

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Executive Director: Douglas Hendry



*Kilmory, Lochgilphead, PA31 8RT
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DX 599700 LOCHGILPHEAD*

10 June 2021

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY SKYPE** on **THURSDAY, 17 JUNE 2021 at 2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NE OF KILDONALD COTTAGE, CAMPBELTOWN (REF: 21/0001/LRB)**
 - (a) Further Information received from Applicant (Pages 3 - 4)
 - (b) Further Information received from Planning (Pages 5 - 6)
 - (c) Comments from Scottish Water (Pages 7 - 12)
 - (d) Comments from Applicant (Pages 13 - 20)

Argyll and Bute Local Review Body

Councillor Graham Hardie
Councillor Roderick McCuish

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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**21/0001/LRB (Planning Ref: 20/01653/PP) -
Land NE of Kildonald Cottage, Campbeltown**

Submission by Applicant

**Additional information requested following 1st Calling of Local Review Body
on 11th May 2021**

1. The current farmhouse is not part of the working farm – Ballochgair. This, along with the land which I own, is currently farmed by the owner of Ballochgair Farm on an informal basis.
Having sought advice from a local farmer, even if the land under my ownership were sold along with my home, this would not produce a sustainable business.
2. However, the property I own is set up and suitable for holiday letting, accommodating 7 guests. In addition to the letting area, there is also separate living quarters for owners in part of the building.
Even at 50% capacity this business would provide a viable income stream.
(This was my business until I retired from this activity in February 2020, just as the Covid lockdown was imminent.)
3. As an alternative business, the property would be also be suitable as a Bed and Breakfast establishment.
4. Either of these enterprises would boost the local economy and increase tourism in the area, in line with Argyll and Bute Council's priority, particularly with the development of Route 66 and the Caledonia Way cycle route.

Felicity Kelly
Applicant
21 May 2021

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ARGYLL AND BUTE COUNCIL

www.argyll-bute.gov.uk/**

**REQUEST FOR FURTHER INFORMATION BY
WRITTEN SUBMISSIONS**

A. Clarification on whether or not pre application discussions were undertaken with the Applicant and whether or not advice in relation to the potential for tree planting and a section 75 legal agreement was discussed.

No pre-app discussions or a report requested. Discussions were had with the agent regarding tree planting/copsing as a form of rounding off. It was advised that this would be unlikely to be accepted as a substantial natural feature under the definition of rounding off in the LDP. A suggestion was made by the agent to officers that a Section 75 may be a solution but no support or encouragement was given by officers either verbally or in the Report of Handling.

Definition

Rounding off – new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at that point.

Text in an email reply from an officer was “Policy doesn’t allow us to artificially create a rounding off site situation to justify making a site appropriate. The use of an agreement for the council to control the land to the north outwith the red line under, for example, section 75 of the Planning (Scotland) act is unlikely to be acceptable and similarly conditions attached to the proposal may not be deemed reasonable or enforceable. Planting trees does not create the required natural feature for rounding off. It would not be a natural or protected feature and could be removed without planning permission.”

B. Clarification on whether or not the proposed tree planting north of the site could be considered rounding off as defined in the Local Development Plan and if the information provided by the Applicant could be considered an active management plan and enable a Section 75 Legal Agreement to restrict the use of the land north of the site to be included as a planning condition.

I do not think the information supplied on site plans as part of the application could be considered as an active Management Plan.

C. Clarification on the size and footprint of the proposed development and the size and footprints of the nearby buildings the proposed development was being compared to (having noted that the Applicant had indicated the proposed development would be 1½ storey and 170sqm including a garage, with a nearby property being 250 sqm, which was different to what had been stated in the report of handling).

The proposed house plot is accepted as 0.17 hectares with the floor area given as 150.7sqm. However, the total length is given as 22.4m and the breadth as 7.5/6.9m. This appears to give a floor area of around 161sqm and is larger than the area stated on the drawing. As the garage is attached to the house the total floor area is deemed the suitable measure. The cottage to the south has been measured at around 145sqm with a converted byre as ancillary accommodation at around 96sqm. The cottage could be converted to one and a half stories, the ancillary building is single storey. The proposed building is around 8m in height to the main roof ridge with dormers and a central feature with full length windows serving two habitable room. It is felt that this scale is greater than one and a half stories.

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McCallum, Fiona

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 13 May 2021 08:34
To: McCallum, Fiona; Ross, James; Wilson, Derek; Love, David; Bain, Peter (Planning); felicitykelly
Cc: localreviewprocess
Subject: RE: Request for Further Written Information - Notice of Review Reference 21/0001/LRB (Planning Ref: 20/01653/PP) - Land NE of Kildonald Cottage, Campbeltown [OFFICIAL]
Attachments: Planning Consultation 25-09-2020 10-22-28 (2).pdf

Good morning,

Thank you for your request. I can confirm that our comments of last September are still valid. I have attached our response for your reference.

