

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Executive Director: Douglas Hendry



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23 June 2021

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY SKYPE** on **WEDNESDAY, 30 JUNE 2021 at 10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: BYRE BETWEEN HOUSES 3 AND 4 GLASSARD, ISLE OF COLONSAY (REF: 21/0002/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 12)
 - (b) Comments from Interested Parties (Pages 13 - 36)
 - (c) Comments from Applicant (Pages 37 - 38)

Argyll and Bute Local Review Body

Councillor Gordon Blair
Councillor Kieron Green

Councillor Rory Colville (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Ref: AB1

ARGYLL AND BUTE COUNCIL

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

OFFICIAL USE

17 May 2021

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's website.

You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW

(2) AGENT (if any)

Name Name Address Address Post Code Post Code Tel. No. Tel. No. Email Email

(3) Do you wish correspondence to be sent to you or your Agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

- (6) Description of Proposal
- | |
|--|
| TO CONVERT/CHANGE OF USE OF A DOUBLE BYRE INTO A ONE BEDROOMED DWELLING HOUSE ON THE ISLE OF COLONSAY. THE BYRE IS PART OF AN EXISTING GROUP OF HOUSES OFF A PRIVATE ROAD IN THE DISTRICT OF GLASSARD. |
|--|

- (7) Please set out detailed reasons for requesting the review:-
PLEASE SEE ATTACHED STATEMENT

If insufficient space please continue on a separate page. Is this attached?

x

Please tick to confirm

(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information:-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB it is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review **(Note if posting your paperwork 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No	Detail
1	REVIEW OF PLANNING APPLICATION STATEMENT
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this attached?
Please tick to confirm

Submitted by
(Please sign)

J S Rose

Dated

15/05/2021

Important Notes for Guidance

- (1) All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
- (2) All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
- (3) Guidance on the procedures can be found on the Council's website -: <http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body>
- (4) In in doubt how to proceed please contact 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk
- (5) Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services, (Local Review Body), Kilmory, Lochgilphead, Argyll, PA31 8RT*
- (6) You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

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Review of Planning Application **21/00017/PP** – redevelopment of existing agricultural byre into a one bedroom dwelling house on the Isle of Colonsay

Background

The proposed development to convert the existing derelict agricultural building has been refused because it would add a twelfth unit to a private access that already serves eleven. In refusing planning permission, ABC has stated that “the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

The following points outline why a review of this decision is justified having regard to the Development plan and the statutory duty to determine in accordance with it unless material considerations indicate otherwise.

Relevant policy and guidance

Policy LDP 8 of the Local Development Plan seeks to support the strength of our communities through sustainable development to facilitate population growth. Supplementary guidance in SG LDP HOU 1 sets a general presumption in favour of the proposed development, as none of the exceptions apply. The proposal therefore accords fully with Policy LDP8.

This development will be accessible on foot from the ferry terminal, the island shop, the local café, the village hall and the service point. To that extent, the proposal accords with Policy LDP 11.

The issue for this review relates to the requirement in Policy LDP 11 for an appropriate standard of access. Detailed guidance in SG LDP TRAN 4 covers private access regimes, where acceptance of new development using existing private roads is subject to road safety and street design issues being addressed and will only be acceptable if:

- (i) the road is capable of commensurate improvements considered to be **appropriate to the scale and nature of the of the proposed development** and that takes into account the current access issues; and
- (ii) the applicant can secure ownership of the private road or access to allow for commensurate improvements to be made; or
- (iii) demonstrate that an appropriate agreement has been concluded with the owner for commensurate improvements to be made.

The guidance further adds that it expects consideration to be given in the design process to the potential need to make future improvements to the access up to and including an adoptable standard. For the use of an existing private road, the guidance text also says **that commensurate improvements require an informed assessment**. Such an assessment should explore the access issues related to the proposed additional development and the current situation on the private road, including any capacity for improvement of that road.

The supplementary guidance refers to the ABC's Roads Development Guides. Although these are not available on the council's website, we understand in the context of private roads on Colonsay, that they impose a blanket maximum of 10 houses.

The proposed development

Colonsay is an island community with a growing population. This has driven the value of some housing beyond the reach of many people in the community and those who might wish to make a life here. Converting this building to a dwelling would provide a small unit at a more affordable price. Additionally, the occupant would be moving out of the largest housing association dwelling on Colonsay, thus freeing that property for a family to move into. Therefore, allowing this proposal will significantly strengthen the small community on Colonsay.

