

# Public Document Pack

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

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10 November 2021

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 17 NOVEMBER 2021** at **10:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE** (Pages 3 - 12)  
Planning, Protective Services and Licensing Committee 20 October 2021
4. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE VEHICLES** (Pages 13 - 18)  
Report by Executive Director with responsibility for Legal and Regulatory Support
5. **MRS MORAG SHAW: ALTERATIONS TO FRONT ELEVATION OF DWELLINGHOUSE; DEMOLITION OF GREENHOUSE AND SHED; AND ERECTION OF NEW TIMBER SHED AND GARAGE: 9 CRAIGNETHAN, ROTHESAY, ISLE OF BUTE (REF: 21/01014/PP)** (Pages 19 - 34)  
Report by Head of Development and Economic Growth
6. **MR DAVID MCKERROW: FORMATION OF VEHICULAR ACCESS WITH GATE AND PARKING AREA (PART RETROSPECTIVE): 17-19 WEST CLYDE STREET, HELENSBURGH (REF: 21/01288/PP)** (Pages 35 - 54)  
Report by Head of Development and Economic Growth
7. **MR GRAEME MILLER: INSTALLATION OF 3 REPLACEMENT WINDOWS (RETROSPECTIVE): FLAT 1/3, 4 DEANHOOD PLACE, ROTHESAY, ISLE OF BUTE (REF: 21/01585/PP)** (Pages 55 - 68)  
Report by Head of Development and Economic Growth

8. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: PROPOSAL OF APPLICATION NOTICES FOR THE ERECTION OF FOUR NO. ELECTRICITY SUBSTATIONS. ALL COMPRISING PLATFORM AREA, CONTROL BUILDING, ASSOCIATED PLANT AND INFRASTRUCTURE, ANCILLARY FACILITIES, ACCESS TRACK(S), LAYDOWN AREA(S) AND LANDSCAPE WORKS: CROSSAIG NORTH SUBSTATION, SKIPNESS (REF: 21/01884/PAN); CRAIG MURRAIL SUBSTATION, LAND NORTH EAST OF AUCHOISH, ACHNABRECK FOREST, LOCHGILPHEAD (REF: 21/01885/PAN); CRARAE SUBSTATION, NORTH WEST OF STRONE FARM, MINARD (REF: 21/01886/PAN); AND AN SUIDHE SUBSTATION, LAND NORTH WEST OF ACHNAGOUL, INVERARAY (REF: 21/01887/PAN) (Pages 69 - 82)**

Report by Head of Development and Economic Growth

9. **INTELLIGENT LAND INVESTMENTS GROUP PLC: PROPOSAL OF APPLICATION NOTICE FOR THE CONSTRUCTION OF A BATTERY STORAGE FACILITY UP TO 50MW, ACCESS TRACK, ENERGY STORAGE EQUIPMENT, METER BUILDING, SECURITY CAMERAS, FENCING AND PLANTING OF TREES: LAND SOUTH OF AUCHNASAVIL FARM, CARRADALE (REF: 21/01907/PAN) (Pages 83 - 88)**

Report by Head of Development and Economic Growth

- E1 10. **ENFORCEMENT REPORT REFERENCE 21/00209/ENFHS (Pages 89 - 94)**

Report by Head of Development and Economic Growth

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

- E1 **Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

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

Councillor Gordon Blair  
Councillor Mary-Jean Devon  
Councillor George Freeman  
Councillor Graham Hardie  
Councillor Donald MacMillan BEM  
Councillor Jean Moffat  
Councillor Sandy Taylor

Councillor Rory Colville (Vice-Chair)  
Councillor Audrey Forrest  
Councillor Kieron Green  
Councillor David Kinniburgh (Chair)  
Councillor Roderick McCuish  
Councillor Alastair Redman  
Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS  
on WEDNESDAY, 20 OCTOBER 2021**

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

Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Kieron Green	Councillor Richard Trail
Councillor Graham Hardie	

**Attending:** Stuart McLean, Committee Manager  
Alan Morrison, Regulatory Services Manager  
Peter Bain, Development Manager  
David Love, Area Team Leader, Mid Argyll, Kintyre and the Islands  
Howard Young, Area Team Leader, Helensburgh and Lomond  
Sandra Davies, Major Applications Team Leader  
Jolyon Gritten, Access Manager  
Fleur Rothwell, Planning Officer  
Derek Wilson, Planning Officer  
Anthony Carson, Environmental Health Officer  
Graeme McMillan, Solicitor

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Gordon Blair.

**2. DECLARATIONS OF INTEREST**

Councillor Richard Trail declared a non-financial interest in planning application reference 21/01288/PP and application for listed building consent reference 21/01297/LIB which are dealt with at items 10 and 11 of this Minute. He advised that he would leave the meeting and take no part in the determination of these applications.

**3. MINUTES**

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 22 September 2021 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 22 September 2021 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 22 September 2021 at 2.30 pm were approved as a correct record.

**4. 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 fares were last reviewed by Members on 17 June 2020 and took effect on 22 October 2020. The next fares scale will need to come into force in April 2022.

Consideration was given to a report seeking approval of the commencement of the next review of taxi fares and other charges.

### **Decision**

The Committee agreed:

1. to commence the review of fares in order that this could be completed within the 18 months required in terms of the Act; and
2. that the consultation required in terms of the Act would be in writing.

(Reference: Report by Head of Legal and Regulatory Support dated 20 October 2021, submitted)

## **5. LOCAL AIR QUALITY IN ARGYLL AND BUTE**

A paper presenting the 2021 Annual Progress Report for Local Air Quality in Argyll and Bute, which fulfils the Council's statutory duties under Part IV of the Environment Act 1995, was considered.

