth of Clyde Seascape Assessment;

*Comment: See assessment*

**Design and Layout**

The density, scale, settlement and design pattern of the proposal appears urbanised and out of keeping with Portincaple's organic growth to date.

*Comment: See assessment section B on location and design.*

The extended terrace on the hillside and flat glazed frontages are out of character with the existing settlement.

*Comment: See assessment section B on location and design.*

The applicant's design statement and their planning report refer to 5 bed terraced houses being leased to the MOD to address its housing shortage to be developed as communal lodging units with shared facilities. These would effectively be hostels for the base and would be likely not only to be disruptive to the community structure but increase car ownership and road use considerably with travel at unsocial hours due to shift work.

*Comment: Whilst these are HMOs in terms of Environmental Health legislation, the Town and Country Planning (Use Classes) (Scotland) Order 1997 defines a house (Class 9) as being the sole or main residence of a single person, or any number of persons living together as a family, or not more than 5 residents living together as a single household. These units are therefore being assessed as houses, however additional car parking has been allocated to each of the three units. The Area Roads officer has no objections to the proposal. It should be*



*noted that while still considered to be a house under planning legislation an HMO licence will be required from Environmental Health.*

The inclusion of this amount of housing in the density proposed will be to the detriment of the neighbours' residential amenity.

*Comment: See assessment*

Landscaping, manicuring and making a section of land public realm space removes the existing residential amenity of access to wild and ancient woodland.

*Comment: Prior to the removal of R. ponticum access to this site would have been challenging due to the density of Rhododendron growth. The proposals would allow greater access and the landscaping proposals aim to manage and regenerate areas of native woodland surrounding the development.*

The development would inject sudden and disproportionately excessive growth (>20%) into a settlement that has never experienced such growth before. The nature of the proposed growth introduces a new and contradictory development to the settlement by introducing: a style of housing (terraced) that does not currently exist; a form of housing (houses for multiple occupancy or HMOs) that does not currently exist; formal landscaped public realm space that does not currently exist; a formalised, stylised and manicured development (much more akin to a suburban development) that does not currently exist;

*Comment: See assessment.*

Portincaple is a minor settlement of 58 detached houses which are all individually sited within a defined plot of land. There are no terraced dwellings in the village.

*Comment: See assessment.*

The proposal would result in an increase in residents in the order of 79 people and a further 44 cars.

*Comment: It is considered that this level of development can be accommodated without causing unacceptable effects on amenity.*

The artist's impressions shows a strange form of grassland that does not exist in the west of Scotland.

*Comment: A detailed landscape plan has been submitted in respect of this application which gives planting specifications. These are considered to be acceptable and appropriate for the site.*

The development would not sit well beside the Arts and Crafts Listed building.

*Comment: See assessment.*

### **Landscape / Seascape**

The proposal would have an adverse impact of the Area of Panoramic Quality (APQ) within which Portincaple is located.

*Comment: See assessment.*

Concerns about the reflection increasing the visual impact of the built environment on this shoreline environment.

*Comment: See assessment.*

Section 2 of the Council's supplementary guidance offers advice specifically in relation to APQs and states that "within these areas the impact on landscape is a major consideration when new development is proposed" and suggest that any APQ will have a Landscape Capacity Study (LCS) produced to address this issue. Where is this study?

*Comment: The SNH Landscape Assessment of Argyll and Firth of Clyde and the Landscape / Seascape Assessment of the Firth of Clyde have both been considered prior to making a recommendation on this application.*

The proposal would be contrary to the Firth of Clyde Marine Spatial Plan and in particular the section that deals with Loch Long.

*Comment: See assessment.*

### **Biodiversity**

The applicant has not completed a biodiversity checklist;

*Comment: A Biodiversity checklist was requested and was subsequently submitted.*

The preliminary ecological appraisal and phase 1 habitat survey undertaken for the screening application is still the only survey undertaken. This was undertaken at the wrong time of year and there were no follow up visits.

*Comment: Follow up surveys are required prior to the commencement of development.*

Otter scat was positively identified but is dismissed as being old and therefore irrelevant.

*Comment: Follow up surveys are required prior to the commencement of development.*

No local knowledge was taken into account. Locals are aware of pine martins, otters, black grouse, red deer, water voles and red squirrels.

*Comment: All letters of representation have been taken into account prior to reaching recommendation on this application. The Biodiversity Officer has been made aware of the representations which relate to biodiversity and protected species.*

In order to provide definitive information relating to the presence or likely absence, several visits to the site and wider study area would typically be required. Following the clearance of the site this study was null and void and at this juncture, without follow-up, is now worthless and irrelevant.

*Comment: Follow up surveys are required prior to the commencement of development. The Council's Biodiversity is content with information and proposed mitigation.*

The proposal would result in the loss of semi-natural ancient woodland.

*Comment: See assessment.*

The developer has already felled a number of trees and more would need to be felled to make way for the development.

*Comment: See assessment.*

The soil is heavily peat based and is estimated to hold a valuable 41.5% carbon capture.

*Comment: The applicant's commissioned Site Investigation report has indicated that the soil is not heavily peat based.*

The floating pads in the loch may contain refrigerant as the technology is a reverse air conditioning system. If there was to be a rupture it could have devastating consequences on marine life.

*Comment: This is a closed loop system. A condition is proposed requiring full details of the design is proposed. This element of the proposal will also be considered by Marine Scotland as a Marine Licence will be required.*

The loch source heat pump may have an adverse impact on Priority Marine Features within Loch Long.

*Comment: A condition is proposed to address this issue. In addition a Marine Licence will be required for this element of the proposal.*

Despite the denials of the Tetrax Survey, Portincaple is home to the Scottish Bluebell and rare lichens, otters, European long eared bats, red squirrels, barn and tawny owls, greater crested newts, pine martins, badgers, curlews, oystercatchers, red deer and is the only known location of an ancient sea squirt *Styela Gelatinosa* recorded at the junction of Loch Goil and Loch Long.

*Comment: The Council's Biodiversity Officer is satisfied with the supporting information submitted by Tetrax Ecology.*

Loch Long is an inappropriate location for the proposed heating system due to the sensitivity of the sea bed and the presence of a very rare sea squirt.

*Comment: The applicant's ecologist has advised that the Loch Goil Sea Squirt is not afforded any specific protection under The Wildlife and Countryside Act 1981 (as amended) however as recommended by the ecologist a condition is recommended requiring a Construction Environmental Management Plan (CEMP) which will address pollution prevention controls during construction.*

The area is designated as one of six Shellfish Water Protected Areas (SWPA) in Scotland (Clyde Marine Plan (2017) which suggests that a serious rethink is required for much of the proposal.

Comment: The water source heat pump will require a Marine Licence and Marine Scotland will therefore consider this issue.

### **Amenity**

The site is an area enjoyed by the community in walks through the landscape and adjacent beach and foreshore.

The site is referred to locally as "The Fairy Glen" and has been loved and played in by generations of children.

*Comment: This point is noted, however, the proposed development will make the site and loch more accessible*

The site has been referenced by Queen Victoria on a number of occasions in her Highland Diaries.

*Comment: This point is noted.*

There is no street lighting in Portincaple. Portincaple enjoys this lack of light pollution.

*Comment: Due to the location of this development no street lighting is proposed.*

The area should be designated as an open space protection area.

*Comment: This would be a matter for a future Local Development Plan. Currently the site is designated as settlement within the adopted LDP.*

The proposed tree planting takes no account of the loss of light to existing properties once the trees reach maturity.

*Comment: It is not considered that the proposed trees will be closed enough to existing dwellings to cause a significant loss of light issue.*

The car park for the proposed houses back on to existing properties.

*Comment: It is not considered that the visitor parking will adversely affect the amenity of these properties.*

The development as proposed will see Portincaple lose its identity as a minor settlement if the applicant is allowed to turn it into a tourist destination.

*Comment: It is not considered that 12 houses would constitute a tourist destination.*

### **Trees**

The developer has already cut down 61 trees despite the assertion that no trees were cut down.

*Comment: This claim is unsubstantiated.*

The proposal would result in the loss of semi-natural ancient woodland.

*Comment: See assessment*

## Roads / Transport

SPP 17 Planning for Transport states that when an assessment of a development proposal is being considered, then permission should not be granted for significant travel generating proposals.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

This proposal with 44 parking spaces will increase the traffic flow in Portincaple by a further c79 people and c44 cars against the current population of 120 residents and 58 cars. This figure could be significantly increased if the 3x 5 cabin houses consist of shift working MOD staff with 24/7 journeys to and from the base.

*Comment: The Area Roads Officer has offered no objections to the proposal. Additional parking is proposed to serve the 5 cabin houses.*

A Traffic Assessment should be submitted by the developer to clarify the significant effects the proposal will have on the environment.

*Comment: The Area Roads Officer has not requested additional information and is satisfied with the proposal subject to the imposition of conditions.*

If the development was to go ahead it would be accessed via a single track road only, over two small bridges which would be contrary to policy LDP 11.

*Comment: The Area Roads Officer has offered no objections to the proposal and subject to the proposed conditions the proposal would not be contrary to Policy LDP 11.*

Portincaple has no public transport and the development would rely on private transport journeys to operate.

*Comment: This point is noted, however, should a bus service become feasible in the future the road layout of the new development would allow a bus to turn.*

The proposal is 2.5 miles from the key settlement of Garelochhead and has no safe walking route between the two.

*Comment: This is accepted. However this would not constitute a reason for the refusal of this application.*

There are no pavements or safe walking routes. Feuins Road is used for walking and children cycling. The proposed development will make Feuins Road less safe for these purposes.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

The entrance to Portincaple is almost a hair-pin where two vehicles cannot pass due to space and line of sight. The junction is unsafe for the amount of excess traffic the proposed development will bring.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

Is the current road alignment at the junction of Feuins Road to the A814 considered safe and suitable to handle the increased construction and residential traffic.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

The first bend on Feuins Road is sharp and blind. This is another point on the road where accidents occur. The most recent accident was on the 13<sup>th</sup> February when the Post Office van went off the road and into trees.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

The two existing bridges may not be suitable to accommodate the increase in traffic. They have been displaying cracks inside the arches and on outer walls and these have appeared over the last 15 years.

*Comment: A planning condition is proposed which requires the bridges and culverts to be inspected prior to the commencement of development. This will allow any damage caused during the construction phase to be identified.*

Feuins Road is of a single track nature and there is no room to widen or add passing places.

*Comment: The Area Roads Officer has offered no objections to the proposal.*

The proposed new section of road would only suitably benefit the proposed development. The existing private access is adequate for the 10 houses it serves.

*Comment: The proposed new section of public road would be available for all to use.*

How are the Council going to ensure that the roads are made good during and after construction.

*Comment: A condition is proposed requiring a pre-commencement survey of the road and post development restoration*

No evidence has been submitted that walking routes and cycle paths will be made available and there is no indication that public transport will be provided.

*Comment: Footpaths are shown on the Landscape Strategy Plan. The proposed development would facilitate bus turning should this become feasible in the future.*

The proposed access is an unnecessary addition to that which currently exists and will negatively impact on the privacy of many residents.

*Comment: The proposed realigned access is necessary in order to provide a road which can be constructed to adoptable standard. It is not considered that this would adversely affect privacy.*

Concern that the access to Woodside will be adversely affected by the new road.

*Comment: It is not considered that this property would be adversely affected by the new road.*

The application should be refused on the grounds that there are no transport links apart from the service of a dial a bus which has difficulty manoeuvring through the village when cars are parked on the road due to inclement weather.

*Comment: The new development would facilitate bus turning should a bus service become viable in the future.*

### **Affordable Housing**

It is unacceptable for the applicant to subvert the requirement for “affordable” housing by building for a pre-agreed leasehold for the armed forces. The requirement to build “affordable” houses in communities is designed to address the problem of high house prices for local families and the drift of less well-off families to the towns, not to serve the aspirations of HMNB.

*Comment: As a result of further discussions through the processing of this planning application, the applicant has agreed to provide a commuted sum for affordable housing.*

Multiple occupancy housing would be out of keeping with Portincaple.

*Comment: The proposed houses would not constitute multiple occupancy housing in terms of planning legislation. The 3, 5 bed houses would however require an HMO licence. The Navy has identified that there is a need for these types of units due to the ongoing expansion of HMNB Clyde, The site is less than 4 miles from Faslane and it considered a suitable location. The houses have been designed in a manner which is sympathetic to Portincaple and additional car parking spaces have been allocated to each of the three dwellings.*

### **Other**

The MEP supporting document refers to commercial activity. What commercial activity has been deliberately or otherwise omitted from the Masterplan.

*Comment: There is no commercial activity proposed. The applicant had previously considered commercial elements to the proposal but these do not form part of this submission.*

It is obvious that this is stage 1 of a multi stage development.

*Comment: The planning authority is required to consider the application submitted. Any future applications would be considered on their merits.*

The site is located within a SEPA flood zone.

Comments: SEPA and the Council’s Flood Alleviation Advisor have offered no objections on flooding grounds. The flood area is close to the shore while the houses are being constructed at a much higher level (between 18 – 22 AOD)

The tree planting scheme is vague.

*Comment: The tree planting scheme is considered to be acceptable.*

The site plan doesn’t show any clear access to the shore from the development site, how will this development improve access.

*Comment: A series of paths are shown on the Landscape Strategy Plan.*

It is possible that all of the houses will be used as short term holiday lets.

*Comment: The applicant has not indicated that this is what is intended. A Section 75 agreement is proposed to ensure that houses T1, T2 and T3 as shown on the approved site layout drawing shall be either let or sold to the Royal Navy / MOD to be used as accommodation for Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde or let directly to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde.*

The Council should consider designating Portincaple as short term let control area.

*Comment: This is not an issue which can be considered through the processing of this planning application.*

The proposal would provide no community benefit for the local community.

*Comment: The applicant believes that there a number of aspects of this development which would benefit the community such as public seating areas and access to the water. It is contended that access to the site was previously seriously hampered by invasive R. ponticum.*

The proposal would result in changes to the nature of the settlement from residential with occasional visitors into a formal designated tourist destination.

*Comment: It is not considered that the erection of 12 houses would constitute a formal designated tourist destination.*

The submission provides a limited and inaccurate cultural awareness of local history.

*Comment: This point of view is noted.*

Scottish Water has stipulated that more than 10 dwellings require a pre-development enquiry. Has this been completed and considered?

*Comment: This is a separate process between Scottish Water and the applicant.*

There is an issue with a private developer retaining control of the proposed heating system. This would leave residents vulnerable to increasing tariffs and system failure.

*Comment: This is not material to the determination of this planning application.*

The district heating system does not provide the detail required by policy LDP 6 in relation to renewable energy generation.

*Comment: The principle of a low carbon heating system is considered acceptable, however, a condition is proposed seeking further details prior to its implementation. The water source heating system will also require a Marine Licence.*

The proposal will remove evidence of historic tracks which are located within the site.



*Comment: There are no core paths located within the site. The land is more accessible since the Rhododendron clearance.*

The proposal does not meet the need to reduce the impact of climate change as it relies on car journeys to function.

*Comment: There is currently no public transport serving Portincaple. The proposed development would however facilitate the introduction of a bus service should this be considered appropriate in the future as it would allow turning.*

### **Procedural**

The development has been noted as Holiday Camps and Sites on Argyll and Bute Council documentation.

*Comment: This was an error in a consultation template. This has since been updated and clarified with consultees.*

With regard to the previous screening opinion sufficient attention was not paid to the overriding requirement that the planning authority should consider whether the proposed development is likely to have significant effects on the environment by factors such as its nature, size and location.

*Comment: The screening opinion was subject to a third party screening direction request. The Scottish Government concluded that the screening opinion issued by the Council appears comprehensive and it has considered and identified relevant issues, and potential effects. The conclusions reached in the screening opinion are not unreasonable.*

The application has omitted to consult Garelochhead Community Council, Woodland Trust Scotland, SNH, INEOS (Finnart) , MOD and Building Standards.

*Comment: Garelochhead Community Council and the MOD have been consulted. The others are not statutory consultees for this application.*

SNH should be consulted in relation to the Priority Marine Feature in Loch Long.

*Comment: SNH provides advice to planning authorities on when they should be consulted on planning applications. The presence of PMFs does not fall within the remit for consultation. This advice is available on the SNH website. SNH however provides standing advice on their website and this has been considered in the processing of this application.*

The developer has indicated that he has had dialogue with and support from the Council for some time. If the developer's assertion is correct, it explains the catalogue of errors and obfuscation exhibited by the Council: starting with the Screening Opinion, through to inactivity with Tree Preservation Orders, FOI responses etc

*Comment: The developer has engaged in pre application enquiries with the planning service. This is an option open to any developer subject to an online submission and a fee being paid. Pre-application advice is the informal view of officers and non-binding. It is based on information provided and issued with the*

*caveat that the Council will also require to take into account views of consultees and third parties in the event of a formal application being submitted.*

There is an assortment of documents on the planning portal which do not relate clearly to the lodged application. These appear to relate to a much larger development. This has led to confusion about what is the real proposal.

*Comment: The applicant has previously considered a larger development for this site and some of the documents initially submitted contained reference to this. This issues was rectified by the agent.*

There is confusion between the development description given in the screening request and the proposal in the current application.

*Comment: Two screening opinions have been issued in respect of this site; one for a larger development which did not progress beyond pre-application discussion stage and has not been the subject of a subsequent planning application and a more recent screening opinion issued for 12 dwellings which relates to the proposal currently under consideration.*

This is a medium scale development and no sustainability checklist has been submitted with the application.

*Comment: During the processing of the application a sustainability checklist was requested and subsequently submitted.*

There is concern that the Council withheld information in terms of a Freedom of Information (FOI) request.

*Comment: This is not a material planning consideration. At the time of the FOI enquiry there was an opportunity for the requester to request a review.*

**Councillor Iain Shonny Paterson – Objects to the application on the following grounds:**

Portincaple is a small rural settlement , this application is out of proportion and design , and is not on a list of sites identified for development in the LDP;

The village sits in a site of Ancient woodland which should be preserved along with the plant and wild life which inhabit this woodland;

The impact of this development will have a severe impact on the landscape, which will outweigh any social or environmental benefits.

**Jackie Baillie MSP**

I would be grateful if you would consider deferring the discretionary pre-determination hearing until such time that the hearing can go ahead publicly and in person safely.

**Brendan O'Hara MP – objects to the application on the following grounds:**

The development would be out of scale with Portincaple;

Adverse impacts on ancient woodland;

Adverse impacts on the Area of Panoramic Quality:

It can be seen from the drawing that further phases are planned which will eventually double the size of the village.

The proposed development offers no community benefit;

The development will result in the potential loss of 11 acres of woodland.

It is understood that over 200 trees have already been felled as part of the Rhododendron clearance;

The development will overshadow current buildings including Inverallt which is listed.

The development is likely to generate a significant increase in the number of trips required by car.

*Comments: These issues are covered by the comments above and in the assessment of this application.*

### **Support**

The points in support are summarised as follows:

There is a great deal of social media comment relating to this application but much of it seems of dubious provenance.

It is considered that the supporting document is well researched and accurate.

The proposed heating system is positive for global warming.

The scale of the development is correct for this location.

*Comment: These points are noted.*

*Note: Full details of all representations received can be viewed on the Council's website [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

Supporting Planning Statement MH Planning Associates  
Design Statement, January 2020  
Preliminary Ecological Appraisal, Tetrix Ecology dated 20<sup>th</sup> Feb 2019  
Energy and Sustainability Feasibility Study, Rambol, dated Jan 2020  
Tree Survey, The Tree Inspector dated 30<sup>th</sup> Jan 2019  
Existing and proposed montages  
Existing and proposed aerial 3D productions  
Planning Gain 1 – Lost History of Portincaple Re-discovered  
Planning Gain 2 – Invasive Rhododendron Eradicated from the Site  
Planning Gain 3 – The Lost Connection to the Water will be Restored  
Planning Gain 4 – Road Improvement and Safety  
Planning Gain 5 – Woodland Creation & Biodiversity Re-established  
Planning Gain 6 – New Open Space and Access to Water  
Planning Gain 7 – Construction of a Ground Breaking District Heating System  
Planning Gain 8 – New Highly Sustainable Exemplar Houses  
Planning Gain 9 – Land for Bus Turning and Connection to Existing Core Paths.  
Submitted Letter Addressing Objections  
Sustainability Checklist  
Drover's Landing MEP Feasibility Report, Ramboll  
Tree Survey and Report, C. A. Calvey Arboriculturalist  
Woodland Management Plan, C. A. Calvey Arboriculturalist  
Arboricultural Response to objections of development and woodland restoration, C. A. Calvey Arboriculturalist  
Preliminary Ecological Appraisal, Tetrix Ecology  
Otter Walkover Survey, Tetrix Ecology  
Biodiversity Checklist, Tetrix Ecology  
Biodiversity Checklist additional information, Tetrix Ecology  
Woodland Statement, Tetrix Ecology  
Information on Great Crested Newt, Tetrix Ecology  
Loch Goil Sea Squirt Letter, Tetrix Ecology  
Bat PRA & Invasive Native Species Survey, Wild Surveys  
Portincaple Landscape Strategy, TGP Landscape Architects  
Portincaple Landscape Strategy Masterplan, TGP Landscape Architects  
Portincaple Landscape Strategy Planting Plan, TGP Landscape Architects  
Statement: SG LDP HOU 2 - Special Needs Access Provision in Housing Developments

**(H) PLANNING OBLIGATIONS**

**(i) Is a Section 75 agreement required: Yes**

A section 75 agreement is required in order to secure a commuted sum for affordable housing and to ensure that the three houses each with 5 single rooms are utilised by Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde.

**Section 75 Heads of Terms**

**Affordable Housing**

- The 12 unit proposal would require a payment towards 3 affordable units;
- The payment for each unit would be £24,000;
- The commuted sum will be used to fund affordable housing development in the Helensburgh and Lomond Housing Market area.
- The payment would be phased as follows:

Prior to starting to construct the 7<sup>th</sup> dwelling, 50% of the total amount would be payable;

Prior to the occupation of the 10<sup>th</sup> dwelling, the remaining 50% would be payable.

**Housing which caters for an identified need:**

That houses T1, T2 and T3 as shown on the approved site layout drawing shall be either let or sold to the Royal Navy / MOD to be used as accommodation for Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde or let directly to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde. This shall apply for a period of 5 years from the date of this planning permission.

**Reason for refusal in the event that the section 75 agreement is not concluded within four months:**

The proposal is for medium scale development within a village / minor settlement. An exceptional case has been accepted that the proposal would help to deliver affordable housing and meet a particular housing need. Without these aspects the proposal would be unacceptable and contrary to section (D) of policy SG LDP HOU 1. In addition the proposal would be contrary to section (C) of Policy SG LDP HOU 1 which states that "Housing Developments of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. Supplementary Guidance Delivery of Affordable Housing provides more detail on where the affordable housing is

required and how it should be delivered follows on from this policy” In this instance following the sequential consideration of options it was considered that a commuted sum was acceptable and required for this site.

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
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**(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.**

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 6 – Supporting the Sustainable Growth of Renewables

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)

SG LDP ENV 6 – Development Impact on Trees / Woodland

SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 11 – Protection of Soil and Peat Resources

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

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP CST 1 - Coastal Development

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP HOU 2 – Special Needs Access Provision in Housing Developments

SG LDP PG 1 – Planning Gain

SG LDP BAD 1 – Bad Neighbour Development

SG LDP Sustainable Sustainable Siting and Design Principles

Delivery of Affordable Housing

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP SERV 3 – Drainage Impact Assessment (DIA)

SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development

SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development

SG LDP SERV 8 – Development in the Vicinity of Notifiable Installations

SG LDP TRAN 1 – Access to the Outdoors

SG LDP TRAN 2 - Development and Public Transport Accessibility

SG LDP TRAN 3 – Special Needs Access Provision

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

SG LDP TRAN 6 – Vehicle Parking Provision

Access and Parking Standards

SG LDP DEP 1 – Departures to the Local Development Plan

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

Scottish Planning Policy 2014

SNH Landscape Assessment of Argyll and Firth of Clyde 1996

Landscape / Seascape Assessment of the Firth of Clyde 2013

Argyll and Bute Proposed Local Development Plan 2 November 2019

Argyll and Bute Sustainable Design Guidance (2006)

Argyll and Bute Biodiversity Action Plan (2017)

Technical Note 3: Houses in Multiple Occupation, April 2019

Historic Environment Policy for Scotland 2019

Managing Change in the Historic Environment: Setting 2016

- 
- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes
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- (L) **Has the application been the subject of statutory pre-application consultation (PAC):** No
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**(M) Has a sustainability check list been submitted:** Yes

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

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**(O) Requirement for a hearing (PAN41 or other):** Yes

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and is shortly due to be replaced by LDP2.

At the time of writing the report for this application it has attracted over 1100 objections and 2 expressions of support. Garelochhead Community Council has also objected to the application. Given the level of interest in the application and the nature and number of issues raised, it is considered that there would be merit in holding a pre-determination Local Hearing to allow Members to visit the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

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

This application is for the erection of 12 dwellings within the settlement boundary of Portincaple. Associated works include the formation of a new public road, the installation of a low carbon district heating scheme by means of a closed loop water source heat pump along with hard and soft landscaping.

This is a standalone planning application which does not form part of greater proposal or masterplan. Any future planning applications submitted in the vicinity would be considered on their merits against the policies of the development plan and other material considerations.

The main determining issues relating to this application relate to the principle of medium scale development in a minor settlement, the acceptability of the siting and design of the proposed development, access, flooding/drainage and impacts on biodiversity and



protected species, trees and the landscape which is designated as an Area of Panoramic Quality.

The proposal has been assessed as being a minor but justifiable departure from Policy DM1 due to the scale of development proposed. It accords with all other LDP policies and there are no other adverse material considerations which would indicate that planning permission should be refused.

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**(Q) Is the proposal consistent with the Development Plan:** No, the proposal is a minor departure from Policy DM1.

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

The proposal is considered to be a justifiable minor departure for Policy DM1 of the Argyll and Bute Local Development Plan adopted March 2015 (see Section (S) below). It accords with all other LDP policies and there are no other adverse material considerations which would indicate that planning permission should be refused.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

The proposal is considered to be a minor departure from Policy DM1 – Development within the Development Management Zones of the Argyll and Bute Local Development Plan adopted March 2015. This is because it involves a medium scale residential development within a settlement classified as village / minor settlement within the LDP. Within village / minor settlements only small scale development is supported which in terms of dwellings equates to a maximum of five units. It is considered that this site is capable of accommodating the scale of development proposed without detriment to the amenity of the surrounding area. There would be nothing to prevent the applicant from applying for this proposal in separate planning applications in groups of 5 houses or less. Experience gathered over the term of the existing plan has shown that this has happened in other locations. This piecemeal approach to development has the potential to result in poorly

coordinated schemes with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing.

Whilst supplementary guidance policy SG LDP HOU 1 would normally presume against medium scale housing development in villages / minor settlement an exceptional case has been demonstrated that the proposal would not only provide money for affordable housing by means of a commuted sum but would also result in the provision of housing to serve an identified housing need. In this respect within the explanation of the policy objectives of policy SG LDP HOU1 para 1.1.3 states “Where the proposal involves large-scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.” The identified housing need relates to the Ministry of Defence’s Maritime Change programme which has resulted in all UK submarine operations being delivered from the Clyde. This has created a need for housing for military personnel and houses will be made available within this development specifically for this purpose.

In these circumstances it is considered that there are compelling and justifiable reasons to approve this application as a minor departure from Policy DM1.

Policy SG LDP DEP 1 seeks to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material considerations so justify. Taking account of the above reasoning it is considered that a minor departure is justified and in accordance with this policy.

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**(T) Need for notification to Scottish Ministers or Historic Scotland:** Not required.

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**Author of Report:** Sandra Davies

**Date:** 03/08/2020

**Reviewing Officer:** Fergus Murray

**Date:** 10/08/2020

**Fergus Murray**

**Head of Development and Economic Growth**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.20/00094/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 17/01/2020, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	D 100		7/2/20
Site Layout	D 001	A	7/2/20
Ground Floor Plan GA	D 003		7/2/20
First Floor Plan GA	D 004		7/2/20
Second Floor and Roof Plan GA	D005		7/2/20
Site Sections	D 006		7/2/20
House Type 1 Terraced – Ground Floor Plans and Elevations	D 007		7/2/20
House Type 1 Terraced – First and Second Floor Plans and Elevations	D008		7/2/20
House Type 2 Semi Detached – Ground Floor and Elevations	D009		7/2/20
House Type 2 Semi Detached – First and Second Floor Plans and Elevations	D 010		7/2/20
House Type 3 – Detached – Ground Floor Plan and Elevations	D 011		7/2/20
House Type 3 – Detached – First Floor and Roof Plans	D 012		7/2/20
Road Layout	12864-01	D	7/2/20
Road Sections	12864-02	B	28/2/20
Drainage Layout	12864-03	D	17/7/20
Portincaple Landscape Strategy Masterplan	1998 L01	C (003)	28/5/20
Portincaple Landscape Strategy Planting Plan	1998 L02	A (003)	28/5/20

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

2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

3. Prior to the commencement of development, full details of the proposed realignment to the private access shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager. Thereafter the proposed realignment shall be carried out in accordance with these details and shall be completed prior to the construction of the first dwelling house.

Reason: In the interests of road safety and to ensure the development is served by a public road.

4. Prior to the commencement of development, a full inspection and engineering report of the road surface, the existing bridges and culvert structures along the full length of Feuins Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager. Following completion of development a further inspection of these areas shall be undertaken in consultation with the Council's Road Network Manager. Any deterioration identified as being caused by construction traffic shall be made good by the developer within 12 months of the completion of the last house.

Reason: In order to ensure that there is baseline information available prior to the commencement of development to assist identification of deterioration as a result of the construction traffic associated with the development and thereafter to ensure that any damage is rectified.

5. Prior to the construction of any houses, a visibility sightline of 2.4 x 25 x 1.05 metre shall be provided at the junction of the improved private access (new section of public road) and the new road serving the development and maintained in perpetuity.

Reason: In the interests of road safety.

6. Parking for each dwelling house shall be constructed prior to occupation of the dwelling house for which the parking is intended. The gradient of the driveways shall be no greater than 5% for first 5 metres and an absolute maximum 12.5% thereafter.

Reason: In the interests of road safety.

7. The new culvert to be designed in accordance with CIRIA C689 and convey the 1 in 200 year flow with climate change allowance plus a 0.6 m freeboard. Full details of which shall be submitted to and approved in writing by the planning authority.

Reason: In the interests of flood prevention.

8. Prior to the commencement of development full details of the finish to the inlet and outlet of the culvert face shall be submitted to and agreed in writing by the planning authority in consultation with the Area Roads Manager.

Reason: In order to ensure that the external appearance of the culvert is in keeping with the rural settlement and Area of Panoramic Quality.

9. Prior to the commencement of development drainage calculations to demonstrate the capacity of the surface water drainage including exceedance information shall be submitted to and approved in writing by the planning authority. e.g. Sewers for Scotland requires design to a 1 in 30 year event plus 30% climate change allowance, with testing on a 1 in 200 year event plus 30% climate change allowance. Thereafter development shall be carried out in accordance with these details unless otherwise agreed by the planning authority.

Reason: In the interests of flood prevention.

10. Prior to the commencement of development surface water drainage calculations in line with Sewers for Scotland 4<sup>th</sup> Edition shall be submitted to and approved in writing by the planning authority. Thereafter development shall be carried out in accordance with these details unless otherwise agreed by the planning authority.

Reason: In the interests of flood prevention

11. Prior to the commencement of development full details of the maintenance arrangements for the proposed surface water drainage system shall be submitted to and approved in writing by the planning authority. Thereafter the surface water drainage system shall be maintained in accordance with these details.

Reason: In the interests of flood prevention

12. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

13. No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

14. Prior to the commencement of development full details of any proposed re-contouring of the site by means of existing and proposed ground levels shall be submitted to and approved in writing by the planning authority.

Reason: To enable the planning authority to consider this issue in detail.

15. The landscaping of the site shall be carried out in accordance with the submitted Landscape Strategy Masterplan and Landscape Strategy Planting Plan Rev. A produced by TGP Landscape Architects unless otherwise agreed in writing with the planning authority. The landscaping scheme shall be completed during the first planting season following the first occupation of development.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

16. No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWP) have been submitted to and approved in writing by the Planning Authority. The CEMP shall be overseen by an Ecological Clerk of Works (ECOW) and shall cover the following details:

- (a) No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

- (b) Prior to the commencement of development an updated habitat survey shall be carried out, the findings of which shall be submitted to and approved in writing with the planning authority.
- (c) If tree works are proposed during the bird nesting season (March – August inclusive) a pre-commencement inspection for active bird nests should be carried out by a suitably qualified person. Only if there are no active nests present should works proceed.
- (d) Otter mitigation shall be undertaken in accordance with the recommendations contained within the Walkover Survey for Eurasian Otters (WSEO) dated 8/2/19 produced by Tetrix Ecology, namely:

- An ecological toolbox talk will be presented to all site contractors as part of their pre-works site induction in accordance with the methodology detailed in the WSEO;

- The generic mitigation measures as detailed in the WSEO.
- The specific mitigation measures
  - An additional otter survey shall be undertaken in late spring / early summer to account for the temporal use of the site and wider area by otters.
  - Where the species data is older than 18 months, the reported baseline should be updated by further survey work.
- (e) If any of the trees which have been identified as being suitable for bats are to be removed between May-September, a further inspection of these trees shall be carried out by a licensed Bat worker prior to their removal. A European Protected Species Licence will need to be acquired from Scottish Natural Heritage in order for the bats to be translocated by a licenced Bat Worker.
- (f) An ecological toolbox talk on bats and what to do if bats or field signs of bats are encountered shall be presented to all site contractors as part of their pre-works site induction.
- (h) As no evidence of Red Squirrel were recorded in this woodland, it is important to avoid risk of an offence. The applicant is required to carry out a pre-construction check of the site to determine the presence of this protected species. The pre-construction check should follow Scottish Natural Heritage advice as they are the licencing authority:  
<https://www.nature.scot/sites/default/files/2018-09/Species%20Planning%20Advice%20-%20red%20squirrel.pdf>

Further information can be found in the Biodiversity Technical Note in terms of surveys and mitigation calendars Page 20 and 21: [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_technical\\_note\\_feb\\_2017\\_4.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf)

- (i) The woodland is dominated by Pedunculate Oak and some Birch which was subject to a clearance programme where the focus was on Rhododendron ponticum (Rp) an Invasive Non Native Species (INNS), a watching brief should be maintained in relation to Rp re-emergence and factor in control measures for Japanese knotweed and Himalayan balsam.  
An INNS Eradication Plan should be included in the CEMP ready for implementation.
- (j) Details of pollution controls during construction.

Reason: In order avoid, minimise or mitigate effects on the environment and surrounding area.

17. The areas of woodland associated with the development shall be managed in accordance with the submitted Woodland Management Plan dated 22<sup>nd</sup> May 2020 prepared by The Tree Inspector (Scotland).

Reason: In order to ensure the future management of the trees.

18. No development shall commence until samples of materials to be used in the construction of the dwelling houses hereby approved have been submitted to and approved in writing



by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

19. No development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to an approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

20. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

21. No development shall commence until full details of the final design of the closed loop water source district heating system are submitted to and approved in writing. This shall include an assessment of any impacts on Priority Marine Features and shall include details of a pre-commencement survey and details of any mitigation required. Thereafter the development shall be carried out in accordance with these details unless otherwise agreed in writing with the planning authority.

Reason: To ensure that any works will be carried out in a manner to mitigate any potential impacts.

23. That prior to the occupation of the 12<sup>th</sup> dwelling house full details of bird and bat boxes to be installed on established trees shall be submitted to and approved in writing by the planning authority. This shall include details of the design of the boxes and their proposed location within the woodland and a timescale for their installation.

Reason: In the interests of biodiversity.

24. No construction activity shall be undertaken outwith the following times unless otherwise agreed with the planning authority in consultation with Environmental Health:

8:00am and 6:00pm, Monday to Friday inclusive,  
and 8:00am and 1:30pm on a Saturday  
and at no time on a Sunday or Public/Bank Holiday.

Pile breaking-out, pile reduction work and rock or concrete break-out and removal carried out using powered percussive equipment, shall only be carried out between the hours of:

10:00am and 2:00pm Monday to Friday inclusive,  
and 10:00am and 1:00pm on a Saturday,  
and at no time on a Sunday or Public/Bank Holiday.

The best practicable means to reduce noise to a minimum, as defined in Section 72 of the Control of Pollution Act 1974, shall be employed at all times.

All plant and machinery in use, including mechanical plant for excavation, shall be properly silenced and maintained in accordance with the manufacturers' instructions and comply with the generic plant noise emissions in Code of Practice BS 5228: Part 1: 2009+A1 2014, Noise Control on Construction and Open Sites.

Diesel/petrol-powered electrical generators shall not be used on site unless it can be demonstrated that their use cannot reasonably be avoided and that a mains or temporary builder's electrical power supply is not available.

Reason: In the interests of protecting the amenity of the surrounding residential area during the construction phase.

25. No permission is given or implied for the pontoon indicated on the application site layout drawing D001A.

Reason: This does not form part of this planning application and a further application for planning permission would be required if the applicant wishes to proceed with this element of the proposal.

## NOTES 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 Authority specifying the date on which the development will start.
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. It is recommended that the windows, although triple glazed, innermost pane (i.e. house side) be at least 6.8mm thick and incorporate a PVB interlayer in accordance with blast hazard mitigation measures. Thicker panes of laminated glass are also acceptable provided they contain a PVB thickness of at least 0.76mm.
5. The applicant should contact the Marine Scotland Licensing Operations Team directly to discuss the project in more detail. Scottish Government, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel: 0300 244 5045 Email [MS.marinelicensing@gov.scot](mailto:MS.marinelicensing@gov.scot)
6. Scottish Water has advised that the development proposals impact on Scottish Water Assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk). The

applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

7. The proposed road realignment to the existing private access road shall require the submission of an application for a roads construction consent. After subsequent approval a finance security road bond will be required to be lodged before any works commence on site. The shared surface road shall be constructed to an adoptable standard, this shall, require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00094/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The application site is located within the settlement boundary of Portincaple as defined by the adopted LDP. Policy LDP STRAT 1 requires developers to have regard to sustainable development principles when preparing planning application submissions. Some of the elements of this policy would not apply as there are no existing buildings on the site, however, other elements of the policy including the utilisation of public transport and active travel networks, biodiversity, landscape character and flooding have all been considered during the processing of this planning application. These issues are assessed more fully in this appendix against the more detailed supplementary guidance policies. In addition, a sustainability checklist has been completed for the proposed development.