The proposed dwelling would have vehicular access along a short stretch (less than 50m) of an existing private road serving 11 houses. In 2016, the byre at No.8 Glassard (which is at the far end of the private road) became the 11th dwelling in Glassard served by the private road thus already exceeding the local arbitrary limit set by ABC of 10 dwellings. This property's status was confirmed by planning permission for extensions and alterations.

The proposed conversion will be from an agricultural building. Although currently redundant, the byre could still be legally used as such and accessed by heavy agricultural machinery using the private road.

The byre might also be sold to the nearest dwelling providing ancillary accommodation which could be used for visitors and their cars.

The proposed use is for a small, 1 bedroom dwelling, involving light car traffic in the main (the applicant does not own a car), and given the proximity to the ferry and facilities at Scalasaig, lower vehicle use than might normally be expected. The proposed increase in traffic would be limited.

The existing road has been allowed to develop to access for 11 houses. It connects to a public road (B8087), which is single track with passing places throughout the island although within the visibility splays of this access point the public road actually widens such that passing is possible. This is the only place on the island where this is the case. The junction is on the outside of a bend in the public road, where visibility is good and traffic volumes are low. The existing gate is set well back from the public road to allow vehicles to pull up off the carriageway safely. There have been no incidents within the vicinity of this junction. In our assessment road safety and street design will not be compromised in any way by this development.

Given the limited additional use and the general safety of the junction at the public road, we do not consider that commensurate improvements are needed at all and do not consider that the road would need to be brought up to an adoptable standard. The cost would be disproportionate to any improvements to road safety that might be gained.

Conclusion

Our conclusion then is that the proposed development would comply with SG LDP TRAN 4 and therefore with policy LDP 11 and is in keeping with LDP 8. The proposed dwelling would thus comply with the development plan as a whole.

We note the reliance on ABC's road guidance for informing a development of this nature. We understand that this is likely to be reviewed very soon in the light of the National Roads Development Guide produced by Society of Chief Officers of Transportation in Scotland. It also appears to impose a blanket maximum with little regard for circumstances. Whilst it may be a useful guide for the council and applicants, we suggest that it could be applied flexibly and not used to outweigh the significant benefits in this particular case.

Allowing the development in this case will increase the available social housing stock on the island (which is at present quite limited) as well as providing an additional smaller dwelling on the island and the opportunity to further increase the population on Colonsay.

We would be happy to accept any reasonable conditions to ensure that the design and appearance of the development, its sustainability and any affordable access improvements can be secured.

Therefore, on balance, this development does accord with the development plan and there are no material considerations to indicate that planning permission should be refused. We suggest that the balance of considerations still weighs in favour of permission in this case. We invite you to overturn the original decision and grant permission for this small but significant development.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

21/0002/LRB

**BYRE BETWEEN 3 AND 4 GLASSARD, ISLE OF
COLONSAY**

31st May 2021

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Ms Jane Rose (“the appellant”).

The original planning application, reference 21/00017/PP, was refused on the following grounds:

“The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.”

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is the former byre situated between numbers three and four Glassard on the Isle of Colonsay. The byre is a single storey building mostly intact of stone and slate construction measuring some 7m x 4m x 5m. Glassard is a small collection of eleven houses along a single track road to the north of Scalasaig and within the settlement boundary. Properties are a mix of design and character with some built with an associated byre. Where applicable this is generally being used as storage or ancillary accommodation to the main house. There are no more vacant buildings after this one.

SITE HISTORY

There has been a varied history of pre-application submissions on this site. These have all provided a generally positive response in land use terms but they have caveated that the enquirer should satisfy themselves with respect to consultees.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

- The principle of converting the byre into a dwelling house is accepted within planning policy LDP DM 1 which supports the re-use of buildings within all development management zones. However, this policy also requires consistency with all other relevant requirements of the Local Development Plan (LDP). In this regard the proposal would add a twelfth unit off of an unadopted access road. Policy SG LDP TRAN 4 allows for a maximum of five before a road must become adopted to the council’s road network. Given the logistical

issues of transporting a hot bituminous material to the island the council's Roads and Amenity Services department has made an allowance for ten units on the isle of Colonsay. This is an acceptable method to take account of local circumstances. Therefore, the overriding issue is that the proposal would seek to add a twelfth house to an already oversubscribed private access road regardless of the commensurate improvements offered by the applicant.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The proposal constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 objection from local residents, it is not considered that a Hearing is required.