### **Decision**

The Committee noted that the Local Air Quality Annual Progress Report 2021 confirmed that local air quality in Argyll and Bute was good and considered this in the context of the international Climate Change Conference (COP26).

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 28 September 2021 and 2021 Air Quality Annual Progress Report for Argyll and Bute Council, submitted)

The Chair, Councillor David Kinniburgh, advised that he would be joining the remainder of meeting by telephone. As he would be unable to see requests from Members to speak he ruled, and the Committee agreed, to suspend Standing Order 5.3 to allow Vice Chair, Councillor Rory Colville, to take the Chair from this point.

## **6. MR AND MRS C AND J EASTHAUGH: CHANGE OF USE OF VACANT LAND TO FORM RESIDENTIAL GARDEN GROUND (RETROSPECTIVE): CAIRNVIEW, BALUACHRACH, TARBERT (REF: 19/01854/PP)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number one. The proposal seeks to retrospectively extend a domestic garden. This application has come about due to an enforcement investigation following complaints from third parties. The property was built in 2011 with a discrepancy between the approved planning permission plans and those for the building warrant and was never resolved by the developer. As per the Planning Enforcement and Monitoring Charter, Officers sought a planning application to regularise the breach of planning control. During the processing of the application it became evident that the extension would block a right of way known as the Royal Way. The proposal was

therefore contrary to the effects of policies LDP 11, SG LDP TRAN 1 and the provisions of the Land Reform (Scotland) Act 2003 and was recommended for refusal.

### **Decision**

The Committee agreed to refuse planning permission for the following reason:

The proposed change of use to form an extension to a garden blocks an established right of way, known as the Royal Way. The proposal is therefore contrary to the effects of policies LDP 11, SG LDP TRAN 1 and the provisions of the Land Reform (Scotland) Act 2003.

(Reference: Report by Head of Development and Economic Growth dated 7 October 2021 and supplementary report number one dated 19 October 2021, submitted)

**7. ARDNAHOE DISTILLERY COMPANY LTD: ERECTION OF WHISKY MATURATION WAREHOUSES AND ASSOCIATED WORKS: ARDNAHOE DISTILLERY, PORT ASKAIG, ISLE OF ISLAY (REF: 20/02337/PP)**

The Area Team Leader for Mid Argyll, Kintyre and the Islands referred to supplementary report number one submitted following a late representation received from SEPA. SEPA raised a holding objection and requested further information from the Applicant to ascertain whether or not the proposal falls under the Control of Major Accident Hazards (Amendment) Regulations 2005 (COMAH). They have also requested further details on the procedural, design and modelling that needs to be addressed prior to the commencement of works.

In light of this holding objection it was recommended that Members agree to continue consideration of this application to a future meeting.

### **Decision**

The Committee agreed to continue consideration of this application to a future meeting.

(Reference: Report by Head of Development and Economic Growth dated 4 October 2021 and supplementary report number one dated 18 October 2021, submitted)

**8. MR CHRIS COX: CHANGE OF USE OF LAND FOR SITING OF 4 SHIPPING CONTAINERS: ARGYLL ARMS HOTEL, SOUTHEND, CAMPBELTOWN (REF: 21/01049/PP)**

The Planning Officer spoke to the terms of the report. The proposal comprises the siting of 4 shipping containers in the concrete area adjacent to the south western elevation of the Argyll Arms Hotel and will be surrounded by a 1.8m high wooden fence. Planning consent was previously granted on 28 May 2012 (ref: 12/00796/PP) for change of use of land for storage of caravans. The site has been used for the winter storage of caravans from September – March. The storage containers will be in situ all year round for a temporary period of two years. The site is primarily surrounded by residential dwelling houses. Although predominantly residential there is a precedent formed through the previous usage for storage of caravans. The usage of the site for storage of caravans and the siting of shipping containers will have a similar impact on the development setting and the amenity of the surrounding area. The erection of the 1.8m fence will mitigate any impact on amenity of the area which the siting of the shipping containers may have.

The proposal conforms to the relevant policies of the development plan and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

**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 14<sup>th</sup> May 2021; 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	CEC/AB/1	-	15.06.2021
Site Plan	CEC/AB/2	-	19.07.2021
Container Specification	CEC/AB/3	-	15.06.2021

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

2. This permission shall cease no later than two years from the first siting of the containers on the land other than in the event of a further permission for continued use having been granted upon application to the Planning Authority. Within three months of the cessation of the use all portable buildings/structures shall be removed from the site, and the land which shall be restored in accordance with a reinstatement scheme to be submitted to and approved in advance in writing by the Planning Authority.

Reason: To define the permission and in order to protect the amenity of the locale.

3. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the external finishes of the four shipping containers and construction/finish of the new fence 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.

4. The change of use of land for the siting of the four storage containers shall only be used for the personal storage of items of the owner and their dependants of the associated hotel and / or for the use of storing materials and tools for the purposes of repair and maintenance of the hotel.

Reason: To control the use of the containers to protect the wider amenity of the area.

(Reference: Report by Head of Development and Economic Growth dated 6 October 2021, submitted)

9. **MR A PIA: ALTERATIONS, ERECTION OF SINGLE STOREY REAR EXTENSION, INSTALLATION OF EXTERNAL FLUE AND CHANGE OF USE OF FLOWER SHOP (CLASS 1) TO TAKEAWAY PREMISES (SUI GENERIS): 25 LOCHNELL STREET, LOCHGILPHEAD (REF: 21/01250/PP)**

The Planning Officer spoke to the terms of the report. The proposal is within the settlement boundary of Lochgilphead and is for the change of use of a shop unit within the town centre to hot food takeaway. The rear extension to form toilet and sanitary facilities is to be a single storey rectangular structure of around 4sqm adjoining the rear wall of the current building. It will be accessible from both the premises kitchen and the outside yard.