Portincaple is defined as a village / minor settlement within the adopted LDP. The proposal is for 12 dwelling houses which is defined as medium scale within the adopted LDP. Medium scale is defined as between 6 and 30 dwelling units inclusive. Policy DM1 establishes the acceptable scales of development within each of the zones identified in the LDP. Within villages and minor settlements Policy DM1 is supportive of small scale development on appropriate sites. As 12 dwelling houses constitutes medium scale development the proposal is a departure from Policy DM1.

Policy SG LDP HOU1 under section D states that “housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development management zone in the justification for this supplementary guidance.” Within the justification paragraph 1.1.3 states “Where the proposal involves large-scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.

It is, however, considered that a development of this scale could be accommodated on this site without detriment to the amenity of the surrounding area. It is considered that there is capacity in the landscape for this scale of development and that the design of the proposal would respect the existing rural settlement character of Portincaple. More details on this aspect are contained within the Location, Nature and Design of Proposed Development and Landscape sections of this report. Other than breaching the 5 dwelling limit stipulated in the policy, there would be no other reason to resist the proposed development. There would be nothing to prevent the applicant from applying for this proposal in groups of 5 houses. Experience gathered over the term of the existing plan has shown that this has happened in other locations. This piecemeal approach to development has the potential to result in poorly coordinated schemes with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing. In addition, it is proposed that three of the houses each with five

single rooms will be made available to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde. While this does not meet with the criteria for affordable housing as defined by the LDP, it would satisfy a housing need in the area.

These circumstances have led the Council to propose changes to this policy in LDP2. All restrictions on scales and numbers have been removed and the issue of scale will be a matter of judgement based upon the characteristics of the site and other relevant LDP policies and material considerations. However, it should be noted that the LDP2 policy cannot currently be used in the assessment of this application as it has been subject to objection.

It is considered that an exceptional case has been demonstrated and that the policy would comply with policy SG LDP HOU 1. Subject to compliance with all other relevant policies in the adopted plan, it is considered that the proposal could be viewed as a minor and justifiable departure from Policy DM1.

## **B. Location, Nature and Design of Proposed Development**

Policy LDP 9 – Development Setting, Layout and Design requires *inter alia* that development is sited and positioned so as to pay regard to the context within which it is located, that the layout and density shall effectively integrate with the urban, suburban or countryside setting, and that the design of the development is compatible with its surroundings.

The site which measures approximately 1.5 hectares is located within the settlement boundary of the minor settlement of Portincaple. The application site is bounded by settlement boundary to the north, east and south and by Loch Long to the west. The boundary of the Loch Lomond and the Trossachs National Park is located approximately 1km to the west across Loch Long. It is not considered that the proposed development of 12 dwellings within an established minor settlement would have any adverse impact on the setting of the National Park. There are three listed buildings within Portincaple. One at Inverallt immediately to the north west of the site and two at Dalriada approximately 0.5km from the site. There are a large number of intervening dwellings between the application site and Dalriada and it is not considered that the proposal would have any impact on the setting of these listed buildings. With regard to Inverallt which is category B listed, the proposed development will be located at a higher level whilst Inverallt is located on the coastline. The principal elevations of the listed building are orientated towards Loch Long with the closest house in the proposed development sitting behind this at a higher level approximately 16.7m from Inverallt. In these circumstances, it is not considered that the proposed development would have an adverse impact on the setting of the listed building. The proposal does not therefore contravene policy SG LDP ENV 16(a), Historic Environment Policy for Scotland (2019) and Managing Change in the Historic Environment (2016) which relate to developments which affect the settings of Listed Buildings.

This is a sloping site which has some frontage onto Loch Long. The site varies in level from approximately 30m AOD to sea level at the shoreline. The proposed houses would

be located around the 18m to 22m AOD range. Due to the sloping nature of the site, the houses would be split level. The proposed development would comprise:

6 no. terraced dwelling which would either be 5 bed cabins or 4 bed terraced houses;  
4 no. semi- detached 4 bed houses;  
2 detached 4/5 bed houses.

All of the houses would be located to the west side of the access road.

As a result of the sloping nature of the settlement of Portincaple, the pattern of development is currently a mix of detached properties at shore level, mid level and top level. The proposed development would be located in the mid level area at the northern end of the settlement and would look over the top of the lower level house and sit below the top level houses. It is not considered that the proposal would cause any overshadowing issues on the lower due to the distances involved and the intervening vegetation. The development would respect the natural contours of the site and would be split level and built into the landscape to avoid the need for unsightly underbuilding.

The proposal would introduce terraced and semi-detached properties of a contemporary design into Portincaple. The use of varying roof heights, intermittent pitched roofs and the use of render and timber would break up the elevations so they do not appear as a solid terrace. The development of this proposal would also facilitate public access with footpaths and seating areas proposed.

The agent has produced photomontages looking back towards Portincaple from Loch Long. This confirms that the pattern of development would be sympathetic to the landscape and existing pattern of development in Portincaple. The proposal would comply with the principles contained within Policy SG LDP Sustainable: Sustainable Siting and Design Principles.

Policy LDP 8 – Supporting the Strength of Our Communities is supportive of sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit. Further detail is provided within the supplementary guidance policies which relate to this LDP policy. Policy SG LDP HOU 2 provides further detail on special needs access in housing development.

Policy SG LDP HOU 2 requires development to make special needs access provision in housing developments. The applicant has provided a statement on this and has confirmed that the houses, parking and open space areas have been designed to be accessible and inclusive. It is considered that adequate provision has been made and that the proposal complies with policy SG LDP HOU 2.

## **C. Natural Environment**

Policy LDP 3 requires that the Council assesses applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment. Supplementary guidance policy SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity add more detail to the LDP policy.

There are no statutory or non-statutory designated areas for nature conservation within the boundaries of the application site. A number of supporting documents have been submitted in relation to the natural environment.

A bat survey was undertaken on 22<sup>nd</sup> May 2020 and the 9<sup>th</sup> and 10<sup>th</sup> June 2020. There are no buildings or structures on the site which could accommodate bats and the purpose of the survey was to examine trees on the site which may be suitable for bats. The survey focussed on areas where trees would need to be removed to accommodate the development. Initially the survey identified a total of 13 trees which had features suitable for supporting roosting bats, however, during this inspection no bats or field signs were identified. Further inspection revealed that not all of the features were suitable and this reduced the number of suitable trees to nine. The report therefore concluded that nine of the trees were suitable for supporting individual roosting bats. It was therefore recommended that if these trees are to be removed between May and September a further inspection should be carried out by a licensed ecologist prior to their removal. It is also recommended that contractors are given a Tool Box Talk and made aware of bats and what to do if bats or field signs of bats are encountered.

An otter survey has also been undertaken. As this report contains confidential historical records and sensitive information regarding otter activity within the vicinity of Portincaple Tetrix Ecology has stated that this should not be made publicly available due to the fact that otters are sensitive to disturbance and are strictly protected by law. The report concludes that with the implementation of mitigation and recommendations detailed in the report there will be no predicted significant long term residual negative effects resulting from disturbance, fragmentation and potential pollution effects.

The Council's Biodiversity Officer has been consulted on this application and is satisfied with the supporting information subject to conditions. These conditions are proposed and it is considered that the proposal would accord with Policy LP ENV 1.

Policy SG LDP ENV 11 seeks to protect soil and peat resources. Some of the representations received have suggested that the proposal would have adverse impacts on peat. The applicant has provided details from the Site Investigation report which confirms that the ground conditions are almost entirely silty clay, sands and gravel with rock located at an average of 500mm below the surface. It is considered that there would only be small deposits of peat on this site, if at all. While some cut and fill is proposed the development would generally work with the contours of the site. It is therefore considered that the proposal would not have a significant adverse effect on soil resources and functions or peat structure or function and would not contravene policy SG LDP ENV 11.

**D. Impact on Woodland/Access to Countryside.**

Within the application site there are areas designated as being listed on the Ancient Woodland Inventory as Ancient Woodland of Semi-Natural Origin. The SNH website advises that in Scotland this comprises woodlands recorded as being of semi natural origin on either the 1750 Roy maps or the 1<sup>st</sup> Edition Ordnance Survey maps of 1860. Ancient semi-natural woodlands are important because they include all remnants of Scotland's original woodland and their flora and fauna may preserve elements of natural composition of the original Atlantic forests. In addition they usually have much richer wildlife than more recent woods. The application site is not uniformly covered in woodland and while there are trees on the site, there are also large clearings.

A supporting tree survey has identified that the trees on the site as predominantly oak although birch, rowan, holly, willow and ash are also present. The survey identified a

total of 188 trees with 89 being of moderate quality and 99 being of low or very low quality. In terms of the age of trees 26% were considered to be mature and 72% semi-mature to early mature. The tree survey notes that the natural tree regeneration on the site has been suppressed by the presence of invasive *Rhododendron ponticum*.

Policies LDP 3 and associated supplementary guidance policy SG LDP ENV 6 seek to protect trees / woodland. The policy states inter alia that "Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland / trees, including compensatory planting and management agreements." The supporting planning statement advises that the proposal will require the removal of 50 to 60 trees whilst the more recent Woodland Management Plan (WMP) suggests that 30 to 50 trees may need to be removed. Of these trees approximately 12 of "B" moderate quality would require removal at the north end of the development area and 8 "B" moderate quality trees would require to be removed at the south end. It is noted that the final number will be confirmed following a pre start construction survey. A condition is proposed requiring the submission of these details prior to the commencement of development.

The Woodland Management Plan (WMP) provides a framework to restore the amenity and biological values of the woodland to secure its long term viability as a whole. The WMP notes that the survival of the woodland in the long term will be dependent on managing the trees and keeping it clear of invasive species. The WMP proposes to restore the understorey of the woodland which is absent due to the presence of *R. ponticum*. This would involve planting small trees and shrubs as there are a good number of larger canopy trees already on the site. This would allow the recovery of the woodland flora which would give rise to invertebrate populations and subsequently encourage occupation by birds and small mammals. The WMP notes that it is the intention to fell as few trees as possible in line with the WMP. Where trees need to be felled they will be replaced on a 3:1 basis.

Taking account of the depleted condition of the existing trees due to the historical colonisation by *R. ponticum*, the proposals within the WMP for active management of the woodland and the proposed level compensatory planting, it is considered that on balance the proposed level of tree removal is acceptable. The end result for the trees and biodiversity is more positive with the above measures in place, therefore subject to the implementation of the woodland management plan, it is considered that the proposal would accord with policies LDP 3 and SG LDP ENV 6.

There are no core paths or Public Rights of Way crossing the site, however development is proposed in the vicinity of the foreshore. In this regard Policy SG LDP TRAN 1 requires that a loch side strip of land 4 metres wide should be provided between the shore and any area from which the developer intends to exclude the public such as gardens. The proposal complies with this requirement and has also included footpaths leading to the foreshore within the development.

## **E. Landscape Character**



The site is located within an Area of Panoramic Quality. This is a local landscape designation and policies LDP 3 and SG LDP ENV 13 apply. This policy resists development where its scale, location or design would have a significant adverse impact on the character of the landscape. The policy also states that the highest standards in terms of location, siting, design, landscaping, boundary treatment will be required.

In terms of the Scottish Natural Heritage, Review No.78, Landscape Assessment of Argyll and the Firth of Clyde, Portincaple is located within a landscape type no. 5, Open Ridgeland. The key characteristics of this landscape type are listed as being:

- Broad, even slopes form rounded ridges and occasional steep summits;
- Upper slopes are predominantly open moorland with blocks of commercial forestry, patches of birch woodland and scrub.
- Marginal farmland confined to broader glens and loch fringes, with fields enclosed by stone walls and occasional shelter belts;
- Narrow strips of broadleaf woodland along burns and within steep, rocky gullies;
- Substantial, dark grey retaining walls and beech hedgerows emphasise contours and help to integrate settlements on lower slopes;
- Built development concentrates along very narrow shoreline strip.

A more recent landscape / seascape assessment was published in March 2013. The Loch Long section of this study sub-divides the loch in eight coastal character areas with Portincaple falling within the one entitled Finnart Oil Terminal to Coulpport. The study notes that this stretch of coast is dominated by the large structures associated with the MOD site at Coulpport and Finnart Oil Terminal. These sites are separated by a stretch of hill slope and extensive regenerating broadleaved woodland as well as the small village of Portincaple. The study further notes that Portincaple sits on an alluvial fan and that Clyde Steamers used to call at Portincaple.

Opportunities and guidance which relate to Portincaple are noted in the study as follows:

- There may be opportunities for additional housing associated with the alluvial fan at Portincaple;
- Modest, domestic scaled jetty or slipway structures could be located at Portincaple;
- The expansion of semi-natural woodland along this coast should be encouraged as it creates a unifying element which provides a context for development.

It is considered that the landscape has the capacity to absorb the scale of development proposed. The applicant has submitted a series of photomontages which demonstrate the landscape impact when looking towards Portincaple from Loch Long. This demonstrates that while some terraced houses have been introduced into Portincaple, these have been designed in such a way so as to break up their appearance through the use of materials and intermittent pitched roofs. The Council's Sustainable Design Guide advocates that new developments should include a range of housing types and sizes so that the scale and density varies through the development. It is considered that mixed developments help ensure a more sustainable community in the long term.

Until recently the existing trees within the site were choked with *R. ponticum*. Over the years this has compromised the regenerative capacity of the trees and the biodiversity value of the land. At present the site contains some woodland and some trees with open spaces between. The development of the site includes proposals to landscape the site.

Part of this would involve the restoration of the devalued woodland. The Woodland Management Plan anticipates that 320 new trees will be planted made up of a mix canopy species, understorey species and shrub species. Through time this will result in a regenerated broadleaved woodland with a greater biodiversity value.

Taking account of the above, it is considered that the erection of 12 houses and works to regenerate the native woodland would respect the character of the landscape and would accord with policies LDP 3 and SG LDP ENV 13.

## **F. Affordable Housing**

Policy LDP 8 – Supporting the Strength of Our Communities is supportive of sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit. Further detail is provided within the supplementary guidance policies which relate to this LDP policy. Policy SG LDP HOU 1 provides further detail on the application of affordable housing along with the supplementary guidance on the delivery of affordable housing.

Policy SG LDP HOU 1 (General Housing Development Including Affordable Housing Provision) states that it is expected that housing development of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. The LDP provides supplementary guidance on the delivery of affordable housing and provides a sequential approach on how affordable housing should be delivered with the preferred method being the delivery of affordable housing on site.

The planning statement submitted in support of this application noted that three houses would be made available to the Navy to provide shared accommodation housing as part of the affordable housing provision. However, it is not considered that this would satisfy the usual definition of affordable housing, that it be a person's primary residence. During the processing of this application alternative ways of providing the affordable housing in accordance with the Council's policy which requires a sequential approach were investigated. The SG on the delivery of affordable housing states that it is normally expected that it will be fully integrated on site, only in exceptional circumstances, once the developer has demonstrated to the satisfaction of the planning authority that on site provision is not practicable will other options be considered.

The applicant has engaged with a Registered Social Landlord (Argyll Community Housing Association, ACHA), however, this approach was finally discounted because although ACHA were interested in principle, the timescales for potential funding were too distant in terms of the applicant's plans to develop the site. Portincapple is not identified within the current Strategic Housing Investment Plan (SHIP) therefore any funding to support provision by ACHA could be about two to three years away. However, the developer is keen to proceed with the housing required by HMNB Clyde for which there is an immediate need.

Taking account of the above, it was finally accepted by officers that the affordable housing requirement from the proposed development could be achieved by means of a commuted sum payable in lieu of the three units which are required from the proposed development. The commuted sum payable will be £24,000 per unit, and will result in £72,000 being made available to support the provision of affordable housing on other

sites within the Helensburgh and Lomond area. This accords with the LDP affordable housing guidance and policy SG LDP HOU 1. This also accords with policy SG LDP PG 1 in that the proposed planning gain is proportionate to the scale of the development and serves a planning purpose in accordance with the policy tests set out in Circular 3/2012 Planning obligations and Good Neighbour Agreements.

**G. Archaeological Matters**

Policy LDP 3 seeks to protect, conserve and where possible enhance the built, human and natural environment. Supplementary Guidance Policy SG LDP ENV 20 addresses development impact on sites of archaeological importance. The West of Scotland Archaeology Service (WoSAS) has submitted a consultation response on this application. The consultation letter notes that the area within which the application site is located is a reasonably rich landscape populated with recorded archaeological sites of prehistoric and later periods. WoSAS has advised that while there are no recorded archaeological sites within the application area, there is no reason to suppose that what has so far been recorded in the surrounding landscape represents the full sum of archaeological remains formed over many thousands of years.

Due to the potential for more discoveries on this land, WoSAS has recommend that should the Council be minded to approve this development an archaeological condition should be attached. Subject to the terms of this condition being complied with, it is considered that the proposal would accord with policies LDP 3 and SG LDP ENV 20.

**H. Road Network, Parking and Associated Transport Matters.**

Policy LDP 11 is supportive of development which seeks to maintain and improve internal and external connectivity. More detailed guidance on the application of this policy is contained within the Council's Supplementary Guidance.

Supplementary guidance policy SG LDP TRAN 4 requires that developments in excess of 5 dwellinghouses which do not form part of a housing court development are served by a public road. The entrance to the site is currently taken off an existing private access which runs from the termination of the adopted road and serves a number of dwellings within the northmost section of the Portincaple settlement. In accordance with this policy, it is proposed to extend the limit of the public road from where it currently ends in the vicinity of a property named Woodstock all the way in to the proposed site to serve the development. It is noted that the existing private access has in recent year been improved, however, these upgrades are not sufficient for the Council to add the road onto the list of public roads. Therefore, a section of the private access from outside the property known as Woodstock requires to be realigned to the junction with the new road serving the site in order to achieve gradients and widths which would be suitable for adoption. The Area Roads Officer has offers no objection to this proposal subject to conditions relating to road condition and culvert surveys, visibility splays, gradients and phasing.

A watercourse crosses the northern end of the site close to the access point. The installation of a culvert will be required as part of the adopted road. Culverts are

generally constructed of concrete and are often left unfinished giving the water course crossing a heavily engineered appearance. As this a rural settlement within an Area of Panoramic Quality a condition is proposed in order to ensure that the culvert is faced in a more appropriate material in keeping with the area.

Policy SG LDP TRAN 6 requires that developments adhere to parking standards specified in the Access and Parking supplementary guidance. The development complies fully with this and has gone beyond the requirements of the current LDP by also providing additional visitor parking and electric charging points.

Policy LP TRAN 2 requires development likely to generate significant levels of journeys to select and orientate development sites such that advantage can be taken of existing or potential public transport services to and from the locality. Within the explanation of the objectives of this policy it is stated that the focus is on large scale categories of development and in terms of dwellings this is 30 units or more. Notwithstanding that this is a medium scale development, the proposal would allow access and turning for a bus should such a service be introduced at some point in the future. The proposal would therefore accord with Policy LP TRAN 2.

Policy SG LDP TRAN 3 expects developments to make appropriate provision for special needs access. This includes provision for pedestrians and cyclists as well as access and turning for service vehicles. It also requires access requirements to accord with the Disability Act and equalities legislation. The Area Roads Officer is satisfied with the proposed layout and a turning area has been provided for service vehicles. In addition, the proposed houses would have an accessible parking space along with storage for bicycles. It is therefore considered that the proposal would accord with Policy SG LDP TRAN 3.

### **I. Infrastructure**

Policy LDP 10 is supportive of development which seeks to maximise resources and reduce consumption while Policy LDP 11 seeks to maintain and improve our internal and external connectivity and make best use of existing infrastructure. In terms of infrastructure further information and details are provided within the SERV supplementary guidance policies which are considered below.

Policy SG LDP SERV 1 requires connection to a public sewer unless it is demonstrated that connection is not feasible for technical or economic reasons or that a Scottish Water waste water treatment plant is at capacity. Scottish Water has confirmed that there is no wastewater treatment plant in the vicinity, therefore a private system is considered to be acceptable subject to it not adding to existing environmental, amenity or health problems.

The proposal would be served by a private sewage treatment plant. SEPA initially objected to this application on the grounds that discharge to groundwater via a soakaway would be the preferred option rather than discharge to an inland watercourse. The applicant's engineers subsequently submitted details of percolation tests which concluded that the site is unsuitable for an insitu soakaway. Therefore, the design was amended to incorporate peat modules for filtration after treatment prior to discharge to coastal waters. In a letter dated 28<sup>th</sup> July 2020 SEPA advised that the objection had

been removed following the submission of the additional information. In this letter it confirms that the objection has been removed on the understanding that the foul drainage arrangements being proposed are considered to be a betterment to the aforementioned discharge to the inland watercourse. Taking account of the above, it is considered that the proposal would comply with Policy SG LDP SERV 1.

Developments for the treatment of sewage are classified as “Bad Neighbour Development” where they serve more than one dwelling. This element of the proposal therefore requires to be considered against policy SG LDP BAD 1. A Klargester Bio Disk sewage treatment plant is proposed which would be located at the north west end of the site. This will also be subject to a building warrant. Subject to the proper installation and operation of this equipment, it is not anticipated that there will be any adverse impacts on amenity in terms of noise, odour or pollution. It is therefore considered that the proposal would comply with Policy LP BAD 1.

Policy SG LDP SERV 2 relates to the incorporation of natural features and sustainable drainage systems. It encourages developers to incorporate existing water features in development schemes and requires that culverting be avoided where practical and designed sensitively where unavoidable. A water crossing is required in order to gain access to the site and therefore a culvert will be required for a short stretch to accommodate the new road. Conditions are proposed in order to ensure that culvert is designed so that it will not cause flooding and that its appearance is appropriate for the rural area.

Policy SG LDP SERV 3 requires developers to demonstrate that all development proposals incorporate proposals for SUDs measures and requires a drainage impact assessment to be submitted for developments containing six or more dwellinghouses. The applicant has submitted drainage information commensurate with a drainage impact assessment which considered the impact of the development on its catchment areas with regard to flood risk and pollution. The observations from the Council’s Flood Advisor notes that the overall site boundary lies within the indicative limits of the 1 in 200 coastal flood extend on the SEPA Flood Map (2014). The main limits of flooding are to the western edge of the site where it adjoins the coast. The proposed houses are located much further up the slope outwith the 1 in 200 year flood area starting at a height of about 18m AOD. SEPA has been consulted and has not objected on flooding grounds. The proposal would therefore accord with Policy SG LDP SERV 7 which is supportive of residential development within this area outwith the 1 in 200 flood zone. The small burn which runs to the north of the site has a catchment area of less than 3km<sup>2</sup> and this is too small to be included on the SEPA map. A culvert is required along a short stretch of the watercourse in order to facilitate road access into the site. As details of this small burn are unknown, the Council’s Flood Advisor has recommended that the culvert upgrade is sufficient to convey the 1 in 200 year plus climate change flow plus a 0.6m freeboard and be designed in accordance with CIRIA C689. A condition is proposed to this effect.

In terms of surface water drainage, the drainage plan demonstrated that a filter drain along the side of the access road is proposed with outfall to the burn to the north of the site and that all roof run off from the properties will be discharged to private soakaways in each of the gardens. In addition, the area between properties SD1 and T6 is proposed to host tree pit soakaways and bio-retention features to aid in the drainage of surface

water. The plans also include other SuDS features such as permeable paving to be used in the private driveways and a flush kerb arrangement on the side of the access road to allow for surface water run-off. The Council's Flood Advisor has confirmed that this approach is acceptable subject to a condition requiring drainage calculations and details of the maintenance of the drainage system. These conditions are proposed should Members be minded to grant this application.

Policy LDP SERV 5(b) requires detailed application for medium or large scale developments to provide details of the arrangements for storage, separation and collection of waste to be submitted. The policy also requires the submission of a Site Waste Management Plan which shall ensure the minimisation of waste during the construction phase. Conditions are proposed to ensure compliance with this policy.

A water source heat pump system is proposed which would provide a low carbon technology heating and hot water supply to the proposed dwellings. The application has been supported by an Energy and Sustainability Feasibility Study which has been undertaken by the consultant engineers Ramboll. This study has concluded that the optimal low carbon supply of heating and hot water should be through a district heat pump system. After considering various options it was concluded that a closed loop water based heat pump would be the favoured solution which would have the shortest payback time.

These pumps are designed to transport heat from a water source into buildings. As water is warmer than air in winter, the efficiencies of water source heat pumps are much higher than equivalent air source heat pumps. This would be a closed loop system with sealed pipes filled with fluid (antifreeze) which are submerged beneath the water never coming in to contact with the water directly. As the fluid flows through the pipes it is heated by the water body and returns to the heat pumps. Loch temperatures from local measurement data shows that even in winter the average temperature of the water is around 7 degrees Celsius meaning that high efficiencies could be released from the technology. Pond mats containing the pipes would be submerged in the water and would be supported by four columns. Pontoon access is shown on the submitted site plan, however, this does not form part of this planning application and will require to be the subject of a future application as well as a Marine Licence. It is understood that it would still be possible to install and operate the heating system without a pontoon.

As this element of the proposal spans both the land and sea a Marine Licence will also be required. With regard to the LDP a number of policies would be relevant to the heating system. Policy LDP 6 – Supporting the Sustainable Growth of Renewables is supportive of renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

Policy LDP CST 1 – Coastal Development notes that the preferred location for developments requiring a coastal location is the developed coast within the settlement excluding the natural foreshore. There is a presumption against development on the natural foreshore unless there is a specific operation purposed and no alternative location. The proposal clearly satisfies these requirements as the loch water is required to heat the pipes. A condition is proposed requiring further details of the heating system

in order to ensure that any works will be carried out in a manner to mitigate any potential impacts.

Policy SG LDP ENV 7 requires the consideration of a development's impact on water quality. The proposed surface water and foul drainage of the site are considered to be acceptable with respect to this issue. The proposed district heating system is a closed loop system which would have no impact on water quality. In addition, a condition is proposed requiring the submission of a CEMP which will address pollution controls during construction. The proposal would therefore accord with policy SG LDP ENV 7 subject to compliance to the conditions proposed.

**J. Safeguarding Issues**

Policy SG LDP SERV 8 requires planning authority to consult with the HSE where developments lie within the safeguarding zones of Notifiable Installations. This application is located within two safeguarding zones one associated with Finnart Oil Terminal and another relating to Defence Munitions Glen Douglas and Coulpport.

Both the HSE and MOD have offered no objections, however, MOD has recommended that thicker glass be used in some of the windows which has been added as an informative to this application.

Taking account of the above, it is considered that the proposal would comply with SG LDP SERV 8.

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**Representations in relation to 20/00094/PP**

**Objection**

Alex Wood PA12 4DD  
Neil Smith Dalriada Feuins Road Portincaple Helensburgh  
Ruth Chapman Ferry House Portincaple G84 0ET  
Christopher Watson 9 Topcliff Green Morley Leeds  
M Puckett The Cedars Argull Road Kilcreggan  
Marjory Mackay Caorach Dubh Portincaple Helensburgh Argyll And Bute  
Donald Campbell 16 Lynn Avenue Dalry KA24 4AP  
Sally Pattrick Flat 4F1 13 Rosneath Street Edinburgh EH9 1JH  
Duncan Macpherson Ferry House Portincaple  
Helen Antonelli 5 Rhuddlan Close Rhiwderin Newport Gwent  
Ruth Chapman Ferry House Feuins Road Portincaple Helensburgh  
Andrea Roberts Katrine Feuins Road Portincaple Helensburgh Argyll And Bute  
Nicholas Fletcher 14 Laurel Lane Cambuslang Glasgow G72 7BF  
Jeremy Bernau Road End Cottage Feuins Road Portincaple Helensburgh  
Kenny Gibson  
Linda Cowan  
Trudi Lubiewski  
J Meade  
Jacqueline Dawson  
Heather Miller  
Sylvia Morrison  
Debbie Simmers  
Lucy Hollingworth  
Angela Anderson  
J S Irving The Bungalow Portincaple Helensburgh Argyll And Bute  
Andrew Crabb PA37 1QY  
Karen Mckay G83 9AH  
Rose Harvie G82 2DY  
John Riley FK20 8RY  
Alan MacIntyre PA37 1SQ  
Rob Colston G84 8NR  
Murdo Macaulay G74 2HH  
Sarah Reid G83 9BU  
Gillian Cummings EH15 8BN  
David Greenwell G84 0EN  
Scott William Munro C/Gibraltar 6 1B La Linea De La Concepcion Cadiz Spain  
Gareth Roberts Katrine Feuins Road Portincaple Helensburgh  
Colin McCallum 76 High Street Linlithgow EH49 7AQ  
J S Irving The Bungalow Portincaple Helensburgh Argyll And Bute  
Irene Robb 97A West Princes Street Helensburgh G84 8BH  
A M Dorrian 56 East King Street Helensburgh G84 7QR  
Clare Darlaston Address Not Provided  
Gemma Kimmett Duntorquill Feuins Road Portincaple Helensburgh  
Thomas Fletcher 3 Queens Road Colmworth Bedford MK44 2LA  
Geoffrey Smith 10 Lonscale View Keswick CA12 4LP  
Lindsay Watson 9 Topcliff Green Morley Leeds  
Patsy Millar G84 7QR  
Susan Maxwell G83 0PL  
Maggie Brotherstone PA37 1SL  
Iain Sutherland PA24 8AF  
Donna Spence KW16 3JA

Lloyd Stockan KW16 3AQ  
Michael Breslin G84 0ET  
Alan Grant PA34 5PG  
Iain Smith Dhunan Portincaple Helensburgh Argyll And Bute  
Christine Pratt Norse Lodge Feuins Road Portincaple Helensburgh  
Gemma Harvey EH47 0SE  
Natalie Duncan  
Faye Bryce PA2 7AU  
Hetty Wilson EH4 1ND  
Tom W M Walker G41 3AX  
David Lonnen 4 Stafford Street Helensburgh Argyll And Bute G84 9JT  
Catherine Naylor Woodstock Feuins Road Portincaple Helensburgh  
Murdo MacLeod No Address Given  
Chris Smith Dalriada Portincaple G84 0EU  
Polly Dunlop Flat 2/1 4 Lorne Street Helensburgh Argyll And Bute  
Vivienne Gleghorn Longview Feuins Road Portincaple Helensburgh Argyll And Bute  
Andrew Steven 80 Dalton Street Glasgow G31 5LA  
Scott Munro Aspen Feuins Road Portincaple Helensburgh  
Ellie McBeth 2076 Great Western Road Knightswood Glasgow G13 2AA  
Ronan Munro Flat 1L 7 Hayburn Crescent Partickhill Glasgow  
Ruairidh Munro 7 Hayburn Crescent Partickhill Glasgow G11 5AU  
Jefferson Burgess 12 Pettinain Road Carstairs Junction Lanark ML11 8RF  
Joan Pickford  
June Gray  
Als Llywelyn  
Gillian Brydon  
Martin Semple  
Fiona Paul  
Janet Jardine  
Morag Shaw  
John Lanigan  
Vivian Franklin  
Irene Smith Socair Portincaple Helensburgh Argyll And Bute  
Mr Alan Pinder Summerlea Shore Road Kilcreggan Helensburgh Argyll And Bute  
R J Fletcher Bridge End Feuins Road Portincaple Helensburgh  
Mary Crawford G84 0RE  
Colin Cooper PA34 4NN  
David Weatherstone G84 0HU  
Angela Sommerville G77 5JR  
Christopher Thornton PA31 8QJ  
George Nelson G83 8LW  
Claire Young KA3 4AN  
Mairi Morton G84 0PN  
Mary Meighan G83 8EJ  
Liz Cullen KA11 1BH  
Sarah McFadyen EH38 5YE  
Lorna Martin KA3 4EE  
Susie Barrie G84 8DB  
Richard Breslin Tigh Na Mara Feuins Road Portincaple Helensburgh  
Cass McArthur G72 8QU  
David O'Donnell G83 0TB  
David Jamieson G84 0JN  
Corrine Mills  
Steve Robertson  
Nicola Kilduff

Ross Robertson  
Amy Robertson  
Kim Cramb  
Louise Hamilton  
Hazel Simpson  
Joan Craig  
John Booth  
Ruth Barrie EH15 2BL  
Lauren Slade G82 2TF  
Amanda Scott PA29 6XZ  
Paul Brady Road End Cottage Feuins Road Portincaple Helensburgh  
Alastair Macduff G12 9EZ  
Euan Wilkie G82 2JQ  
Michael Mitchell PA21 2BW  
John Madden G22 6DN  
Stephen Stock G83 8QZ  
Scott Slade G82  
Rhiannon Rees G84 7LJ  
Molly McKean EH6 4AQ  
Deborah Landon-Norton PA31 8RU  
Mundi Cooper PA34 4NN  
Gordon Scott PA77 6XA  
Michael Breslin PA23 7UD  
David McDowall PA23 8TR  
Juliet Morgan PA23 7SP  
Scott Mannion PA31 8HZ  
David Boland PA23  
Mary Braithwaite PA34 4TX  
Lesley Hartwell CW1 3BG  
Liese O'Brien PA27 8BX  
Jacquie Blair PA16 0QR  
Geraldine Harron PA19 1TB  
Allan Kerr G83 8EB  
Shirley Livingstone PA35 1JQ  
Kenneth Steven PA34 4RA  
Simon Mackenzie PA31 8PY  
Ali Cleary EH42 1XJ  
Ali Porter PA21 2AG  
Andrew Tudor PA33 1AS  
Charlene Woods PA20 0EP  
A Lavelle PA29 6YJ  
Jackie Mollinson PA23 8SG  
Derek Crook PA66 6BL  
Michael Slater ML11 0PY  
Lorna Buntain G66 7BA  
Tim Dixon PA73 6LX  
David Sumsion PA26 8BG  
David Herincx NN4 8LN  
Lorraine Thomas G83 9EZ  
Tony Hughes PA33 1BX  
Allan McAllister DD10 9DQ  
Arthur Macvean G51 1TH  
John Harrower PA34 5TQ  
Brenda Campbell G84 0QR  
Linda Wainwright SK7 5AL

Ann Wood PA23 8TU  
John Lanigan PA24 8AF  
Elena Kimmett KW16 3HR  
Enid Thompson PH41 4PL  
Paula Russell G84 9SF  
Susan Will G84 0HU  
Nicola Hurd SK8 3HA  
Joan Pickford G83 8SR  
Ruth Breslin SK7 6AJ  
M Cameron Oak Lodge Portincaple Helensburgh Argyll And Bute  
H Cameron Oak Lodge Portincaple Helensburgh Argyll And Bute  
Sally Meredith Bramber Beaconsfield Road, Chelwood Gate Haywards Heath RH17 7LF  
Margaret Smith 10 Lonscale View Keswick CA12 4LP  
Mr Antony Robinson The Sheiling Feuins Road Portincaple Helensburgh Argyll And Bute  
H Hall Lower Feolin Villa Portincaple Helensburgh  
M Tudge Rivendell Feuins Road Portincaple Helensburgh  
Kirsty Whiten The Elm Main Street Craigrothie KY15 5QA  
Elizabeth Kerr G84 8LW  
Gabriella Lessing KA3 4ES  
Robert Thwaites G83 8SG  
Margaret Thwaites G83 8SG  
Jim Thomson G60 5AH  
James Bollan G83 0UR  
Alexander Davey PA20 0JN  
Olga Hammock PA37 1PJ  
Rhona Paterson G84 0RL  
Margaret Reid G83 9LR  
Jill Robertson  
Fraser Bell  
Janice Ross  
Margaret Cameron  
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Malcolm Macaskill AB32 6HZ  
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Ivan Roper DN2 6JL  
Gillian Bartrop-Young IV108SD/ PA23 8SD  
Jennifer Irvine KY8 3QA  
Hannah Evans 3070  
Sandra Melnikaite PA34 4QB  
Paul MacNeil G41 1PG

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Sandra Macdonald FK4 1EJ  
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Graeme Leighton HG3 5RZ  
Heather Boyd G62 7BE  
Sadenia Douglas G3 6DF  
Katie Cross G82 5NS  
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Gary Ewart G44 4AB  
Raymond Thomson AB24 0NG  
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Martin Catlin PA20 9JT  
Sheila Brodie TD4 6BJ

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Ann McClure AB24 4LF  
Hugh Tait KY11 9LP  
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Imogen Lally M4 7AT  
David Findlay KA30 8NJ  
Adam Young KA9 1ER  
Jenny Sigsworth M3 7BP