COMMENT ON APPELLANTS' SUBMISSION

The appellants' statement can be summarised under the following key issues:

- The commensurate improvements offered by the applicant are consistent with the requirements of the SG LDP TRAN 4 and can be secured by the applicant with an existing agreement with the land owner.
- The byre, although redundant, can be used for agricultural purposes without further input to the planning process.
- The byre could be sold to the nearest dwelling who could, in turn, convert it into ancillary non-letting accommodation using permitted development rights.
- The use of a single bedroom property would not increase the potential for traffic along this road.

The above is a concise summary of the applicants' key issues and they are all noted. It is accepted that the applicant would be vacating an existing house in Scalasaig freeing up another property in the village which would, in a small way, assist in addressing the population decline on the island. From an officer site inspection there are no further obvious development opportunities along this stretch of road and there are no allocations or Potential Development Areas (PDAs) that would encourage further applications for residential development. Regardless each application must be assessed on its own individual merits. In this instance the principle of converting the byre is accepted and the proposed design details are consistent with policy. However, the key issue is that the proposal would add an additional property on an already oversubscribed unadopted road not consistent with SG LDP TRAN 4.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The reasons for refusal of planning application 21/00017/PP:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

There are no material considerations identified of sufficient weight that justify the proposal as a departure from the provisions of the development plan.

It is respectfully requested that the review be dismissed and the refusal be upheld.

Appendix 1

Argyll and Bute Council
Development & Economic Growth

Delegated Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/00017/PP
Planning Hierarchy: Local
Applicant: Ms Jane Rose
Proposal: Alterations, extension and change of use of byre to form dwellinghouse
Site Address: Byre between houses 3 and 4 Glassard, Isle of Colonsay

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of dilapidated byre to class 9 (dwelling house)
- Erection of extension side extension south west elevation 4.75m x 6m
- Erection of rear extension 3.6m x 2m

(ii) Other specified operations

- New openings in existing byre
 - General repairs and maintenance of byre
 - Use of existing access
 - Connection to private water treatment system
 - Connection to public utilities
-

(B) RECOMMENDATION:

It is recommended that the application is refused on the grounds that it is not considered consistent with the provisions of policies LDP 11 – Improving our connectivity and SG LDP TRAN 4 - New & Existing, Public Roads & Private Access Regimes.

(C) CONSULTATIONS:

ABC Area Roads Engineer, 11th Feb 2021 – Refuse. The private road already services eleven dwellings and this would be the twelfth. Policy SG LDP TRAN 4 provides for a maximum of five dwellings off a private road. However, given the logistics of such an approach on the island this has been relaxed to ten. In this

instance the private road has already exceeded its capacity before requiring substantial upgrade.

Scottish Water, 4th Feb 2021 – No objection.

(D) HISTORY:

There has been a varied history of pre-application submissions on this site. These have all provided a generally positive response in land use terms but they have caveated that the enquirer should satisfy themselves with respect to consultees.

(E) PUBLICITY:

Regulation 20 advert expiry 4th March 2021

Neighbour notification expiry 24th February 2021

(F) REPRESENTATIONS:

(i) Representations received from:

Alastair Scouller, 3 Glassard, Isle of Colonsay PA61 7YN (22nd Feb 2021)

(ii) Summary of issues raised:

- Concerns expressed regarding the extension and its proximity to the boundary with 3 Glassard.
Comment: The proposal would be some 1m off the boundary but with the adjacent property some distance away in its own plot. There are no concerns regarding day lighting and no windows on the side elevation to cause issues over privacy.
 - The flue could cause problems with respect to nuisance depending on the wind direction.
Comment: 3 Glassard is some 10m away from the proposed extension. It is not considered that this is an issue raising material planning considerations.
 - Concerns over the addition of another property on this track.
Comment: Noted. Issues of access are addressed in the assessment section below.
-

(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: No

(H) **PLANNING OBLIGATIONS**

Is a Section 75 agreement required: No

-
- (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 STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(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
- Consultee comments
- Third party representations raising material planning considerations
- ABC LDP 2, Proposed November 2019

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

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

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

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

(O) **Requirement for a hearing:** No

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

The proposal is for the conversion of an existing redundant building at Glassard, Colonsay. The building is a former byre likely associated with either three or four Glassard. It is a single storey pitched roof building measuring some 7m x 4m x 5m and finished in stone and natural slate. The access is single track with passing places and held in an informal arrangement by the existing property owners of which there are eleven properties already served.