At the time of writing the report a total of eleven objections to this proposal had been received and the issues raised were detailed in section F of the report. Reference was also made to two late representations received from Councillor Douglas Philand and Mr Charles Randack. Councillor Philand raised concerns about the right of access to the rear of the premises and about the land required for development not being under the control of the Applicant. Mr Randack raised a concern that the dimensions on the plans lodged by the Applicant were incorrect and did not show a true representation of the extension which would result in the loss of amenity for neighbouring properties. The Planning Officer advised that he was satisfied that the drawings submitted were accurate and would not impact on neighbouring properties.

Objectors to this application also questioned the ownership of the land and private access rights which may exist. It is for the developer to satisfy themselves that there is unencumbered title to the land which would enable any permission to be implemented. Any planning consent does not override any private legal rights in respect of the land. The Applicant has certified that he is the owner of the land involved and served the relevant notices on communal owners.

The proposal conforms to the relevant policies of the development plan and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

**Motion**

To agree to continue consideration of this application to a future meeting and that arrangements be made for Members to visit the site with Planning Officers in advance of determining this application.

Moved by Councillor Sandy Taylor, seconded by Councillor Donald MacMillan.

**Amendment**

To agree to grant planning permission subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor Rory Colville, seconded by Councillor Graham Archibald Hardie.

A vote was taken by calling the roll.

Motion

Amendment

Councillor MacMillan

Councillor Colville

Councillor Moffat  
 Councillor Redman  
 Councillor Taylor  
 Councillor Trail

Councillor Devon  
 Councillor Forrest  
 Councillor Freeman  
 Councillor Green  
 Councillor Hardie

The Amendment was carried by 6 votes to 5 and the Committee resolved accordingly.

**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 14.06.2021, 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
Site plan proposal	20-2734-P-03		15.06.2021
Plans, elevations, sections existing	20-2734-P-01		15.06.2021
Plans, elevations, sections proposed	20-2734-P-02		15.06.2021
Door schedule	20-2734-P-04		15.06.2021
Measure Survey	2734		15.09.2021

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, no development shall commence until a scheme for the control of odour arising from the operation of the permitted use has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a fume extraction system with an external extraction duct incorporating an odour control unit. The ventilation provided must discharge at high level to ensure adequate dispersal of any cooking fumes and that level must be at least 900mm above any window opening. The terminal of the duct must not be fitted with any plate or other restriction that will impede the vertical discharge of emissions.

The permitted use shall not be commenced until the duly approved ventilation, extraction and odour control system is operational and thereafter it shall be maintained in accordance with the manufacturer's instruction unless it is replaced by an alternative system with the prior written consent of the Planning Authority.

Reason: In order to avoid odour nuisance in the interest of amenity.

3. Notwithstanding the provisions of Condition 1, no customer shall be permitted entry to the premises before 10:00 or after 23:00 and no customer shall be permitted to remain on the premises after 23:15.

Reason: In order to protect the amenity of the area.



4. Given the proximity of the neighbouring residential properties to the site address, construction works shall be restricted to 0800-1800 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays. Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise generated by construction activities on occupiers of residential properties.

5. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the walls, roof and door of the rear extension 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.

6. If, in the opinion of the local planning authority, the proposed ventilation flue results in any noise nuisance to an occupant of any neighbouring residential property, the applicant shall install noise mitigation measures agreed and approved in writing by the planning authority.

Reason: In order to safeguard neighbouring property from any potential noise nuisance in the interests of residential amenity.

(Reference: Report by Head of Development and Economic Growth dated 6 October 2021, submitted)

Having declared an interest in the following two items, Councillor Richard Trail left the meeting at this point.

**10. MR DAVID MCKERROW: FORMATION OF VEHICULAR ACCESS WITH GATE AND PARKING AREA (PART RETROSPECTIVE): 17-19 WEST CLYDE STREET, HELENSBURGH (REF: 21/01288/PP)**

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. The proposal is for the formation of a parking court area for 5 vehicles within the existing walled rear curtilage of listed building location within the Helensburgh Conservation Area. Physical works comprise the removal of a section of wall along the rear boundary of the curtilage to form an opening onto a private access road on adjacent land. A 3 metre long section of wall has been removed prior to this application. The Roads Engineer has advised that this opening should be increased to a minimum of 3.7 metres to provide adequate visibility. It is also proposed to install a sliding metal gate across this opening. Access to the proposed parking court will be via an existing private cul-de-sac access road that serves a car parking area at the rear of Colquhoun Square. A total of 22 objections to the proposed development have been received plus two expressions of support. Many of the objectors raise the issue of the Applicant not having a right of way over the private access road to the rear of Colquhoun Square and as such cannot legally access the proposed parking area from the public road network. In the interests of clarity, the planning authority is restricted to assess land use planning matters separate from ownership or disputes regarding rights of way that are private civil matters. This assessment and determination in no way prejudices private civil matters such as private

rights of way of access which should be pursued by the appropriate parties outside of the planning system.

It is considered that the proposal development can be supported as being consistent with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

### **Decision**

The Committee agreed to continue consideration of this application to a future meeting and to request that the Council's Roads Officer be in attendance at this meeting to answer questions and address concerns raised by Members regarding visibility splays at the access onto the private road.