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Donald Munro G14 0DL  
Nicola Graveson M6 8AL  
Alison Matthew KA11 1LE  
Joshua Latimer AB34 5JU  
Sydney Bungard LO5 1JO  
Kirsty Aitchison PA31 8PQ  
Duncan Hubberstey TQ5 0ET  
Rowan Hubberstey TQ5 0ET  
Tracey Dunne G84 0HJ  
Sophie Leatherbarrow PH50 4QP  
Janet Hughes FK6 6NT  
Amelia Hughes G84 9JX  
Jamie McKnight G84 0JY  
Sophia Tortolano FK7 8FJ  
Ian Stokes G61 2JT  
Scott Sargeant FK10 2TH  
James MacPhee IV52 8TT  
Linda Sinclair PH33 6LQ  
Julia Byars G84 9AR  
Liam Cameron 2444  
Brian Millar EH6 8TB  
Margaret Wood PA28 6PZ  
Noel Wallace G74 1EU  
Annette Hughes ML4 1PG  
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Pamela Munro AB393PF  
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Katie Penman KY11 8NH  
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Kitty Cugley G84 8XT  
Billy Hunter KA18 2ED  
Imogen Burnett G84 8LS  
John Henry Cugley G84 7SA  
Papillon Bond N52DJ  
Ethan Archer NG334ER  
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Lisa Brown PA1 1QJ  
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Erin Robinson PA23 8TR  
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John Lewis G66 2JQ  
Jim Waugh KA22 7NJ  
Andrew Low KY8 4EN  
Angela Flynn G43 2DA  
Rebecca Salazar NN3 8TJ  
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Debbie Burton DL16 6XT  
Tommy Jack FK2 9JJ  
Gemma Welsh KW15 1SX  
Stuart Wallace KA27 8LR  
Rya Walter KW15 1XW  
James Brown KW16 3JS  
Aimee Nourse KW16 3AU  
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Megan Bain G84 8QW  
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Lucy Campbell G84 0ET  
Katy Reid G82 5LX  
Kieran McLaughlin ML5 3RZ  
Gerard Shields ML9 2RB  
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Ian Morris PH50 4RR  
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June Gray G84 9JG  
Lydia Hallis G82 1JA  
Ken MacNeil G84 9DW  
Allan Adam G82 5LF  
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David O'Brien  
Josie Sclater G840ET  
Steven Smith PA34 4QB  
James Gow G23 5NB  
Donna Smith PH1 4QT  
Tara Anderson PH2 0EY  
Calum Elder KW17 2JT  
Morag Russell DD8 2UF  
Hazel Grant ML12 6TF  
Aaron Dobbin 18 Fernie Gardens Cardross Dumbarton Argyll And Bute  
Ian Bainbridge 10 St Margaret's Lane Backwell Nr Bristol BS48 3JR  
Agnes Borland Sinclair Kenilworth Shore Road Kilcreggan Helensburgh  
Alison Burnhill 8 Mill Road Cardross Dumbarton Argyll And Bute  
Alan Cameron 7 Lower Sizehill Road Ballyclare County Antrim BT39 9RP  
Andrew Campbell 23 Ferry Road Rosneath Helensburgh Argyll And Bute  
Alan Codling Sunnymead 1 Wood Lane Thurlby PE10 0HQ  
Adele Gardiner Creagach Garelochhead Helensburgh Argyll And Bute  
Alastair Godrey 9/145 Campbell Street Sydney Australia NSW 2010  
Amie Irwin 15 Ashen Drive Milton Of Campsie G66 8FE  
Alan Reid 136 Fairhaven Kirn Dunoon Argyll And Bute  
Mark McAdam Jnr 3 Courthill Rosneath Helensburgh Argyll And Bute  
J Malcolm 12 The Beeches Blackwood Lanark ML11 9YR  
Lianne Macdonald 70 Bellrock Crescent Cranhill G33 3HG  
John McCoshan Flat 24 Walker Place 113 East King Street Helensburgh  
Kioran McGrath 1 Barts Terrace Cardross G82 5PE  
Kara McKee 17 Breadalbane Street Tobermory PA75 6PD

Mairi McKissock Redwood Portincaple G84 0ET  
Julie MacNeil Flat Ground/1 Osbourne Villa School Road Rhu  
Scott Douglas KA9 2LP  
Mark Wilson KA9 2PU  
Brogan Caddis FK94EJ  
David Wilson G117SR  
Connor Brooke FK9 4EJ  
John Ballantyne TD9 8JS  
Jamie Bowers G776FX  
Sarah Youd CH473AT  
Jane McIntyre G66 5DP  
Hannah H G849NP  
Sheila Morrison 2741GN  
Rowan Welch WF8 4SF  
Sebastien Durand Nizan PA1 2PD  
Mirian Calvo LA1 1AF  
Scott Ballantyne Ky4 0jn  
Lenka Cameron IV519JY  
John MacDonald G60 5AN  
Matthew Amer EH19 3RD  
Bruce Adamson KY7 6YJ  
Pilar Ortega G64 1YE  
Jane Campbell EH16 6TD  
Jacqueline Naysmith EH45 9LU  
Nancy Wilson KW16 3DF  
Jim Wren CW8 2QE  
Gail MacKenzie IV32 7EH  
Jonathan Wall EH16 6AX  
Silvie Kozma AB24 5AH  
Allison OHara EH45 9LS  
Hilary Worton Saddlevie Portincaple Helensburgh Argyll And Bute  
Roy Bain 11 Meikle Aiden Brae Kilcreggan Helensburgh Argyll And Bute  
Louisa Barry Mosscroft Lonmay AB43 8XT  
M M Brown Woodlands Dunivard Road Garelochhead Helensburgh  
Mandy Bryan Branziet Farm Cottage, Balmore Road, Bardowie G64 4AH  
Rory Cameron PA16 0HY  
Georgina Munro EH48 1TA  
Mia Campbell Carardun Cromlech Road Sandbank Dunoon  
Mandy Carrington 8 Church Place Rhu Helensburgh Argyll And Bute  
Roger Chapman 4 Straid-A-Cnoc Clynder Helensburgh Argyll And Bute  
Louise Chapuis 137 West King Street Helensburgh Argyll And Bute G84 8DH  
Lynsey Cook Springwell Portincaple Helensburgh Argyll And Bute  
Michael Devine Varragill Portincaple Helensburgh Argyll And Bute  
Lucas Dobbin 17 Fernie Gardens Cardross Dumbarton Argyll And Bute  
Millie Duncan 11 CRAIGOMUS CRESCENT, MENSTRIE, FIFE FK117DN  
Rebecca Flett 16 Ferry Road Rosneath Helensburgh Argyll And Bute  
Lorne Frame 11 Durham Square Edinburgh EH15 1PU  
Linda Gallagher 19 Tom-A-Mhoid Rosneath Helensburgh Argyll And Bute  
Marianne Gallagher 100 Dorian Drive, Glasgow G76 7NS  
Mark Gordon-Brown Dippen Cottage, Kildonan, Arran KA27 8SB  
Grayson The Copse Donaldsons Brae Kilcreggan Helensburgh  
Lindsey Greatbanks 11 Bay View Court Northam EX39 1TJ  
Martin Haines PO BOX 3, Nieu Bethesda, 6286, South Africa  
Lorraine Houston Florisa Garelochhead G84 0EG  
Martin Harper Glenlea Shore Road Kilcreggan Helensburgh

Lisa Hobkirk 6, FRANCES HENDRY WALK, GARELOCHHEAD, G84 0ED  
Moira Hyatt 37 Loch Drive Helensburgh Argyll And Bute G84 8PZ  
Samantha Love 125 Barrangary Rd Bishopton PA7 5FR  
Zara Love 124 Barrangary Rd Bishopton PA7 5FR  
Michelle Madden Z'mattlistrasse 6, 6318 Walchwil Switzerland  
Madge Madden 8J Glenford Place Ayr KA7 1LB  
Nicola Madden Flat 2/3 Beaconsfield Road Glasgow G12 0PJ  
Brenda Lacey PH1 3EF  
Claire Spendlow G84 8TR  
Suzie Alvis PA34 4QB  
David Matthews DD11 4DF  
Viktorija Melnikaite FK8 1JJ  
Denis Keldie KW16 3AJ  
Deirdre Martin G84 0DS  
Simon Ionta ME1 1RT  
Ishbel Crawford PA20 0DU  
Emma Donaldson DD8 1EW  
Andrew Dickey G72 6ZS  
Rachael Roberts G84 0ET  
Robert Gray KW16 3DS  
Rosslyn Patterson G84 0LF  
Diane Knox PA16 7LJ  
Linda Mardell 9 Ben Bouie Drive Helensburgh Argyll And Bute G84 7NE  
Mark McAdam 3 Courthill Rosneath Helensburgh Argyll And Bute  
Mark Smith 43 CANNONGRANGE GARDENS, STENHOUSEMUIR FK53DU  
Maureen Marshall FERLOCH, MOSSCASTLE DRIVE, SLAMMANAN FK1 3EL  
Mary Martin 65 Rockhampton Avenue East Kilbride G75 8EH  
Marton 13 Barge Court Rhu  
Linda Masterson 65 BINNIEHILL ROAD, CUMBERNAULD G68 9DT  
Robina McAdam 3 Courthill Rosneath Helensburgh Argyll And Bute  
Lindsey McColl Achnamara Whistlefield Road Garelochhead Helensburgh  
Mandy McGreevy 3 BODIAM CLOSE, GILLINGHAM, KENT ME86XF  
Mark McGreevy 3 BODIAM CLOSE, GILLINGHAM, KENT ME86XF  
Nicola McKay 1 Evan Crescent, Giffnock G46 6NJ  
Margaret McWalters 9 Monaebrook Place Helensburgh Argyll And Bute G84 7JD  
Nicola Milne 29 St Modans Way Rosneath G84 0SQ  
Lisa Moreland 10 Argyll Road Rosneath Helensburgh Argyll And Bute  
Mary Morton 10 William Street Helensburgh Argyll And Bute G84 8BD  
Save Loch Long  
Save Loch Long Portincaple Campaign Group  
Alex McBride G84 7NL  
Helen Cameron KA30 9JN  
Steven McGuire FK2 0UX  
Dolores Barclay DD3 8NF  
John Blackley KA5 6BU  
Jacqueline Mann G68 9NW  
John Cameron CO9 1ET  
Lindsey Smyth IV63 7YA  
Audrey Slevin PA23 8RR  
Carol Grant G12  
Duncan M KY11 4NY  
Jacob Siems G82 5QY  
Catherine Cassels PH80 0JW  
Eileen De Sousa G11 6AJ  
Mandy Charles G84 0HL



George Stout EH22 1QY  
Amelia Thackray G84 8LW  
Lee Dailly DD4 0AU  
Fiona Scott ML2 8LB  
Christine Shand DD8 2TH  
Stephen Boyle EH16 6EN  
David Carr Kirk Park Villa ( Lower) Church Road Rhu G84 8RD  
Claire Fletcher 5 Tom-A-Mhoid Rosneath Helensburgh Argyll And Bute  
Dan Flett 16 Ferry Road Rosneath Helensburgh Argyll And Bute  
Ava Gorevan 110 Hyndland Road Glasgow G12 9JD  
Claire Hall 55 Clachan Road Rosneath Helensburgh Argyll And Bute  
Claire Harvey 14 Barge Court Manse Brae Rhu Helensburgh  
Angie Hutchings The Old Rectory Parsonage Lane Gittisham Devon  
David Kyle 10 Clyde Street Coatdyke ML5 3LT  
Arthur Lightfoot Sonochan Feuins Road Portincaple Helensburgh  
Claire Mackintosh 176 Garscadden Road Glasgow G15 8SY  
Andrew Parry S6 5AD  
Sarah Spencer EH7 4HF  
Sophie Reid EH9 2AD  
Valerie Brown G72 7NN  
Jamie Fosker EH8 9QU  
Miranda Johnson G84 8LJ  
Amy Lee PH7 4AF  
Anna Coull EH10 5QR  
Emma O'Neill G84 7SU  
Dominique Sclater KA3 4ES  
Paul Lessing KA3 4ES  
Rosa Williamson KY1 2UT  
Natalie Ward DG2 7JL  
Francesca Williamson KY1 2UT  
Jennifer Rhind DG10 9BU  
Yvonne Leighton HG3 5RZ  
Simone Muir G13 1DF  
Paul Colvin G14 0NL  
Cheryl Michaelides KY155PQ  
Jeanette McCrimmon G77 6BN  
Elaine Chisholm G46 8TB  
Alcolm Le May PA23 8TJ  
Sophie Benton EH526WL  
Ivan Coghill G12 8PB  
Robert Gannon G74 3RT  
Christina Anderson Flat 3/2 Garrioch Road Glasgow G10 8RP  
Clara Bean-Garden 15 Tom-A-Mhoid Rosneath Helensburgh Argyll And Bute  
Chris Boyd 1/2 Netherton Avenue Glasgow G13 1BQ  
Claire Brockie 16 Dunvegan Drive Newton Mearns G77 5EB  
Catherine Buchan 95 East Clyde Street Helensburgh Argyll And Bute G84 7PJ  
Beverly Burns Dungrianach School Road Kilcreggan Helensburgh  
Chris Craig 41 Royal Park Terrace Edinburgh EH8 8JA  
Carla Dobbin 15 Fernie Gardens Cardross Dumbarton Argyll And Bute  
Keira Reilly G84 7NW  
Jim McKinlay PH50 4SD  
Mark Connelly M18 4PT  
Kat Hassall M4 7AT  
Faheema Limbada BL1 4RQ  
Belinda Carr PA2 6SQ

Joe Legris BS7 9TH  
Avril Dear YO8 6RJ  
Yvonne Thorburn PH50 4QW  
Eliza Hubberstey TQ5 0ET  
Andrew Gallacher EH14 5SE  
Lucy McLean G84 0NN  
Charlotte Ingle G84 9LT  
Justine Ling G53 7NP  
Sarah Goldsmith G41 2BG  
Karen McGroarty G83 9HB  
Kim Burke G84 8LF  
Kel McLean G3 6SJ  
Emma Reid G46 7JL  
John Fullerton G41 2BJ  
Sean Stewart G83 9DF  
Valerie MacLeod G46 8LJ  
Peter Broughan G83 8 RT  
Thomss Crocket G82 1HJ  
Michael Gallacher IV180PE  
Jim McArthur G83 8BE  
Inge Fik G83 8ER  
Anthony Pickford G83 8SR  
Alexander Wilson PA34 4BX  
James Selbie DD2 2RA  
Drew MacEoghainn G82 4PD  
Ian Sanderson PA29 6YJ  
Colin Adam G82 2LJ  
Brendan O'Hara 8 Colquhoun Square Helensburgh Argyll And Bute G84 8AD  
Portincaple Residents Association  
Marnie Hodge KA22 7AF  
Georgina Carlisle KA7 2PY  
Graham Boswell G51 4JL  
Fiona Forbes KY2 6SX  
Susan Brown G74 4GL  
Cerys Galbraith G41 3JP  
Andy Kelly G33 1DT  
Abi Edmondson EH31 2DR  
Rosalind Gaffney G51 4JA  
Alasdair Lannigan G82 4HT  
Ian Hays PH34 4DT  
Rebecca Scott ML9 2JR  
Sophia Devaney RG20 8HG  
Alannah Maurer G84 0EL  
Michael Quinn G20 7JZ  
David O'Donnell G830TB  
Fiona McGowran EH49 7ET  
Adrian Coll G840PH  
Paul Neilson KA3 7HN  
Stacey Lowry LS123TY  
Megan Lindsay PA13 4NA  
James Hennebry G83 9LQ  
Elizabeth Snowden G83 8JR  
Sharon Parker G72 0QN  
Ellena Hudson EH10 4NB  
Paddy Cusick G536QE

Devin Healy G84 8RR  
Alexander Perrie G838SX  
Janice Ross G83 9NZ  
Liz Kerr G848LW  
Mark Wright OX3 7RU  
Kirsty Jefferies DD14LN  
Christina Purdon G84 8RS  
Eileen Cameron BA2 2SA  
Neil Galligan DD7 7GZ  
Kester Park PA23 7TA  
Nicholas McGranachan G83 8JJ  
Jan Barr G84 9HP  
Karen Ray PA75 6PB  
E Sheppard G61 1PF  
Euan McMurtrie G74 3AW  
Elizabeth Gibson G84 7NJ  
Iain Duncan G14 9RJ  
Louise Wright G33 2HW  
Celia Peerless EH52 5EB  
Ross Greer 38 Stewart Street Milngavie G62 6BY  
Rowan Clark G83 8EP  
Oliver Symon G41 1RF  
Katherine Walker G84 9PP  
Mark Utting PA23 8SE  
James Campbell G11 5AY  
Sean Williamson G41 3JH  
Christopher Sclater FK20 8RY  
Victoria Slaven PA5 0EJ  
Qasim Naz G61 4JA  
Malgorzata McCallum G45 9HR  
Joseph Bergin EH14 7DP  
Rory Hobbs Address Not Provided  
Marie Deeley G82 5AR  
Drew Craig EH16 6XD  
Ellen Stewart G84 9AF  
Rosemary Banner EH15 1TQ  
Moyra Conner G84 8SD  
Eileen McDonald G84 8BE  
Elizabeth Finlayson PH1 3NF  
Malcolm Lind PH10 7DG  
Sam Gallagher KA21 5NQ  
Mary Gray G84 0EG  
David Battle TD6 9JA  
Amanda Allen DD11 3DB  
Alice McCartney G848UU  
Elaine Mason KW15 1BZ  
Magnus Hay AB15 6NG  
Gillian Mcglone PA30 8EW  
Lyndsay McLees PO12 2HY  
Tony Mayes RG226QB  
Jade Jemmett BS24 9DF  
David Inglis EH16 5ET  
Erika Charlier PA17 5DY  
Fiona Hughes KW16 3DQ  
Steven Turner G84 0JX

Gavin Kidd AB219FQ  
Kava F AB30 1FA  
Tami Mawhinney G84 0EU  
K Hunter EH11 1NP  
Judith Orr AB51 4WY  
Neil Russell DD10 9LH  
Jason Miles AB24 2SD  
Margaret Watt KY1 2PQ  
Naomi Dixon KW16 3BN  
Julie Bailey SE10 0DF  
Moirra Chapman FK10 4LY  
Cavan Dunne KW17 2QS  
Anne Nelson PA24 8AF  
Karen McCall KY11 9GL  
Barry Mitchell ML10 6BY  
Kate Williams G84 8RT  
Lorna Dennett G82 1SA  
Susanna Miller PA24 8AH  
Rory Crutchfield PA31 8TA  
Shayne MacFaull PH41 4QQ  
Carol Greenwell G84 7LY  
James West AB10 6QL  
Simeon Maurer G84 0EL  
Helen Cairns KW16 3HZ  
Robbie Maclean HS9 5XX  
Scott Johnson ZE1 0AZ  
Douglas Jones G8R 7QL  
Karen Riddell IV16 9XT  
Emily Campbell G72 0XT  
Emma Parkinson AB54 8JZ  
Ben Chaddock G13 1JB  
William Higgins G84 0HS  
Michelle Sclater KW16 3EQ  
Dave Anderson Flat 3/2 Garrioch Road Glasgow G10 8RP  
Dan Barry Mosscroft Lonmay Aberdeenshire AB43 8XT  
April Bassett 5 Kelvin Drive Hillhead Glasgow G20 8QG  
Clara Bean-Garden 15 Tom-A-Mhoid Rosneath Helensburgh Argyll And Bute  
Anthony Borthwick 73 Shore Road Innellan Dunoon Argyll And Bute  
Colin Bryan Branziet Farm Cottage Balmore Road Bardowie G64 4AH  
Colin Buist 8 East Argyle Street Helensburgh Argyll And Bute G84 7RR  
Ashleigh Bysouth 5 Empress Drive Helensburgh Argyll And Bute G84 8QL  
Ann Marie Campbell 23 Ferry Road Rosneath Helensburgh Argyll And Bute  
Xiomara Vasquez No Postcode Or Address  
Donald Birnie R93H 7DA  
Olivia Finch PA13 4JU  
Ishbel Ross G11 5AU  
Debbie O'Hara PH50 4QP  
Caitlin Rowan G83 8SF  
Emily Friels G84 7JD  
Rebecca Friels G84 7JD  
Freya Lockhart G82 5PD  
Freya Gray Stone BS3 4TL  
Rachel Barrack G412HN  
Pat Mackie RM5 2LU  
Alice Harley FK2 8FF

Fiona Baillie G627LF  
Bella Parsons G840ET  
Annemarie Baxter G84 0EL  
Derek Thomson HS2 0QD  
Lorraine Thomas G839EZ  
Ailsa Connell G840HY  
Scott McMurray G848JG  
Barbara Campbell LS28 5SH  
Gregor Penman FK2 7BU  
Christine Mainwaring KA239BZ  
Alexander Mucklow G84 7SH

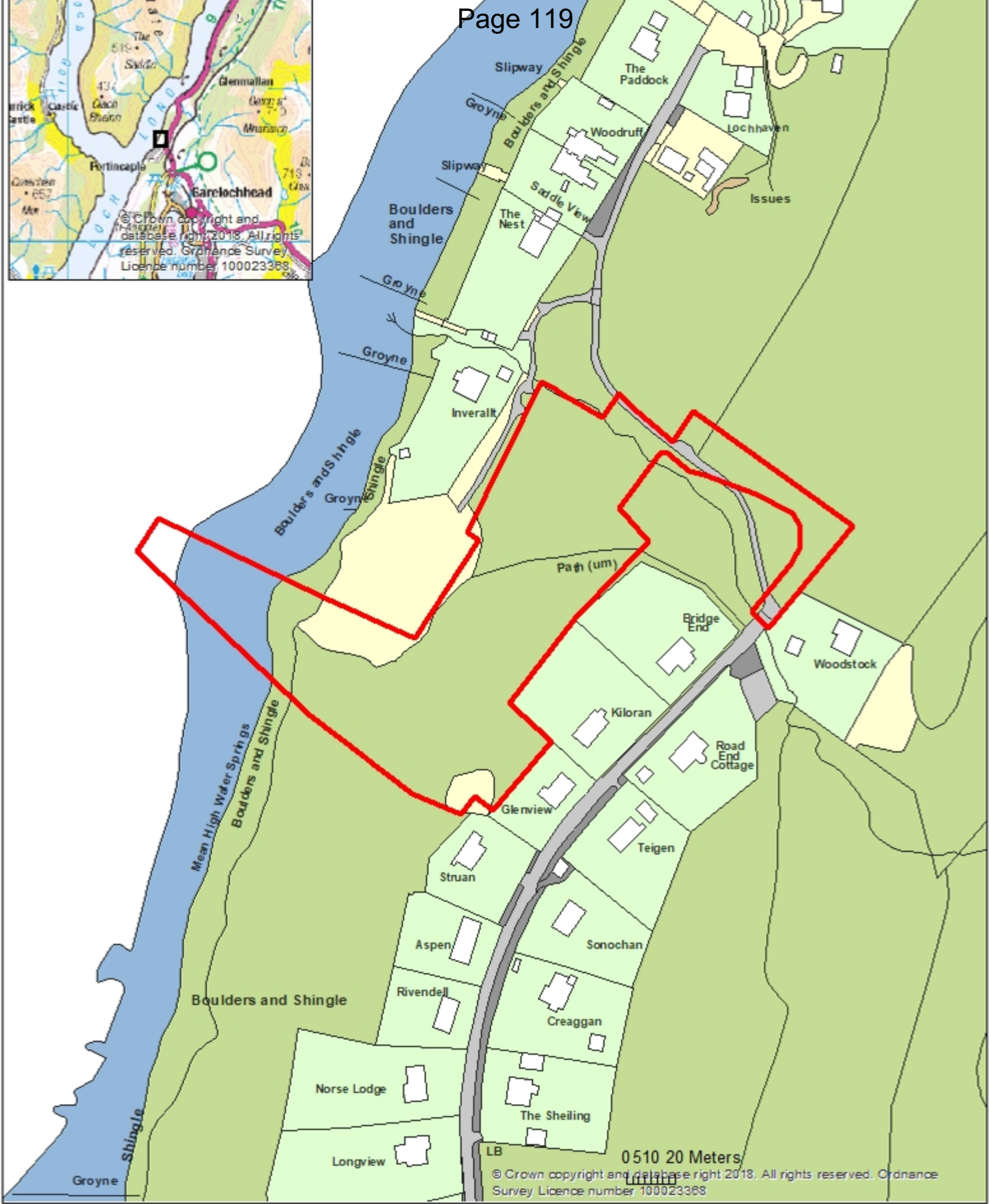
**Support**

John Urquhart 64B Colquhoun Street Helensburgh G84 9JP  
Philip Hartley G84 8NW

**Representation**

David Dickson PA2 9BF  
Geoff Caldwell KA10 6LE  
Gary Moar KW15 1UZ  
Christine Pratt Norse Lodge Feuins Road Portincaple Garelochhead  
Portincaple Residents Association Bridge End Feuins Road Portincaple Helensburgh  
Lynsey McBride G84 8XJ

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**Location Plan Relative to planning application: 20/00094/PP**



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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**

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**Reference No:** 20/00388/PP

**Planning Hierarchy:** Local Development

**Applicant:** Ms Alison J. Sinclair

**Proposal:** Erection of Holiday Let Cottage

**Site Address:** Garden Ground of Otter Bay, Kilmelford

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## **DECISION ROUTE**

**Local Government Scotland Act 1973**

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### **(A) THE APPLICATION**

#### **(i) Development Requiring Express Planning Permission**

- Erection of holiday let cottage
- Connection to existing private water supply
- Connection to existing private drainage system

#### **(ii) Other specified operations**

- Utilisation of existing vehicular access
- 

### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

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### **(C) HISTORY:**

20/00011/PPP

Site for erection of dwellinghouse – Granted: 03/03/20

19/02661/PP

Erection of front porch and decking/canopy to rear – Granted: 12/02/20

12/02479/PP

Erection of dwellinghouse and detached garage, installation of sewage treatment plant and formation of vehicular access – Granted: 21/01/13

**(D) CONSULTATIONS:**

Area Roads Authority

Report dated 26/03/20 advising no objection to the proposed development subject to conditions regarding commensurate improvements to the private access track; clearance of visibility splays and provision of a parking and turning area for one vehicle.

The Roads Authority clarified in an e-mail that the commensurate improvements should be the repair of carriageway potholing and surface rutting with like for like material and the clearance of any drainage ditches and culverts which should thereafter be maintained.

Environmental Health Service (EHS)

Memos dated 05/03/20 and 06/03/20 advising no objection to the proposed development subject to a condition being imposed on the grant of planning permission requiring the submission of a report on the wholesomeness and sufficiency of the proposed private water supply to ensure it is sufficient to serve the proposed development.

Scottish Environment Protection Agency (SEPA)

Letter dated 10/03/20 advising no objection to the proposal on flood risk grounds but that contact should be made with the Council's Flood Risk Management Authority.

JBA Consulting (Council's Flood Management Authority)

Report dated 23/03/20 advising no objection to the proposed development.

Biodiversity Officer

E-mail dated 09/04/20 advising that an Otter watching brief will be required for the proposed development in advance of the application being determined.

Kilmelford Community Council

E-mail dated 08/04/20 advising that 17 messages (mostly copies of e-mails sent to the Planning Department) were received against the proposed development and that there were no messages of support.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, with an overall closing date of 02/4/20.

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**(F) REPRESENTATIONS:**

17 objections from 10 households have been received regarding the proposed development.

Robert Hill, Kames Lodge, Kilmelford, PA34 4XA (24/03/20)

Lorna Hill, Kames Lodge, Kilmelford, PA34 4XA (31/03/20)

Charles Gearing, Tulloch Beag, Kilmelford, PA34 4XA (23/03/20)

Kirsten Gearing, Tulloch Beag, Kilmelford, PA34 4XA (23/03/20)

Catherine Hibbert, 8 Undercliffe Rise, Ilkley, West Yorkshire, LS29 8RF (23/03/20)

Mike Grabham (e-mail address only) 22/03/20 & 13/04/20

Anne Grabham (e-mail address only) 22/03/20 & 13/04/20  
Fergus G. R. Gilanders, Craigaol, Kilmelford, PA34 4XA (31/03/20 & 06/04/20)  
Caroline Gilanders, Craigaol, Kilmelford, PA34 4XA (31/03/20)  
Stuart G. Cannon, Kames Fish Farm, Kilmelford, PA34 4XA (31/03/20)  
Jane Rentoul, Laroch, Kilmelford, PA34 4XA (02/04/20)  
John Rentoul, Laroch, Kilmelford, PA34 4XA (02/04/20)  
Charles Rentoul, Tigh an Rudha, Kilmelford (PA34 4XA) 04/04/20  
Adrian Wells, Ardbeithe, Kilmelford, PA34 4XA (02/04/20)  
Shain Wells, Ardbeithe, Kilmelford, PA34 4XA (02/04/20)  
Councillor Andrew Vennard (e-mail address only) 21/06/20  
Shepherd and Wedderburn, 1 Exchange Crescent, Conference Square, Edinburgh, EH3  
8UL (28/07/20)

## **SUMMARY OF ISSUES RAISED**

### **Site History and Density of Development**

- When planning permission was previously sought for this area it was a lengthy and detailed process which concluded in permission for two dwellinghouses on the site (10/02048/PPP) in which it was stated by the Council that '*considering the constraints on the site it is unlikely that any further proposed development would be considered favourably... and in the event that these two dwellings are approved, it is considered that the development capacity of the PDA will have been reached*'.

The proposal will result in a density of properties completely out of keeping with the rest of the area and will be highly detrimental.

The Council have just approved 20/00011/PPP which will bring the number of properties on the site to 2 – the maximum agreed. Whilst this is an application to build on Otter Bay garden ground, it still comprises a further dwelling and hence this further application will bring the number of properties to three contrary to previous advice.

This latest application, therefore, must be refused as it makes a complete nonsense of pronouncements in official documents and throws up serious doubt in the public's mind as to what is and what is not permitted.

***Planning Authority Comment:*** *The previous permission for two dwellinghouses on the site was approved under the former Argyll and Bute Local Plan, 2009, which identified the site as forming part of a Potential Development Area and which was assessed as having suitable capacity for two dwellinghouses without resulting any significant adverse impact on the landscape and localised habitat considerations.*

*The current adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, under which the current application is being considered, designates the site as forming part of the 'minor settlement' of Kames where Policy LDP 11 offers support to small scale development, on appropriate sites, subject to compliance with other relevant LDP policies and supplementary guidance.*

*In this instance, the siting of a modest holiday letting unit, within the garden ground of one of the two housing plots previously identified by the Planning Authority as suitable for development, is considered to be acceptable.*

*The Planning Authority recognises that the site is not considered acceptable for development with a permanent residential dwellinghouse, as this would not relate to the established settlement pattern of the wider area which is characterised by large dwellinghouses on spacious plots. For that reason it is the intention of the Planning*

*Authority to impose a condition restricting the occupation of the proposed unit to holiday letting purposes, or incidental residential purposes relating to the dwellinghouse.*

*It should be noted that, a structure of similar size used for incidental residential purposes, could be constructed on the site under permitted development rights without requiring the benefit of planning permission and which the Planning Authority would have no control over.*

### **Previous Applications by the Applicant**

- It is understood that there have been two previous applications by the same applicant to build holiday lets in the vicinity and it had been decided in those two applications that, if the applications were approved, the development capacity of the Potential Development Area would be reached.

***Planning Authority Comment:*** *The Planning Authority is not aware of any previous applications by the applicant for holiday lets in the vicinity of the site subject of the current planning application. It is assumed that this statement relates to the history of the site when it formed part of a Potential Development Area as outlined above.*

### **Private Water Supply**

- The application indicates that water supply will be provided from the existing Otter Bay supply, however, it should be noted that the Otter Bay supply and that for the rest of the properties on the Kames peninsula arise from the same hill and extracting further water could have an adverse impact on the supply to existing properties.
- The site plan shows 'water connection point' and 'water existing supply' at a point in the middle of the driveway to Otter Bay, off which is shown the driveway to the third house. This would appear to be an incorrect source of water since it is situated some distance away from Otter Bay and on the directly opposite side of the present building from the pipe which brings in the (inadequate) water from its source to Otter Bay.
- Otter Bay has frequently run out of water during dry spells and therefore, clearly, the supply to one property is inadequate let alone a further two properties.
- A full and complete water supply study should be completed to ensure a sufficient water supply to all properties before any planning permission is granted, not as a condition after the fact.
- Title Sheet ARG19926 for the property known as 'Otter Bay' (the Subjects) contains a number of burdens on the property. Burden 13 allows eight neighbouring properties a servitude right of access over the Subjects for the inspection, maintenance, renewal and repair of the water supply system shown on the Title Plan. The Title does not allow the owners any rights whatsoever to access the water pipe shown by the blue dotted line on the Title Plan which serves various properties lying to the west and north of the Kames Peninsula. It is understood that the application for planning permission shows access to the aforementioned blue water supply and the proprietors served by the water pipe shown by the blue dotted line would have a right to prevent the applicant from accessing such water supply. Furthermore, due to the restrictions on the water tank and intake apparatus set out in the Title Sheet, then development by the applicant should be restricted to two dwellinghouses only.

***Planning Authority Comment:*** *As the application indicates a private water supply to serve the proposed holiday letting unit comments were sought from the Council's EHS. In their consultation response the EHS raised no objection to the proposed development*

*subject to a suspensive condition being imposed on any permission granted requiring an appraisal of the private water supply to be undertaken and a report submitted to the EHS for consideration to ensure that the supply is sufficient to serve the proposed development. This condition requires that such an appraisal shall demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. The development cannot proceed until the EHS is satisfied that the proposed water supply is sufficient and will not have a detrimental impact on existing supplies or users of the same supply.*

*With regard to the location of the 'water connection point' and 'water existing supply', should it come to light that these points are not correct, and they are outwith the current application site, a further planning application may be required.*

*With regards to the comments regarding Title Sheet ARG19926, this is not a material planning consideration in the determination of this planning application but a separate, civil matter for affected parties.*

### **Ground Water Levels and Private Drainage Arrangements**

- Ground water levels on the peninsula are very high and further construction work and hardstanding on the area will increase water levels and reduce drainage capacity. This can have an adverse effect on neighbouring properties. Lack of drainage capacity could also affect the run-off of sewage from the site and overload a septic tank which was designed for only one dwelling.
- The location of the treatment plant shown on the new plan does not coincide with the location of the approved plans for Otter Bay (12/02479/PP) and would appear to be erroneous.

**Planning Authority Comment:** *A planning condition will be imposed on the grant of planning permission requiring a Sustainable Drainage System (SUDS) to be incorporated into the construction phase of the proposed holiday letting unit the detailed arrangements of which will be fully controlled by the Council's Building Standards Service at the Building Warrant stage.*

*With regards to the private drainage system, it is noted that the drawings for the proposed holiday letting unit show the drainage system positioned further from the dwellinghouse than was shown on the approved plans. However, this change in position is still within the application site and would have been deemed to represent a non-material amendment to the original planning permission by the Planning Authority. The Council's Building Standards Service will supply sufficient control over the detailed arrangements of the connection of the proposed holiday letting unit into the existing drainage system to ensure compliance with the relevant legislation.*

### **Area of Panoramic Quality, Landscape and Wildlife**

- The Kames peninsula is within an Area of Panoramic Quality as per the current adopted LDP. The new property, together with the site that has just been granted, would be fully visible from the A816 public road across Kames Bay which will create an area of urbanisation in a countryside location and severely diminish the quality of the view from the Argyll Tourist Route.
- The position of the two plots in the original application (10/02048/PP) were largely determined by being outside of either the high or medium areas of sensitivity as identified in the habitat survey undertaken as part of the application. The land

bounding the plots, together with remainder of the northeast side of the peninsula was found to be either sensitive or highly sensitive habitat requiring protect from development. Whilst this survey found no firm evidence of the presence of otters it was sated that they may be present. Otters have been seen regularly in this area and any further development, especially a holiday let cottage with numerous visitors, will lead to the disturbance of these animals.

**Planning Authority Comment:** *Whilst it is acknowledged that the site is situated within the Knapdale and Melfort Area of Panoramic Quality, it has been deemed suitable for appropriate scales and forms of development through its allocation as a 'minor settlement' in the adopted LDP. The siting, design and finishing materials of the proposed holiday letting unit is considered to be acceptable and it is not considered that it will have any significant adverse impact on the site or its setting within the wider APQ.*

*Otter Bay itself is visible from the A816 on approaches from the north. The application shows the proposed holiday letting unit sited within the rear garden ground of the property beyond its detached garage. The holiday letting unit will present its narrow, east gable elevation towards the A816 public road and whilst there may be fleeting glimpses of the holiday unit on approaches along the A816 when travelling south, given its modest size, and recessive finishing materials, it is not considered that it will appear as a prominent feature within the site or wider landscape.*

*With regards to the presence of Otter on the site, the Council's Biodiversity Officer requested that an Otter Survey be undertaken in advance of the planning application being determined. An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.*

*The Council's Biodiversity Officer confirmed acceptance of the Otter Survey and recommended that a 'watching brief' be maintained during the construction period of the development to ensure that no otters are compromised. A planning condition will be imposed on the grant of planning permission requiring those mitigation measures identified in the consultation response to be acted upon during construction.*

### **Private Access Track and Roads Issues**

- The road is a private road, maintained by the residents. Further development will increase traffic, especially from a holiday let where residents have no vested interest in maintaining the road and taking care when using it. This would put an unreasonable burden on those who pay to maintain the road.
- An additional property will increase vehicular traffic accessing the A816 public road mainly at times of the year when the road is busy with holiday traffic and as such this requires careful consideration.
- The proposal raises both road and pedestrian safety issues for existing users of the private access track due to the intensification of its use.
- The requirement to upgrade the private access track will place a considerable additional burden on the existing residential properties to maintain a road for many potential visitors to the holiday let cottage who will have no regard for the maintenance and usability of the road.

- Previous planning permissions (12/02479/PP and 14/00881/PP) had conditions imposed requiring the upgrading of the private access track, however these works have never been undertaken and clarification is sought on whether these improvements will be sought by the Planning Authority.

**Planning Authority Comment:** *The Council's Roads Authority raised no objection to the proposal on road or pedestrian safety grounds but did request that a condition be imposed on the grant of planning permission requiring the applicant to undertake commensurate improvements comprising carriageway potholing and surface rutting to be repaired with any drainage ditches and culverts cleaned and maintained.*

*Once the commensurate improvements have been undertaken the ongoing maintenance of the private access track becomes a civil matter for users of the access track.*

*With regards to the previous upgrades subject of conditions of previous planning permissions, this matter will be passed to the Council's Planning and Enforcement Officer to fully investigate.*

### **Use of the Property**

- The property is proposed as a holiday let which is specifically a business enterprise located on an existing plot and is out of character with the residential nature of the peninsula. Whilst Otter Bay itself used to be a holiday let, it was the whole property which was let out and therefore impacted less on the residential style of the locality. A second property as a holiday let within the plot renders this more of a commercial enterprise. There are already a large number of purpose built holiday lets in Kilmelford. This proposal would commercialise the residential Kames peninsula and diminish the quality of this area.
- A holiday let cottage would be used exclusively by people who have no involvement in the local community and no commitment to community cohesion. This type of development will not benefit the local community.

**Planning Authority Comment:** *Whilst it is acknowledged that the proposed holiday letting unit is a business enterprise, it is a use which can be undertaken adequately within a residential area without any adverse amenity conflict with neighbouring residential properties. It is not sure the relevance regarding the comment of the entire extent of the donor house Otter Bay having been used previously for holiday letting purposes. It is considered that the proposed small-scale tourism offer would benefit the local economy and is, therefore, in accordance with one of the central challenges for Argyll and Bute; that of delivering sustainable economic growth.*

### **Design of the Development.**

- The design of the house is absolutely not in keeping with other houses on the peninsula, as it is a wooden chalet-style building. The location and size of the plots was referred to in the 2011 design statement as being of a size to accommodate large houses, but the statement said that the external design should avoid chalet style buildings. The proposed building is not in keeping with the existing houses or the 2011 design statement in terms of style.