Kind regards,

Pamela Strachan

Technical Analyst

Scottish Water, Development Operations,

The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow, G33 6FB

Dedicated Freephone Helpline : 0800 389 0379

Managed email Service: DevelopmentOperations@scottishwater.co.uk

Business Weblink: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

25th September 2020



Local Planner
Planning Services
1A Manse Brae
Lochgilphead
PA31 8RD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Land North East Of Kildonald Cottage, , Campbeltown, PA28 6QR
PLANNING REF: 20/01653/PP
OUR REF: DSCAS-0023025-QQ4
PROPOSAL: Erection of dwellinghouse with integral garage, installation of septic tank and formation of access

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food

waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

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**21/0001/LRB (Planning Ref: 20/01653/PP) -
Land NE of Kildonald Cottage, Campbeltown**

**Commentary by Applicant
on Further Information submitted by Planning Officer following LRB meeting
held on 11th May 2021**

*Highlighted Comments added by Applicant
Felicity Kelly June 2021*

**REQUEST FOR FURTHER INFORMATION BY
WRITTEN SUBMISSIONS**

A. Clarification on whether or not pre application discussions were undertaken with the Applicant and whether or not advice in relation to the potential for tree planting and a section 75 legal agreement was discussed.

There were telephone conversations with the Planning Officer prior to the engagement of an agent. These started on 21st January 2020, requesting a meeting, either on site or I was willing to travel to Lochgilphead. Unfortunately, the Officer was busy and could not manage to meet me. I was asked to provide a plan of the position of the proposed building. This was sent on 25th February. He advised me that I should engage an agent to submit my planning request, which I did. After this time Covid restrictions were about to be introduced so contact was understandably much more difficult.

No pre-app discussions or a report requested. Discussions were had with the agent regarding tree planting/copsing as a form of rounding off. It was advised that this would be unlikely to be accepted as a substantial natural feature under the definition of rounding off in the LDP. A suggestion was made by the agent to officers that a Section 75 may be a solution but no support or encouragement was given by officers either verbally or in the Report of Handling.

Definition

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B. Clarification on whether or not the proposed tree planting north of the site could be considered rounding off as defined in the Local Development Plan and if the information provided by the Applicant could be considered an active management plan and enable a Section 75 Legal Agreement to restrict the use of the land north of the site to be included as a planning condition.

For information, I have attached the Tree Management Plan

I do not think the information supplied on site plans as part of the application could be considered as an active Management Plan.

C. Clarification on the size and footprint of the proposed development and the size and footprints of the nearby buildings the proposed development was being compared to (having noted that the Applicant had indicated the proposed development would be 1½ storey and 170sqm including a garage, with a nearby property being 250 sqm, which was different to what had been stated in the report of handling).

The ground floor area of the house and garage is 151 square metres. The footprint of the building is 170 square metres. The footprint of Kildonald Cottage as shown on the OS map is 250 square metres and the footprint of the separate building is 87 square metres. So overall the proposed building has an overall footprint which is 64% smaller than the nearby property, according to the OS map.

The proposed house has a height from finished ground level to ridge level of 7.466m. The dormers are built into the roof at first floor level so the proposed house is most definitely a one and a half storey building. A copy of the Elevation plan is attached.

The proposed house plot is accepted as 0.17 hectares with the floor area given as 150.7sqm. However, the total length is given as 22.4m and the breadth as 7.5/6.9m. This appears to give a floor area of around 161sqm and is larger than the area stated on the drawing. As the garage is attached to the house the total floor area is deemed the suitable measure. The cottage to the south has been measured at around 145sqm with a converted byre as ancillary accommodation at around 96sqm. The cottage could be converted to one and a half stories, the ancillary building is single storey. The proposed building is around 8m in height to the main roof ridge with dormers and a central feature with full length windows serving two habitable room. It is felt that this scale is greater than one and a half stories.

Planning Application 21/0001/LRB

Ref: 20/01653/PP

Tree Management Plan

Tree Management Plan
NE of Kildonald Cottage

2021 - 2031

1. Details

Management Plan Details			
Management Plan Name:	Coppice/ Tree planting at Ballochgair, Campbeltown		
LRB Reference Number:	<u>21/0001/LRB</u>	Main Location Code:	PA28 6QR
Post code area	PA28 6QR	Nearest town or locality:	Ballochgair, Peninver, Campbeltown
Local Authority:	Argyll sand Bute Council		
Management Plan area (hectares):	0.3ha		

Owner's Details			
Title:	Mrs	Forename:	Felicity
Surname:	Kelly		
Organisation:	n/a	Position:	n/a
Primary Contact Number:	02586 551237	Alternative Contact Number:	n/a
Email:	felicitykelly1@googlemail.com		
Address:	Ballochgair Farmhouse,		
	Campbeltown		
Postcode:	PA28 6QR	Country:	UK

Proposed Timeline		
Plan Period: (ten years) (day/month/year)	From: 1 October 2021	To: 30 Sept 2031

2. Woodland Description

Information about the following:

- past management of the woodland
- current species and ages
- statutory and non-statutory constraints (e.g. designations, archaeological interests)
- existing or potential public access
- woodland protection

2.1 Attachments

Attachments listed below.