(Reference: Report by Head of Development and Economic Growth dated 7 October 2021, submitted)

**11. MR DAVID MCKERROW: FORMATION OF VEHICULAR ACCESS WITH GATE AND PARKING AREA (PART RETROSPECTIVE): 17-19 WEST CLYDE STREET, HELENSBURGH (REF: 21/01297/LIB)**

In light of the decision to defer consideration of planning application reference 21/01288/PP, the Area Team Leader for Helensburgh and Lomond recommended that Members also continue consideration of this application to a future meeting.

### **Decision**

The Committee agreed to continue consideration of this application to a future meeting.

(Reference: Report by Head of Development and Economic Growth dated 7 October 2021, submitted)

Councillor Trail returned to the meeting at this point.

**12. E POWER LIMITED: PROPOSAL OF APPLICATION NOTICE FOR INSTALLATION OF UP TO 14 WIND TURBINES AND ASSOCIATED ANCILLARY INFRASTRUCTURE WITH TIP HEIGHTS OF UP TO 180 METRES AND AN INSTALLED CAPACITY OF MORE THAN 20MW: LAND AT SIDH MOR, SOUTH OF LOCHAN ANAMA AND NORTH WEST OF A-CHRUACH WIND FARM, KILMICHAEL FOREST (REF: 21/01655/PAN)**

The Major Applications Team Leader spoke to the terms of the report. The Proposal of Application Notice (PAN) seeks to notify the planning authority of a prospective Major planning application for Glasvaar Wind Farm. The site is primarily located within the very sensitive countryside zone, and partially within the countryside zone and rural opportunity zones as identified by the adopted Local Development Plan. A spatial framework for wind farms and wind turbines developments over 50 metres high in line with Scottish Planning Policy has been prepared as Supplementary Guidance (SG). This identifies: Areas where wind farms will not be acceptable (Group 1); Areas of significant protection (Group 2); and Areas which may have potential for wind farm development (Group 3). The site is located on ground containing both Group 32 and Group 3 Areas. The area of the site classed Group 2 is designated due to its nationally important mapped environmental interests for

carbon rich soils, deep peat and priority peatland habitat; Site of Scientific Interest; and the fact that it lies within 2km of a Settlement Zone Buffer.

The report sets out the information submitted to date as part of the PAN and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

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 submission.

### **Decision**

The Committee noted the content of the report and submissions.

(Reference: Report by Head of Development and Economic Growth dated 7 October 2021, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

### **E1 13. ENFORCEMENT REPORT REFERENCE 19/00135/ENBOC2**

Consideration was given to enforcement case reference 19/00135/ENBOC2.

### **Decision**

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 4 October 2021, submitted)

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE  
VEHICLES**

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**1. EXECUTIVE SUMMARY**

- 1.1 This report relates to the compliance of the licensing authority with the public sector equality duty, specifically with regards to wheelchair accessible vehicles.

**2. RECOMMENDATIONS**

- 2.1 This report invites the Committee to;

2.1.1 Decide whether or not Argyll and Bute Council should publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars (PHCs) within the Council's area for the purposes of Section 165 of the *Equality Act 2010*; and

2.1.2 if there should be such a list, to agree that:

- (i) a draft specification of what accessibility requirements must be met before a vehicle will be included in any designated list will be presented to the PPSL Committee for approval at their meeting on 15<sup>th</sup> December 2021;
- (ii) a draft list of designated wheelchair accessible vehicles (WAVs), based on the approved specification, is initially prepared by officers;
- (iii) intimation is given to the relevant licence operators that the Council propose to designate their licensed vehicle, inform them of the legal consequences of this, and to invite representations;
- (iv) after consideration of any representations, the PPSL Committee, at their meeting in April 2022, approve a final list of designated WAVs; and
- (v) the designated list is published consequent to the decision of members.

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE  
VEHICLES**

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**3. INTRODUCTION**

- 3.1 This report relates to the compliance of the Licensing Authority with the public sector equality duty, specifically with regards to wheelchair accessible vehicles.

**4. RECOMMENDATIONS**

- 4.1 This report invites the Committee to;

4.1.1 Decide whether or not Argyll and Bute Council should publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars (PHCs) within the Council's area for the purposes of Section 165 of the *Equality Act 2010*; and

4.1.2 if there should be such a list, to agree that:

- (i) a draft specification of what accessibility requirements must be met before a vehicle will be included in any designated list will be presented to the PPSL Committee for approval at their meeting on 15<sup>th</sup> December 2021;
- (ii) a draft list of designated wheelchair accessible vehicles (WAVs), based on the approved specification, is initially prepared by officers;
- (iii) intimation is given to the relevant licence operators that the Council propose to designate their licensed vehicle, inform them of the legal consequences of this, and to invite representations;
- (iv) after consideration of any representations, the PPSL Committee, at their meeting in April 2022, approve a final list of designated WAVs; and
- (v) the designated list is published consequent to the decision of members.

**5. BACKGROUND**

5.1 Section 149 of the *Equality Act 2010* (the 2010 Act) imposes on local authorities a public sector equality duty. Under this duty, the Council must have due regard to, amongst other things, the need to:

- eliminate discrimination; and
- advance equality of opportunity between people who share a relevant protected characteristic, and persons who do not share it.

5.2 This applies to the Council when fulfilling its role as a licensing authority under the *Civic Government (Scotland) Act 1982* (the 1982 Act).

5.3 The 2010 Act does not make it mandatory that all taxis and PHCs are wheelchair accessible. However, Section 167 of the 2010 Act, permits (but does not require) licensing

authorities to maintain a list of all WAVs that are licensed to operate within their area. These vehicles are known as “designated” vehicles. The minimum requirement for the vehicle to be on the list that it is able to carry the wheelchair user whilst seated in their wheelchair.