The site lies within the settlement zone of Scalasaig. Therefore the principle of a redevelopment proposal is encouraged through the settlement strategy policy of LDP DM 1.

The design solution is fairly modest retaining the existing structure and adding a smaller volume extension to the south gable and a mono pitch porch to the north west. The design retains the existing character of the building with the same finishes and stone skews. Window openings are enlarged to provide for a door on the front elevation with a matching size window to adjacent separated by two narrow windows. This maintains the traditional symmetry. A small existing store is retained on the north east elevation. The extension is of a lower pitch height and contains a stainless steel flue, a corrugated metal roof and a rough cast finish. Large window openings provide for solar gain into the main living area. The property would provide for a single bedroom, living room / kitchen, utility and single bathroom. It is not a large

property. In terms of design the proposal provides for a suitable volumetric extension to the existing building and is considered acceptable. In this regard the application is consistent with the provisions of SG LDP Sustainable.

The main issue is the proposed means of access. The private road serving the collection of houses at Glassard already allows for eleven houses. It is a single track road roughly finished in an unbound material with passing places. This would be the twelfth property served by this track. Policy SG LDP TRAN 4 allows for a maximum of five units off a private road before it needs to be brought up to adoptable standards. Given the logistics of carrying out such work on Colonsay this has been relaxed to ten. Various options to upgrade the road have not found a solution as the ability to undertake the improvements is outwith the sole control of the applicant and would be prohibitively expensive. These works would involve widening the track and re-constructing the bellmouth. The total costs would be approximately £200,000. The applicant has provided the following comments in support of her proposal and seeks a departure to policy to allow this application to be approved.

- 1. The Applicant is a long-term resident on the Island and will be living full time in the proposed dwelling house. At present she occupies the only 4-bedroom Housing Association house on the island which she has a right to remain a tenant of in perpetuity. There is a well-recognised shortage of community housing on the island. By allowing the development of this otherwise unoccupied building, the Applicant will be freeing up a large family house for other potential residents as well as preserving an existing built structure on the island*
- 2. This is the last remaining building within Glassard to be left derelict. It would not be possible for further development to take place within the curtilage of the Glassard settlement. The Application site to Glassard is currently an eyesore. By re-purposing this derelict building it will significantly enhance the appearance of the whole area.*
- 3. There are two other examples of conversions of the Glassard byres for residential purposes. Both of these conversions have taken place within the last 20 years*
- 4. The Applicant has been in discussions with the neighbouring landowner regarding some more modest improvements to the existing road opening onto the public road which would considerably improve safe access to and from the public road onto the Glassard track. The Applicant is willing to submit a proposal along these lines. Improvements would include improving sightlines onto the public road and improving drainage and the quality of the surface at the entrance to the Glassard settlement.*
- 5. Currently, all the domestic bins for the Glassard residences are kept at the junction between the track and the public road in an ad-hoc storage. We believe an improved storage facility for the bins could be accommodated with the improvements mentioned above which would also mean that the process of emptying the bins will be safer as well as providing a sightlier appearance.*

In response to these points we would comment that the principle of converting the byre is not in question. Such an approach is welcome and encouraged in terms of the settlement strategy. However, the sole issue is the access track and the requirements of policy SG LDP TRAN 4 and road safety.

Regardless of the proposed improvements to the access and bin store the proposal is not consistent with the provisions of SG LDP TRAN 4. With this in mind the application is recommended for refusal.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

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

N/A

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

Author of Report:

Date: 19th March 2021

A handwritten signature in black ink, appearing to read 'Fergus Murray', with a horizontal line underneath the name and a vertical line at the end.