Positioning plan
20040 Site Plan 6A

2.2 History of management

To date the proposed area has been used as grazing for sheep and in season lambs. This use could continue as the area would be stock fenced to prevent sapling damage. This fencing would be topped by a temporary deer fence for the first five years.

2.3 Proposed Species, percentage

Willow	35%
Rowan	20%
Birch	20%
Hazel	10%
Hawthorn	5%
Blackthorn	5%
Oak	5%

2.4 Constraints and designations

Lower growing planting would be placed nearer the road to ensure that there is no loss of sight for motorists on the B842. Taller growing trees would be nearer the shore.

2.5 Public access

The area is accessible to walkers and ramblers, and would remain as such after planting. The area of planting does not interfere with existing tracks/paths. When mature, the woodland could be available for recreational use by children – physical exercise, tree climbing

2.6 Woodland Protection

Plant Health (including tree health and invasive or noxious plants)

Initially, monthly health checks would be implemented and weeding carried out as required. After planting in first year weeding would be carried out in the spring. After first year, this programme would occur at 3 monthly intervals. From year two, this would be done twice a year until maturity. Hardwood species would be inspected and weeded at 3 monthly intervals initially, then twice in the first two years. Additionally, adjusting/replacing/removing tree stakes and ties would be carried out as required; checks on guards and shelters and ensuring roots remain covered would be regularly undertaken.

Deer, Livestock, grey squirrels and other mammals

Stock fencing would be erected before planting commences, topped with deer fencing from year 1 to 5. Trees would be protected by stock fencing. There has been no sighting of squirrels in the area.

Water & Soil (soil erosion, acidification of water, pollution etc.)

There is no water source on the area designated for planting. The soil is of good condition with lowland brown earths and schist soil. As there is very little slope at the site no drainage would be required and there is no anticipation of soil erosion.

Environment (flooding, wind damage, fire, invasive species etc.)

The area has never been flooded, to the best of my knowledge and definitely not in the last 28 years. The nearby existing trees/scrub have not been damaged by wind. There is no history of burning alongside the site. Any longer- growing vegetation would be cut to stop build-up of any dry debris on the eastern boundary fence.

Climate Change Resilience (provenance, lack of diversity, uniform structure)

Native provenance would not be affected by climate change. The plan is to conserve and increase native species, providing a woodland effect similar to other woodlands on the shore on the east of the Peninsula ensuring sustainability of a natural woodland effect. To achieve this the planting would be not be in uniform rows but would be irregular.

3. Vision and Objectives

Goals for its development.

3.1 Vision

Describe your long term vision for the woodland(s).

The vision for this project is to reduce CO₂, provide an increase in habitation for native species of small animals and to enhance the biodiversity of the wooded area. In the longer term to provide an area for recreation.

4. Stakeholder Engagement

This may be required depending on the work you intend on carrying out in the woodland and the constraints or designations that have been identified.

Property	Date contacted	Date feedback received	Response	Action
Glen Ailsa				To be contacted
Kildonald Cottage				To be contacted
Kildonan Bay				To be contacted
Ballochgair Farm				To be contacted