**Planning Authority Comment:** *The 2011 design statement refers to supporting documentation submitting with an earlier application. The proposed holiday letting unit is a modest, single storey pitched roof structure and, whilst timber clad, it could not reasonably be described as a 'chalet', which suggests a temporary building or caravan.*

*The scale and design of the building is subordinate to the main dwellinghouse with finishing materials that will ensure it integrates well within the site and will not give rise to any significant concerns given its siting within the garden ground of the dwellinghouse.*

### **Kames Fish Farm (KFF) - Bad Neighbour in Reverse**

- In the original application there was a concern that Kames Fish Farm presented in planning terms a 'bad neighbour in reverse'. This was mitigated by the planners stating that '*any impact from the pier is negated by natural undulations in the landform a rocky knoll and planting*'. It is very unlikely that the undulations and knoll will screen the additional proposed dwelling as well. It is also stated '*additionally, windows of principal rooms can be kept to areas not facing the pier so as to further protect amenity*'. The main and predominantly only views as shown on the plans are from the east aspect and not only is there a large window but also a balcony from which it would be expected the pier would be visible.
- Potential occupiers of the holiday let must be made aware that Kames Fish Farming hatchery and pier are designated in the Local Development Plan as an Established Business and Industry Area and has operated here since 1972.
- Since the previous permissions were granted, the operation of Kames Fish Farming has grown considerably and, with the proposed holiday let cottage having a direct view and being much nearer to Kames Fish Farming operations, prospective occupiers should be made aware of the operation.
- The activity of the fish farm, both the pier and the hatchery, are typical fish farming activities with no industrial activity as such but does operate 24/7 and, whilst normal hours are 7am-6pm, there are staff, lorries, forklifts etc. which do require to operate outside those hours.
- From time to time it is necessary to remove dirty sea nets from the cages and store them at the pier, to be removed within a short period of time for transportation to a net washing, disinfecting and repair station. Dependant on weather, this can create a smell of the sea and rotting seaweed.

**Planning Authority Comment:** *During the processing of the recent planning application for a dwellinghouse on the site adjacent to the site subject of the current application, the Planning Authority sought comments from the Council's EHS who raised no objection from a 'bad neighbour in reverse' perspective.*

*In their response to the current application for the proposed holiday letting unit, the EHS raised no concerns.*

*It is not considered that there will be any significant adverse impact on the proposed holiday letting unit from the existence of the Kames Fish Farming operation. Furthermore, as the application is for holiday letting purposes only, and not for permanent residential use, there is no requirement to provide the same amenity levels normally associated with permanent residences.*

### **Services for Existing Properties**

- Services for the existing dwellinghouses on the peninsula (water and telephone) cross the area where this additional property is proposed to be built. No consideration of the existing services is mentioned in the application and if the proposal is permitted without such consideration this will cause disruption and loss of such vital services to existing residents.



**Planning Authority Comment:** *This is not a material consideration in the determination of this planning application but a separate civil matter for affected parties.*

**Error in Report of Handling for Adjacent PPP Plot (20/00011/PPP)**

- There is an error in the Report of Handling for the planning permission in principle on the adjacent site which makes reference to a dwellinghouse on the other side of the A816 public road.

**Planning Authority Comment:** *This error is noted by the Planning Authority. However it is clear from the Report of Handling that the correct site had been visited, considered and assessed in the Report of Handling prepared for the application.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |              |  |            |
|--------------|--|------------|
| <b>(i)</b>   | <b>Environmental Statement:</b>  | <b>No</b>  |
| <b>(ii)</b>  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | <b>No</b>  |
| <b>(iii)</b> | <b>A design or design/access statement:</b>  | <b>No</b>  |
| <b>(iv)</b>  | <b>Otter Survey</b>  | <b>Yes</b> |

An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.

Full details of the Otter Survey is available on the Council's Public Access System by clicking on the following link:  
<http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

- |            |  |           |
|------------|--|-----------|
| <b>(v)</b> | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
|------------|--|-----------|

**(H) PLANNING OBLIGATIONS**

- |            |   |           |
|------------|---|-----------|
| <b>(i)</b> | <b>Is a Section 75 obligation required:</b> | <b>No</b> |
|------------|---|-----------|

- |            |   |           |
|------------|---|-----------|
| <b>(l)</b> | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
|------------|---|-----------|

**(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.**

Argyll and Bute Local Development Plan, 2015

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

Supplementary Guidance

- SG 2 – Sustainable Siting and Design Principles
- SG LDP BAD 2 – Bad Neighbour in Reverse
- SG LDP ENV 6 – Development Impact on Trees and Woodland
- SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs) (*Knapdale and Melfort APQ*)
- SG LDP ENV 14 – Landscape
- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems
- SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
- SG LDP SERV 6 – Private Water Supplies and Water Conservation
- SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

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

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- Argyll and Bute Proposed Local Development Plan 2 (November 2019) Consultation Responses
- Third Party Representations

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

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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

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

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**(O) Requirement for a hearing: No**

In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

17 objections from 10 households have been received regarding the proposed development, 7 of which can be identified as being within the local area.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The proposed small scale tourism development is wholly in accordance with the adopted Local Development Plan. The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns. It is noted, in this regard, that a building of similar scale and construction could be developed on this site without the need for planning permission as an ancillary domestic outbuilding. Whilst such a building would need to have a ridgeline approximately 1 meter lower than that of the building currently proposed, its scale and design and its visual impact upon character and amenity would be largely the same as the current proposal. This represents a realistic 'fallback' position and must be weighed as a material planning consideration in the assessment of this application.

In light of the above it is recommended that the Committee does not hold a hearing prior to the application being determined.

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

Planning permission is sought for the erection of a holiday letting unit within the garden ground of Otter Bay, Kames, Kilmelford.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the minor settlement of Kames where Policy LDP DM 1

gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 5 and SG LDP TOUR 1 give support to new businesses and tourist facilities which help deliver sustainable economic growth throughout the area subject to a number of criteria being met including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns.

The proposal has elicited 17 objections from 10 households.

It is considered that the site represents a suitable opportunity for small scale tourism development with the proposed holiday letting unit within the garden ground of the existing dwellinghouse consistent with the relevant provisions of the Development Plan and benefitting the local economy in accordance with one of the central challenges for Argyll and Bute; that of delivering sustainable economic growth.

It is recommended that planning permission be granted.

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

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**(R) Reasons why planning permission should be granted**

It is considered that the site represents a suitable opportunity for development with the proposed holiday letting unit within the Minor Settlement Zone of Kames which is of a suitable size, design and finishing materials which ensure it will fit well with the established settlement pattern of the area without having any significant adverse impact on the landscape or wider APQ at this location

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP BAD 2, SG LDP ENV 6, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, SG LDP SERV 7, SG LDP TOUR 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the Development Plan.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**

No

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**Author of Report:** Fiona Scott      **Date:** 08/07/20

**Reviewing Officer:** Tim Williams      **Date:** 28/07/20

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 20/00388/PP****GENERAL**

1. The development shall be implemented in accordance with the details specified on the application form dated **24/02/20**; supporting information and, the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Supplementary Map for Location Only (No Scale)			03/03/20
Location Plan (1:5000 @ A4)			03/03/20
Location and Ownership Drawing	LO (01)	A	03/03/20
Site Plan (1:500 @ A3)			03/03/20
Block Plan As Proposed (1:200)			03/03/20
Elevations and Floor Plan (1:100)			03/03/20

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

Note to Applicant:

- 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).]
- In order to comply with Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.
- Please note the advice and guidance contained in the attached responses from the Council's Environmental Health Service and Biodiversity Officer. You are advised to contact them direct to discuss any of the issues raised.

**OCCUPANCY RESTRICTION**

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year.

*Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling due to the*

*proximity to the neighbouring residential properties and in order to respect the spacing between those properties.*

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

**COMMENSURATE IMPROVEMENTS TO PRIVATE ACCESS TRACK**

3. Notwithstanding the provisions of Condition 1, prior the holiday letting unit first coming into use, commensurate improvements to the private access track shall be undertaken. Such works shall comprise the repair of all carriageway potholing and surface rutting on a like for like basis and the clearance of drainage ditches and culverts. Thereafter the drainage ditches and culverts shall be retained clear of any obstructions.

*Reason: In the interests of road safety.*

**VISIBILITY SPLAYS**

4. Notwithstanding the provisions of Condition 1, prior to the holiday letting unit first coming into use, visibility splays of 2.4 metres to point X by 160 metres to point Y from the centre line of the junction at the public road shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y and maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

**PARKING AND TURNING PROVISION**

5. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate one vehicle within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interest of road safety.*

**PRIVATE WATER SUPPLY**

6. Pursuant to Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Private Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the

wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supply.*

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

## **SUSTAINABLE DRAINAGE SYSTEM**

7. Notwithstanding the provisions of Condition 1 the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).

## **LANDSCAPING**

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- i) Location, design and materials of proposed walls, fences and gates;
  - ii) Surface treatment of proposed means of access and hardstanding areas;
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.



*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.*

**OTTER WATCHING BRIEF**

9. Notwithstanding the provisions of Condition 1, a Watching Brief for Otter should be maintained during the construction period of the proposed development to ensure that no otter or otter habitat are compromised, with the Watching Brief made available for inspection by the Planning Authority.

*Reason: In order to protect natural heritage assets in the interest of nature conservation.*

Note to Applicant:

Regard should be had to the Council's Biodiversity Officer's consultation comments in relation to the proposed development which provide further detail in respect of Otter which may be affected and the developer's responsibilities and obligations under nature conservation legislation.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00388/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the Minor Settlement of Kames where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within the Knapdale and Melfort Area of Panoramic Quality (APQ) where Policy LDP 3 requires the provisions of SG LDP ENV 13 to be considered which seeks to ensure the highest standards in terms of location, siting, landscaping, boundary treatment, materials and detailing to ensure developments do not have any significant adverse impact on the character of the APQ.

Policy LDP 5 gives support to new and existing businesses which help deliver sustainable economic growth throughout the area with SG LDP TOUR 1 expanding on this policy giving a presumption in favour of new or improved tourist facilities subject to a number of criteria including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

Policy LDP 9 and SG 2 seek 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 taking into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited 17 objections from 10 households.

**B. Location, Nature and Design of Proposed Development**

The application site is situated within the garden ground of Otter Bay which is a single storey detached dwellinghouse.

Planning permission in principle (PPP) has recently been granted to the southwest of Otter Bay for the erection of a single dwellinghouse. The holiday letting unit, subject of this application, is proposed between the donor house and the site recently granted PPP and would, therefore, be largely screened by both.

The site comprises a flat area of ground within the defined garden ground of the dwellinghouse situated to the southwest of the detached garage.

The application proposes a modest, single storey, pitched roof structure taking a rectangular form for holiday letting purposes. The proposed building would have a ground floor area of approximately 81.5 square metres and a ridge height of approximately 5 metres. The proposed holiday letting unit is to be finished in vertical timber cladding with a dark grey coloured profiled metal roof. There are areas of well-established tree cover

along the boundary of the adjacent site recently granted PPP which are protected by a planning condition and which will provide an element of screening when the proposed holiday letting unit is viewed from the private access track. Further landscaping to help further integrate the proposed holiday letting unit within the site will be secured by a condition imposed on the grant of planning permission.

A planning condition is proposed restricting the use of the unit to holiday letting purposes only as the site is not considered to represent a suitable opportunity for development with a permanent residential dwellinghouse as it would not relate to the established settlement pattern of the wider area which is characterised by large dwellinghouses on spacious plots. However, the use of the unit for holiday letting purposes related to the donor house, within its defined garden ground, is considered to be an acceptable use.

It should be noted that a building of similar scale and construction could be developed on this site without the need for planning permission as an ancillary domestic outbuilding. Whilst such a building would need to have a ridgeline approximately 1 meter lower than that of the building currently proposed, its scale and design and its visual impact upon character and amenity would be largely the same as the current proposal. This represents a realistic 'fallback' position and must be weighed as a material planning consideration in the assessment of this application.

It is considered that the site represents a suitable opportunity for development with the proposed holiday letting unit within the garden ground of the existing dwellinghouse without having any significant adverse impact on the site or the wider landscape and Area of Panoramic Quality at this location.

The proposal is considered acceptable in terms of Policies LDP DM 3, LDP DM 9, SG2, SG LDP ENV 13 and SG LDP ENV 14 which collectively seek to ensure that developments integrate well within their setting and do not have any impact on the wider landscape within which they are situated.

**C. Road Network, Parking and Associated Transport Matters.**

The application proposes to utilise the existing private vehicular access serving the donor dwellinghouse Otter Bay to serve the proposed holiday letting unit. The Council's Roads engineer has raised no objection to the proposed development subject to conditions regarding the clearance of visibility splays; provision of an appropriate parking and turning area within the site; and commensurate improvements to the existing private track due to the intensification of its use. The Roads engineer has identified the commensurate improvements as the repair of carriageway potholing and surface rutting with like for like material and drainage ditches and culverts cleaned and maintained.

With conditions to achieve the requirements of the Area Roads Authority the proposal is acceptable in terms of Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

**D. Infrastructure**

With regards to water supply and drainage arrangements to serve the proposed holiday letting unit, the application proposes connection to an existing private water supply and connection to an existing private foul drainage system. The Council's Environmental Health Service raised no objection to the proposal subject to a condition being imposed on the grant of planning permission requiring submission of a report on the proposed private water supply to be used to ensure that it is adequate to serve the proposed development without comprising existing users of the supply and also adjacent supplies.

The Council's Building Standards Service will apply sufficient control over the detailed arrangement of connection into the private foul drainage system.

With a condition the proposal is acceptable in terms of Policy LDP DM 11 and SG LDP SERV 1 and SG LDP SERV 2 which support private drainage systems and water supplies where connection to the public systems is not available.

**E. Protected Species**

Third parties highlighted the presence of Otter on site and therefore the Planning Authority sought comments from the Council's Biodiversity Officer. As Otter are a European Protected Species the Biodiversity Officer requested that an Otter Survey be undertaken in advance of the planning application being determined.

An Otter Survey for the site was undertaken which identified, in summary, that whilst evidence of otter using the area were found, there were few opportunities for potential holts/rest-ups within 200 metres of the proposed development and no evidence of holts or rest-ups found within 200 metres of the proposed development. The report concluded that the proposed development will not impact on local otter populations.

The Biodiversity Officer confirmed acceptance of the Otter Survey and recommended that a 'watching brief' be maintained during the construction period of the development to ensure that no otters are compromised. A planning condition will be imposed on the grant of planning permission requiring those mitigation measures identified in the consultation response to be acted upon during construction.

With a condition the proposal is acceptable in terms of Policy LDP DM 3 and SG LDP ENV 1 which seek to protect Habitats and Species of the Habitats Directive.



### Location Plan Relative to Planning Application: 20/00388/PP



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**ARGYLL AND BUTE COUNCIL  
DEVELOPMENT AND ECONOMIC GROWTH**

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**MASTERPLAN REPORT 20/00804/MPLAN**

**ISE OF ULVA COMMUNITY MASTERPLAN**

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**(A) INTRODUCTION**

The Isle of Ulva was subject to a successful community buyout on the 21<sup>st</sup> June 2018 under the Land Reform (Scotland) Act 2003 by North West Mull Community Woodland Company (NWMWC). The aim of the purchase is to bring about the social and economic development of Ulva for the benefit of the community and a key objective is the repopulation of the island.

A community masterplan has been prepared as the circumstances of Ulva and its community have materially changed subsequent to preparation of the adopted Argyll and Bute Local Development Plan (LPD) 2015 which no longer meets the development aspirations of the community. The masterplan provides a framework for delivery of development in a format which the Council can consider and adopt as a further material consideration in the determination of future planning applications.

The masterplan vision for the Isle of Ulva is to provide sustainable benefits for the community, including the repopulation and regeneration of the island in the short, medium and long term. To achieve this the following actions are proposed:

- improve housing stock and other buildings
- improve infrastructure
- revitalise and expand agriculture
- manage woodlands sustainably and seek opportunities for creating further broadleaf woods
- unlock the very large tourism potential largely untapped at present
- care for and promote the cultural heritage of the island
- enhance biodiversity and conserve sensitive habitats and species
- safeguard natural habitats of the isolated associated islands and skerries
- support marine industries, fishing and aquaculture
- ensure the island remains accessible for visitors and residents

The Scottish Government defines Masterplans as:

*'a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. It is based upon an understanding of place and it is intended to provide a structured approach to creating a clear and consistent framework for development'* (PAN 83).

The Scottish Government endorses the use of Masterplanning in general, but considers that it is especially useful for large sites and in areas/sites which are going to undergo substantial change, have multiple uses, or are sensitive in environmental or landscape terms such as is the case here.

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**(B) RECOMMENDATION**

It is considered that the components of the proposed Masterplan are appropriate for the sustainable development of the island.

It is recommended that the masterplan be approved and shall form a material consideration in the determination of future planning applications. The masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the masterplan which prove to have implications for the delivery of development within the remainder of the site.

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**(C) CONSULTATIONS**

**Area Roads Authority**

Any future roads consultation for development on the island will reflect the unique circumstances of the island, however the C44 Ulva Ferry Road may be impacted during the phased construction works and the increased demand on parking as the island population grows potentially causing extra demand on parking spaces as the residents require mainland parking and to facilitate extra visitors. A Traffic Management Plan will be required to show estimated movements over the C44 public road during the construction phases and a projection of estimated extra car parking required along with the expansion plans for the Ulva Ferry Car Park to facilitate any further future parking requirements. Plans will be required to show how refuse will be stored and collected from the island as the population grows, a bin storage area will need to be identified. Report dated 11<sup>th</sup> June 2020.

**SEPA**

No objection. Would also like to be consulted on future planning application for marine industries. Letter dated 3<sup>rd</sup> June 2020.

**Scottish Natural Heritage**

No objection and welcome the proposals. Letter dated 29<sup>th</sup> May 2020

**Environmental Health**

Environmental Health have advised that they can provide advice relating to licensing, food hygiene and health and safety. They have not raised any objections regarding any of the specified developments. Standard planning conditions are likely to be required to ensure the quantity and quality of private water supplies serving the developments at the planning application stage. Responses dated 21<sup>st</sup> and 25<sup>th</sup> May 2020.

**Core Paths Team**

No response at time of report and no request for an extension of time.

**Biodiversity Officer**

No objections. Advice and information provided for the applicant to inform potential additional information requirements for future planning applications. Letter dated 2<sup>nd</sup> June 2020.

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**(D) PUBLICITY**



The masterplan has been advertised in the Oban Times – publication date 21<sup>st</sup> May 2020, expiry date 11<sup>th</sup> June 2020. One letter of support has been received.

**(E) REPRESENTATIONS**

One expression of support has been received from Joan Hepburn, 11<sup>th</sup> June 2020.

The points made are summarised as follows:

- Masterplan is well thought out and takes account of the island's infrastructure and natural and cultural heritage.

*Comment: Noted.*

Full details of this representation can be viewed on the Council's website [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**(F) ASSESSMENT**

**1. List of all Development Plan Policy considerations taken into account in assessment of the masterplan**

Argyll and Bute Local Development Plan 2015

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 4 - Supporting the Sustainable Development of our Coastal Zone  
LDP 5 - Supporting the Sustainable Growth of Our Economy  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity)  
SG LDP ENV 6 - Development Impact on Trees / Woodland  
SG LDP ENV 11 - Protection of Soil and Peat Resources  
SG LDP ENV 12 - Development Impact on National Scenic Areas (NSAs)  
SG LDP ENV 16(a) - Development Impact on Listed Buildings  
SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance  
SG LDP BUS 2 - Business and Industry Proposals in the Countryside Development Management Zones  
SG LDP BUS 5 - Economically Fragile Areas  
SG LDP TOUR 1 - Tourist Facilities and Accommodation, including Static and Touring Caravans  
SG LDP TOUR 3 - Promoting Tourism Development Areas  
SG LDP RET 4 - Retail Development within Countryside Development Management Zones  
SG LDP HOU 1 – General Housing Development including Affordable Housing  
SG LDP HOU 2 - Special Needs Access Provision in Housing Developments

SG LDP BAD 1 - Bad Neighbour Development  
SG LDP BAD 2 - Bad Neighbour Development in Reverse  
SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)  
SG LDP SERV 5(b) - Provision of Waste Storage and Collection Facilities within New Development  
SG LDP SERV 6 - Private Water Supplies and Waste Conservation  
SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development  
SG LDP TRAN 1 - Access to the Outdoors  
SG LDP TRAN 3 - Special Needs Access Provision  
SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 - Vehicle Parking Provision

Sustainable Siting and Design Principles

**2. List of all other material planning considerations taken into account in the assessment of the masterplan**

Scottish Planning Policy (SPP) 2014  
Planning History  
Planning Advice Note 60: Natural Heritage  
Planning Advice Note 72: Housing in the Countryside  
Planning Advice Note 83: master planning  
Planning Advice Note 1/2011: Planning and Noise  
Planning Advice Note 2/2011: Planning and Archaeology  
Proposed Argyll and Bute Local Development Plan 2 (November 2019)

**3. Settlement Strategy**

In terms of the adopted Argyll and Bute Local Development Plan (LDP) 2015, the Isle of Ulva consists of two development management zones; the Countryside Zone primarily to the north of the island and Very Sensitive Countryside to the south of the island.

In the Countryside Zone, planning policy LDP DM 1 gives encouragement to acceptable forms of appropriate small scale development as infill, rounding-off, redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside of up to and including large scale may be supported on appropriate sites if this is supported by an accepted claim of an 'exceptional case' (usually on the basis of an overriding locational or operational need, and often in the interests of promoting or sustaining economic growth) and where such development accords with an 'area capacity evaluation' (ACE).

Within Very Sensitive Countryside encouragement will only be given to specific categories of development on appropriate sites. These comprise:

- i. Renewable energy related development
- ii. Telecommunication related development.
- iii. Development directly supporting agricultural, aquaculture, nature conservation or other established activity.
- iv. Small scale development related to outdoor sport and recreation.

The vast majority of development proposed by the Ulva Masterplan is contained within the countryside zone and a large proportion of this is the redevelopment of existing buildings. The majority of this development is concentrated at the eastern end of the island.

The local development plan defines redevelopment as “*a development of new buildings involving significant demolitions; or the extension of a building involving more than a doubling of the cubic volume of the building but not exceeding three times the cubic volume (less than a doubling being treated as a building extension and more than a trebling, as new build).*”

Therefore, a significant proportion of the new development proposed within the Ulva Masterplan can be delivered within the current local development plan framework.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

Policy LDP 4 is supportive of onshore works for sustainable development in our coastal zone. This policy recognises the significant economic potential of the coast and promotes the sustainable development of the coastal zone. The coastal zone continues to provide a focus for economic activity, recreation and tourism.

Policy LDP 5 recognises that the success of our local economy is fundamental to Argyll and Bute’s future prosperity, helping to retain population and attract new people to the area.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

#### **4. Location, Nature and Design of Proposed Development**

The Isle of Ulva is located off the west coast of the Isle of Mull, separated by a narrow strait and access is via a small passenger ferry. The Isle of Gometra is located to the west of Ulva and the two are connected by a small bridge. The island is approximately 12km long by 4km wide and has an area of around 2,000 hectares.

There are two high peaks on the western side of Ulva, Bein Eolasaray and Beinn Chreagach, with 313 metres above sea level being the highest point on the island. Ulva mostly comprises moorland, grassland and native woodland along with an extensive, largely rocky, coastline and intertidal area. There are no metalled roads on the island but there are a number of existing paths and single tracks.

Ulva has suffered significant population decline since the 1800s. In 1837 it had a resident population of 604 in 16 villages. By 1841 the combined population of Ulva and the neighbouring island of Gometra had been reduced to 150 due to evictions during the Highland Clearances and the effects of the Highland Potato Famine. By 1889 Ulva’s population had dropped to 53. The resident population has fluctuated over recent decades; increasing from 13 in 1981 to 30 in 1991 before declining to 16 residents in 2001 and 11 in 2011. It currently stands at just 6 people, two of whom are primary school children.

One of the main priorities is to repopulate the island and reverse the long-term population decline. In order to achieve this, a combination of renovations, redevelopments and new developments are proposed. The aim is to achieve a diverse range of occupancy provision including leases at affordable rents, owner-occupation with the opportunity of self-build, service leaseholds and service occupancies as appropriate. In order to achieve the vision and aims of the community the following is proposed:

## **Renovation of Existing Residential Properties**

- The Manse
- Fisherman's Cottage
- The Ferry House
- 1 Bracadale
- 2 Bracadale
- 3 Bracadale

## **Renovation and Redevelopment of Ulva House and Ardalum House**

**Ulva House:** It is proposed to convert the building into a heritage and cultural resource centre occupying around 2/3 of the building alongside a high quality holiday letting self-catering unit in the remaining third which would provide financial support for the heritage centre. It is unlikely that the building will be permanently occupied by an Ulva resident, though it would provide employment opportunities both in the self-catering and the heritage centre part of the building.

**Ardalum House:** It is proposed to bring Ardalum back into use to provide hostel or guest house accommodation, which could incorporate a self-contained flat for the manager/proprietors. Alternatively, the building could be converted back into a large domestic dwelling.

## **Redevelopment of Derelict Buildings**

**Bracadale Farm:** This has potential for 2 houses in a "courtyard" arrangement accompanied by workshop / small business studios for example.

**The Hill Steadings:** This has potential for holiday accommodation or alternatively commercial activity with or without an associated house.

**Ted's Shed:** This is an old workshop which could accommodate 1 house or possibly a pair of semi-detached houses.

**Ardalum Byre:** This has potential to be either a holiday let or staff accommodation for hostel / campsite. Or campsite facilities such as showers and washing.

**Manse Byre:** This has potential to be holiday accommodation or a workshop.

**Sheila's Cottage:** This has potential to develop visitor facilities (WCs etc.).

**Cragraig Bothy:** This is to be retained as self-catering bothy holiday accommodation. Lack of services to the site limit its potential as a permanent dwelling.

**Bearnis Bothy:** This may be able to be brought back into use as self-catering holiday accommodation. Lack of services to the site limit its potential as a permanent dwelling.

None of the above projects are considered likely to raise any substantive planning issues and all of them are capable of being delivered as 'redevelopment' and/or 'change of use' opportunities within the provisions of planning policy LDP DM 1.

## **New Build Housing**

The sites described below have been identified as potentially suitable for new build housing. These are all located in the eastern part of the island within the countryside zone:

### Site 1 – Between Ardalum House and the Church (2 dwellinghouses)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, it is considered that this site is suitable for inclusion within the community masterplan for two modest and well-designed dwellinghouses spaced apart to maintain the dispersed pattern of development. The sites are set down from the road and the topography and tree coverage in background and foreground will assist in integrating the buildings into the landscape.

### Site 2 – North-west of Ardalum House (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, it is considered that this site is suitable for inclusion within the community masterplan for a single dwellinghouse again designed to reflect the existing building and dispersed pattern of development. This site may also be suitable for a small campsite.

### Site 3 – South-east of the Manse (up to 2 dwellinghouses)

This site is not classed as infill, rounding-off or redevelopment however it is considered suitable for the development of one, possibly two, well designed dwellinghouse spaced to maintain the local settlement pattern and to respect the setting of the adjacent Category B listed church. This site can be included in the community masterplan.

### Site 4 – South-east of Fisherman's Cottage (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, the site is considered to be suitable for development for a single dwellinghouse. This site is flat and well contained and will not cause any significant adverse impacts to the existing cottage.

### Site 5 – North of Junction above Ferry House (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, this site is considered to be appropriate for development for a single dwellinghouse with the plot orientated to a north-west/south-east axis.

### Site 6 – South of Junction above Ferry House (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, the site is set-down from the track and this will help to root the development into the landscape and provides a suitable backdrop.

#### Site 7 – South of Ted's Shed (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, it is considered that this area is suitable for one dwellinghouse within or around the area of the now demolished shed.

#### Site 8 – West of Bracadale (1 dwellinghouse)

This site does not present any immediate opportunities for infill, rounding-off, or redevelopment and therefore development would, normally, require an 'exceptional case' argument and be underpinned by an ACE in order to comply with planning policy LDP DM 1. In this case, this site is set on flat grazing land with an open outlook to the west. A single dwellinghouse in this location would be appropriate as there is a suitable backdrop to root the development into its surroundings and it would maintain the dispersed pattern of development.

It is considered that the wider economic growth and repopulation aims of the Ulva community would constitute an appropriate 'exceptional case' argument and landscape capacity evaluation in respect of all of the eight specific development opportunities summarised above. Whilst these developments will still require the submission and proper assessment of a planning application (or applications), it is recommended that this Masterplan be approved and given material weighting to be used in the assessment of such planning applications.

### **Building Design and Materials**

The applicants have advised that it is not intended to set out a unified "Ulva style" for new building. Instead, detailed design of all new buildings will be tailored to the specific location in compliance with the Argyll and Bute Council Planning Guidelines.

## **5. Natural Environment**

Supplementary Guidance SG LDP ENV 1 aims to give stronger protection, and where appropriate, seek enhancement to habitats and species, even when they are not associated with specifically designated nature conservation sites.

Ulva is not subject to any ecological designations, however some of the proposed works may have an impact on natural heritage. Consultation with the Council's biodiversity officer has been carried out and she has provided further advice for the applicant to inform future planning application submissions. For example, work to redevelop existing buildings should be inspected for breeding birds and bats and ecological survey work may be required.

Scottish Planning Policy (SPP) advises that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, appropriate steps must be taken to identify, assess and, where appropriate, mitigate the development impact upon such

concerns. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of any planning applications.

Ulva is within the Loch Na Keal National Scenic Area (NSA) and therefore Supplementary Guidance SG LDP ENV 12 is applicable. This states that development will not be supported where it would have an adverse effect on the integrity of the area or would undermine the special qualities of the area. In all cases the highest standards in terms of location, siting, design, landscaping, boundary treatment, materials and detailing will be required for developments within a NSA.

A large number of the proposals consist of the redevelopment of existing buildings where the landscape impacts are expected to be low. New dwelling houses on more open sites are proposed, however they are to be sited in appropriate locations which conform to the local settlement pattern and would successfully integrate into the landscape. It is not considered that any of the highlighted future development proposals will likely have a materially adverse impact on the NSA. Furthermore there has been no 'in principle' objections from SNH in this regard, either on ecology or landscape terms.

## **6. Environmental Health and Bad Neighbour Development**

Some of the proposals, such as the campsite (discussed below), has the potential to cause noise and odour nuisance. Environmental Health have advised that they can offer the applicants advice regarding these matters as well as licencing, food hygiene and health and safety matters. The principle of a campsite is considered to be acceptable and there is no indication that this stage that such a use would be incompatible with the surrounding area. Planning applications would be subject to consultation with environmental health and assessment under Supplementary Guidance SG LDP BAD 1 and other applicable supplementary guidance.

## **7. Economic Development**

Policy LDP 5 confirms the presumption established in Scottish Planning Policy (SPP) in favour of developments which contribute to the aims of sustainable development.

The supporting statement advises that the main industry currently on Ulva is tourism with an estimated 5,000 to 6,000 visitors to the island during the 2018 season based on ferry usage and approximately 7,000 visitors in 2019. Additionally, the island is an attraction for those visiting by yacht, kayak and smaller cruise ships. The Boathouse, an award-winning, independently operated licensed restaurant is located near the slipway. Agriculture, forestry and fishing are also important industries to the local area. The following information is taken from the submitted masterplan:

### **Tourism**

Tourism is already well established on Ulva with an increase to around 7,000 day visitors per annum following the Community buy-out. Most visitors come to walk and experience Ulva's unique natural heritage. The island diaspora also returns in search of ancestral roots. Others cross the ferry simply to enjoy lunch in unique circumstances at the Boathouse restaurant.

There is scope to extend the Boathouse to the rear to meet the increasing demand and improve facilities generally whilst retaining the iconic front elevation.

*Officer Comment: This small scale development opportunity is welcomed and is considered deliverable under the provisions of the current LDP.*

Limited accommodation is available at present in two bothies at Bearnus and Craigaig. It is planned that accommodation (either as guesthouse or hostel) and an associated campsite will be established at Ardalum in 2020.

B&B/guest house development and further self-catering options as well as pod or hut accommodation will all be considered for development in the coming years.

Stòras Ulbha is an ambitious and far reaching project centred on repurposing most of Ulva House as a heritage centre. Funded mainly by the National Lottery Heritage Fund and the Scottish National Cultural Heritage Fund, it will tell the story of Ulva as a microcosm of the Highlands through the stories of its people throughout millennia right up to the present day. This project will also provide interpretation and information sensitively across the wider island, and virtually to a wider audience.

A self-catering apartment will form part of Ulva House renovations, and this is expected to be up and running in 2021.

The paths network will be expanded, and where appropriate, sensitive directions and interpretation, will be provided.

Other tourism developments may include, but are not necessarily limited to, provision of further accommodation and dining establishments, cycle hire, pony trekking, ranger/wildlife guiding services, water based activities such as kayaking, sailing, rowing, windsurfing, water taxis etc., bush craft and survival skills, field schools and historical and genealogical research support.

Ulva Church has great potential as a multi-use community space hosting concerts, exhibitions and social events, including occasional services.

Ulva is part of discussions in the wider Mull area with a view to attaining 'Dark Sky' status and it is hoped to achieve this in the coming years. This will extend the season for tourism as most astronomy tends to occur outwith the summer months.

There is currently a lack of basic facilities for visitors, including and possibly most acutely in relation to public conveniences. To the north of Sheila's Cottage, close to the ferry slipway there is potential to provide a detached building to provide such facilities and also a visitor shelter on the footprint of the ruins of what was once a terrace of 5 or 6 cottages.

### **Agriculture**

One of the main objectives for Ulva is to re-establish agriculture on the island. At the time of the Community purchase there was just a small flock of rather wild Hebridean sheep and a few feral goats out at the west end.

A 5 year Agri-Environment and Climate scheme (AECS) for Ulva received Scottish Government funding approval in February 2020. A key part of the plan is to establish a herd of highland cattle, starting with around 35 weaned calves. These were brought to the island in late 2019.

Each piece of enclosed farmland has been assessed for its potential not only for agriculture but also in terms of biodiversity and an appropriate management plan assigned in each case. So, for example, some fields will be managed to encourage re-establishment of corncrakes, whilst others will target waders, or the enhancement of species-rich wildflower meadow. One priority of the proposals is to bring the old township grazing and field systems along the north side back into productive use. This



ground which had been cleared, drained, de-stoned and largely cultivated over countless generations is now smothered with bracken which started to take hold about 20 years ago when the level of grazing by sheep and cattle was reduced. A new fence is proposed below the Gometra road creating a large enclosure in which the bracken will be substantially removed, and the land then managed as extensive grazing within a habitat mosaic.

Initially, the Community Company will be running the above scheme itself, but during the 5-year programme which has been mapped out, important decisions will be required regarding the long term future of agriculture on Ulva. Key decisions will be how best to divide the land – how many farm “units”, what the tenancy arrangements will be and so on.

These decisions will need to respect and enhance the remarkable natural, cultural and scenic heritage of the island. To that end a series of habitat and vegetation surveys have been carried out. These will feed into an Integrated Land Management Plan that will provide the framework for future land management.

### **Coastal Business Development**

There is potential to accommodate a number of small scale coastal businesses on Ulva. Plans are in hand to reinstate and expand the oyster farm in Soriby Bay on the north side.

The slipway on Ulva and the pier at Ulva Ferry are crucial infrastructure supporting the local inshore fishing industry. The structures have recently been repaired with funding assistance from Marine Scotland. There is potential to further improve and enhance these facilities for the benefit of fishermen and the local community alike.

In the more sheltered parts of Ulva Sound there may be potential to establish haul-out and maintenance facilities for small vessels – something lacking at present on Mull.

Supplementary Guidance SGLDP TOUR 1 promotes tourist development, however tourism must not destroy those very qualities that bring tourists to the area in the first place. Tourist related development must therefore be carefully located, sited and designed to provide high quality facilities that fit successfully into the environment. Recognising the key environmental sensitivities, existing use and the significant economic potential of the coast, Supplementary Guidance SG LDP CST 1 promotes the sustainable development of the Argyll and Bute coastal zone by setting out how the Council will consider coastal development proposals and where such development is most likely to be acceptable.

Supplementary Guidance SG LDP BUS 2 note that With the exception of small scale business and industry development, the preferred location for business/office and industrial proposals is within existing settlements, as this strengthens their viability and vitality, reduces transport costs and makes use of existing infrastructure and public investment. However, Argyll and Bute has a number of indigenous and emerging industries that are not suited to a location within an existing settlement. The special needs of the fragile economic areas are also recognised. There may also be business opportunities arising from farm, croft or estate development programmes. Therefore, where an applicant can clearly demonstrate that their proposal requires a location in the countryside, permission will normally be granted, providing that redundant buildings and brownfield sites are used where possible.

Supplementary Guidance SG LDP RET 4 states that the Council aims to support the viability and vitality of the town centres, by requiring larger scale developments to

locate in these centres, but recognising that small-scale retail development can be developed at other locations without adverse impacts on the core shopping functions of town and village centres. Smaller scale retail developments in the countryside, particularly where these relate to farm diversification schemes, tourist related development and specialist niche marketing of quality Argyll and Bute products, support the aims of promoting a diversified rural economy.

## **Conclusion**

The proposed developments contained within the masterplan will support the local tourism industry, agriculture industry and the food and drink industry, which are recognised as main growth sectors in terms of Policy LDP 5, as well as others. The masterplan will create economic opportunities for the area and will support sustainable economic growth. Subject to developments of an appropriate location, scale and design, the proposal will comply with Policy LDP 5 of the LDP.

## **8. Servicing**

New developments are to be served by private drainage systems. The proposal falls below the threshold for consultation with SEPA however all of the proposals within the Ulva Masterplan are considered likely to comply with SEPA standing advice for small scale private drainage systems.