### **6. CONSEQUENCES OF PUBLISHING A DESIGNATED LIST**

- 6.1 The consequences of having a designated list of WAVs is that Section 165 of the 2010 Act imposes statutory duties on the drivers of these designated vehicles, and failure to comply with these duties is an offence (unless exempt) liable to a fine of up to £1000.
- 6.2 The statutory duties are:
- To carry the passenger whilst in the wheelchair.
  - Not to make any additional charge for doing so.
  - If the passenger chooses to sit in a passenger seat, to carry the wheelchair.
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
  - To give the passenger such mobility assistance as is reasonably required.
- 6.3 With regards to the final point in the above list, “mobility assistance” is defined as assistance:
- to enable the passenger to get into or out of the vehicle;
  - if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle whilst in the wheelchair;
  - to load the passenger’s luggage into or out of the vehicle;
  - if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 6.4 Drivers of WAVs can apply to the Council for exemption from complying with these duties but can only do so on medical grounds or grounds of physical difficulty.
- 6.5 Section 172 of the 2010 Act enables vehicle operators to appeal against the decision of a licensing authority to include their vehicles on the designated list. The right of appeal is to the Sheriff Court and must be made within 28 days of the vehicle in question being included on the published list.
- 6.6 If a driver receives a conviction for breaching their duties under Section 165 of the Act, it would be appropriate for the Council to review whether or not the driver remained a fit and proper person to hold a taxi or PHC driver licence.
- 6.7 By publishing a designated list, firstly, this triggers the statutory duties on the driver of that vehicle under Section 165 of the 2010 Act, and makes the failure of driver to comply with the abovementioned statutory duties a criminal offence. Wheelchair users can report discrimination based on these duties to the police as a criminal offence. As Argyll and Bute Council do not currently maintain and publish a designated list of WAVs, an offence would not be committed under this piece of legislation. Currently, if a wheelchair user feels that they have been discriminated against, they would have to raise a civil court action themselves against the driver. That is a lengthy and expensive process that puts many people off seeking legal redress for their rights being breached.
- 6.8 Secondly, it allows wheelchair users to see what WAV availability there is in their area. This will assist the public in being able to find out from a central list what provision there is for their needs in their locality. By way of a provisional indication, data gathered as part of the recent renewal application process for taxi and private hire operators in June 2021

suggests that there are currently 10 WAVs licensed as taxis and 3 WAVs licensed as PHCs in the Argyll and Bute Council area.

- 6.9 Should the Committee approve the recommendations, the list will be revised from time to time as the Licensing Authority grants new licences, or substitutes vehicles - which changes whether or not the new vehicle then used as a taxi or PHC is, or is not, "wheelchair accessible".
- 6.10 Members may recall a previous decision of the Committee to publish a list of designated WAVs at their meeting on 20<sup>th</sup> June 2018. However the first recommendation of this report invites members to revisit the position in light of the indicative timescales and processes as detailed herein and seeks fresh agreement on that basis.

## 7. PROCEDURE

- 7.1 Should the Committee approve the Council producing and publishing a list of designated WAVs, there will be a process that needs to be followed, which shall include the following:
- Consideration of what accessibility requirements must be met before a vehicle will be included in any designated list.
  - Producing a specification for vehicles to be considered a WAV.
  - Identifying which taxi operators have vehicles which meet that specification.
  - Producing a draft list for consultation.
  - Set out policies for exempting drivers on medical grounds and physical condition grounds.
  - Produce exemption application and certificates.
  - Inform identified operators that their vehicles will be placed on the list and alert drivers to their upcoming duties.
  - Allow time for drivers to apply for exemptions or appeal any decision to be included before any designated list is published.
  - Produce guidance notes to ensure operators are aware of what their responsibilities are including disability awareness training materials.

## 8. CONCLUSION

- 8.1 Should the Committee agree that a list of designated WAVs should be published, a proposed indicative timeline for the overall process towards implementing this decision is set out at **Appendix 1** to this report.

## 9.0 IMPLICATIONS

- 9.1 *Policy:* If the recommendations of this report are approved, a number of policies will be developed in relation to the designated list (i.e. vehicle specification, exemptions for drivers, guidance notes for operators/drivers, etc.)
- 9.2 *Financial:* None
- 9.3 *Legal:* The recommendations made in this report have taken due consideration of the Council's statutory role, duties and powers under the *Civic Government (Scotland) Act 1982* and the *Equality Act 2010* respectively.
- 9.4 *HR:* None
- 9.5 *Fairer Scotland Duty:*



- 9.5.1 *Equalities - protected characteristics*: The proposals as set out in this report are formulated with the intention of increasing wheelchair users' accessibility to taxi and private hire car services in Argyll and Bute, and protecting the rights of those individuals. Adoption of these proposals would also demonstrate compliance by the Licensing Authority with their public sector equality duty, specifically with regards to wheelchair accessible vehicles.
- 9.5.2 *Socio-economic Duty*: None
- 9.5.3 *Islands*: None
- 9.6. *Risk*: None
- 9.7 *Customer Service*: Publication of a designated list will result in information about the availability of WAVs in the area to be more accessible to customers.