Fergus Murray
Head of Development and Economic Growth

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **21/00017/PP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

(B) The reason why planning permission has been refused:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

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Location Plan Relative to Planning Application: 21/00017/PP



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McCallum, Fiona

From: Ross, James
Sent: 17 May 2021 17:32
To: McCallum, Fiona
Cc: localreviewprocess
Subject: RE: Intimation of Receipt of Notice of Review Reference 21/0002/LRB (Planning Ref: 21/00017/PP) - Byre between 3 and 4 Glassard, Isle of Colonsay [OFFICIAL]

Classification: OFFICIAL

Hi Fiona,

I don't really have anything to add other than to say that the existing road junction doesn't comply with current standards. My reason for refusal are as follows:

REASON FOR REFUSAL

1. The private road serving this site already serves 11 dwellings, this would be the 12th. Argyll & Bute Council policy states that developments with more than five dwellings to be served by a road to an adoptable standard. There has been a relaxation for the island of Colonsay due to its remoteness and costs associated with building roads to adoptable standards. Argyll & Bute Council, Roads and Infrastructure Services have agreed to allow up to 10 dwellings from a private access. Regrettably this is of no benefit to the applicant.

Regards

James

James Ross
Traffic & Development Officer MAKI
Argyll & Bute Council
Roads & Infrastructure Services
1A Manse Brae
Lochgilphead
Argyll
PA31 8RD

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McCallum, Fiona

From: Alastair Scouller
Sent: 21 May 2021 16:21
To: McCallum, Fiona
Subject: Re: Intimation of Receipt of Notice of Review Reference 21/0002/LRB (Planning Ref: 21/00017/PP) - Byre between 3 and 4 Glassard, Isle of Colonsay [OFFICIAL]

Dear Ms McCallum,

Thank you for notifying me of an application for review of Case 21/0002/LRB (Planning Ref: 21/00017/PP), which I understand has been refused by the planning authority.

I have little to add to the comments I have already made on this proposal. I would, however, like to take issue with the following statement in the applicant's submission:

'The byre might also be sold to the nearest dwelling providing ancillary accommodation which could be used for visitors and their cars.'

As the owner and current occupier of the 'nearest dwelling' I am unaware of any such proposal. As I understand it, the byre and surrounding ground were recently sold by Colonsay Estate to Mrs Rose, who has not offered them for sale to me. My earlier, informal offer to buy the subjects from Colonsay Estate was rejected in favour of Mrs Rose's much higher bid. There is no reason to suppose:

1. That I would at this stage be interested in buying the property;
2. That if I did, I would wish to entail the considerable further expense of converting the byre to guest accommodation;
3. That any visitors I may have to stay at my home would necessarily bring a vehicle or vehicles to the island.

That being the case, I suggest that this sentence in the applicant's submission has no basis in fact, and should be disregarded.

I further submit that there is no reason in this case to depart from the Council's settled policy that an unmade private road should not serve more than five households, or ten given the very specific circumstances of Colonsay. The existing track is showing serious signs of deterioration, despite recent repairs by Colonsay Estate.

I would be grateful if you would bring these further observations to the attention of the review body.

Yours sincerely,

Alastair M. Scouller

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McCallum, Fiona

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 18 May 2021 08:23
To: McCallum, Fiona
Subject: Intimation of Receipt of Notice of Review Reference 21/0002/LRB (Planning Ref: 21/00017/PP) - Byre between 3 and 4 Glassard, Isle of Colonsay [OFFICIAL]
Attachments: Planning Consultation 04-02-2021 08-56-11.docx

Good morning,

Thank you for your request. I can confirm that our previous comments on this site 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>

Tuesday, 18 May 2021



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: Byre Between Houses, 3 And 4 Glassard, Isle Of Colonsay, PA61 7YN
PLANNING REF: 21/00017/PP
OUR REF: DSCAS-0031987-SJ5
PROPOSAL: Alterations, extension and change of use of byre to form dwellinghouse

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the COLONSAY Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity 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



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To find out more about connecting your
house to the water and waste water supply visit:



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- ▶ 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.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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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**Planning ref. 21/00017/PP
The Byre , Glassard Isle of Colonsay
Comments on representations**

“With apologies to the neighbour Mr Scouller, we do not mean to suggest that he might or would acquire and develop the byre as an annexe. The point we make is that, in planning terms, this is a possibility now or in the future, that would not require an application for planning permission. That and the continued use as a byre are legitimate fallback positions against which the current proposal can be assessed.

Some such use will need to be found because the applicant has invested heavily in the property and must get something back if she cannot live there.

We do not believe that the Planning Authority's Statement of Case gives sufficient weight to this material consideration. It simply restates its position and does not provide a reasoned argument in support. We say that the vehicular use of the proposed dwelling would be similar to continued use of the byre. There would thus be no additional impact on the road nor any harm to road safety. Thank you.”

Jane Rose

7/06/21

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