Policy SG LDP SERV 1 - Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems mirrors national legislation and policy with regard to private waste water drainage systems. It recognises that within rural areas septic tanks and small wastewater schemes are essential for development. The aim of this policy is to ensure that septic tanks and other private foul drainage arrangements where permitted, are properly sited and have no adverse effects on the surrounding area. Systems in areas adjacent to shellfish protected waters should discharge to land rather than water where possible.

Ulva is not within an area of 'cumulative drainage impact'.

Loch Tuath and Loch Na Keal are designated as a shellfish protected area as per the Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 which is overarched by the Water Environment and Water Services Act (Scotland) 2003 which deals with the protection of the water environment.

The proposed private drainage systems can be assessed at the detailed application stage. They will also be regulated under the building standards to ensure that they are capable of being provided to a safe, effective and appropriate technical standard. SEPA are responsible for authorising and regulating discharges to watercourses and they will assess and control pollution, including any possible cumulative impact. At this stage there is no indication that any of the proposal will have a significant adverse impact on the environment.

The proposals within the Ulva Masterplan are considered likely to raise no material issues with regard to Policy LDP 11 and Supplementary Guidance SG LDP SERV 1 of the LDP as well as national policy.

The proposed developments will be served by private water supplies. Environmental Health have been consulted and they have not raised any objections subject to standard safeguarding measures to ensure that any new private supplies are sufficient in terms of quantity and quality being applied at the application stage.

The proposals within the Ulva Masterplan are considered likely to raise no material issues with regard to Policy LDP 11 and Supplementary Guidance SG LDP SERV 6 of the LDP.

## 9. Road Network, Parking and Associated Transport Matters

Ulva does not have modern standard metalled roads. The masterplan states that it is the intention to preserve this unique island feature and a bespoke transport policy has been devised as summarised below:

### 1. Vehicles

- a. There will be a strong presumption in favour of small electric vehicles for domestic and light business use on the island. The intention is to establish charging points at strategic locations powered as far as possible by renewable energy generation.
- b. The only “normal” vehicles such as quad bikes, vans, pick-ups, tractors, excavators etc. which will be permitted are those deemed essential to support agriculture, land management and maintenance, and their number will be kept to a minimum. Vehicles on Ulva will not be licensed for use on public roads.
- c. Use of cycles by residents and visitors will be encouraged by providing storage shelters and including charge points for electric bikes.
- d. Movement of construction vehicles during renovation and building works will be carefully managed to ensure safety and minimise potential adverse interactions with Ulva’s residents and visitors. The network of tracks at the eastern end of the island where all works are proposed will be maintained in a suitable condition to accommodate normal construction.

### 2. Roads

- a. The main vehicle routes serving existing and proposed buildings are confined to the eastern end of the island. These comprise the “Farm Circuit”, “Church Road” and the connection to the Boathouse and slipway. These core tracks will be upgraded by slight widening where necessary and resurfacing with compacted locally sourced gravel or rotten rock. These improvements will be carried out with a soft touch in order to preserve the general ambiance of the island. These tracks also form part of the way-marked pedestrian routes network.
- b. A new section of track may be required to avoid steep inclines on the present route and improve access from the slipway to the Church Road. This is the only new track route construction envisaged.
- c. Other vehicle tracks such as the Gometra road along the north side, and the track to Craigaig and beyond to the south will be maintained much as they are at present with regular attention to drainage and resurfacing as necessary to keep them in a reasonable condition.
- d. All vehicle track surfaces will be maintained to a standard compatible with bicycle use.

3. Speed and access restrictions

The track network will be used by large numbers of visitors – pedestrians, cyclists and potentially horse riders as well as the increasing numbers of resident and agricultural vehicles. To ensure safety and avoid conflict between the different users there will need to be speed restrictions. Where feasible (for example with electric vehicles) these will be incorporated into vehicle operating systems. More generally, advisory signage will be used and at key points physical speed restricting measures will be incorporated in the track surfaces.

As numbers of residents increases, access to the wider track network beyond the eastern end, for example towards Gometra and Craigaig may need to be reviewed. Increasing potential for adverse interaction with pedestrians and cyclists as well as wear of the road surface may argue for restriction to essential use.

4. Parking for residents' vehicles on Mull

The Ulva estate includes land on Mull at Ulva Ferry which provides parking spaces for residents. This car park has been in use for many years and its status was confirmed formally in a Certificate of Lawfulness issued by Argyll and Bute Council in 2019 (Ref. 19/01636/CLAWU).

5. Footpaths and cycle routes

The existing waymarked footpath network will be maintained, and additional paths established, for example providing access to Starvation Point and creating a loop return path from the popular walk out to Ormaig, the birthplace of Lachlan Macquarie.

All abilities routes will be established with resting places at intervals. The Farm Circuit track with link to the Gardens at Ulva House and the track to Ulva Church and Ardalum are likely to be the best options.

The route of the old track around the extreme western end of Ulva will be reinstated - initially as a waymarked footpath, but eventually as a route suitable for mountain bikes.

Signage will be used to distinguish between routes suitable for pedestrians only to avoid potential conflict with cyclists.

The area roads engineer has been consulted and has not raised any objections to this approach. They have advised that the situation will be continually reviewed as each of the phases/planning applications are brought forward with regard to the capacity of the exiting road network and available parking spaces at Ulva Ferry. A Traffic Management Plan will be required.

## **10. Historic Environment**

Ulva has four listed buildings and three of these are proposed to be renovated. These are Ulva House (Category B Listed), The Manse (Category B Listed) and the Ferry House (Category C listed). Alterations of these properties will be subject to separate listed building consent applications.

In terms of the adopted Argyll and Bute Local Development Plan (LDP), Supplementary Guidance SG LDP 16(a) requires that all developments affecting a listed building, or its setting, shall preserve the building, its setting and any features of special architectural or historic interest that it possesses.

Historic Environment Scotland Policy (HESP) 2016 and associated Managing Change in the Historic Environment guidance seeks to protect listed buildings and their settings from inappropriate developments which would have a detrimental impact.

Ulva Manse has already gained listed building consent (our ref: 19/02511/LIB) on the 6<sup>th</sup> February 2020 for the demolition of an existing extension and erection of a new porch extension, installation of replacement windows and internal alterations to remove non-load bearing partitions.

The principle of alterations to the listed buildings is acceptable which will allow them to be brought into meaningful use. Matters relating to the historic environment would be assessed in detail at the planning application stage against Supplementary Guidance SG LDP ENV 16(a).

Ulva has a number of archaeologically sensitive areas, however no objections to the masterplan have been received from West of Scotland Archaeology Service. It is advised that, if the masterplan were to be approved, that it would be appropriate to address any archaeological sensitivity on a site by site basis in respect of individual applications for detailed planning permission – this approach would be consistent with the relevant provisions of SG LDP ENV 20.

## 11. Phasing

It is proposed to begin the renovations and campsite development as soon as possible; preferably within 2020 but acknowledging the current restrictions caused by the COVID 19 pandemic. Similarly, the new build development commencing in quarter 4, 2021.

Due to the dynamic nature of the overall proposals it is not possible at this stage to accurately determine when other aspects are likely to commence. It is expected that infrastructure improvements are carried out commensurately with the scale of development as each aspect progresses.

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## (G) CONCLUSION

The proposed masterplan is considered fit for purpose and gives appropriate consideration to settlement strategy policy, access requirements, landscape, infrastructure and compatibility between existing and potential future uses.

There are no objections from consultees and no objections have been submitted following the requisite public period for the masterplan.

A full assessment of the siting, design, access, water supply, drainage arrangements and landscaping for developments within the masterplan area will be assessed via future application(s) for planning permission.

It is therefore concluded that the masterplan document should be approved.

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**(I) IMPLICATIONS**

Policy: None  
Financial: None  
Personnel: None  
Equal Opportunities: None

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**Author of Report:** Andrew Barrie

**Date:** 20<sup>th</sup> July 2020

**Reviewing Officer:** Tim Williams

**Date:** 28<sup>th</sup> July 2020

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



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### Location Plan Relative to Planning Application: 20/00804/MIN



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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**

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**Reference No:** 20/00971/PP

**Planning Hierarchy:** Local Development

**Applicant:** Craig Cant

**Proposal:** Erection of storage building and installation of entrance gates and 1.8 metre high fence to form enclosed yard

**Site Address:** Land North of Darleith Lodge, Darleith Road, Cardross

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## **DECISION ROUTE**

### **Local Government (Scotland) Act 1973**

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Planning Permission**

- Erection of storage building
- Installation of entrance gates and 1.8 metre high fence to form enclosed yard

##### **(ii) Other specified operations**

- Connection to public sewerage system
- 

#### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

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#### **(C) HISTORY:**

05/02222/COU - Erection of new dwellinghouse and access road (Refused 09.03.2006)

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#### **(D) CONSULTATIONS:**

**Area Roads Manager**

Memo dated 02.07.20. No objections in principle. Prior to any work commencing on site, in the interest of road safety and in accordance with the Council's Local Development Plan the following conditions are required:

Full details of proposed road improvements on Darleith Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager.

A swept path drawing showing that agricultural vehicles and HGV to transport agricultural vehicles can safely navigate Darleith Road from the A814 to the proposed site shall be submitted. Darleith Road from its junction with A814 and Mill Road shall require the installation of passing places at no more than 100 metres, in conjunction with signage giving priority to vehicles traveling on Darleith Road in a northerly direction from the A814 towards Mill Road. Consideration shall be taken to maintain the existing on street parking and driveway accesses.

The existing private road does not have the capacity for agricultural vehicles and HGV to transport agricultural vehicles without junction improvement and road widening works being required to be carried out.

At the junction of the adopted road (Darleith Road) and the private road, a visibility sightline 2.4 x 35 x 1.05 metres to the north and 2.5 x 70 x 1.05 metres to the south shall be provided and maintained in perpetuity for each private access. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

### **Cardross Community Council**

Letter dated 18/06/20. Object. The stated purpose is for a yard to store agricultural plant and machinery. The applicant is a local building contractor and there is concern that this would become a builders' yard which would be wholly inappropriate in a quiet rural area and would adversely impact on nearby residential properties in terms of noise and disruption.

The site is accessed from Darleith Road which is single track and with few passing places. It is used for leisure purposes by many villagers and visitors and is the access route to the John Muir Way and Balloch via Stonymollan. The road is particularly unsuitable as a regular access route for heavy plant and machinery.

This area of greenbelt is a haven for wildlife and there is concern about the previous felling of trees during the bird breeding season.

Comment: See the assessment.

### **Scottish Forestry**

Letter dated 03/08/20. Object. An area of woodland was cleared of trees in advance of a submitting a planning proposal. This felling is in breach of the Forestry and Land Management (Scotland) Act 2018 where in excess of 5m<sup>3</sup> was felled in a calendar quarter without formal approval. Officers inspected the site and noted that approximately 20m<sup>3</sup> of timber remained on site from the felling which given the assumed felling period would indicate approximately 10m<sup>3</sup>/calendar quarter had been felled. This is a recognisable breach of the Act.

Argyll and Bute Council recognise the Scottish Government's woodland removal policy in the Local Development Plan and as such condoning woodland removal for non-essential development would contradict their own policy on this.

Scottish Forestry will be serving a Restock Direction on the owners of the land where the felling took place. This is a legally binding document issued by the Scottish Ministers and forms a burden on that land.

Comment: These comments are noted.

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**(E) PUBLICITY:**

Regulation 20 Advert, closing date 09/07/20.

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**(F) REPRESENTATIONS:**

- i) 72 objections and 4 representations have been received raising objection to the proposed development from the parties listed below. A summary of the key issues raised is provided below, individual representations are available in full for review on the planning file available to view in Public Access.

**Objection**

1. Snober Abbas, by e-mail, no address provided (22.06.20)
2. Madeline Badger, Green Cottage, Darleith Road, Cardross (16.06.20)
3. Robert Baxter, Darleith Stables, Greys, Darleith Road, Cardross (15.06.20)
4. Henry Boswell, Darleith House, Darleith Road, Cardross (27.06.20)
5. James Brown, 1 Cardross Park, Mansion Braid Drive, Cardross (27.06.20)
6. M A Bryson, Bloomhill, Carman Road, Cardross (16.07.20)
7. A M Bryson, Bloomhill, Carman Road, Cardross (16.07.20)
8. James O Butler, Collie Cottage, Victoria Terrace, Calder Vale (09.07.20)
9. Josephine Cameron, Shira Lodge, Main Road, Cardross (01.07.20)
10. Iain Cameron, Shira Lodge, Main Road, Cardross (01.07.20)
11. Brooke Cardew, 7 Otago Place, Dumbarton (18.06.20)
12. Colin Clarke, Barbain, Church Avenue, Cardross (26.06.20)
13. Elspeth Clarke, Barbain, Church Avenue, Cardross (23.06.20)
14. C Court, 3 Fairway, Cardross (18.06.20)
15. Ann Craig, 16 Graham Crescent, Cardross (29.06.20)
16. Mark Craise, St Meddans, Main Road, Cardross (28.06.20)
17. Nicola Craise, St Meddans, Main Road, Cardross (29.06.20)
18. Brian Craven, 1 Kilmahew Grove, Cardross (24.06.20)
19. Moira Craven, 1 Kilmahew Grove, Cardross (24.06.20)
20. Sharon Creasy, Quarry Cottage, Darleith Road, Cardross (05.07.20)
21. Richard Creasy, Quarry Cottage, Darleith Road, Cardross (05.07.20)
22. Michael Crowe, 3 Scott Gardens, Main Road, Cardross (22.06.20)
23. Eric Duncan, 11A Muirend Road, Cardross (23.06.20)
24. Morag Elliot, East Lodge, Drumhead, Darleith Road, Cardross (04.07.20)
25. Scott Elliot, by e-mail, no address provided (06.07.20)
26. Ed English, by e-mail, no address provided (22.06.20)
27. Ian Fanning, Greyoaks Farm, Darleith Road, Cardross (22.06.20 x2)
28. Phillip Farren, by e-mail, no address provided (22.06.20)
29. Nicola Gordon, by e-mail, no address provided (19.06.20)
30. Fraser Gordon, by e-mail, no address provided (22.06.20)
31. Jacqui Gordon, by e-mail, no address provided (22.06.20)
32. Robert Harvey, Barrachan, Darleith Road, Cardross (09.07.20)
33. Mairi Harvey, Barrachan, Darleith Road, Cardross (09.07.20)
34. Gordon S Hendry, Greyfriars, Darleith Road, Cardross (13.07.20)
35. Paul Howell, by e-mail, no address provided (29.06.20)

36. Rob Irving, Creran, Church Avenue, Cardross (22.06.20)
37. Julie Lang, Ellismhor, Darleith Road, Cardross (17.06.20)
38. Ashleigh Leach, by e-mail, no address provided (17.06.20)
39. Flora Leckie, 36 Hillside Road, Cardross (19.06.20)
40. Nell MacBean, Killoeter Cottage, Red Road, Cardross (28.06.20)
41. Alasdair MacCuish, 3 River View Crescent, Cardross (16.06.20)
42. Stewart MacDonald, Kirkton House, Darleith Road, Cardross (24.06.20)
43. E A H Major, 41 Hillside Road Cardross (01.07.20)
44. Alec Major, 41 Hillside Road Cardross (29.06.20)
45. W J Major, 41 Hillside Road Cardross (29.06.20)
46. Jennifer Mansley, Kirkton Granary, Darleith Road, Cardross (30.06.20)
47. Jane McGrath, Bayden Cottage, Darleith Road, Cardross (01.07.20)
48. John Middleton, Kindar, Reay Avenue, Cardross (24.06.20)
49. Calum Millar, by e-mail, no address provided (18.06.20)
50. Chris Moore, 17 Napier Avenue, Cardross (22.06.20)
51. Karen Y Moriarty, Milnholm, Darleith Road, Cardross (22.06.20)
52. Bob Murray, 6 Napier Avenue, Cardross, (23.06.20)
53. Eileen Murray, 6 Napier Avenue, Cardross (23.06.20)
54. Fraser Murray, by e-mail, no address provided (17.06.20)
55. Shannon Murray, 68 Maitland Court, Helensburgh (18.06.20)
56. Ruth O'Keefe, by e-mail, no address provided (22.06.20)
57. Janet Peattie, 17 Napier Avenue, Cardross (25.06.20)
58. Ruth H Preston, Darleith Lodge, Darleith Road, Cardross (29.06.20)
59. Fiona Allyson Preston, Darlieth Lodge, Darleith Road, Cardross (29.06.20)
60. Kenneth Readman, Woodlands, Murrays Road, Cardross (05.07.20)
61. Lauren Roy, by e-mail, no address provided (18.06.20)
62. Mike Strachan, Scottish Forestry, Upper Battleby, Perth (30.06.20)
63. Kiah Teague, by e-mail, no address provided (22.06.20)
64. Jay Thundercliffe, by e-mail, no address provided (09.07.20)
65. Jean Veitch, 3 Barrs Court, Cardross (30.06.20)
66. Michael Veitch, 3 Barrs Court, Cardross (28.06.20)
67. Karen Veitch Thomson, 5 Burnfoot, Cardross (29.06.20)
68. Victoria Watkins, by e-mail, no address provided (07.07.20)
69. Mavourneen Watkins, Darleith Stables House, Darleith Road, Cardross (25.06.20)
70. John Watkins, Darleith Stables House, Darleith Road, Cardross (26.06.20)
71. Kirsty West, Watkins, Darleith Stables, Darleith Road, Cardross (01.07.20)
72. Michael A Wilson, High Auchensail Farm, Darleith Road, Cardross (01.07.20)

**i) Summary of issues raised**

**Settlement Strategy / Planning History / Concerns Regarding Nature of Proposed Use:**

Greenbelt location unsuitable for industrial estate/storage/builders yard facility. Alternative locations available in/closer to towns, including Helensburgh, Dumbarton and Alexandria, or land at Camis Eskan Lodge that is more suitable for the proposed development.

Comment: See the assessment

The proposal is contrary to Policy LDP DM 1 – it is contended that the applicant's intended use of the site is not compatible with caveats providing support for agricultural development within the Greenbelt and should be refused. Previous planning decisions are noted as setting a precedent for the Council taking this approach, notably 11/00213/PP. Development of a brownfield location is preferable to release of greenfield land.

Comment: See the assessment.

Planning Permission has previously been refused for a dwelling on the site. Planning application (ref. 05/02222/OU) was refused for multiple reasons including loss of woodland and hedging, loss of biodiversity, Greenbelt designation, and contrary to the LDP. The current application is larger and would involve the loss of more trees. It is contended that the site is no more suitable for a builders' yard than the previously rejected residential development. It is contended that the applicant's claim that this is the only location available to build the proposed development is spurious and that the principle requirement influencing site selection is financial cost to the developer. It is noted that the applicant is familiar with the planning process as evidenced by an earlier application (14/00362/PP) and as such cannot reasonably claim to be unaware of the requirement for planning permission for the development subject of the current application.

Comment: Each application is judged on its merits.

Concern is raised that whilst the proposed development is described as an 'agricultural' building the applicant owns and operates a building business (CRC) and it is assumed that the intended purpose of the development is for use as a builders' yard with activity more akin to an industrial estate. It is highlighted that the proposal is not on a registered agricultural holding. It is suggested that Mr Cant does not have an agricultural holding number as stated in his supporting letter, nor is there any mention of agricultural contracting in details available for his company CRC.

Comment: See the assessment.

It is questioned why the application has been submitted in the name of Mr Cant as opposed to the company that will operate the site.

Comment: This is not a material planning consideration.

There is no dependable, factual information provided in the application to confirm what the storage element of the proposed development will be utilised for. However, the details would indicate that this is a commercial operation as opposed to being for agricultural purposes. There is no economic or aesthetic benefit to the proposal.

Comment: See the assessment.

Concern is expressed that an industrial development of the scale proposed would be an over-development which is out of keeping with the existing scale of development in a small, residential hamlet.

Comment: See the assessment.

Concern is expressed that approval of the current application will also result in a requirement for an additional dwelling.

Comment: Each application is judged on its merits.

**Impact upon trees and natural environment:**

It is highlighted that this is one of the few remaining woodland areas within the locality. It is questioned whether the applicant undertook any form of environmental appraisal/study in advance of felling trees on the site. Loss of habitat and disturbance including impact upon flora and fauna including bats, badgers, hares, deer, pine martin, hedgehogs, barn owls, buzzards, goldfinches, and woodpeckers – some of which are protected species.

Comment: See the assessment.

Loss of 50+ mature trees and dumping of rubbish on the development site is unacceptable. Concern is expressed that approval of the development will result in further felling of adjacent woodland to make room for future expansion of the site. Tree felling within the site has already been undertaken during the nesting season and without appropriate Felling Licences from Forestry Scotland. It is suggested that if the application is unsuccessful that the applicant should be required to restore the woodland. It is understood that the woodland is subject to a 'restocking order' from Forestry Scotland.

Comment: This issue is currently the subject of an enforcement investigation. It is understood that Scottish Forestry were contacted separately regarding un-authorized tree felling at Darleith and they have been consulted regarding this proposal.

Concern is raised that the proposed development gives rise to potential impacts from chemical and fuel oil leakage into the Darleith Burn and Geilston Burn which is a SSSI.

Comment: See the assessment.

### **Impact upon residential amenity / amenity of locale.**

It is highlighted that the development is located within a quiet, rural setting. Concern is raised that the proposal will have an adverse impact upon residential amenity of neighbouring properties through noise and disruption. It is noted that the application is not accompanied by a noise assessment or any details setting out the proposed hours of operation.

Comment: See the assessment.

Timber cutting operations are likely to give rise to noise nuisance locally within an otherwise quiet, countryside setting.

Comment: Timber operations are being investigated as part of an enforcement case.

The high value nature of plant/equipment to be stored at the site may, in addition to the proposed 1.8m high fence, require installation of security lighting and alarms which will also impact upon the amenity of the locale/residential property.

Comment: See the assessment.

Use of the road by HGV traffic would cause disturbance to residential property located close to the road through both noise and vibration.

Comment: See the assessment.

It is noted that there is currently no power on the site and any requirement for a generator would give rise to both noise and pollution.

Comment: See the assessment.

Loss of privacy to existing residents through increased usage of the surrounds by persons accessing the proposed development. The development may be a target for criminals and as such could increase fear of crime locally within this rural area.

Comment: See the assessment.

### **Visual Impact:**

The development would be an eyesore, visually intrusive and appear out of keeping with its surrounds. The proposal would be readily visible from nearby residential properties contrary to the applicant's claims.

Comment: See the assessment.

**Impact upon Historic Built Environment:**

The development will impact upon a number of listed buildings close to the site.

Comment: See the assessment.

**Suitability of Access / Impact Upon Road Safety:**

The site is served by a 2 mile stretch of single track road with narrow verges, blind corners, no pavements, and limited pedestrian refuge locations or passing places and as such is considered unsuitable to accommodate HGV, heavy plant and machinery traffic from the proposed development. Additionally it is highlighted that parts of this road are subject to flooding and a low priority gritting route in winter months.

Comment: See the assessment.

It is noted that Darleith Road provides a means of access to the John Muir Way and the 3 Lochs Way. Concern is expressed that traffic from the proposed development would impede the movement of pedestrians (including school children and dog walkers) cyclists, horse riders, and emergency vehicles using the route, in addition to giving rise to an increased risk of accidents.

Comment: See the assessment.

Concern is raised that the details within the submission advising that vehicular traffic relating to the development is 'anticipated to be limited to two or three times per week' seeks to deliberately downplay the potential impact of the proposal upon road safety.

Comment: See the assessment.

Concern is expressed that Darleith Road is a residential street next to a school and as such unsuitable for heavy vehicular traffic. Tree felling activity on the site has already led to use of the road being restricted during those operations. It is suggested that passing places at 150m intervals along Darleith Road should be required. It is queried whether the applicant could make such provision. Road safety is already an issue as a result of usage of Darleith Road by heavy vehicle movements generated by farms and forestry plantations. The proposal would exacerbate these issues.

Comment: See the assessment.

**Other:**

A typo within the application documentation referring to the site address as 'Dalreith Road' as opposed to 'Darleith Road' was highlighted. It is commented that the site's postcode is G82, not G84.

Comment: These points are noted. It is not considered that these points prevent determination of the application.

It is noted that the site falls within the area of Cardross Community Council.

Comment: Cardross Community Council has commented on the proposed development.

Concern is expressed that the development may have an adverse impact upon local property values.

Comment: Loss of property values is not a material planning consideration.

The applicant is not well liked locally.

Comment: This is not a material planning consideration.

Third party rights of access are claimed over the development site (R. Baxter).

Comment: This is a civil matter between the parties concerned.

It is noted that another commercial venture of a Dog Walking Field has also recently started trading from Darleith Road without requisite planning permissions.

Comment: This is the subject of a separate enforcement investigation.

### **Representation**

W F Deans, by e-mail, no address provided (17.06.20)

Allyson Preston, Darleith Lodge, Cardross, G82 5HN (e-mail dated 29.06.20)

Emily Moriarty, no address (e-mail dated 18.06.20)

Bob Murray, 6 Napier Avenue, Cardross (e-mail dated 29.06.20)

#### **i) Summary of issues raised**

Concern expressed re the availability of information on the Council Website.

Comment: This point is noted. It is not considered that this point prevents determination of the application.

We put in a request for the remaining trees on site to be protected by means of a TPO and seek an update.

Comment: This matter is still being assessed.

The e-mail from Bob Murray set out the contents of a meeting with Scottish Forestry.

Comment: These comments are noted and be inspected on the Council's website.

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### **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |   |            |
|---|------------|
| <b>(i) Environmental Statement:</b>   | <b>No</b>  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b>  |
| <b>(iii) A design or design/access statement:</b>   | <b>Yes</b> |
| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b>  |

**Applicant's Supporting Statement**



It is generally the preference that business uses be located within established industrial estates or other established commercial premises however the applicant has found that very few such premises exist and none are available in and around the Helensburgh area.

Businesses related to agricultural contracting can, however, be reasonably expected to utilise farm outbuildings etc but again none are available in the locality. For these reasons the applicant is hoping to utilise land within his family's ownership whereby a new-build shed can be discreetly introduced into a woodland setting.

The application site is located within an area of generally self-seeded woodland and as such is well screened from public view, either from the public roadway or any of the houses in the locality. The design and external materials for the shed have also been selected to minimise its appearance. As such there should not be any significant visual intrusion and the prospect of woodland management for the surrounding areas is another benefit.

Vehicular movements to and from the building are anticipated to be limited to perhaps two or three times per week and so again the impact on the local roads and houses should be negligible.

Other than the cutting of timber there will be no works undertaken in the building or the yard.

Overall it is believed the scale of development, the style and appearance of the proposed building and the intended storage use should ensure that the proposed development can be accommodated into the woodland without undue impact on any neighbouring land, houses or road network.

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**(H) PLANNING OBLIGATIONS**

- (i) Is a Section 75 agreement required: No**
- (ii) Reason for refusal in the event that the Section 75 agreement is not concluded:  
N/A**

- 
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

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**(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.**

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

- LDP 8 – Supporting the Strength of our Communities
- LDP 9 – Development Setting, Layout and Design
- LDP 10 – Maximising our Resources and Reducing our Consumption
- LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

- SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
- SG LDP ENV 6 – Development Impact on Trees / Woodland
- SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP DEP – Departures to the Local Development Plan

**(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (SPP), 2014  
 Representations  
 Argyll and Bute proposed Local Development Plan 2

<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>Yes</b>
<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>

**(O) Requirement for a hearing:**

A total of seventy two objections and four representations have been received and consideration has to be given to holding a Discretionary Hearing. The storage shed does not comply with any of the permissible forms of greenbelt development set out at LDP DM1 (G). As such the application is recommended for refusal and it is not considered that holding a Hearing would add value to the process of determining this application. Given the lack of policy support a number of issues such as impact on listed buildings, pollution, noise, bio-diversity and the ability of the applicant to make the requisite road improvements required by the Area Roads Manager have not been addressed. In the event that Members wish to approve the proposal a full assessment of these would be required before a decision could be made.

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

Planning permission is sought for the erection of a storage building on a piece of ground owned by the applicant between Darleith Lodge and Darleith Stables on the outskirts of

Cardross. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment.

In terms of the adopted Argyll and Bute Local Development Plan LDP Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including greenbelt. Greenbelt is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. These include, inter alia, agricultural related development, outdoor sport and recreational development, demolition and replacement of buildings subject to no change of use occurring and change of use of buildings to residential institutional use. In this case the supporting statement indicates that the application site does not form part of an agricultural unit. The storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that it should be refused.

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

**(R) Reasons why planning permission should be refused**

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in Policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local 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:** Howard Young **Date:** 29/07/2020

**Reviewing Officer:** Sandra Davies **Date:** 02/08/2020

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

**REASONS FOR REFUSAL RELATIVE TO APPLICATION 20/00971/PP**

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00971/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

Planning permission is sought for the erection of a storage building on a piece of ground owned by the applicant between Darleith Lodge and Darleith Stables on the outskirts of Cardross. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment.

#### **B. Location, Nature and Design of Proposed Development**

The applicant is a local building and agricultural contractor. He presently rents a workshop but this lease is about to expire and so an alternative premises is required for the storage of his agricultural plant and machinery along with the cutting, drying and storage of timber logs and other gardening materials.

The application site consists of the eastern part of an area of woodland located to the west of Darleith Road and 2 miles north of Cardross village. It is accessed off Darleith Road and then via the private track that leads to the cluster of houses at Darleith Stables and then Darleith House. A short length of track, which is gated, leads to the entrance into the application site.

The application site is bordered by mature trees with the Geilston Burn to the west, in effect splitting the land holding into two definable areas. The central part of the application site has recently been cleared of trees in order to create a clearing which will constitute an open yard area. This is currently the subject of an enforcement investigation. Towards the southern end of the clearing it is intended to erect a storage building, measuring 14.8m x 10m and sitting on a concrete floor slab, while the yard area will be enclosed with 1.8m high deer fencing. Double gates will give vehicular access off the existing track into the open yard that will be laid with compacted Type 1 material.

The proposed building will have a shallow lean-to roof with olive green profiled metal sheeting to the walls and roof, all in order to minimise its visual impact, and it will be set within a 1.8m high deer-proof fencing around the yard for a degree of security.

In terms of the adopted Argyll and Bute Local Development Plan LDP Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including greenbelt. Greenbelt is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development.

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.

- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

In exceptional cases, a development outwith categories G(i) to (vi) may accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives.

The applicant's supporting statement states that "For clarity, we understand that the site, which forms part of a larger land holding, is not a registered farm unit." Whilst it is noted that the applicant has indicated the lack of suitable premises the storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G). Therefore, it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

Objectors have also raised concerns of the impact of the proposed development in terms of residential amenity, the amenity of the locale, pollution, bio-diversity and on adjoining listed buildings. Given the lack of policy support for the proposed development these issues have not been pursued with the applicant. If Members were minded to approve the application then a formal assessment of these matters would be required before a decision could be made.

### **C. Road Network, Parking and Associated Transport Matters.**

Access to the proposed site is from Darleith Road. Objectors have indicated that this road is substandard and could not support the development without improvements. The Area Roads Manager was consulted and has indicated no objections in principle subject to conditions.

Prior to any work commencing on site, in the interest of road safety and in accordance with the Council's Local Development Plan the following Conditions are required:

Full details of proposed road improvements on Darleith Road shall be submitted to and agree in writing with the Planning Authority in consultation with the Council's Road Network Manager.

A swept path drawing showing that agricultural vehicles and HGV to transport agricultural vehicles can safely navigate Darleith Road from A814 the proposed site shall be submitted. Darleith Road from its junction with the A814 and Mill Road shall require the installation of passing places at no more than 100 metres, in conjunction with a signage giving priority to vehicles traveling on Darleith Road in northerly direction from the A814 towards Mill Road. Consideration shall be taken to maintain the existing on street parking and driveway accesses.

The existing private road does not have the capacity for agricultural vehicles and HGV to transport agricultural vehicles without junction improvement and road widening works being required to be carried out.

At the junction of the adopted road (Darleith Road) and the private road, a visibility sightline 2.4 x 35 x 1.05 metres to the north and 2.5 x 70 x 1.05 metres to the south shall be provided and maintained in perpetuity for each private access. All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 m above the road.

Given the lack of policy support for the proposed development these improvements have not been pursued with the applicant. If Members were minded to approve then confirmation would be required that the applicant had control of the requisite land to upgrade the road.

#### **D. Trees/Bio-Diversity**

The application site is bordered by mature trees with the Geilston Burn to the west, in effect splitting the land holding into two definable areas. The central part of the application site has been cleared of trees in order to create a clearing in which it is proposed to have an open yard area. The loss of trees is currently part of an enforcement investigation and it is understood that Scottish Forestry are also investigating this matter. Scottish Forestry has been consulted and have indicated that they were contacted regarding un-authorized tree felling at Darleith. They state that the works carried out on site were un-authorized and they will be taking action against the applicant to replant the site. They have requested that the planning application is put on hold until the matter resolved. Whilst this point is noted the issue of trees is being pursued as an enforcement matter and Scottish Forestry have separate powers to take action. Moreover, as with the road issues, apart from the enforcement case, the applicant has not been asked for ecological surveys and the Bio-Diversity Officer has not been consulted given the lack of policy support and the recommendation to refuse the application. Again, if Members were minded to approve, these issues would need to be addressed.

#### **E. Conclusion.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

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**Location Plan Relative to planning application: 20/00971/PP**



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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**

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**Reference No:** 20/01028/PP

**Planning Hierarchy:** Local Development

**Applicant:** John Rapallini

**Proposal:** Variation of Condition 2 relative to planning permission reference 17/01756/PP to extend permitted opening hours to beer garden

**Site Address:** Clyde Bar, 62 West Clyde Street, Helensburgh

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## **DECISION ROUTE**

### **Local Government (Scotland) Act 1973**

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Planning Permission**

- Variation of Condition 2 relative to planning permission 17/01756/PP to extend permitted opening hours to beer garden

##### **(ii) Other specified operations**

None

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#### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be approved subject to the conditions and reasons appended to this report.

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#### **(C) HISTORY:**

04/00657/DET Rear extension to Clyde Bar. Approved 27.05.2004

17/01756/PP Formation of beer garden. Approved 24.08.2017

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**(D) CONSULTATIONS:**

Environmental Health - Helensburgh and Lomond – 27.07.2020 – No objections subject to a noise mitigation management plan.

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**(E) PUBLICITY:**

Regulation 20 Advert, closing date 23/07/20.

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**(F) REPRESENTATIONS:**

12 objections and two representations have been received to the proposed development from the parties listed below. A summary of the key issues raised is provided below, individual representations are available in full for review on the planning file available to view in Public Access.

**Objection**

John Green, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 24.06.20)  
Jane Twigg, 2/1, 24 John Street, Helensburgh, G84 8BA (e-mail dated 28.06.20)  
Mr Matthews, NAR Estates, 241 East Clyde Street, Helensburgh, G84 7AY (e-mail dated 01.07.20)  
Emma Horner, Flat B/B1, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 03.07.20)  
Jeff Horner, Flat B/B1, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 03.07.20)  
Mrs Nicola White, Flat B 2/1, 65 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 06.07.20)  
John Skinner, 2 John Street, Helensburgh, G84 8BA (e-mail dated 07.07.20)  
Fiona and Tommy Gallagher, 70 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 08.07.20)  
Matt Shields, 10 John Street, Helensburgh, G84 8BA (e-mail dated 13.07.20)  
Neil Welsh, Flat B2/2, 65 West Clyde Street, Helensburgh, G84 8AX (e-mails dated 15.07.20 and 21.07.20)  
Martin Welsh, 15 Westerlands Gardens, Newton Mearns, Glasgow, G77 6YJ (e-mail dated 17.07.20)

**i) Summary of issues raised**

The Clyde Bar has gone from a normal pub that closed around midnight to a very loud and rowdy pub that closes at 2am. Not only are we kept awake until the wee, small hours every weekend we have to put up with the aftermath from the night before with bottles and glasses being thrown into our property not to mention the vomit and take away cartons. Due to the constant noise from the front of the pub my wife and I (Mr and Mrs Green) have to sleep at the rear. We have family that we can't have to stay because of the noise and bad language.

Comment: See the assessment.

There is regular trouble almost every weekend with Police and ambulances having to attend not to mention the regular fights that breakout without the Police being involved.

It's the only pub in Helensburgh that opens until 2am when the other pubs close. Everyone pores into it and that's where the trouble stems from.

Comment: Anti-social behaviour is primarily a matter for the Police. However, the impact on residential amenity is a material planning consideration. See the assessment.

We (NAR Estates) have two flats at 59 West Clyde Street. We have on-going complaints from our tenants of noise, property damage, public urination and fear when accessing or leaving their flats. Pictures have also been submitted showing people standing on tables in the beer garden. Therefore would not agree to extend hours and would ask that the Council fully enforce the conditions of the current licence which are not being adhered to.

Comment: Anti-social behaviour is primarily a matter for the Police. However, the impact on residential amenity is a material planning consideration. See the assessment.

The current disruption until 9pm is already too much. Any extension past the watershed hour would be disruptive and interfering to all residents.

Comment: See the assessment.

The beer garden is surrounded by tall buildings and any sound created within reverberates around the area. To extend this beyond 9pm would be unbearable. My property (57 West Clyde Street) is to be used as a holiday home and this extension could be disruptive and have a direct effect on my business.

Comment: See the assessment.

We feel this would be an invasion of privacy and a breach of the peace of the adjacent residential properties due to the required light pollution accompanied by the inevitable noise pollution.

Comment: See the assessment.

Myself and an elderly neighbour have both been shielding due to the threat of Covid 19. We were exposed to an increased risk due to the negligence of the owner by allowing himself and a number of staff to consume alcohol during lockdown. An increase in hours will put extra pressure on the emergency services who are already at breaking point.

Comment: The issue of an alleged Covid breach and the potential impact on emergency services is not a material planning consideration in this instance.

I have been advised that my property (Flat B2/2 65 West Clyde Street) is being increasingly undervalued due to the beer garden and public house.

Comment: Impact on property values is not a material planning consideration.

Representation

Alex Brown, Flat 9 Princes Court, Helensburgh (e-mail dated 14.06.20)  
Susan Martin, No address, (e-mail dated 09.07.2020)

**i) Summary of issues raised**

Not clear what the extended hours will be.