### **DOUGLAS HENDRY**

Executive Director with Responsibility for Legal and Regulatory Support

**Policy Lead: Councillor David Kinniburgh** – Planning and Regulatory Services

**28<sup>th</sup> October 2021**

**For further information contact:** Graeme McMillan, Solicitor – Legal Services

Email: [graeme.mcmillan2@argyll-bute.gov.uk](mailto:graeme.mcmillan2@argyll-bute.gov.uk)

Tel: 01546 604431

### **APPENDICES**

Appendix 1: Proposed Timeline

**STAGE 1: PRODUCING A SPECIFICATION FOR WAVS  
(November – December 2021)**

- What accessibility requirements must be met before a vehicle will be included in any designated list?
- A draft specification will be presented to the PPSL Committee for approval at their meeting on 15<sup>th</sup> December 2021.

**STAGE 2: IDENTIFYING WHICH OPERATORS HAVE VEHICLES WHICH MEET THAT SPECIFICATION  
(January 2022)**

- Review information in light of Stage 1 and agreed specification approved by members to produce up to date draft list for consultation.

**STAGE 3: CONSULTATION PERIOD  
(February – March 2022)**

- Intimate to the relevant operators in writing that the Council propose to put their WAV on the designated list.
- Inform them of the legal consequences of being included on the designated list.
- Invite these operators to make representations regarding the proposals.

**STAGE 4: PPSL COMMITTEE  
(20<sup>th</sup> April 2022)**

- Report back to Committee with consultation responses.
- Draft guidance to be produced.
- Members to consider responses and approve a final list of designated WAVs.

**STAGE 5: PUBLICATION OF FINAL LIST OF DESIGNATED WAVS  
(July 2022)**

- This allows for a three month period for any operators who may wish to apply for an exemption to do so, or for any operators wishing to appeal against their vehicle(s) appearing on the designated list.

Argyll and Bute Council  
Development & Economic Growth

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

---

**Reference No:** 21/01014/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mrs Morag Shaw  
**Proposal:** Alterations to Front Elevation of Dwellinghouse; Demolition of Greenhouse and Shed; and Erection of New Timber Shed and Garage  
**Site Address:** 9 Craignethan, Rothesay, Isle of Bute

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### **DECISION ROUTE**

Local Government Scotland Act 1973

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

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

- Conversion of window opening to door opening on front elevation
- Installation of external spiral staircase on front elevation
- Erection of timber shed and garage

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

- Demolition of greenhouse and shed
- 

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

It is recommended that Planning Permission be **granted** subject to the conditions, reasons at the end of this report.

---

#### **(C) CONSULTATIONS:**

**Area Roads Engineer** (report dated 30<sup>th</sup> August 2021)

No objections.

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**(D) HISTORY:**

Planning Permission (ref: 01/00264/DET) granted on 12<sup>th</sup> June 2001 for the demolition of a cottage and outbuildings and the erection of 6 dwellinghouses and 16 flats at Craignethan.

Conservation Area Consent (ref: 01/00267/CONAC) granted on 4<sup>th</sup> July 2001 for the demolition of a cottage and outbuildings at Craignethan.

Planning Permission (ref: 07/01600/DET) granted on 17<sup>th</sup> October 2007 for the erection of a conservatory on the rear elevation of the dwellinghouse that is the subject of the current application.

---

**(E) PUBLICITY:**

Neighbour Notification (closing date 14<sup>th</sup> September 2021) and Conservation Area Advert (closing date: 1<sup>st</sup> October 2021).

---

**(F) REPRESENTATIONS:**

Objections have been received from the following 13 sources:

Alan Tiltman, No Address Given (E-mail dated 16<sup>th</sup> September 2021)  
Steven Smith, 2 Craignethan, Rothesay (received 16<sup>th</sup> September 2021)  
Matthew Williamson, 5 Craignethan, Rothesay (received 17<sup>th</sup> September 2021)  
David Dick, 13 Craignethan, Rothesay (received 17<sup>th</sup> September 2021)  
Gordon Ewing, 6 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
John Jones, 12 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
Helen Jones, 12 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
Andrew Kelly, 19 Craignethan, Rothesay (received 30<sup>th</sup> September 2021)  
Frances Kelly, 19 Craignethan, Rothesay (received 30<sup>th</sup> September 2021)  
John Blue, 8 Craignethan, Rothesay (received 3<sup>rd</sup> October 2021)  
Janet Ganderton, 4 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)  
Iain Rothney, 14 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)  
Pamela Tiltman, 10 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)

The points raised can be summarised as follows:

- i. Given that there are already three possible entrance doors into the subject dwellinghouse, it is questioned whether there is a need for a new front door. Concern is expressed that both the proposed front door and spiral staircase are in association with the subdivision of the property for holiday letting purposes.

**Comment:** The applicant (in a letter dated 6<sup>th</sup> October 2021) has explained that the dwellinghouse at number 9 is almost identical in layout and orientation to number 1 and number 8, both of which incorporate an integral garage and front door facing the internal access road and balconies on the reverse elevation looking across Mountstuart Road towards the water.

Her balcony also faces in the direction of the water, which makes the dwellinghouse back to front in relation to the internal access road. This means that she has no access to an integral garage and the formal entrance is at

the rear. The proposed door on the front elevation is to create a more obvious and attractive entrance into the dwellinghouse for friends and visitors.

In terms of the subdivision of the property, it has been inspected internally by the Planning Officer and it is confirmed that the building has not been physically split into two separate residential units.

As regards the use for holiday letting purposes, the applicant has confirmed that, if this was her intention, it would have been included in the application. She explains in her letter that, in the past, two of the four bedrooms within the dwellinghouse have been let on a very occasional basis with the last paying guests staying in late 2019. She understands that this does not require planning permission under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

In view of the above, it is confirmed that the development that has been applied for, and to which the assessment relates, is confined to the conversion of a window opening to a door opening on the front elevation; the installation of the external spiral staircase on the front elevation; and the erection of the timber shed and garage.