4. Constraints, Opportunities and Current Projects

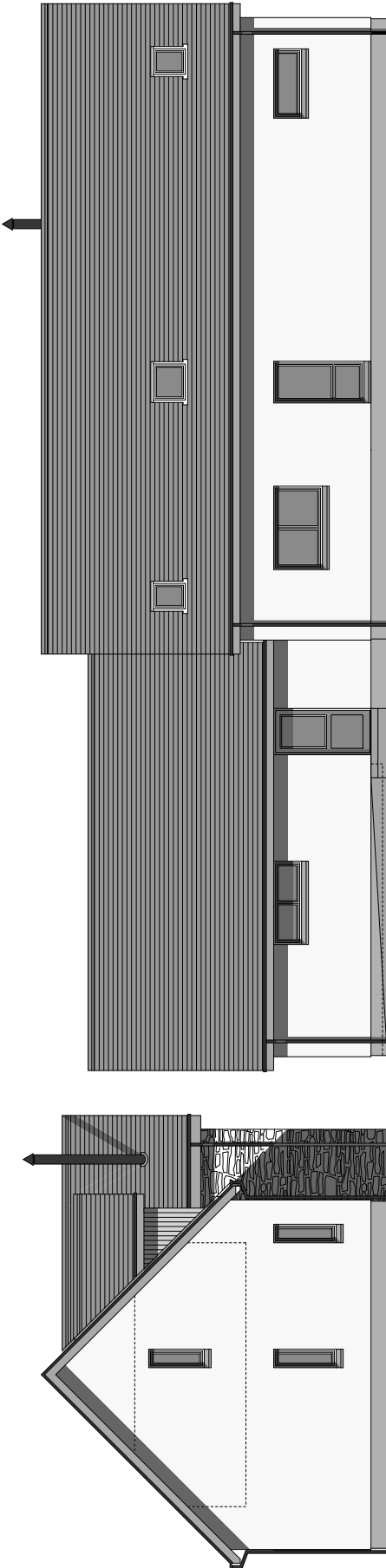
Using the table below analyse any issues raised or relevant features within your woodland and record the constraints and opportunities.

Current Programmes/Strategies	Constraint	Opportunity
Queen's Green Canopy		Supporting the "Plant a tree for the Jubilee"
Scottish Govt. Tree Planting Target		10,000 Hectares per year
CO₂ Reduction	Longer term outcome	1 tree can take up tonne CO ₂ in its lifetime

Note:
 The contractor will be held to have checked all dimensions before commencing with any work and in the event of discrepancies, it is to be the contractor's responsibility to advise the architect prior to commencement of work.
 Where dimensions are to be taken in all cases, drawings should not be used for dimensions. In case of doubt refer to this office.
 This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.

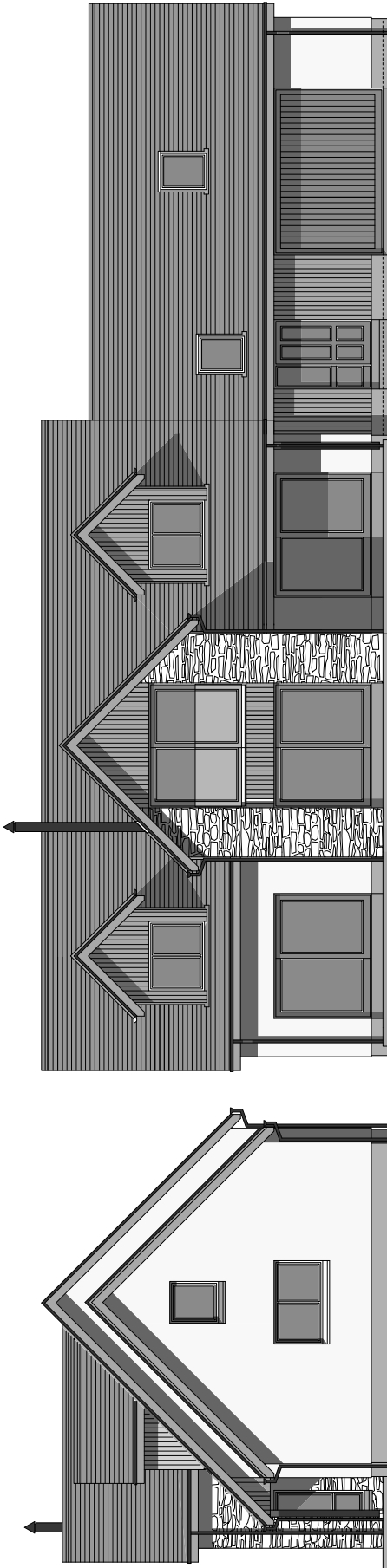
EXTERNAL FINISHES :

- ROOF - NATURAL SLATE
- EXTERNAL WALLS - PAINTED WET DASH RENDER, NATURAL STONE CLADDING, VERTICAL TIMBER CLADDING LIGHT GREEN
- WINDOWS AND EXTERNAL DOORS - TIMBER OR PVC COLOUR GREY



SIDE ELEVATION

REAR ELEVATION



SIDE ELEVATION

FRONT ELEVATION

project
 PROPOSED DWELLING HOUSE NORTH OF KILDONALD COTTAGE, KINTYRE

client
 MRS. F. KELLY

drawn
 DESIGN SKETCH 2 - ELEVATIONS

DKD
 D. KELLY DESIGN
 Architectural Consultant

Queen Anne House - 111 High Street
 Forth, Midlothian, Edinburgh
 Tel: 01397 708999 Fax: 01397 700888

scale 1:50 date 21.08.20
 job no. 20/0401 edg no. 202 drawn D. KELLY