Comment: The applicant wishes to open the beer garden for an extra hour.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |   |           |
|---|-----------|
| <b>(i) Environmental Statement:</b>   | <b>No</b> |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b> |
| <b>(iii) A design or design/access statement:</b>   | <b>No</b> |
| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
- 

**(H) PLANNING OBLIGATIONS**

- (i) Is a Section 75 agreement required:** **No**
- (ii) Reason for refusal in the event that the Section 75 agreement is not concluded:**
- 

- (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.**

Argyll and Bute Local Development Plan, 2015

Policy LDP STRAT 1 Sustainable Development

Policy LDP DM 1 Settlement Helensburgh Main Town Centre

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy

Policy LDP 7 – Supporting our Town Centres and Retailing

Policy LDP 8 – Supporting the Strength of Our Communities

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP BUS 1 Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas

Policy LP TOUR 1 Tourist Facilities and Accommodation including Static and

Touring Caravans;  
 Leisure  
 SG LDP BAD 1 – Bad Neighbour Development  
 Appendix A – Sustainable Siting and Design Principles

**(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (SPP), 2014  
 Representations  
 Argyll and Bute proposed Local Development Plan 2

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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**(O) Requirement for a hearing:**

A total of twelve objections and two representations have been received and consideration has to be given to holding a Discretionary Hearing. The beer garden is already operating and the applicant wishes to extend its use by one hour. The key material objections relate to noise and impact on amenity. In addressing these issues Environmental Health have been consulted and have indicated no objections. As such it is not considered that holding a Hearing would add value to the process of determining this application.

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

The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9pm each day. The current application seeks to extend the use of the beer garden for an additional hour until 10pm each day.

Under application 17/01756/PP the applicant constructed a low level timber decked area with timber screen boundaries measuring 11m by 7.5m, accessed from a rear fire exit door and screened by fencing and landscaping. The distance from adjacent residences (15m) is a similar distance to other beer gardens that have secured planning permission within the Town Centre i.e. Sugar Boat, Wetherspoons etc. This distance was considered acceptable and to not directly affect residential amenity in terms of privacy. In addition, whilst not suggested by Environmental Health, the 9pm limit/curfew was

considered an appropriate compromise between the commercial interests of the bar and the amenity of adjoining residents. The issue is whether the proposal to operate for an additional hour each day will detrimentally impact on the amenity of adjoining residential properties.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Policy LDP 9 – Development Setting, Layout and Design are applicable. Both policies state that in all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment.

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions to existing businesses in existing settlements areas will normally be permitted provided that:

- The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, (Small scale not exceeding 200m<sup>2</sup> footprint) and Schedule B 2; (Preferred location in settlements)
- In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- The proposal is consistent with any other relevant Local Development Plan policy and associated SG;
- Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full.
- The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.

Policy SG LDP BAD 1 – Bad Neighbour Development outlines the issues that could affect amenity and requires methodologies to ensure development places no harm on communities in terms of noise, light, smell etc.

Under application 17/01756/PP it was considered appropriate to control the development by restrictive condition relating to hours of operation and evidence that residential amenity will be protected in the form of a noise management plan submitted for further approval. Environmental Health have been consulted on the current proposal and have indicated that they have had complaints from one neighbour regarding noise. However, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the above policies and guidance.

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

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**(R) Reasons why planning permission should be approved**

The proposed development is regarded to be in compliance with the Development Plan, Supplementary Guidance and there are no material considerations that outweigh policy in this instance.



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

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

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**Author of Report:** Howard Young                      **Date:** 30/07/2020

**Reviewing Officer:** Sandra Davies                      **Date:** 02/08/2020

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/01028/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 29/6/17 and the approved drawing reference numbers

RA/01  
RA/02

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 provisions of Condition 1, the development hereby permitted shall be restricted to the specified operational hours of midday to 10pm on any day.

Reason: In order to protect the amenity of the area.

3. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall only be used for the consumption of drink and not for the preparation or cooking of any food.

Reason: In order to protect the amenity of the area.

4. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall not have amplified music played in this area.

Reason: In order to protect the amenity of the area.

5. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall not be a location to view television or large screen broadcasts i.e. sporting events.

Reason: In order to protect the amenity of the area.

6. Notwithstanding the provisions of Condition 1, no development shall commence until a noise mitigation management plan is submitted to and approved in writing by the Planning Authority. Thereafter, the noise mitigation measures shall be in place prior to the beer garden coming into operation

Reason: In order to control noise levels to protect residential amenity.

**NOTES 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 Authority specifying the date on which the development will start.
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.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/01028/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9pm each day. The current application is to extend the use of the beer garden for an additional hour until 10pm each day.

#### **B. Location, Nature and Design of Proposed Development**

The current application seeks to vary condition 2 of planning permission 17/01756/PP. This stated that:

Notwithstanding the provisions of Condition 1, the development hereby permitted shall be restricted to the specified operational hours of midday to 9pm on any day.

Reason: In order to protect the amenity of the area.

In terms of the adopted Argyll and Bute Local Development Plan the original proposal was assessed against Policy LDP STRAT 1 – Sustainable Development which requires developers to demonstrate sustainable development principles. Policy LDP DM1– Development within the Development Management Zones also encourages the same within the Main Towns and Key Settlements up to and including large scale on appropriate sites. Under application 17/01756/PP it was considered that the proposed beer garden was small in scale and complied with these principles.

The distance from adjacent residences (15m) is a similar distance to other beer gardens that have secured planning permission within the Town Centre i.e. Sugar Boat, Wetherspoons etc. This distance was considered acceptable and to not directly affect residential amenity in terms of privacy. The issue is whether the proposal to operate for an additional hour will detrimentally impact on the amenity of adjoining residential properties.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Policy LDP 9 – Development Setting, Layout and Design are applicable. Both policies state that In all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment.

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions to existing businesses in existing settlements areas will normally be permitted provided that:

- The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, (Small scale not exceeding 200m<sup>2</sup> footprint) and Schedule B 2; (Preferred location in settlements)

- In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- The proposal is consistent with any other relevant Local Development Plan policy and associated SG;
- Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full.
- The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.

Policy SG LDP BAD 1 – Bad Neighbour Development outlines the issues that could affect amenity and requires methodologies to ensure development places no harm on communities in terms of noise, light, smell etc.

Under application 17/01756/PP it was considered appropriate to control the development by a restrictive condition relating to hours of operation and evidence that residential amenity will be protected in the form of a noise management plan submitted for further approval. Environmental Health have been consulted on this application and have indicated that they have had complaints from one neighbour regarding noise. However, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the above policies and guidance.

The proposed variation of operation hours allowed by this permission for the operation of the building and the use of the external seating area is considered to appropriately balance the commercial interests of the bar with the need to ensure adjoining residential occupiers do not have an unacceptable impact upon the level of amenity they can reasonably expect to enjoy given the site location and characteristics. The amended conditions are therefore considered to accord with Policy LDP 3 and SG LDP BAD 1 of the Statutory Plan.

## **C. Conclusion.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

The proposed development is regarded to be in compliance with the Development Plan, Supplementary Guidance and there were no material considerations that outweigh policy in this instance.

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**Location Plan Relative to planning application: 20/01028/PP**


1:1,250

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

## **PROPOSAL OF APPLICATION NOTICE**

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**Reference:** 20/01068/PAN

**Applicant:** MacLeod Construction Limited

**Proposal:** Proposal of application notice for proposed north eastern extension to existing sand and gravel quarry extending to some 4ha (extension to allocation reference MIN-AL 12/2)

**Site Address:** Kilmartin Quarry, Upper Largie, Kilmartin

---

### **1.0 BACKGROUND**

A proposal of application notice (PAN) has been submitted for an extension to the existing Kilmartin Quarry, Upper Largie, Kilmartin. The PAN is required as a result of the proposal qualifying as a major application through the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The normal expectation of planning officers would be for a consultation process involving face to face meetings with local stakeholder groups and an open event for members of the public. The current COVID-19 pandemic and rules on social distancing has meant that a public meeting and 'drop in' session has not been possible. However, the Scottish Government has introduced flexibility to the method of public consultation through the Chief Planner's letter dated 3<sup>rd</sup> April 2020. This letter accepted the difficulties with respect to public gatherings but still placed the onus on the applicant to conduct stakeholder consultation. In this regard the applicant intends to set up a website to display the proposal information and allow for feedback in addition to holding a virtual consultation event through the community council. This was scheduled for 12<sup>th</sup> August 2020 and included a question and answer session. In addition to Dunadd Community Council the applicant has identified Kilmartin Museum as a further community stakeholder group.

Properties in Kilmartin will be notified of the opportunity to view the proposal on MacLeod Construction's website. Householders will be notified by letter drop.

Officers consider that the proposed measures meet with the requirements as set out in Scottish Government Circular 5/2009 taking account of the aforementioned Chief Planner's letter.

### **2.0 SITE DESCRIPTION**

The site is the existing Kilmartin Quarry which has been worked for a significant period of time with permissions extending back to 1986. The original extraction void has been worked and is in the process of restoration but the processing plant and settlement ponds remain in situ and are expected to support the proposed extension. Permission has been granted for an extension to the west. Access is taken via the A846 main road off a single track to a point just north of the centre of Kilmartin village.

The proposed extension is to the north east and extends to some 4ha. The land is currently agricultural with some mature trees across the site. The extension follows the same route as the workings for the existing extraction area with the site bounded by agricultural fields, the A816 to

the east and the existing working plant and processing area to the south. Access is proposed from the existing route off the A816 in Kilmartin as utilised by the current workings.

There are no details within the PAN regarding extraction volume, vehicular movement etc. These will all be processed through the submission of any future planning application.

### **3.0 DEVELOPMENT PLAN POLICY**

These submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. In considering the merits of the PAN a number of Development Plan Policies will inform the assessment of any future detailed application as set out below:

#### Argyll and Bute Local Development Plan (March 2015)

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

#### Argyll and Bute Supplementary Guidance (2015)

SG 5 - Sustainability Checklist

SG LDP BAD 1 - Bad Neighbour Development

SG LDP BUS 2 - Business and Industry Proposals in the Countryside Development

SG LDP CC 1 - Climate Change and Sustainable Development

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity)

SG LDP ENV 7 - Water Quality and the Environment

SG LDP ENV 11 - Protection of Soil and Peat Resources

SG LDP ENV 14 - Landscape

SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance

SG LDP MIN 2 - Mineral Extraction

SG LDP TRAN 1 - Access to the Outdoors

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

### **4.0 POTENTIAL MATERIAL CONSIDERATIONS**

In addition to the adopted Local Development Plan (March 2015) the planning authority will need to consider the following potential material considerations. Furthermore, depending on the timing of the submission there may need to be a formal assessment against the policies proposed within LDP 2.

- Scottish Planning Policy
- Planning Advice Note 50 (Controlling the Effects of Surface Mineral Workings) and annexes
- Planning Advice Note 64 (Reclamation of Surface Mineral Workings)
- Planning history
- Statutory and non-statutory consultee responses
- Potential third party representations that raise material planning considerations
- Local Development Plan 2 Proposed November 2019

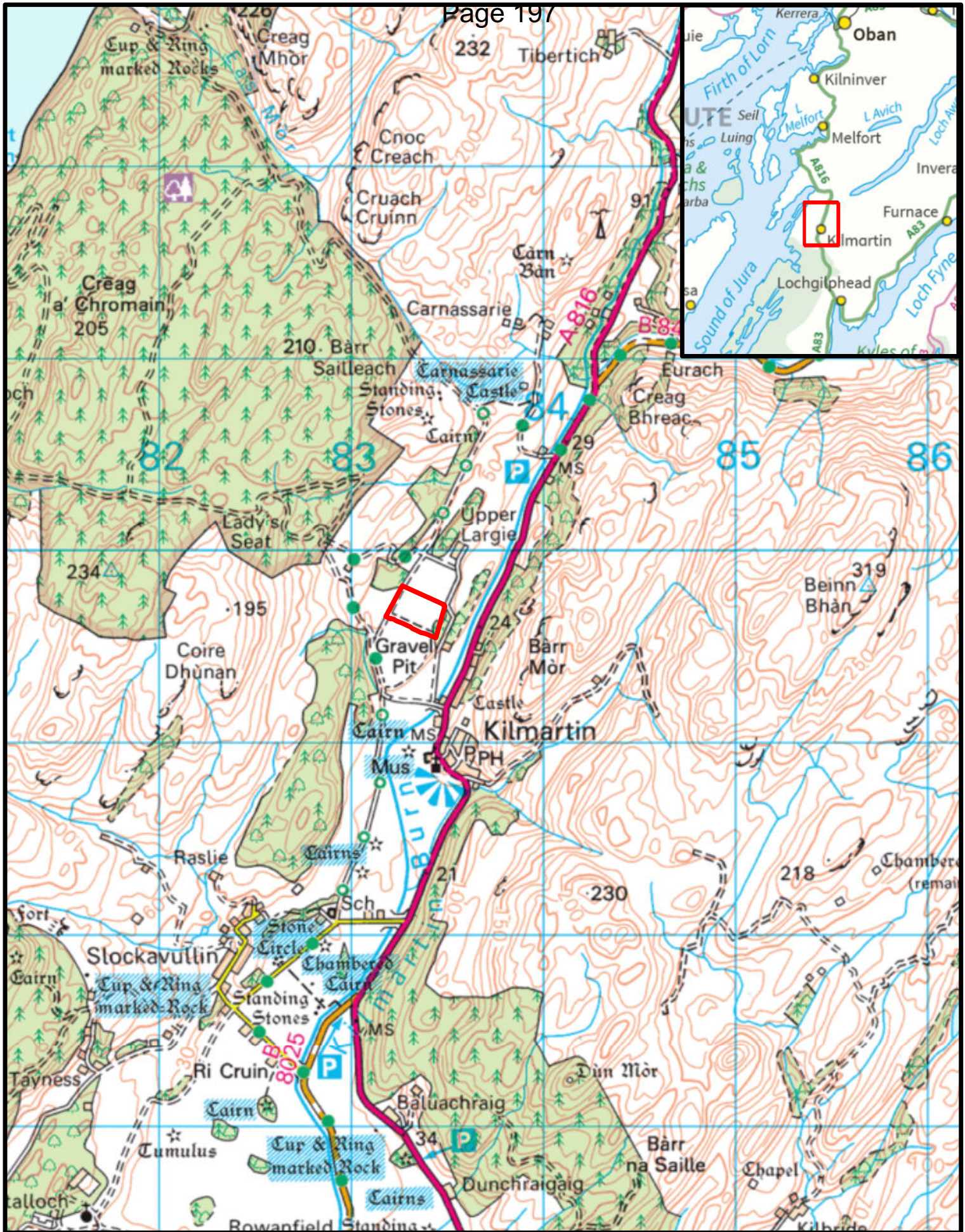
## **5.0 CONCLUSION**

This report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

## **6.0 RECOMMENDATION**

It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application.

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PPSL

ARGYLL AND BUTE COUNCIL

Development & Economic Growth

19<sup>th</sup> August 2020

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**Planning Performance Framework 2019/20**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report introduces the 2019/20 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda.
- 1.2 The PPF is the principal annual performance measure for Planning Services (*Development Management, Planning Policy, and Projects and Regeneration within Development & Economic Growth*) and is submitted to the Scottish Government for scrutiny and scoring. The PPF required to be submitted to the Scottish Government by 31<sup>st</sup> July 2020, and will thereafter be subject to peer review before formal scoring.
- 1.3 The Argyll and Bute PPF 2019/20 captures that our performance during 2019/20 has largely been maintained in relation to the previous reporting period. The qualitative outcomes captured in the PPF also demonstrate that Planning Services are open for business by supporting sustainable economic growth, delivering high quality development outcomes on the ground and have sustainable management and service delivery structures/processes in place.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that PPSL:

- (a) Note the content of the Planning Performance Framework 2019/20; and,**
- (b) Note that an update report shall be submitted detailing Scottish Government feedback at the appropriate time later in 2020/21.**

**3.0 DETAIL**

- 3.1 This is the Planning Services 9<sup>th</sup> Annual Planning Performance Framework (PPF) and is our 'balanced scorecard' of performance which all Local Authorities must submit to the Scottish Government. The deadline for submission of the finalised report was 31<sup>st</sup> July 2020.

- 3.2 The PPF aims to be a holistic and easy read document that encapsulates the main statistical performance indicators as well as more qualitative information and case studies of good practice for the previous financial year. The basic structure of the document is stipulated by the Scottish Government but the character, tone, style and content is all shaped by the individual Authority.
- 3.3 The Scottish Government has previously suggested that Authorities use the PPF as more than a means of simply reporting performance and make use of the document as an opportunity to promote their service and local area, to incorporate customer feedback and to provide updated narrative on case study items from previous years. As in previous years, the 2019/20 PPF seeks to focus on the Council being 'open for business' and the positive economic contribution that Planning Services have made within Argyll and Bute.
- 3.4 Accordingly, the PPF presents case studies and examples of good practice throughout the document which demonstrates the ability of the Service to facilitate the delivery of high quality development on the ground, to provide certainty to developers and investors, to consult and engage with customers effectively and to ensure that appropriate management and service delivery structures are in place to work efficiently. The PPF report relates to performance during 2019/20 which has not been significantly affected by impact of the COVID-19 pandemic – the impact of the pandemic upon delivery of Planning Services and its functions will require to be fully documented in next year's submission.

#### 4.0 IMPLICATIONS

4.1 Policy	None
4.2 Financial	None
4.3 Legal	None
4.4 HR	None
4.5 Equalities / Fairer Scotland Duty	Positive outcomes for FSD as the PPF demonstrates that the Planning Service supports sustainable economic development.
4.6 Risk	If the PPF were adjudged to be not fit for purpose there is potential reputational risk of being viewed as a poorly performing planning authority.
4.7 Customer Service	None

#### **Interim Executive Director with responsibility for Development and Economic Growth**

**Policy Lead : David Kinniburgh**

22<sup>nd</sup> July 2020

**For further information contact:** Peter Bain – 01546 604204



**APPENDICES**

Appendix 1 – Planning Performance Framework 2019/20

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# PLANNING PERFORMANCE FRAMEWORK 9

2019/20

**ARGYLL**  
CHOOSE ARGYLL. LOVE ARGYLL.

#abplace2b

# About Argyll and Bute

Population (2019):

**85,570**

**9%**

Argyll and Bute as a proportion of the total Scottish land area.



**43%**

of Argyll and Bute's Population live in areas classified as "remote rural".

**52**

of Argyll and Bute's 125 data zones are amongst the 20% most geographically access deprived data zones in Scotland.

Scottish Index of Multiple Deprivation 2020

**96%**

of Argyll and Bute's population live within 10km of the coast.

Average Pop. Density (2019):

**0.12** persons per ha

**21**

Bute, Coll, Colonsay, Danna, Easdale, Eilean da Mheinn, Erraid, Gigha, Gometra, Iona, Islay, Jura, Kerrera, Lismore, Luìng, Mull, Oronsay, Seil, Shuna (Luìng), Tiree, Ulva

inhabited islands\*

\* not including LLTNP area

**£536**

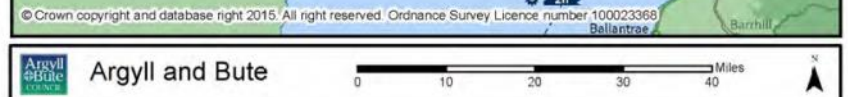
average weekly income

Compared to Scottish Average of £577, and UK Average of £688 (2019)

**33%**

of employment is in "Public Administration, Education and Health"

Compared to 29.8% in Scotland, 26.4% in UK (2018)



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Case Study 4: Heritage Led Regeneration - Campbeltown	P18
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# Foreword:



**Fergus Murray**  
**Head of Development &  
 Economic Growth**  
**Argyll and Bute Council**



With change being the only constant at the moment the delivery of a high quality planning service remains challenging and complex. Planners are used to the process of change however and we can often see how it can be a positive thing for local communities instead of the threat it is sometimes portrayed as.

In July of 2019 I became the Head of Service for Planning, Housing and Regulatory Services as part of a wider council re-organisation that merged a number of service portfolios. Formally the Head of Economic Development and Strategic Transport my new title is Head of Development and Economic Growth. This significant change has brought with it an opportunity to more closely integrate the regulatory functions of Planning and related services with the regeneration and project work of the Council which facilitates and delivers on our corporate aspirations to protect and enhance the most positive attributes of Argyll and Bute - its communities, its built heritage and its natural environment through delivery of improved infrastructure and connectivity to support sustainable economic development.

As we are all well aware, the effects of Coronavirus have already turned expectations for 2020/21 completely on their head through disruption to economies and movement of people on a scale and magnitude which hasn't been seen since wartime generations.

The requirement to live and work with essential restrictions upon free movement and social interaction has not only highlighted the importance of access to green space for mental and physical wellbeing but has also underlined the value of digital infrastructure and connectivity to support alternative ways of working. Planning has a key role to play in supporting economic and social recovery from the extended period of lockdown. The formation of the Development & Economic Growth Service has fortunately created a holistic Planning Service that aligns activity across the functions of plan making with regulation and delivery of development on the ground.

Whilst it is still early days in the evolution of the new Service arrangements it is expected that our collaborative and joined up approach to working and delivery of quality outcomes will allow Planning to play a key role within the Council's corporate efforts supporting 'a green and inclusive economic recovery' for Argyll and Bute.

# Part 1: Defining and Measuring a High Quality Planning Service

## 1.1 QUALITY OF OUTCOMES

1.1.1 Throughout 2019/20 the Planning Service has continued to work closely with communities, developers and partner organisations to deliver a range of developments across Argyll and Bute.

1.1.2 The [adopted Argyll and Bute Local Development Plan 2015](#) (the LDP) is firmly embedded into decision making with 12 key policies which seek to promote the delivery of sustainable long term economic growth to support the retention and growth of our population; to support the transition to a low carbon economy; to help retain and improve essential services; to protect and enhance our outstanding natural and built environment, and to maintain and improve our quality of life.

1.1.3 Interpretation and implementation of the LDP policy aims is assisted by a suite of Supplementary Guidance and non-statutory Technical Working Notes. These include publications on: [Masterplanning](#), [Advertisement and Signage Policy](#), [Houses in Multiple Occupation](#), and a [Biodiversity Technical Note for Planners and Developers](#).



1.1.4 The Council seeks to promote high quality design through the publication of [Sustainable Design Guidance](#) covering a range of topics including Small Scale Housing Development, Larger Housing Development, Working with Argyll and Bute's Built Heritage, Case Studies on Sustainable Materials and Technologies, and place specific guidance for the unique circumstances of the Islands of Coll and Tiree. Delivery of quality in design and place making is celebrated and championed through the Council's [Sustainable Design Award](#) scheme and identification of [exemplar designs](#) via the Council's website. The most recent iteration of the Sustainable Design Awards was launched in February 2020 but has subsequently been postponed as a result of the Covid-19 pandemic. The [Design Awards 2020](#) will recognise work that was carried out or completed in the period July 2015 to May 2020. The award categories for 2020 have been identified as Sustainable Design, Aesthetic Design, Community Led Regeneration Project, Built Heritage, and Design for Under £100k. The range of categories are intended to highlight good practice across varying scales and types of development, and include for the promotion of low cost-innovative design, and community led developments.

1.1.5 Following the designation of the Helensburgh Town Centre Conservation Area in September 2019 there are now [33 Conservation Area designations](#) across Argyll and Bute providing protection to the historic built environment.

5 1.1.6 Through considered and targeted investment, the Council is continuing to develop, deliver and distribute funding to regeneration projects, the foundations of which support more attractive and prosperous places. The projects which were developed and delivered by the Projects and Regeneration Team during 2019/20 are as follows:

[Dunoon CARS](#) - partnership Projects with Historic Environment Scotland. (Full scale external restoration of tenement, 2 shopfront restorations in Argyll St and the implementation of a successful youth training programme in collaboration with a local contractor, Dunoon Grammar School, Argyll College UHI and Dunoon Burgh Hall Trust).

[Rothesay TH](#) - partnership project with National Lottery Heritage Fund, Historic Environment Scotland, Highlands & Islands Enterprise, LEADER and SUSTRANS (Full scale external restoration of tenement and 1 shopfront restoration in Victoria and Montage Streets)

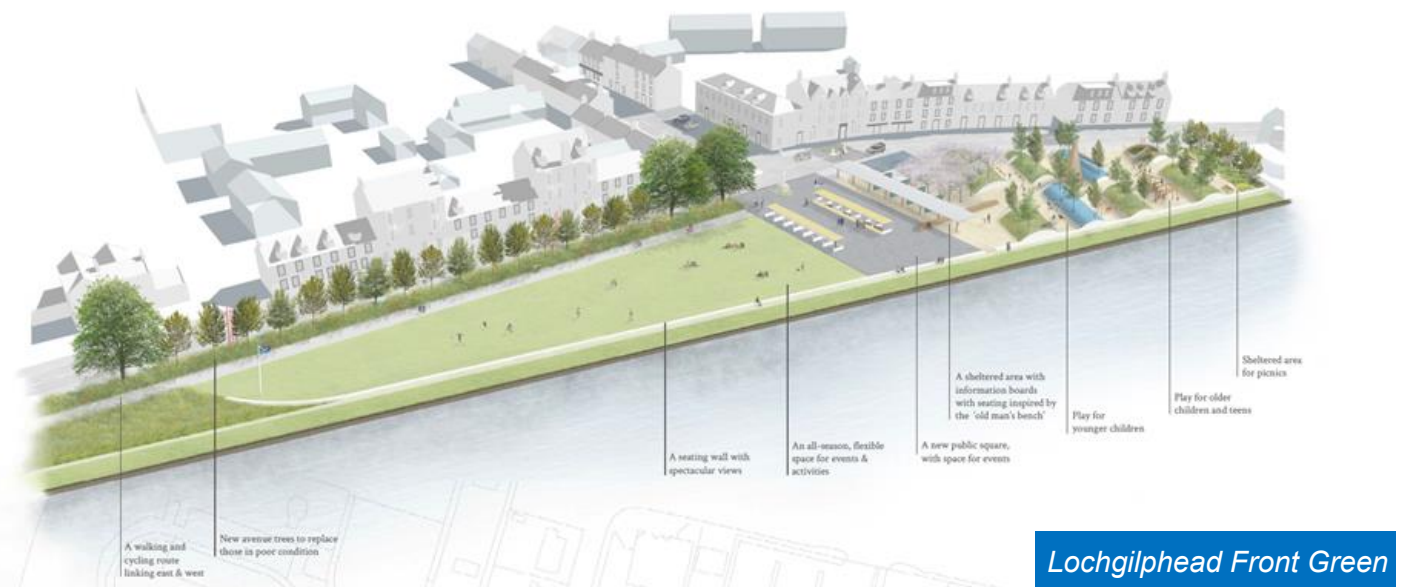
[Campbeltown CARS](#) - conclusion of 13 years of regeneration activity as detailed in Case Study 4.

[Lochgilthead CARS](#) - preparation for the launch of a new scheme that will run from 2020 to 2026 with a grant fund of over £1.3m.

[Lochgilthead Front Green](#) - Conclusion of comprehensive public consultation that resulted in securing detailed planning permission for urban realm improvements to deliver a public space used for community events, outdoor recreation and enjoyment.

#### FUTURE INDICATIVE DESIGN: VISUAL AND PLAN

Proposals subject to design development, stakeholder development & affordability



[Tarbert / Ardrishaig Regeneration](#) - Five projects at various stages that will deliver a range of public realm and pathway enhancements. These include the delivery of a new office block and chandlery, junction improvements at Tarbert Harbour and a new carpark, together with the completed Egg Shed development in Ardrishaig and associated public realm works which is detailed in Case Study 8. The developments in Ardrishaig are outcomes from the [Crinan Canal Corridor Charrette](#) joint working with Scottish Canals which we reported on in [PPF 5](#) and [PPF 6](#). Further consultation on proposals for public realm improvements in [Ardrishaig North](#) was held in Sept. 2019.

Town Centre Fund - Programme management of eleven physical regeneration projects at various stages to be completed by August 2021.

[Hermitage Parks for People](#) - £3.7m project for the heritage-led regeneration of Hermitage Park. The project has been part funded by National Lottery Heritage Funding and is now reaching its final phase of implementation and is programmed for completion in Winter 2021. The project has included construction



of a new passive haus standard [pavilion](#), restoration of historic features including the Category A listed war memorial, a Japanese garden and wishing well, provision of a community garden, and renewal of the children's play area.

1.1.7 Involvement of the Planning Service has been instrumental in facilitating a number of developments which have/will deliver new housing, schools, employment, renewable energy, and tourism accommodation/facilities. Case Studies 1, 3, 4, 5 and 8 detail some of these quality outcomes.



Hermitage Park War Memorial

## 1.2 QUALITY OF SERVICE AND ENGAGEMENT

1.2.1 The LDP and priorities of the Planning Service are closely aligned with the [Argyll and Bute Outcome Improvement Plan 2013-23](#) (previously known as the Single Outcome Agreement and Community Plan). The Outcome Improvement Plan remains the sovereign document and the LDP aims to translate its objectives into a deliverable spatial strategy. The Council's [Action Programme](#) is utilised to focus action on priority proposals and allocations, and to identify work which is required to enable development. Case Studies 3, 4 and 8 provide an example of these corporate aims being delivered on the ground by LDP policy.

1.2.2 During 2019/20 preparation of LDP2 included further workshops with elected Members prior to the Council approving the proposed LDP2 which was placed on an [extended period of public consultation](#) over the winter months. The consultation included the option to review the [proposed LDP 2 in a 'story map'](#) format as a means of providing a more interactive, user friendly form of consultation engagement. Representations received during that time are now being analysed and Schedule 4 responses prepared for a forthcoming DPEA Examination. An updated project plan for the [Development Plan Scheme](#) was published in March 2020.

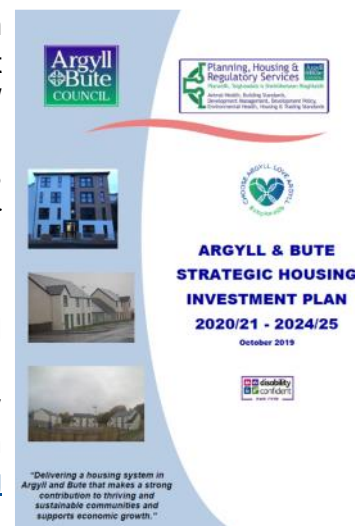
The image shows a screenshot of the Argyle and Bute Council website. On the left, there is a navigation menu for the 'PROPOSED LOCAL DEVELOPMENT PLAN 2 Written Statement and Proposals map'. The menu includes sections like 'Contents and Proposals Map', 'For Proposals Map see opposite', '1.0 Introduction', '2.0 Vision and Objectives', and '3.0 Spatial and Settlement Strategy'. On the right, there is a map titled 'Proposed LDP2' showing various areas with different colors and labels, including 'P3016', 'Lochgilhead', and 'Feroch Park'. A blue banner at the bottom right of the map area reads 'LDP 2 Story Map Consultation'.

1.2.3 The Planning Service is located in various offices across the main settlements of Argyll and Bute providing relatively easy access to a large proportion of the population. Customers on remoter mainland and island locations are also able to access Council services at Customer Service Points. The

7 Planning Service also provide website, e-mail, and telephone based services to customers, and continues to utilise social media as a means of public engagement. The Council's response to the Covid-19 pandemic has seen the temporary closure of public offices and delivery of planning services via home working and digital communication channels.

1.2.4 The Planning Service, working in partnership with Regulatory Services, attained the [Customer Service Excellence Standard](#) in February 2019. An overview of the work undertaken to reach this attainment was set out in [PPF 8](#). The Planning Service is committed to retaining the award however a partial reassessment scheduled for March 2020 has been postponed as a result of Covid-19.

1.2.5 The Planning Service continues to build partnerships both internally and externally. The Development Policy and Development Management teams have close links and seek to co-ordinate activity/resources with Economic Growth, Projects and Regeneration, Building Standards, Environmental Health, Strategic Transport, Housing, Access, GIS and Coastal Development through revised management arrangements for these functions which has seen them brought under a single Head of Service from July 2019. Departmentally the Planning Service is also aligned with Roads and Infrastructure under a single Executive Director. The Council Service structure facilitates partnership working and promotes symbiosis in working practice including the merging of Housing with Development Policy to better realise the synergies between these services in the delivery of an effective affordable housing development and the [Strategic Housing Investment Plan](#).



1.2.6 Customer User Forums are held regularly as a joint exercise between the Development Management, Development Policy and Building Standards Services providing a co-ordinated approach to engagement with regular professional customers. The content of recent User Forums include updates on the LDP2 process, validation standards, updates on changes to legislation, details of any revision to staffing and service delivery arrangements, performance appraisal, and details of recent publications/guidance.

1.2.7 In addition to engaging with individual companies on application specific issues, the Planning Service also seeks to engage directly with the aquaculture industry by arranging an annual liaison meeting with local industry representatives with hosting arrangements alternating between the Council and Industry. The event intended for 2019/20 was due to be organised and hosted by the Scottish Salmon Producers Organisation but is currently on hold as a result of the Covid-19 pandemic. The agenda for the 2018/19 meeting included an update on LDP2, the [Clyde Marine Plan](#), Planning Performance, revised Industry Planning Protocols, discussion about [changes to SEPA's licensing regime](#) and its implications for planning, wild fish interactions, and updated EIA Regulations.

1.2.8 The Development Policy Service have developed a remote based assessment of housing land supply in order to verify that it is fit for purpose and does not act as an impediment to the delivery of new house building. This has allowed us to carry out a survey despite 'lockdown' restrictions. The Council continues to explore innovative ways in which it can contribute to or facilitate the further delivery of a variety of housing types as reported in [PPF 7](#).

1.2.9 The [Helensburgh Making Places 2019](#) project is funded by the [Scottish Government's Making Places Initiative](#). The project looked at opportunities to make Helensburgh a better place to live, work, visit and invest by prioritising themes which were found to be high on the community's agenda. The project utilised a range of consultation techniques including use of the [Place Standard Tool](#), surveys, social media, workshops, and live drawing. The final project outputs are intended to inform policy change, strategic decision making and the forthcoming Local Development Plan and will ensure a strong connection between grassroots and high level decision making. The final report identified that reactivation of Helensburgh's Waterfront to create flexible space for multigenerational use, the sharing of knowledge,



and responsibility to see collaborative endeavours realised were prioritised as the most important to the community and with the greatest scope for opportunity.

1.2.10 The Council recognises that it cannot work in isolation and that collaborative working will deliver the most productive outcomes for communities. Area regeneration efforts require substantial involvement from the community as a whole, and relies on private and third party partnerships and subsequent investment. [The Rockfield Centre](#) is a good example of effective regeneration through partnership working which has occurred with the assistance of [Regeneration Capital Grant Funding](#) and Town Centre Funding. The Council also supports, and works in partnership with the area's [Business Improvement Districts](#).

1.2.11 The roll out of 4G by EE/BT and the [Emergency Service Mobile Communication Programme](#) continued during 2019/20. This has seen 4G coverage from this Mobile Network Operator reach 75% across Argyll and Bute. This year has seen additional sites injected into the programme as network blackspots along road networks have been identified; commercial coverage will also improve as the fibre network increases. The Scottish Government's 4G infill programme has commenced build at two sites which meet the criteria for investment as [4G "Not-Spots"](#) having secured an anchor operator. In addition the upcoming [Shared Rural Network \(SRN\)](#) has identified a number of sites across the Council area for upgrade and development, the finer details of which are still being negotiated between the operators and the UK Government. The Council's Digital Liaison Officer continues to provide assistance and single point contact for numerous consultants and monitors progress of applications as they are developed, submitted and implemented, following internal protocols to engage planning officers with greater expertise in telecoms development when required. Feedback from consultants has been complimentary of the processes which the Council have implemented to assist in the progress of digital connectivity. During 2019/20, EE/BT have commented positively on the streamlined process that the Planning Service have implemented in assisting in network coverage development. It has also been highlighted internally that cross departmental working will be intrinsic to the successful development of improved fibre penetration into rural communities given the challenges and, in some cases, short timeframes for implementation.

1.2.12 The Development Management Service continues to offer a [pre-application and permitted development enquiry service](#). Previously we have reported on the introduction of charging, template responses and online submissions to provide timely, consistent, high quality advice to prospective developers through identification of relevant planning policies, constraints and requirement for supporting information in advance of the formal application process. The [Planning section of the Council website](#) includes useful customer information including advice on 'Permitted Development', relevant publications including the LDP and non-statutory guidance, information on the planning process and details of how interested parties can engage with it. Customer feedback has however identified demand for a pre-app initiation and follow up advice service and further consideration on how to extend the range of services provided will be undertaken during 2020/21 along with the improvement of online content as part of a planned corporate refresh of the Council's website. Case Studies 3, 4, 5, and 8 include examples of

9 where there has been successful early engagement with developers.

1.2.13 Elected members are involved at an early stage of an application for 'major' development and are provided with a briefing on all Proposal of Application Notices (PANs). This [protocol](#) requires all PANs to be reported to the PPSL Committee and allows Members the opportunity to identify matters which they consider would be material to the determination of any subsequent application. Any issues raised by Members are then fed back to the applicant to take into account in the preparation of their formal application. Commencement of s23 of the Planning (Scotland) Act 2019 has also introduced a new requirement to directly notify local, Scottish, and UK elected representatives when an application for Major development is received. The Council has responded to this additional requirement through the introduction in 2019/20 of a new protocol providing notification to the relevant parties by e-mail.



1.2.14 We have reported in previous PPFs on the certainty provided through development of masterplans and LDP allocations. 2018/19 has seen development, including affordable housing, delivered within masterplan/LDP allocations in Bowmore, Campbeltown, Dunoon, Helensburgh, Lochgilphead, Inveraray, Port Ellen, and Tobermory and we reported in [PPF 7](#) and [PPF 8](#) that the Dunbeg masterplan area was the subject of a detailed application for 300 affordable dwelling units that is now on site. Case Study 7 provides an update on activity at Dunbeg over the past 12 months where significant progress has been made toward delivery of the first three phases of the masterplan, and an Architecture & Design Scotland convened [Workshop event in July 2019](#) to review the project was attended by Kevin Stewart, the Scottish



Local Government and Housing Minister. This new housing development was only made possible through a £900k Housing Infrastructure Fund contribution to upgrade the main access road.