- ii. The subdivision and/or use of the dwellinghouse for holiday letting would constitute a change of use to commercial and this is prohibited by the title deeds of the properties at Craignethan.

**Comment:** Any potential breach of title deeds is a legal matter and does not have a material bearing upon the Planning aspects of this case.

- iii. Concern is expressed that the proposed introduction of holiday letting at the subject dwellinghouse would give rise to an unacceptable increase in vehicular movements and on-street parking.

**Comment:** As explained in the '*Comment*' section of (i) above, the property is a dwellinghouse as defined under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and there is no proposal to change this use. As confirmed by the Area Roads Engineer, there is no objection in road safety terms to the proposed front door, external staircase, garage or shed.

- iv. It is contended that the Craignethan development was originally designed with an architectural coherence and is located within the Rothesay Conservation Area. Concern is expressed that the proposed staircase, given its position on the front elevation and its design and finish, would be out of character and not in keeping with the general style of the wider development.

**Comment:** This issue will be addressed in Section (C) of Appendix A later in this report.

- v. Concern is expressed that the proposed staircase would represent a noise nuisance to neighbouring residents as the guests associated with the holiday letting would use it at all hours of the day and night.

**Comment:** As explained in the '*Comment*' section of (i) above, the property is a dwellinghouse as defined under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and there is no

proposal to change this use. It is considered that there would be no justifiable Planning reasons to object to the use of an external staircase at a detached dwellinghouse on the grounds of noise nuisance.

- vi. The owners of 12 Craignethan have expressed concern that their lounge and bedroom overlook the proposed staircase and they contend that the noise of the staircase being used night and day by visitors would be untenable.

**Comment:** Please see the '*Comment*' sections of (i) and (v) above.

- vii. It is contended that there would be issues of safety, structural stability and damage to the property in the event of the overloading of the staircase.

**Comment:** These issues would more appropriately be addressed at the Building Warrant stage.

- viii. Concern is expressed that the view from the proposed front door would be of the staircase and there would be no room to move around given the close proximity of these two features.

**Comment:** The issue of the potential view from the front door does not have a material bearing upon the Planning aspects of the case. Based upon the drawings, there would appear to be sufficient space between the proposed front door and staircase.

- ix. Concern is expressed that the external timber finish of the proposed garage and shed would not reflect the white and beige render that are used for the buildings at Craignethan.

**Comment:** This issue will be addressed in Section (C) of Appendix A later in this report.

- x. The owner of 13 Craignethan has expressed concern that the proposed garage would block the wind and light from entering the neighbouring drying green.

**Comment:** As mentioned by the applicant in her letter dated 6<sup>th</sup> October 2021, the proposed garage would be lower, and would not project further, than the fence and shrubbery that are already present on the boundary and, as such, it would not alter the existing situation in terms of either wind or daylight passing into the neighbouring drying green.

- xi. By approving this application, concern is expressed that an undesirable precedent would be set for other owners within the Craignethan development to apply for garages, stairs and other outbuildings.

**Comment:** In general, each application for Planning Permission is assessed on its own merits and, given the particular location, siting and design of 9 Craignethan, it is not considered that the approval of the present proposal would set an undesirable precedent.

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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

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**(H) PLANNING OBLIGATIONS**

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**
- 

- (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 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
LDP 9 – Development Setting, Layout and Design

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

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)  
SG LDP Sustainable Siting and Design Principles

- (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)  
Historic Environment Policy for Scotland (2019 )  
Historic Environment Scotland '*Managing Change in the Historic Environment Series*  
Planning History

Third Party Contributions

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

The unchallenged policies and proposals within PLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the PLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. There are no provisions in PLDP2 that may be afforded significant weighting in the determination of this particular application.

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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**

---

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

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

There is a total of 13 no. objections to the proposed development. However, the land-use planning related issues raised are not considered to be unduly complex, and as such it is considered that a fully informed assessment and determination can be made with reference to this report.

It is also considered that the proposed development is consistent with the relevant provisions of the Local Development Plan. It is considered that there is no policy conflict with the recommendation.

The recommendation is also consistent with the consultation response from the Area Roads Engineer.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

Planning Permission is sought for alterations to the front elevation of the dwellinghouse at 9 Craignethan in Rothesay together with the demolition of an existing greenhouse and shed and the erection of a new timber shed and garage within the curtilage of the property.



The Craignethan development was built in 2002 and is one of the largest residential developments that has been constructed in the Rothesay Conservation Area in recent years. The key assessment is whether the proposals would preserve and/or enhance the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area.

In terms of the works on the front elevation, the conversion of the window opening to a door opening would represent a relatively minimal intervention whilst the spiral staircase would continue the use of ironwork that features on a relatively extensive basis in the balconies and verandahs on the front elevation of virtually all of the buildings at Craignethan. Furthermore, the staircase at its widest point would represent only 10% of the dwellinghouse's front façade, which is set back from the internal access road by 25 metres.

Both the proposed garage and shed would represent outbuildings that would be subsidiary in scale to the main dwellinghouse and would be located in the rear corners of its curtilage. These factors, together with the use of a timber external wall finish that would blend with the rising backdrop of plants and shrubbery, would ensure that the proposed garage and shed would not detract from the setting of either the main dwellinghouse or the wider streetscape.

On the basis of the foregoing, it is considered that the proposed works would have a '*neutral*' effect thereby preserving the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area.

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

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

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance. There are no other material considerations 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**

Not applicable.