1.2.15 The Development Policy team have undertaken public consultation on the [pilot project to deliver two Simplified Planning Zones](#) in Lochgilphead and Mull during 2019/20. There has been some programme slippage, which is primarily related to SEPA requirements for additional flood risk information in respect of the Lochgilphead site. Handling the flood risk issues is an evolving process with newly emerging requirements at each stage. The progression of work has included photographs, cross-sections across the river section of the watercourse, culvert dimensions, LiDAR information, and a detailed Flood Risk Assessment by qualified professionals. As the flooding issues are still unresolved additional

modelling is currently being commissioned to better delineate the functional floodplain. It is anticipated that the SPZ sites should progress this year.

### 1.3 GOVERNANCE

1.3.1 Development Management and Development Policy items are reported to the centralised Planning, Protective Services and Licensing Committee which meets monthly (except for July) and convenes for site visits and discretionary Local Hearings as required. The PPSL Committee met on 16 occasions during 2019/20. Local Review Bodies operate flexibly to demand with 12 LRB meetings and 2 site visits convened during 2019/20.

1.3.2 The Council's [Scheme of Delegation](#) to officers was scheduled to be reviewed and updated in March 2020 but has been postponed as a result of disruption to planned activity from Covid-19. However the existing scheme of delegation continues to operate effectively with 99% of decisions being made under delegated powers in 2018/19. During this period 97.8% of applications were approved demonstrating the effectiveness of a plan-led system, flexible/pro-development policies which are aligned to the corporate priority of sustainable economic growth, and a commitment to delivering positive outcomes.

1.3.3 Argyll and Bute Council's Planning Service continues to face significant budget pressures due to the requirement for delivery of savings across all Council services. The last two years have seen a downsizing of staff resource, redesign of service delivery arrangements, and introduction of a chargeable pre-application enquiry service within the Development Management Service that have cumulatively delivered budget savings of £270,000. Further savings of £125,000 are expected to be delivered during 2020/21. The Development Policy team have also downsized their staff resource following retirements of experienced officers during 2019/20 with a requirement to deliver £46,000 savings in 2020/21. Budgets and efficiency measures are considered at management meetings at all levels with updates provided regularly to the Executive Director and elected Policy Lead. Participation in the [Costing the Planning Service in Scotland](#) project, as detailed in [PPF 8](#), has confirmed that the cost efficiency of Argyll and Bute's Planning Service compares favourably with that of other Local Authorities and has provided additional insight to assist with budget planning for future years. The outcomes of this project were [reported to the Council's PPSL Committee](#) in June 2019.

1.3.4 Planning Enforcement is currently delivered by two dedicated Enforcement Officers based in Lochgilphead and Oban covering the West of Argyll and Bute with the undertaking of enforcement duties now being combined with Development Management casework in the East of the Council area. Enforcement is delivered on a priority basis which is set out in [The Enforcement Charter](#) which was reviewed and updated during 2019/20 and subsequently adopted by the Council in March 2020.



*Marina Development - Oban Harbour*

1.3.5 The Planning Service continue to engage in a multi-agency project in the development of the [Oban Strategic Development Framework](#). It is intended to deliver a long term strategic vision for the town and to act as a vehicle to co-ordinate and maximise synergies between a variety of ongoing project streams.

1.3.6 The Council's Housing Service was brought under the umbrella of the Head of Planning and Regulatory Services in November 2017. The revised Service structure has combined management responsibilities for Housing with the Development Policy team. The revised arrangements have already helped to forge better linkage and integration of activity between these complimentary services and has seen Planning and Housing staff being represented at each Service's annual conference. Summer 2019 saw further change to the Council's corporate structure which included the functions provided by Planning and Regulatory Services, and the Economic Development Service brought under a single Head of Service which is now titled Development & Economic Growth. Whilst the corporate restructure was primarily intended to deliver budget savings the new service structure is expected to deliver better alignment and co-ordination of the Council's regulatory functions, including Development Management, with the Council's plan making, business support, and project delivery activities.

1.3.7 The Planning Service continues to engage with other Council Services through Area Property Action Groups (APAGs). This approach and some of its successful, high quality outcomes have been highlighted within previous PPFs, and examples of this innovative, inter-disciplinary approach to problem solving are again noted within Case Study 4.

1.3.8 The Council continues to explore the delivery of shared services with other authorities. An example of this approach is that the Council's Conservation and Design Officer is currently providing built heritage advice to Loch Lomond and the Trossachs National Park Authority.

1.3.9 The Development Management Service continues to seek to review and refine existing processes to deliver efficiency savings and improve performance and outcomes for customers. During 2018/19 the Development Management Service invested and delivered an upgrade of Public Access improving stability of this customer engagement tool and allowing greater scope to improve the customer experience. The Service has also invested in the purchase of IDOX Enterprise for Uniform during 2018/19 and has undertaken development work during 2019/20 that will deliver improved workflow processes and performance management during 2020/21. As highlighted in Case Study 9, the requirement to adapt to restrictions on travel and social distancing enforced by Covid-19 has expedited the adoption of online working practices, including online validation and e-decision notices, which will be retained in the long term.

1.3.10 All professional staff within Planning Services are provided with laptops to facilitate their ability to travel efficiently and work flexibly across the Council area. The Development Management Service has invested in tablets which will be deployed to allow use of e-documents to replace hard copy planning application documentation used for examination of plans outwith the office environment, and recording site visit activity.

1.3.11 Customer appetite for Processing Agreements remains indifferent. The Development Management Service did not determine any applications with a Processing Agreement during 2019/20 despite engaging with all applicants for Major development. Information on the availability of [Processing Agreements](#) is available on the Council's website, is highlighted in all pre-application reports, and has previously been promoted in User Forums.

1.3.12 Argyll and Bute Council has a [corporate complaints process](#); customer information is provided on the Council website and in customer Charters. All complaints are subject to performance reporting and 'Stage 2' complaints require review by senior management.

1.3.13 Legacy cases are reviewed regularly as part of caseload management. Unfortunately, despite continuing efforts to clear legacy cases during 2019/20 the number of 'live' applications older than 12 months remains the same as the previous reporting period. Monitoring of caseload reviews on

longstanding applications is undertaken regularly at team level and monthly with involvement of a senior manager.

1.3.14 Applications which are to be subject to planning legal agreements are flagged up on lists of undetermined applications to ensure that the progress can be reviewed on a regular basis. The average time period for processing applications with legal agreements decreased from 18.5 weeks to 10.1 weeks during 2019/20.

## 1.4 CULTURE OF CONTINUOUS IMPROVEMENT

1.4.1 During 2019/20 the Planning Service delivered and progressed on a range of Improvement Actions identified in PPF 8. An overview of progress is set out in Part 3 of this document.

1.4.2 The Council continues to benchmark its performance on the determination of planning applications against the National average and the performance of other rural local authorities.

1.4.3 Internally, team meetings are held on a regular basis. The Executive Director attends fortnightly Strategic Management Team meetings. The Head of Development & Economic Growth attends the fortnightly Departmental Management Team meeting and monthly meetings of the Strategic Management Team, provides a regular update to Policy Leads, and holds his own Service meetings on a regular basis; a Service level e-Development group is also convened quarterly. Service level management teams also meet regularly/quarterly; within Development Management area teams also meet weekly to assign casework, and review caseload performance.

1.4.4 All Council staff are required to prepare an annual Performance Review and Development plan (PRD). This process allows staff to individually review their performance with their line manager and identify training/development needs. Completion of PRDs for 2020 would ordinarily have been completed by end of March 2020 however this activity has been disrupted by Covid-19. Planning Services staff are expected to complete their PRDs within the extended time period of August 2020.



1.4.5 For the past seven years, the Planning Service has delivered a series of short training events for elected Members which are intended to improve their breadth of knowledge and competence in the undertaking of planning decision. These are normally undertaken in bite size sessions in the hour prior to a meeting of the PPSL Committee but have also included half day workshops and site visits. Training during 2019/20 included Competent Motions, Aquaculture Development, Oban Strategic Development Framework, Landscape Character Assessment, Low Carbon Technology, Food Growing Strategy, and an update on the Planning (Scotland) Act 2019. Topics identified for Member training in [2020/21](#) include Use of Planning Conditions, SEPA's role as a Statutory Consultee, Placemaking, Archaeology and Planning, Landscape and Visual Impact Assessment, and Planning Enforcement. Case Study 7 provides detail of a recent elected member workshop and site visit focussing on aquaculture development.

1.4.6 The Annual Planning Conference held in December 2019 sought to promote the work of statutory consultees to the planning process and included presentations from Historic Environment Scotland, SEPA, and SNH providing a general overview of their statutory remits, key contacts, and delivery of CPD training through a focus on the topics of assessing flood risk and new development, and the undertaking an Appropriate Assessment under the Habitats Regulations. The conference was open to professional staff across the Council who engage in the planning process; the conference is promoted as

a CPD event to staff in addition to an opportunity to recognise and promote collaborative working not only across the Council but also with other key stakeholders. Previous conferences have included presentations from the Council's Housing, Economic Growth, and Roads Services, in addition to the Local Biodiversity Officer, Marine and Coastal Development Officer, and GIS Manager covering a range of topics including delivery of affordable housing, homelessness, SuDS, flooding and coastal erosion, Construction Environmental Management Plans, the Clyde Regional Marine Plan, and availability of new GIS services. The annual conference is a successful platform for exchanging ideas, working practices and knowledge between different Council Services and key stakeholders, and for fostering smarter, more efficient ways of working.

1.4.7 Planning Services representatives regularly attend meetings of [Heads of Planning Scotland](#) (inc. DM and DP subgroups), Scottish Planning Enforcement Forum, the Local Authority Aquaculture Forum, [Clyde Marine Planning Partnership](#), [West of Scotland Archaeology Service](#), and the e-Development/Digital Taskforce.

1.4.8 In addition to benchmarking performance, the Planning Service also seeks to engage directly with other local authorities to share best practice and develop new ways of working. During 2019/20 officers have visited Dumfries and Galloway Council, and Glasgow City Council to learn from their experience in the development and roll out of bespoke IDOX Enterprise workflow systems.

1.4.9 Work remains ongoing in efforts to review and improve the rate of applications which are valid upon receipt. During 2019/20, Officers have engaged with a review of the [Scottish National Validation Standards](#) that is being undertaken by the Heads of Planning Scotland. The Development Management Service also hosted a visit from Loch Lomond and the Trossachs National Park Authority to compare arrangements, experience, and resources for the validation of planning applications and it is hoped that a reciprocal visit to the National Park offices in Balloch can be arranged during 2020/21.

1.4.10 The Planning Service have engaged with Scottish Government consultations, in particular during 2019/20 to the consultation on Planning Performance and Fees which included [elected member involvement](#). Officers have also participated in a topic specific follow up session on Agricultural 'Permitted Development Rights' (PDR) which forms part of the Scottish Government's programme for reviewing and extending PDR in Scotland. The Council has also responded to consultations on [Housing to 2040](#), and [Scottish Forestry Corporate Plan](#), and participated in a seminar on [Climate Change Allowances for Flood Risk Assessment in Land Use Planning](#).

1.4.11 In March 2020 the Planning, Protective Services and Licencing Committee approved the Lochgilphead Conservation Area Appraisal and Management Plan as non-statutory technical planning guidance. During 2019/20 work has also been undertaken to prepare draft Appraisals and Management Plans for the Tarbert, and Helensburgh Town Centre Conservation Areas. Public engagement on these items was scheduled to be progressed during March 2020 but has been postponed in light of travel and social distancing restrictions arising from Covid-19.

1.4.12 Aquaculture is an area of planning that relatively few authorities have expertise in. Argyll and Bute is one of four Scottish Local Authorities that deal with the majority of fin fish planning applications. The aquaculture industry is currently seeking to expand into new locations across Scotland to meet national growth targets. In [PPF 8](#) we reported that we had provided assistance to colleagues in North Ayrshire Council and Loch Lomond and the Trossachs National Park following receipt of EIA Screening and Scoping requests for aquaculture development within their respective areas. During 2019/20 Development Management and Coastal Management Officers attended the Local Authority Aquaculture-working group which was hosted by Highland Council and have provided input to a co-ordinated working group response to issues raised by the Aquaculture Industry during the early stages of the Covid-19 lockdown period during which operational restrictions meant that sites could not always be operated in full compliance with the terms of their planning permissions.

1.4.13 We reported in [PPF 8](#) of investment in updated software/systems to deliver a more resilient



Public Access service resulting in the availability of the Public Access system rising to 99.9% for the second half of 2018/19. Whilst issues with the day to day resilience of this service have been addressed there is now a focus on delivering improvements to the usability of the Public Access System. It has been identified that delivery of the desired improvements are very much dependent on providing improved compatibility with back office Document Management Systems (DMS) and accordingly work has been progressed with IT, Building Standards and Regulatory Services to build a business case for procurement of an alternative DMS that would not only provide improvements to Public Access but also to the functionality of other existing back office workflow systems across a range of Council services. A business case to take this project forward has been approved by Senior Management and confirmation in June 2020 that funding to deliver the project has now been secured.

1.4.14 Internal processes for handling pre-applications and the management of e-mail correspondence and file attachments have been subject to further review and updating throughout 2019/20 having regard to the implications of [GDPR](#) with updated data retention policies, procedure notes for staff and training sessions delivered. Enforced homeworking arrangements implemented in response to Covid-19 restrictions have resulted in new workflow processes that remove/minimise the requirement for hardcopy process in mail handling, issuing of decision being expedited in their development in order to allow the planning process to continue operating during 'lockdown' - some of these are detailed in Case Study 9

1.4.15 We reported in [PPF 8](#) that the Planning Service has successfully attained [Customer Service Excellence](#) Standard during 2018/19. Retention of CSE accreditation will require continued engagement with customers to develop and inform the ways in which we deliver our services in the future and the standards to which we deliver them. The reaccreditation assessment was scheduled to be undertaken in March 2020 but was postponed in response to concerns about holding a public event during the early stages of the Covid-19 pandemic having an effect within the UK. It is anticipated that the reassessment will be rescheduled later on in 2020.



1.4.16 The online and mobile capabilities of the Council's Geographic Information Systems (GIS) continue to be developed saving officer time and providing customers with quicker access to information. During 2019/20 the GIS team have [developed the 'story map' for the proposed LDP 2 public consultation](#), and enhanced the photographic data layer in the [online map](#) based footpath guide to include key view points from an increasing number of paths. It is hoped that this service will help to stimulate active lifestyles. The GIS team have also played a valuable role in the Council's response planning to the Covid-19 pandemic and have assisted with a great many of the planning and logistical challenges that have arisen. The team also continue to work on integrating the Strategic Housing Investment Plan with enhanced GIS functionality.

1.4.17 Engagement with Forestry Scotland during 2019/20 has resulted in a review of the effectiveness of consultation with the Council on proposals for new plantations, forest accesses, and long term forest plans. This workstream will continue into 2020/21 and is expected to deliver a streamlined consultation process with improved quality of consultation response that is tailored to meet the requirements of Forestry Scotland officers in their assessment of planning proposals. The publication of technical note on Upland Hill Tracks has been progressed and was intended to be completed for publication concurrently with completion of this workstream but has been placed on hold following announcement by the Scottish Government in Autumn 2019 that related 'permitted development rights' would be subject to an upcoming review.

# Case Study 1 Effective Planning Enforcement

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Planning Enforcement, Collaborative Working														
<b>Stakeholders</b>	DM, SNH														
<b>Project Lead</b>	David Love														

In May 2011 Argyll and Bute Council granted planning permission for a new community led hydroelectric scheme above Loch Fyne, the permission has subsequently been subject to amendments to include a second intake, and increased storage capacity. The proposal was aimed at supporting community projects within the locality. The site lies partly within the Glen Etive / Glen Fyne Special Protection Area (SPA). The hydroelectric scheme was officially opened in August 2015 by John Swinney MSP.

During the course of construction works the applicant reached an impasse with an adjacent landowner over the use of existing access tracks. Whilst efforts were made to identify an alternative solution through discussion with the Planning Service and SNH the developer, who by that time was committed to completion of the project chose to utilise the route of the penstock as an alternative, unauthorised access track to complete construction and serve the ongoing operational requirements of the development.

The penstock route had been chosen primarily as this land had already been disturbed during development works and had not yet been subject to planned restoration. Unfortunately the unauthorised track followed a less than ideal route cutting across, and running up steep slopes causing significant visual scarring on the hillside, and was of a form of construction that was very much out of character with its otherwise undeveloped, upland location the effects of which were evident both locally and also within longer distance views into the site. The undesirable consequences of the unauthorised track not only raised concern within the Council's Planning Service but are a matter which has been involved in wider debate, and has been cited by other parties, including [Mountaineering Scotland](#), as an example of an insensitive and poorly designed hill track that has significant adverse effects upon landscape character and visual amenity.

Whilst the Planning Service sought to engage positively with the developer it was considered appropriate that a planning enforcement notice was served at an early stage in proceedings to underline the unacceptability of the breach of planning control. Officers worked in close collaboration with Scottish Natural Heritage (SNH) to prepare a method statement based upon their [best practice guidance](#) to accompany the enforcement notice. Whilst the developer sought to appeal the terms of the notice, engagement with officers and SNH continued in the background to consider alternative access route proposals. The appeal was ultimately withdrawn and an alternative method statement submitted by the applicant setting out a compromise where the access track would be retained in the absence of a suitable alternative route but with significant work proposed to upgrade its construction and restore adjacent disturbed land to bring it into alignment with best practice techniques which would provide appropriate mitigation against the most significant adverse effects of the unauthorised development upon landscape and visual amenity.

The alternative proposal was subsequently approved by the Planning Authority in consultation with SNH and the agreed remediation works completed in August 2019. The site has been subject to extensive monitoring by joint Planning/SNH site visits throughout the duration of the enforcement investigation and implementation of remediation works.

This matter is considered to represent a good example of effective use of planning enforcement powers, the commitment of resources over an extended time period to monitoring and proactive engagement to deliver positive outcomes, and the ability to work collaboratively with partner agencies.

# Case Study 2

## Adapt Northern Heritage Programme - Update

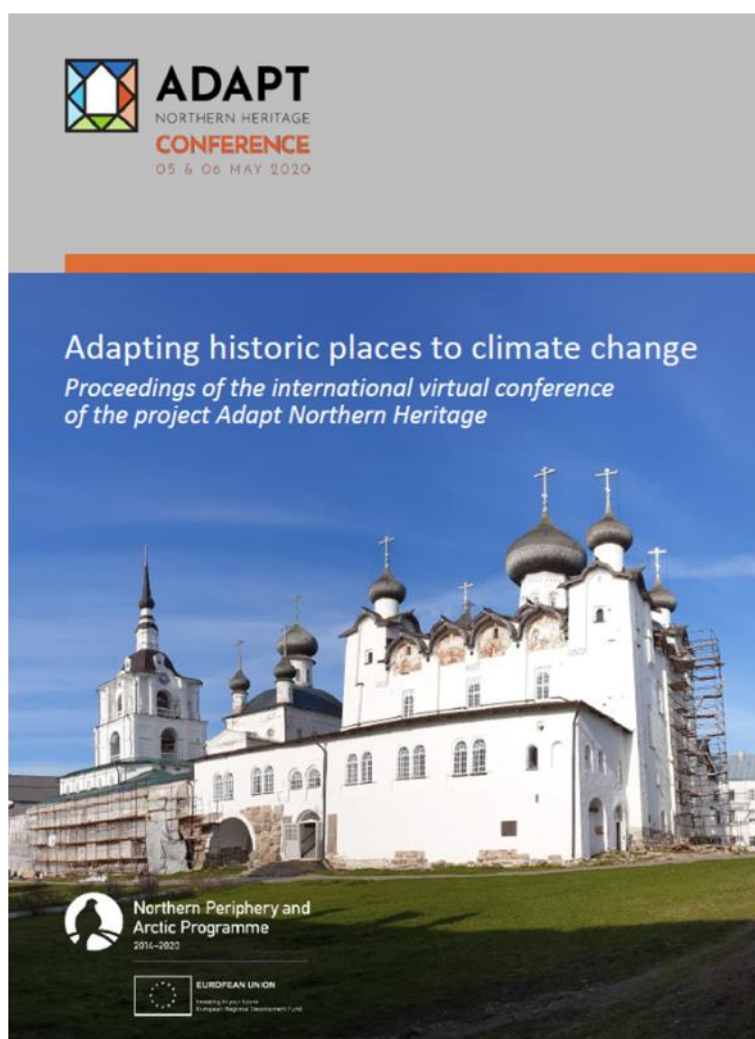
Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Conservation, Environment, Collaborative Working, Skill Sharing														
<b>Stakeholders</b>	ABC, HES, NIKU, Riksantikvaren, Minjastofnun Islands														
<b>Project Lead</b>	Kim de Buiteleir														

Argyll and Bute Council continued to participate in the three year programme [Adapt Northern Heritage](#), which ran between 2017 and 2020, in relation to the sustainable adaption of historic places. [Historic Environment Scotland](#) was one of the eleven project partners, along with [Minjastofnun Islands](#) (THE Cultural Heritage Agency of Iceland), the [Norsk Institutt for Kulturminneforskning](#) (Norwegian Institute for Cultural Heritage Research) and [Riksantikvaren](#) (Norway's Directorate for Cultural Heritage).

The project included consideration of how climate change will affect the historic town of [Inveraray](#), particularly from coastal flooding, sea level rise and moisture related damage due to increased precipitation. The aim of the programme was to lead to the implementation of better management practices in a manner which will mitigate the potential effects of climate change.

Argyll and Bute Council participated in various stakeholder events throughout the duration of the project. In 2019 a summer workshop was held in Inveraray focusing on testing the practicability of the drafted Adapt Northern Heritage Risk Assessment and Adaptation Planning Guides. There was then an autumn event in Trondheim, Norway which drew together the experiences of the assessment tool and finalised it for publication and use.

The [final event](#) was a conference held online via Zoom on 5<sup>th</sup> and 6<sup>th</sup> May 2020. The Inveraray case study information were completed and incorporated into the presentations by the project partners, which has also been compiled into the final publications. The assessment tool kit will be applied by the Council to other historic environments to assess their robustness to the effects of climate change and incorporated in the Conservation Area Appraisal and Management Plan process. Argyll and Bute Council were asked to consider an additional relevant issue and gave a presentation on the impact of climate change on coastal erosion and marram grass availability on Tiree, which is the traditional thatching material of the island.



# Case Study 3 Dunbeg Masterplan - Update 2020

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement				C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
<b>Performance Markers</b>																
<b>Key Areas of Work</b>	Masterplanning, Affordable Housing, Collaborative Working, Placemaking															
<b>Stakeholders</b>	DM, DP, Housing, Roads, Scottish Government, LINK Housing															
<b>Project Lead</b>	David Moore / Matt Mulderrig															

In [PPF 8](#) we provided an update on implementation of the [Dunbeg Masterplan](#), which focussed on the installation of essential infrastructure upgrades, and provided an overview of collaborative internal and external collaborative working arrangements that had been put in place to bring the project to fruition.

The project is being delivered through a strategic partnership between Argyll and Bute Council and [LINK Housing Association](#). The aim of the project was to provide a sympathetic extension to the existing settlement of Dunbeg and has taken a design-led approach in addressing the challenges presented by its rural location and coastal, moorland landscape to deliver a development with placemaking and connectivity firmly established in its foundation.



The subsequent 12 month period has seen considerable progress toward delivery of 300 affordable houses as part of phase 3 of the Dunbeg Masterplan although this has been unavoidably interrupted by the Covid-19 site construction closure for much of what would have been a busy spring and summer of construction in 2020. Notwithstanding this unexpected interruption, good progress on the delivery of 300 affordable homes and associated infrastructure has been made.

Notably, the Scottish Local Government and Housing Minister, Kevin Stewart, attended an engagement [workshop held by Architecture and Design Scotland \(A&DS\)](#) in July 2019 to examine what lessons could be learned from the Dunbeg Phase 3 development in delivering high quality large scale housing in a rural authority context. The workshop group used the Place Standard tool to discuss the outcome for residents of the emerging housing development.

Work will continue on the site once construction work is allowed to resume, and the Planning Authority continues to work closely with the applicants and their agents to deliver this strategically important housing for the Oban Area.

The upgrading of the Kirk Road to facilitate the new housing is now completed. This new road has been essential in [HIE bringing forward a planning application for phase 2](#) of their research and development facility at the Dunbeg Marine Science Park. This will create additional high quality employment opportunities for the area, and is an additional benefit associated with the Housing Infrastructure Fund investment by The Scottish Government in delivering infrastructure to facilitate the housing development.

# Case Study 4

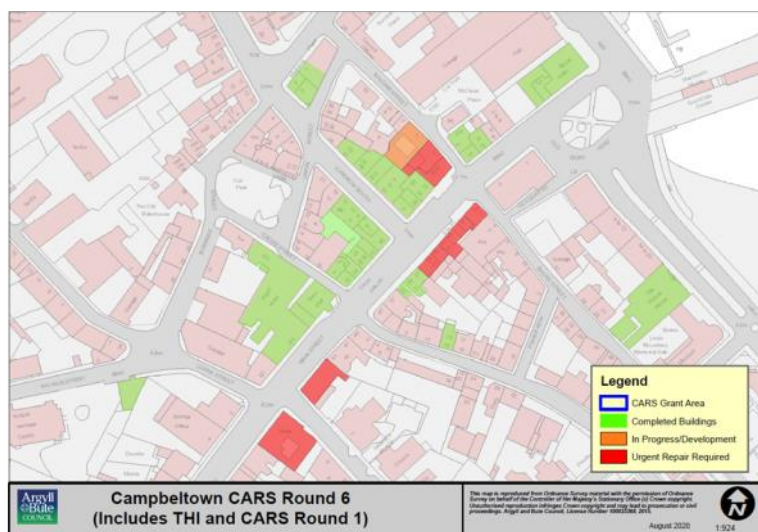
## Heritage Led Regeneration of Campbeltown

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement				C: Governance				D: Culture of Continuous Improvement		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Conservation, Regeneration, Town Centres, Interdisciplinary Working, Collaborative Working, Community Engagement, Skill Sharing														
<b>Stakeholders</b>	ABC, HES, Town Centre Businesses, Residents and Property Owners														
<b>Project Lead</b>	James Lafferty														

[Campbeltown Conservation Area Regeneration Scheme \(CARS\)](#) is a heritage-led regeneration project which has run from 2015-2020 that has offered grant funding to property owners to assist with the repair of historic buildings within Campbeltown town centre. The £2.7m project is a continuation of the previous Campbeltown CARS and Townscape Heritage Initiative (THI) that resulted in over £7m being invested in town centre buildings between 2007 and 2015. The conclusion of the original CARS/THI project and launch of CARS2 was highlighted in our [PPF 6](#) report back in 2017. This case study seeks to provide an update which celebrates the success and impact of heritage-led regeneration in Campbeltown which over a thirteen year period has delivered [significant heritage led investment](#) that has not just improved the fabric and appearance of the historic core of the Campbeltown Conservation Area but also enhanced the vibrancy of the town centre, and safeguarded the future of residential and commercial properties which had either fallen into dilapidation and disuse, or would have done so without intervention.

Throughout its lifetime, the project has contributed toward and facilitated the restoration of a number of key buildings including the [Campbeltown Town Hall](#), the [Old Schoolhouse](#), the [Royal Hotel](#), Shopfront Improvements, and a series of multi-ownership tenement repairs. [Engagement](#) work has also been undertaken to [promote building maintenance](#), to provide training to local contractors in traditional skills, with children in local schools and adults through support for exhibitions, community events, and the [Campbeltown Heritage Trail](#).

The project has required co-ordination of activity with the Council's Development Management team, and engagement with a multi-disciplinary Area Property Action Group (APAG) in seeking to address dangerous buildings and tenement properties in multiple ownership. Co-ordination of grant funding with Housing, Building Standards, Development Management, and Planning Enforcement activity has resulted in a number of properties being retained or restored to residential and commercial use, in addition to their removal from Historic Environment Scotland's [Buildings at Risk Register](#).



The aim of the project has been to provide a sustainable economic future for Campbeltown that recognises its built heritage whilst making it a better place to live, work, visit, and invest. The project also seeks to deliver a legacy with the promotion and fostering of a culture of building maintenance which had previously been lacking, and through imposition of grant conditions that require ongoing building maintenance. The successful outcomes of the project have received recognition both locally and nationally with multiple awards not only for the high quality building refurbishments that have been delivered but also recognising the contribution of individuals who have driven the project forward. Regeneration work will continue within Campbeltown in the short-term through a wider Council led Town Centre Fund [shopfront improvement scheme](#) which is ongoing.



157

Grants Awarded

£3.25 million  
Total Grant Offers



40

Buildings Grant Aided

60

Local Contractors Involved

49

Commercial Units Retained/Brought Back Into Use



2200 sqm  
Vacant Floorspace Brought Back Into Use

69

Residential Flats Retained/Brought Back Into Use

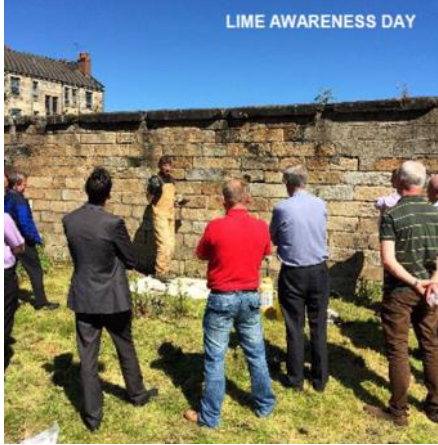


42 Shopfronts Upgraded / Refurbished



# £9.78 million

## Total Spend on Buildings



# 428

## Attendees at Training Events

14 FEATURE

### Business as usual

It is business as usual in Campbeltown. However, the town is undergoing a major transformation. The town's regeneration is well advanced, with many buildings now being renovated. The town's regeneration is well advanced, with many buildings now being renovated. The town's regeneration is well advanced, with many buildings now being renovated.

15 FEATURE

### Securing jobs and homes

### Take a walk through local history

### How it all began

It is business as usual in Campbeltown. However, the town is undergoing a major transformation. The town's regeneration is well advanced, with many buildings now being renovated. The town's regeneration is well advanced, with many buildings now being renovated.

# 154

## Windows Refurbished

### Campbeltown CARS partnership approach builds success

### Skills from the past for the future

The partnership between the town and the CARS project has been successful. The town's regeneration is well advanced, with many buildings now being renovated. The town's regeneration is well advanced, with many buildings now being renovated.

### Campbeltown CARS facts

The partnership between the town and the CARS project has been successful. The town's regeneration is well advanced, with many buildings now being renovated. The town's regeneration is well advanced, with many buildings now being renovated.



Argyll & Bute Council

### CAMPBELTOWN TENEMENT MAINTENANCE GUIDE

- GET YOURSELVES TOGETHER - as a group of tenors
- GET THE FACTS - about your tenement and its state of repair
- GET AGREEMENT - to get work underway
- GET YOUR FINANCES SORTED - how to raise the money
- GET HELP - where to get professional and technical advice
- KEEP IT UP - prevention is better than cure

# 7

## Council Excellence Awards 2015

## Herald Property Awards 2016

## 5 x Scottish and National Empty Homes Awards

# Awards



## CAMPBELTOWN

### Success Built in Stone

An exhibition of Glasgow architects working in Campbeltown

# 4000+

## attendees at engagement events

Scottish Empty Homes Partnership

Helping councils and their partners bring private sector empty homes into use

# Case Study 5 Enabling Development - Morar House

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement				C: Governance				D: Culture of Continuous Improvement		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Design, Conservation, LDP Policy/SG, Collaborative Working														
<b>Stakeholders</b>	DM, DP, Building Standards, Historic Environment Scotland, Developer														
<b>Project Lead</b>	Frazer MacLeod														

Policy LDP 3 of the Argyll and Bute Local Development Plan 2015 clearly sets out that the Council's position is to support the protection, conservation and enhancement of the historic built environment. This baseline is supported by Supplementary Guidance SG LDP ENV 16(a) which not only sets a high bar for the considerations applied to applications affecting listed buildings but also sets out flexible provisions providing support for Enabling Development as an extraordinary measure where necessary to facilitate restoration of valued built heritage. This case study provides an example of these flexible policy provisions being applied to address a conservation deficit, and the delivery of high quality conservation and new design.

Morar House, 17 Upper Colquhoun Street, Helensburgh is a Category A listed, impressive red rosemary tiled house designed by William Leiper. The building sits within the Helensburgh Upper Conservation Area adjacent to Macintosh's Hill House which featured in PPF 8. Like Hill House, the property was carefully positioned on the site to take full advantage of the view over the Clyde Estuary. It's siting creates considerable interest in recognition of contextual value. It is an extremely important building in the career of William Leiper whose "Arts and Crafts" houses in Helensburgh have left a unique stamp on the character of the town. It combines a skilfully handled composition with a mixture of Scottish and English elements with strong references to the work by Richard Norman Shaw.

"Arts and Crafts" was an influential movement of the late 19th century which attempted to re-establish the skills of craftsmanship threatened by mass production and industrialisation. Architecture was also reformed through traditional building crafts, the use of local materials and free of any imposed style.

The house was originally built as "Drumadoon" a family home in 1901 and has had other uses over the years, the last being a nursing home before falling into disuse and a decade of dilapidation with wet and dry rot rampant throughout its interior. Externally the stonework was sound, but the unchecked deterioration of roof and gutters had been the root cause of the problem. As a result it was placed on Historic Environment Scotland's [Buildings at Risk Register](#) in 2010.

Development Management officers have worked with the property owner over the last five years to progress proposals which include for the renovation of 7 apartments within the original building, the creation of a new build extension to the main building housing 5 new apartments, and enabling development to fund these works of three garden villas within its grounds. Planning permission and listed building consent were initially sought in February 2016 and granted in September 2016, with the determination period also including conclusion of a Planning Obligation.

The proposals for the conversion and extension of the main building was considered acceptable, with time taken in ensuring high quality finishing materials were used to retain the Arts and Crafts feel to new parts of the building. This was done in close association with Building Standards who liaised with Development Management during various phases of construction. This collaboration was useful if a technical difficulty arose in which on site decisions were needed relating to things like altering the main Oriel window, the chimney height and replacing the entire roof covering. This successful, flexible approach has strengthened communication in the delivery of separate regulatory functions and is utilised in other significant similar heritage projects.



The three new houses initially proposed to address the conservation deficit were modern, flat roofed, modular buildings unlike anything within the wider area and unsuitable in location, context and boundary finish. They were considered to create a significant adverse effect on the character and appearance of the Conservation Area and could not be justified in terms of Development Plan policies LDP 3, SG LDP ENV 16(a) and SG LDP ENV 17. A flexible approach was taken in regards to the three houses in which permission was given on the basis they were required as enabling the development to proceed financially. The proposal was revised with officer input and the scheme eventually approved represented the optimum compromise between retaining the character of the Conservation Area, the character and setting of the adjoining category A listed buildings (including the Hill House) and addressing the conservation deficit to ensure viability of the project. A Planning Obligation underpinned delivery of essential conservation works. As part of this consideration other issues were taken into account including:

- Whether the case submitted to the Council was based on the needs of the asset, not the owner;
- Whether the repair specification and other cost generators was accurate;
- Taking a realistic view of profit levels, based on professional advice and bearing in mind the degree of risk by the developer.

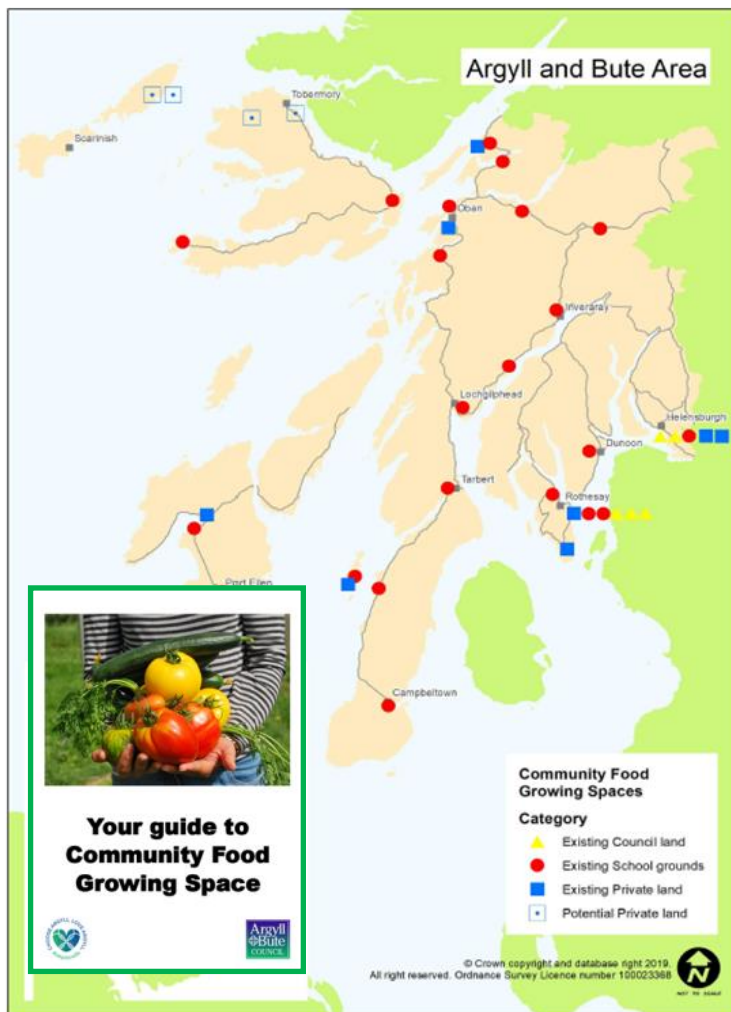
This year the conversion of Morar House was significantly completed to the satisfaction of the Council meeting the terms of a legal agreement restricting the construction of the three houses until the appropriate time. The developer, during [marketing of these houses](#), considered their modular design too contemporary for many buyers who preferred a more traditional appearance reflecting the character and style of other houses within this area. Subsequently a further application was made, and approved for three traditional villas that visually referenced Morar House.





Within the context of the Local Development Plan, the Strategy identifies growing spaces in our communities and has important links with both the Argyll and Bute Local Development Plan and the Loch Lomond and the Trossachs National Park as the Council area straddles the national park which identifies and safeguards green infrastructure, including allotments and other open space.

In order to inspire community groups, the CFGS has 3 'Be Inspired' Case Studies, and provides advice highlighting where planning permission may be required, and how to engage with the Council's Planning Service, and the National Park's Planning Service to seek detailed advice or progress a planning application.



- The Strategy will help create further opportunities for people to grow their own food by:
- Encouraging developers through the planning process to include space for community gardens and food growing within new developments;
  - Through review of our open spaces in order to present opportunities to provide community growing spaces for interested groups; and
  - Empowering communities to grow their own food as part of open space and public realm improvements.

Our CFGS explains how we support current community growing provision and how we will respond to future demand and support new approaches such as community lead growing space establishment. As part of our duty under the Community Empowerment legislation, Argyll and Bute Council keep a Waiting List and have drafted and consulted on Allotment Rules and Regulations.

# Case Study 7 Aquaculture Member Training Event

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Planning Applications, Skills Sharing, Staff Training														
<b>Stakeholders</b>	Elected Members, SEPA, Marine Scotland, DSFB, Aquaculture Industry														
<b>Project Lead</b>	Sandra Davies														

Over the past 7 years a series of training sessions have been organised for Elected Members with the aim of improving knowledge of the planning system on a wide range of issues. The training usually comprises short sessions prior to the start of the Planning, Protective Services and Licensing Committee, however, on occasion longer training events incorporating site visits, workshops and seminars are organised.

On 17th September 2019, the Development Management Service facilitated a full day elected Member training event on the topic of aquaculture. The event included a site visit to a fish farm in the morning to improve Members familiarity with the appearance, scale and operational requirements and impacts of marine fin-fish aquaculture development. Members were afforded the opportunity to inspect and tour operations at an existing development site on Loch Fyne which included both a terrestrial shore base, and a marine based salmon farm.



This was followed by an afternoon session that included a series of presentations in the Council Chambers that were delivered by key stakeholders. Aquaculture has been a high profile, and at times controversial activity in recent times with significant engagement by both industry, environmental/marine conservation groups, and National media, and has also been the subject of much scrutiny including a parliamentary inquiry. Officers were accordingly keen to ensure that all sides of the debate were represented and selected a range of participants to provide balanced coverage of the topic. Presenters included representatives of [SEPA](#), the [Argyll District Salmon Fishery Board](#), [Marine Scotland](#), and the [Scottish Salmon Producers Organisation](#).

As aquaculture has been a high profile activity and has recently been subject of much public scrutiny including a parliamentary inquiry, officers were keen to ensure that all sides of the debate were represented. The aquaculture training was well received by Members who found the day both enjoyable and informative.

*“The benefit of holding a training event such as this is it provides members with sufficient technical knowledge and understanding to allow them to focus on the relevant material planning considerations when dealing with specialised applications of this type in the future.”*

**CLLr David Kinniburgh - Chair of Planning, Protective Services, and Licencing Committee**

# Case Study 8 The Egg Shed - Ardrishaig

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement				C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
<b>Performance Markers</b>																
<b>Key Areas of Work</b>	Design, Conservation, Regeneration, Collaborative Working, Placemaking															
<b>Stakeholders</b>	ABC, Scottish Canals, Ardrishaig Community Trust, SUSTRANS, HIE, LEADER, RCGF															
<b>Project Lead</b>	Anna Watkiss															



The [Egg Shed](#) is a brand new heritage and community hub in Ardrishaig which has been delivered by Scottish Canals with grant funding from the Council's Tarbert and Lochgilphead Regeneration Fund. The project has delivered new and refurbished historic buildings, enhanced public realm, and improved walking and cycling facilities as part of the phase 1 redevelopment of a former oil storage and distribution depot. The Egg Shed is intended to be a catalyst for the redevelopment of the wider site and will seek to promote access to and connectivity along the waterfront between the hub of activity at Canal Square (where [recent redevelopment](#) has delivered a [café](#), [The Ardrishaig Bothy](#), and kayak hire alongside existing marine based businesses) and existing commercial activity and public green space in Ardrishaig.

The main focus of the project was the creation of the Egg Shed which houses exhibitions in a visitor centre providing information about the Crinan Canal and its surrounding communities as well as providing new multi-purpose meeting room. The £1.65m project was delivered with the support of £250,000 funding from the Tarbert and Lochgilphead Regeneration Fund as well as £580,000 secured from the [Scottish Government's Regeneration Capital Grant Fund](#) by Argyll Bute Council on behalf of Scottish Canals. The Egg Shed [opened in August 2019](#) and has since been shortlisted by the [Royal Incorporation of Architects in Scotland \(RIAS\)](#) for their 2020 awards.



# Case Study 9

## Development Management COVID-19 Response

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement				C: Governance			D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Performance Markers</b>															
<b>Key Areas of Work</b>	Development Management Processes, Process Improvement, Staff Training, Online Systems														
<b>Stakeholders</b>	ABC Development Management, IT, Legal and Governance														
<b>Project Lead</b>	Peter Bain														

The outbreak of the Covid-19 pandemic during the early 2020 resulted in significant disruption to 'normal' life and the way the business is conducted worldwide. The progression of the virus as it spread from China to Italy and across Europe was followed with growing concern throughout late January and February during which time it became increasingly clear in the UK that it's effects were indiscriminate and would continue to spread unchecked and overwhelm health services without drastic action to limit movement of people and their physical interactions.

The Development Management Service sought to take early steps intended to minimise the impact of an increasingly expected 'lockdown' upon service delivery by identifying staff members who had not previously been set-up with the ability to home work and seeking to procure additional laptops and IT set up. Hard copy application and mail handling processes were also subject to review and steps taken to expedite the implementation of online ways of working, many of which were already under development as part of the continual progression of the Planning Service to a 'paperless' system. That said, a number of these issues remained unresolved when the UK Government announced lockdown on 23rd March 2020 at which point all Council offices were closed with immediate effect and staff instructed to stay at home unless their travel was related to delivery of a limited number of essential services.

In the immediate aftermath of 'lockdown' and closure of Council Offices all professional Development Management staff together with a limited number of admin support had home working capabilities that allowed the assessment stage of 'live' applications to continue uninterrupted. The initial focus of business recovery was to deliver home working capability for all staff, to deliver enhanced systems of team management and daily contact to address operational issues and support for all staff, and to share experiences and learn from other authorities using the HoPS forum on KHub. Priority was also afforded to completing the procurement of additional equipment deemed essential to bring the Central Validation Team online, to put in place arrangements to promote online methods of submission, redirect and manage incoming and outgoing hard copy mail, and to complete the development and implementation of revised processes for online validation and issue of decision notices. These early actions allowed the Council to continue to receive and process new applications electronically and in hardcopy throughout 'lockdown'. Validation and determination of applications resumed on the 9th April. Officers also worked with colleagues in Governance to deliver the Planning, Protective Services and Licensing Committee as online meetings in May and June.

Subsequent business recovery activity has included the development and introduction of new preliminary assessment processes and risk assessments. This allows officers to identify applications capable of being progressed without a physical site visit at the earliest stage in proceedings and also to provide an early means of identifying applications where customers require to be notified of expected delays and the need to extend determination periods as a result of limitations upon site visit activity. Latterly the focus of this workstream has been to liaise with other regulatory services within the Council to develop new safe systems for working to deliver a phased resumption of site visit activity from 29th June, and engagement in wider stakeholder groups that seek to support economic recovery as an immediate priority. The purchase of tablets has also allowed site visits without the need to print plans in offices a key Covid -19 risk. The impact of Covid-19 disruptions on statutory performance reporting measures will be subject to detailed review in PPF 10.

# Part 2: Supporting Evidence & Performance Markers

Wherever possible weblinks have been provided within the body text of the report.

This report was compiled drawing on evidence from a variety of sources including:

- [Argyll and Bute Outcome Improvement Plan 2013-2023](#)
- [Argyll and Bute - Economic Development Action Plan 2016 - 2021](#)
- [Argyll and Bute Local Development Plan 2015](#)
- [Argyll and Bute Local Development Plan 2 Development Plan Scheme March 2020](#)
- [Argyll and Bute - Main Issues Report 2017](#)
- [Argyll and Bute Council Website](#)
- [Argyll and Bute Council Enforcement & Monitoring Charter March 2020](#)
- [Argyll and Bute Council PPFs 6,7 and 8](#)
- [Argyll and Bute Council, PPSL Committee Minutes](#)
- [Argyll and Bute Council Scheme of Administration and Delegation](#)
- Argyll and Bute Council, Development & Economic Growth Service Plan 2020-23
- A range of committee reports
- Customer feedback
- Reports from IDOX UNiform

Case Study Topics	Issue covered by Case Study No.	Case Study Topics	Issue covered by Case Study No.	Case Study Topics	Issue covered by Case Study No.
Design	5,8	Economic Development		Performance Monitoring	
Conservation	2,4,5,8	Enforcement	1	Process Improvement	9
Regeneration	4,8	Development Management Processes	9	Project Management	
Environment	2,6	Planning Applications	7	Skills Sharing	2,4,7
Greenspace	6	Interdisciplinary Working	4	Staff Training	7,9
Town Centres	4	Collaborative Working	1,2,3,4,5,8	Online Systems	9
Masterplanning	3	Community Engagement	4,6	Transport	
LDP & Supplementary Guidance	5	Placemaking	3,8	Active Travel	
Housing Supply		Charrettes		Other:	
Affordable Housing	3	Place Standard			

## PERFORMANCE MARKERS REPORT 2019/20

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
1.	<b>Decision-making:</b> Authorities demonstrating continuous evidence of reducing average timescales for all development types.	Part 4—Table B & Part 5—Table A. Contextual commentary setting out factors affecting performance on decision-making are set out under Part 5 C.
2.	<b>Project management:</b> Offer of processing agreements (or other agreed project plan) made to prospective applicants in all major applications <u>and</u> availability publicised on planning authority website.	Part 1—1.3.11 Processing Agreements for major and 'locally significant' developments are promoted through pre-application discussion, user forums and online. <a href="#">Argyll and Bute Council - Processing Agreements</a>
3.	<b>Early Collaboration with applicants and consultees on planning applications:</b> <ul style="list-style-type: none"> <li>• Availability and promotion of pre-application discussion for all prospective applications.</li> <li>• Clear and proportionate requests for supporting information.</li> </ul>	Part 1—1.2.12 Case Studies 3, 4, 5 & 8 The Development Management Service provides a <a href="#">pre-application advice service</a> . This is promoted on the Council website, through user forums, and by officers when engaged by prospective applicants. Pre-application assessment of proposals seeks to identify all relevant issues which will be material to the determination of a subsequent application, and will involve engagement with consultees where appropriate. The report template issued to applicants was revised during 17/18 to include a dedicated section identifying the requirement for supporting information - this list is populated following a review of relevant planning constraints and the advice of consultees (including other Council Services) to ensure that any request for further information is specific and proportionate to the development proposed. Where applicants do not engage at pre-application stage a similar approach is undertaken to identify issues and any requirement for further information at an early stage in the handling of the application. Applications are validated against the <a href="#">National Validation Standard</a> published by HoPS to ensure that submissions and requirements for supporting information are quality checked on a consistent basis. This document is also promoted and published on the Council website to assist applicants in the preparation of their application.
4.	<b>Legal agreements:</b> Conclude (or reconsider) applications within 6 months of 'resolving to grant'.	Part 1—1.3.14 & Part 5—Table A Applications subject to legal agreements were determined with an average time period of less than 6 months during 2019/20 with improved performance on the previous reporting period. Applications requiring a legal agreement are reviewed regularly and are highlighted on officers outstanding items case lists.



	PERFORMANCE MARKER	EVIDENCE / COMMENTS
5.	<b>Enforcement charter:</b> updated / republished.	Part 1—1.3.4 Part 4—Table C, Case Study 1 The Planning Enforcement and Monitoring Charter was been reviewed and updated in March 2020. <a href="#">Argyll and Bute Council Enforcement &amp; Monitoring Charter March 2020</a>
6.	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>Show progress/improvement in relation to PPF National Headline Indicators;</li> <li>Progress ambitious and relevant service improvement commitments identified through PPF report.</li> </ul>	Part 4—Tables A, B, C and Context D  Part 3 details previous and committed Service Improvements. Contextual commentary on delivery/identification of improvements is included within:  Part 1—1.1.4, 1.1.5, 1.2.2, 1.2.4, 1.2.15, 1.3.9, 1.3.11, 1.3.13, 1.3.14, 1.4.9, 1.4.11, 1.4.13, 1.4.15, 1.4.17 and Part 5 Table A
7.	<b>Local Development Plan:</b> Less than 5 years from adoption.	The Local Development Plan was adopted in 2015. <a href="#">Argyll and Bute Local Development Plan 2015</a>
8.	<b>Development plan scheme:</b> Demonstrates next LDP <ul style="list-style-type: none"> <li>On course for adoption within 5 year cycle.</li> <li>Project planned and expected to be delivered to planned timescale.</li> </ul>	LDP2 is project planned with careful management and reporting of any adjustments, and is currently scheduled for adoption in late 2021. <a href="#">Argyll and Bute Local Development Plan Scheme 2020</a>
9.	<b>Elected members engaged early (pre- MIR) in development plan preparation:</b>	During 2016 and 2017 all Members were engaged in the pre-MIR process through a series of seminars and workshops including Senior Management, which considered potential strategic options and identified and agreed Main Issues which would be presented in the <a href="#">MIR</a> . Engagement has been ongoing in 2018/19 with Member and Senior Management seminars and business days considering potential allocations and content of draft LDP2.
10.	<b>Cross sector stakeholders, including industry, Agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation.</b>	The Council chose to hold a call for sites exercise over a six month period in an attempt to engage all developers, landowners and other stakeholders pre-MIR. It consulted widely on the results of this exercise including with Key Agencies and Scottish Government. The Council has used the <a href="#">Place Standard Tool with the assistance of Scottish Government and collaboratively with Community Planning Partners</a> as part of the pre-MIR consultation and engagement process and particularly targeting hard to reach groups.

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
11.	<b>Production of regular and proportionate policy, advice, for example through supplementary guidance, on information required to support applications.</b>	<p>The <a href="#">Make a Planning Application</a> section of the Council website provides applicants with information that they need to consider before making an application.</p> <p><a href="#">Argyll and Bute - Planning Application Info</a></p> <p>The Central Validation Team contributed to the development of and have subsequently adopted the National Validation Standard published by HoPS in 2017. Officers have participated in HoPS ongoing review of this document during 2020. Part 1—1.4.9</p> <p><a href="#">HoPS National Validation Standard</a></p> <p>Supplementary non-statutory planning guidance is reviewed and updated regularly. Current publications include <a href="#">Houses in Multiple Occupation</a>, and <a href="#">Advertisements</a>, <a href="#">Masterplanning</a>, and <a href="#">Biodiversity</a>.</p>
12.	<b>Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined up services; single contact; joint pre-application advice.)</b>	Part 1—1.1.5, 1.2.1, 1.2.3, 1.2.4, 1.2.5, 1.2.6, 1.2.8, 1.2.9, 1.2.10, 1.2.11, 1.2.12, 1.2.13, 1.2.14, 1.3.1, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.12, 1.4.3, 1.4.5, 1.4.6, 1.4.12, 1.4.13, 1.4.15, 1.4.16 & Case Studies 3, 4, 6, 7, 8 & 9
13.	<b>Sharing good practice, skills and knowledge between authorities.</b>	Part 1—1.2.14, 1.2.15, 1.3.8, 1.4.2, 1.4.6, 1.4.7, 1.4.8, 1.4.9, 1.4.10, 1.4.12, 1.4.17 & Case Studies 1, 2, 6, 7 & 9
14.	<b>Stalled sites / legacy cases: Conclusion / withdrawal of planning applications more than one year old.</b>	<p>Part 1—1.3.13, &amp; Part 4—Table B.</p> <p>During 2019/20 13 legacy cases were cleared. At 31st March 2020 there were 34 'live' legacy applications remaining to be concluded.</p>
15.	<b>Developer contributions: Clear expectations set out in development plan and in pre-application discussions.</b>	<p>The adopted <a href="#">Local Development Plan</a> sets out expectations in respect of Developer Contributions for affordable housing and green / play space and is supported by Supplementary Guidance which sets out that the Council will seek appropriate elements of planning gain proportionate to the scale, nature, impact and planning purposes associated with the development.</p> <p>Where Developer Contributions are required these will be flagged up at pre-application stage where applicable, or where no pre-application engagement is sought then officers will seek to make the developer aware of the requirement and justification for any developer contribution as soon as such a requirement is identified in the assessment process.</p> <p>The Council is continuing to review its approach to Developer Contributions in the production of LDP 2 and where appropriate the Council shall seek appropriate developer contributions in liaison with participating partners and developers which are proportionate to the nature, impact and planning purposes associated with the development, and shall be in accord with the Policy Tests set out in Circular 3/2012.</p>

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# Part 3: Service Improvements

## SERVICE IMPROVEMENTS TO BE DELIVERED IN 2020/21

COMMITTED SERVICE IMPROVEMENT ACTIONS
1. Retain Customer Service Excellence Award ( <i>ongoing, March 2020 annual re-assessment delayed: Covid-19</i> )
2. Deliver 2 pilot Simplified Planning Zones ( <i>ongoing - Lochgilphead and Mull</i> )
3. Prepare 2 Conservation Area Appraisals ( <i>Tarbert and Helensburgh Town Centre Conservation Areas</i> )
4. Delivery of LDP 2 ( <i>ongoing - see Argyll and Bute Local Development Plan Scheme 2020</i> )
5. Run Sustainable Design Awards ( <i>ongoing - launched Feb 2020</i> )
6. Production of Hill Tracks Guidance ( <i>subject to Scottish Government review of 'permitted development rights'</i> )
7. Implement improved workflow and performance management systems within the Development Management Service ( <i>ongoing including work streams to replace existing systems with IDOX Enterprise and DMS</i> )
8. Review of Validation Processes ( <i>ongoing - engagement with regular customers and review/promotion of HoPS National Validation Standards to improve proportion of applications valid upon receipt</i> )
9. Deliver Dunoon CARS (Conservation Area Regeneration Scheme) project ( <i>ongoing - 60% delivery complete</i> )
10. Deliver Rothesay TH (Townscape Heritage) project ( <i>ongoing - 60% delivery complete</i> )
11. Deliver Tarbert and Lochgilphead Regeneration Fund project ( <i>ongoing - 70% delivery complete</i> )
12. Deliver Lochilphead CARS (Conservation Area Regeneration Scheme) project ( <i>ongoing - 10% complete</i> )

## DELIVERY ON SERVICE IMPROVEMENTS ACTIONS FOR 2019/20

SERVICE IMPROVEMENT	STATUS
1. Retain Customer Service Excellence Award	Delivered/Progressing - see Part 1—1.2.4, 1.4.15
2. Deliver 2 pilot Simplified Planning Zones	Progressing - see Part 1—1.2.15
3. Prepare 2 Conservation Area Appraisals	Delivered - see Part 1—1.1.5, 1.4.11
4. Engagement with regular customers and promotion of National Validation Standards to improve proportion of applications valid upon receipt.	Progressing - see Part 1.4.9
5. Review and Update Customer Charters	Delivered Planning Enforcement Charter - see Part 1—1.3.4
6. Production of Hill Tracks Non-Statutory Technical Guidance	On Hold - Awaiting outcome of Scottish Government review of 'Permitted Development Rights' - see Part 1—1.4.17
7. Implement improved workflow and performance management systems within the Development Management Service.	Progressing - Part 1—1.3.9, 1.3.10, 1.3.13, 1.3.14, 1.4.2, 1.4.3, 1.4.8, 1.4.9, 1.4.13, 1.4.14
8. Run Sustainable Design Awards	Progressing - Launched Feb. 2020 but currently on hold due to Covid-19 - Part 1—1.1.4
9. Deliver LDP 2	Progressing - Adoption planned late 2021 - see Part 1—1.2.2, Part 2—KPI Table (8), Part 4—Table A

# Part 4: National Headline Indicators (NHI's) 2019/20

A: KEY OUTCOMES—DEVELOPMENT PLANNING	2019/20	2018/19
<b>Local and Strategic Development Planning</b>		
Age of local / strategic development plan(s) at end of reporting period. <i>Requirement: less than 5 years.</i>	5 years	4 years
Will the local / strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme?	No	No
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Yes	Yes
Were development plan scheme engagement / consultation commitments met during the year?	Yes	Yes
<b>Effective Housing Land Supply</b>		
Established housing land supply	5319 units	5387units
5-year effective housing land supply	3738 units	3742 units
5-year effective land supply total capacity	5051 units	5106 units
5-year housing supply target	3725 units	3725 units
5-year effective housing land supply <i>(to one decimal place)</i>	5.0 years	5.0 years
Housing approvals	500 units	909 units
Housing completions over the last 5 years	1052 units	1080 units
Marketable employment land supply	86.4 ha	88.7 ha
Employment land take-up during the reporting period	2.07 ha <sup>1</sup>	0 ha
<b>B: KEY OUTCOMES—DEVELOPMENT MANAGEMENT</b>		
<b>Project Planning</b>		
Percentage and number of applications subject to pre-application advice	4.6% (65) <sup>2</sup>	14.7% (191)
Percentage and number of major applications subject to processing agreement	-	0.8% (1)
<b>Decision Making</b>		
Application approval rate	97.8%	97.4%
Delegation rate	99.0%	97.7%
Validation	24.7%	23.4%
<b>Decision-making Timescales</b>		
Major Developments	33.9 weeks <sup>3</sup>	28.3 weeks
Local Developments (non-householder)	10.2 weeks	10.8 weeks
Householder Developments	7.2 weeks	7.1 weeks
<b>Legacy Cases</b>		
Number cleared during reporting period	13	16
Number remaining	34	34

<b>C: KEY OUTCOMES—ENFORCEMENT</b>	<b>2019/20</b>	<b>2018/19</b>
Time since <u>enforcement charter</u> published / reviewed	1 month	9 months
Complaints lodged and investigated	351	248
Breaches identified - No further action taken	194 - 157	123
Cases Closed (breaches resolved)	177 (73)	238
Notices served	19	48
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

#### **D: NHI KEY OUTCOMES COMMENTARY:**

1. It is noted that this NHI is not wholly reflective of the uptake of employment land within Argyll and Bute where the rural nature of the Council area and local economy stimulates demand for development in locations that are not readily addressed through take up of allocated land. The Council's settlement strategy seeks to promote sustainable economic development and focuses allocation of employment land in and around existing key settlements where there is demand of employment, existing housing provision and infrastructure to support new development. The LDP does however recognise that the requirements of traditional rural industries, particularly those which are island based including the whisky industry and aquaculture, will give rise to occasional demand for development in countryside locations - our settlement strategy is sufficiently flexible to accommodate this demand 5 but it also means that take up of land for employment purposes is not wholly captured in the NHIs.
2. It is has been established that this data set is incomplete and does not currently provide an accurate reflection of the number of planning applications that have been subject to pre-application advice. 538 pre-application enquiries were received during the reporting period, this figure is representative of 38.7% of the volume of statutory determinations within the same period.
3. It is noted that the data subset for 'major' applications is small and easily skewed. Contextual commentary on other factors affecting decision-making timescales are set out within Part 5 C of the report.

# Part 5: Official Statistics

A: DECISION-MAKING TIMESCALES (based on 'all applications' timescales)						
Timescales	2019-20		2019-20		2018-19	
	No of Cases (%)		Weeks		Weeks	
<b>Overall</b>						
Major developments	7		33.9		28.3	
Local developments (non-householder)	721		10.2		10.8	
• Local: less than 2 months	408 (56.6%)		6.8		6.8	
• Local: more than 2 months	313 (43.4%)		14.7		16.1	
Householder developments	389		7.2		7.1	
• Local: less than 2 months	312 (80.2%)		6.0		6.0	
• Local: more than 2 months	77 (19.8%)		12.0		11.5	
<b>Housing Developments</b>						
Major	1		45.7		18.1	
Local housing developments	350		10.7		10.9	
• Local: less than 2 months	182 (52.0%)		6.9		6.9	
• Local: more than 2 months	168 (48.0%)		14.8		15.4	
<b>Business and Industry</b>						
Major	1		13.9		7.3	
Local business and industry developments	19		13.9		10.0	
• Local: less than 2 months	7 (36.8%)		6.3		6.5	
• Local: more than 2 months	12 (63.2%)		18.3		16.0	
<b>EIA Developments</b>						
EIA Developments	-		-		9.3	
<b>Other Consents</b>						
Other Consents	270		7.3		6.5	
<b>Planning / Legal Agreements</b>						
Planning / Legal Agreements	3		10.1		18.5	
• Major: average time	-		-		-	
• Local: average time	3		10.1		18.5	
<b>B: DECISION-MAKING: LOCAL REVIEWS AND APPEALS</b>						
Type	Total Number of Decisions	Original Decision Upheld				
		2019-20		2018-19		
		No.	%	No.	%	
Local reviews	6	4	66.7	6	60.0	
Appeals to Scottish Ministers	3	2	66.7	2	40.0	

## **C: Context**

### **Development Management Service:**

Argyll and Bute Council's Development Management Service continues to process planning applications with the aspiration to deliver positive outcomes in all cases. This approach is reflected in our high approval rates but is often achieved by providing applicants with additional time beyond prescribed statutory determination periods where this is required to negotiate and address resolvable deficiencies in their submissions. Whilst it is recognised that this approach can have a negative impact upon performance in decision-making time periods it is contended that this is outweighed by the economic benefits of delivering on improved development proposals which might not otherwise have obtained permission had the Council sought to determine within prescribed statutory time periods; additionally resources required to handle amended applications, appeal and LRB work is minimised.

Overall 2019/20 has proven to be a year of mixed performance for the Development Management Service with maintenance and minor improvements to performance on local developments being maintained but some slippage on the average time period taken to determine business and industry, and major applications. The lack of any significant improvement in performance is attributed to higher than anticipated periods of long-term staff absence within the area teams processing local applications, and also to an overall reduction in professional staff available to process applications arising from a Service Redesign driven by continuing budgetary pressures. Whilst planning fee income was maintained at expected levels during 2019/20 the Development Management Service is required to deliver substantial budget savings of £105k through a Service Redesign which has rationalised the area management structure leaving the service with less operational capacity.

### **Development Policy Service:**

Production of LDP2 has been re-scheduled during the first six months of 2019. More time has been allocated to allow for an enhanced detailed engagement with members and senior management in the development of the PLDP. An extended public consultation on PLDP2 was carried out during Winter 2019/20. The PLDP2 adoption is planned for 2021. Re-scheduling of the PLDP2 has been reported through an agreed exception reporting system within the Council and to senior members. The 2020 Development Plan scheme was adjusted accordingly.



# Part 6: Workforce Information (at 31.03.20)

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Head of Planning Service			<input checked="" type="checkbox"/>	

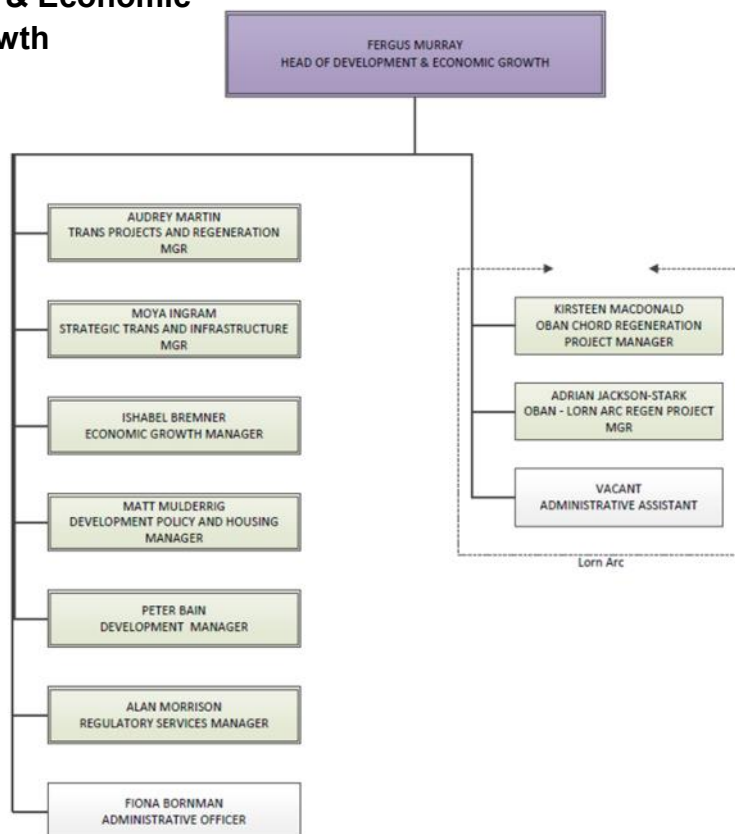
RTPI Qualified Staff	Number
Head of Service	1
Development Management	14
Development Policy	3
Enforcement	2
Projects and Regeneration	3

Staff Age Profile	Number
Under 30	2
30 - 39	10
40 - 49	12
50 and over	22

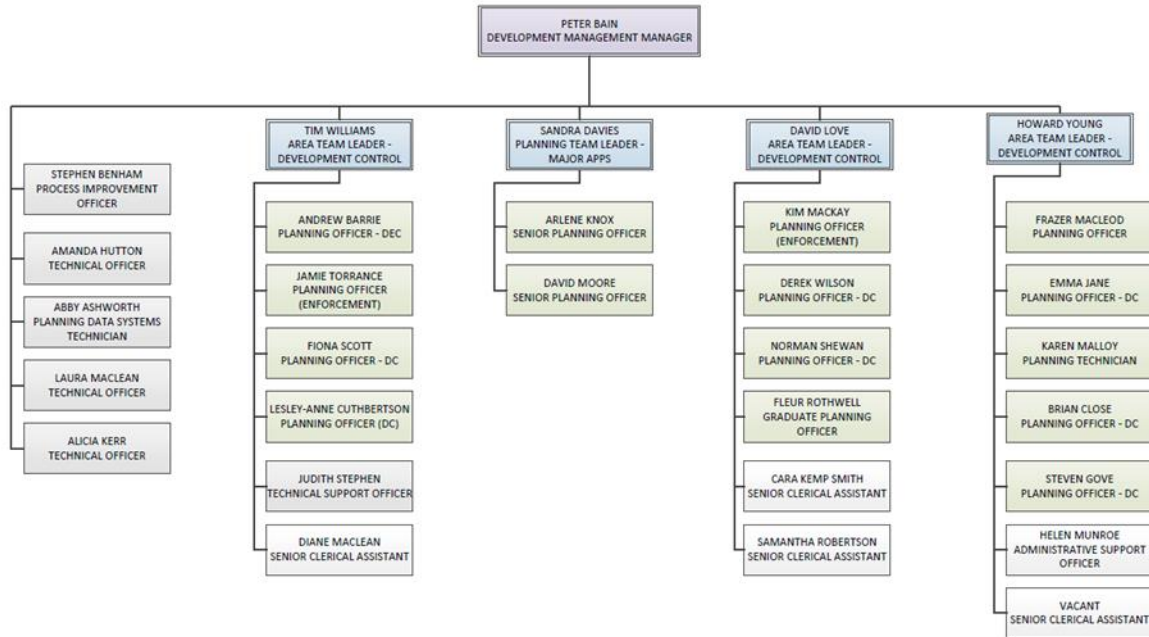
Planning Services includes Development Management, Development Policy & Housing, Projects and Regeneration. Planning Services sit within the Development and Infrastructure Services Department, and within the portfolio of the Head of Development & Economic Growth which also includes responsibility for the complimentary activities of Regulatory Services, Economic Growth, Strategic Transportation & Infrastructure, together with a number of project specific activity relating to Oban Strategic Development Framework including Lorn Arc regeneration activities.

### Staff Structure Diagrams as at 31.03.20

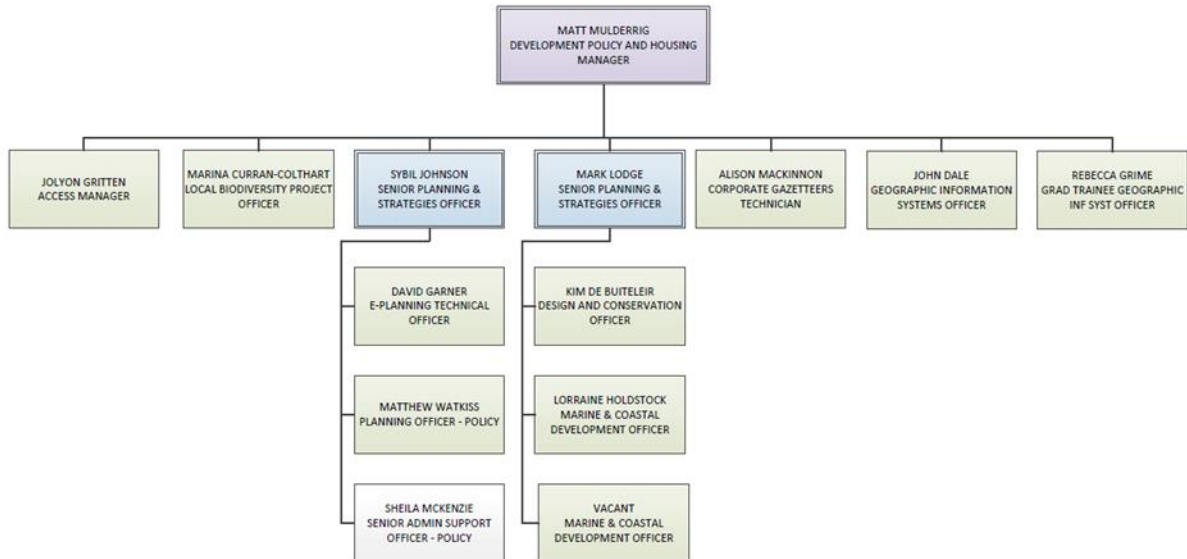
#### Development & Economic Growth



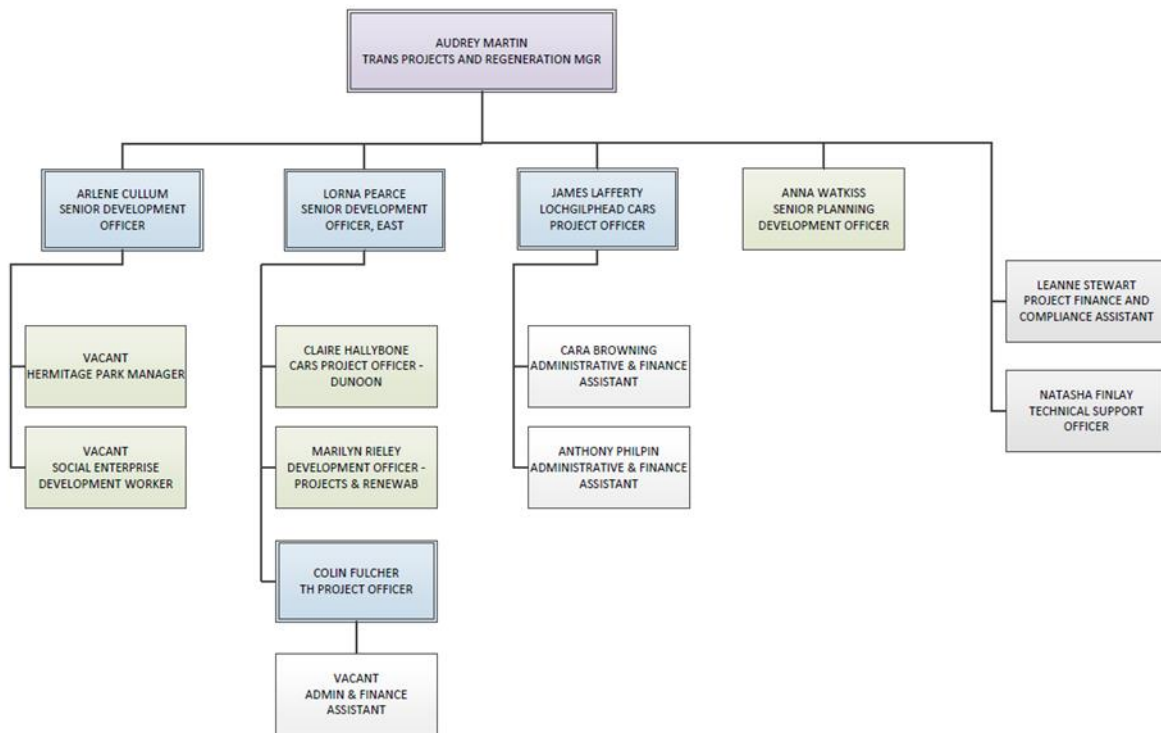
### Development Management



### Development Policy & Housing

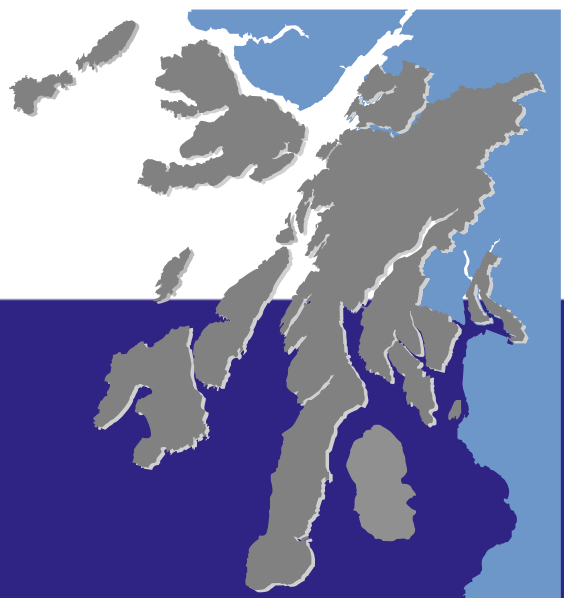


Projects and Regeneration



# Part 7: Planning Committee Information

Committees & Site Visits	Number
Full Council Meetings	7
Planning Committees	16
Area Committees	20
Local Review Body	12
LRB Site Visits	2



Argyll and Bute Council  
Development and Infrastructure Services  
Interim Executive Director: Kirsty Flanagan  
[www.argyll-bute.com](http://www.argyll-bute.com)  
*Chomhairle Earra-Ghàidheal is Bhòid*