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

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**Author of Report:** Steven Gove

**Date:** 25<sup>th</sup> October 2021

**Reviewing Officer:** Howard Young

**Date:** 25<sup>th</sup> October 2021

**Fergus Murray**

**Head of Development and Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01014/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 11<sup>th</sup> May 2021; 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
<b>Location Plan</b>	<b>1 of 7</b>		<b>12.05.2021</b>
<b>Existing &amp; Proposed Site Plans</b>	<b>2 of 7</b>		<b>26.07.2021</b>
<b>Partial Ground Floor Plans &amp; Elevation</b>	<b>3 of 7</b>		<b>30.06.2021</b>
<b>Existing &amp; Proposed Front Elevation</b>	<b>4 of 7</b>		<b>30.06.2021</b>
<b>Existing &amp; Proposed Side Elevations</b>	<b>5 of 7</b>		<b>30.06.2021</b>
<b>Proposed Garage</b>	<b>6 of 7</b>		<b>30.06.2021</b>
<b>Proposed Shed</b>	<b>7 of 7</b>		<b>30.06.2021</b>

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

**NOTE TO APPLICANT**

- **The length of the 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).]
- 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.
- 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: 21/01014/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The application site comprises an existing dwellinghouse and garden located within the 'Main Town' settlement of Rothesay as identified in the Argyll and Bute Local Development Plan (LDP) 2015. Within this type of settlement, Policy LDP DM 1 encourages sustainable forms of a variety of scales of development on appropriate sites subject to assessment against all other material policy considerations. The proposal is considered to comply with the Settlement Strategy.

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

Craignethan is a residential development in Rothesay on the Isle of Bute that was constructed in 2002 and which comprises 6 detached dwellinghouses and 16 flatted properties contained within three separate blocks. The development is bounded to the north by Mountstuart Road; to the east by No. 62 Mountstuart Road and its curtilage; to the south by the dwellinghouse known as 'Eilean Failte' and its curtilage; and to the west by Albany Road.

Other than the easternmost detached dwellinghouse, which has its own vehicle access directly from Mountstuart Road, the development is accessed by a road that enters from Albany Road. 5 of the dwellinghouses and a two-storey block containing 4 flats are located to the north of the internal road whilst 1 dwellinghouse and 2 three-storey blocks each containing 6 flats are positioned to the south of the internal road.

The current application relates to No. 9, which is the dwellinghouse located to the south of the access road. It is a relatively substantial building that contains two floors of accommodation and is set within a sizeable plot of approximately 860 square metres. There is a driveway from Craignethan's internal access road that leads to a surfaced parking area for at least four cars within the curtilage of the dwellinghouse.

The proposal involves the following works:

- The conversion of one of the ground floor window openings on the front elevation to a door opening
- The installation of a metal external spiral staircase on the front elevation
- The removal of a shed adjacent to the east-facing side elevation of the dwellinghouse and the erection of a larger garage as a replacement. This would have dimensions of 7.2 metres in length by 3.3 metres in width by 3.45 metres in height to the roof ridge. The external finish would be vertical timber cladding that would be stained dark brown and the roof would be a grey-coloured mineral felt
- The removal of a greenhouse adjacent to the west-facing side elevation of the dwellinghouse and the erection of a larger shed as a replacement. This would have dimensions of 7.2 metres in length by 2.4 metres in width by 2.4 metres in height to the roof. The external finish would be vertical timber cladding that would be stained dark brown and the roof would be a grey-coloured mineral felt

### C. Impact upon Built Environment

Craignethan is located within the Rothesay Conservation Area and the relevant legislation requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” in assessing applications for Planning Permission.

Given its relative size and its year of construction in 2002, Craignethan is one of the largest of the more recent new developments within the Rothesay Conservation Area. It can be argued that the five detached dwellinghouses and the block of four flats within the northern half of the site are part of the coastal development that incorporates the older seafront properties fronting onto Mountstuart Road. The rear elevations of these six buildings together with the southern half of the development, whilst visible from Albany Road, have their own character that is principally experienced from within the interior of Craignethan and based around the internal access road and communal parking areas.

As part of the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) Urban Survey Programme, the Rothesay Urban Survey Project was carried out in 2010. This project identified a number of ‘Areas of Townscape Character’ (ATC) and Craignethan falls within the Craigmores ATC. It is specifically mentioned in the text, as follows:

*“Overall, Craigmores has retained its original layout, with little infilling until the late 20th/early 21st century. As such, it retains the feel of an affluent suburb to the main town. The mixed development of detached villas and flats at Nos 1-22 Craignethan just off (Mountstuart) Road and Albany Road incorporate some features which mimic their much earlier neighbours, with deep eaves below shallow-pitched roofs, large bow-fronted bay windows, the use of ironwork to create balconies and verandahs (albeit plain rather than decorative) and all set within fairly large plots.”*

The following provides an assessment of each component of the proposed development:

- It is considered that the conversion of the window opening to a door opening would represent a relatively minimal intervention on the front elevation
- As mentioned in the quote above from the Rothesay Urban Survey Project, ‘plain’ ironwork has been used on a relatively extensive basis for the creation of balconies and verandahs on the front elevation of virtually all of the buildings at Craignethan. The proposed spiral staircase at Number 9 would continue this use of ironwork, albeit in a less ‘plain’ fashion. In a dwellinghouse with a frontage of approximately 15.3 metres, the proposed staircase at its widest point would represent only 10% of this façade.

In addition, Number 9 is set back approximately 25 metres from the internal access road unlike, for instance, the two three-storey flatted blocks to the east whose front facades are approximately 3 metres from their associated communal parking.

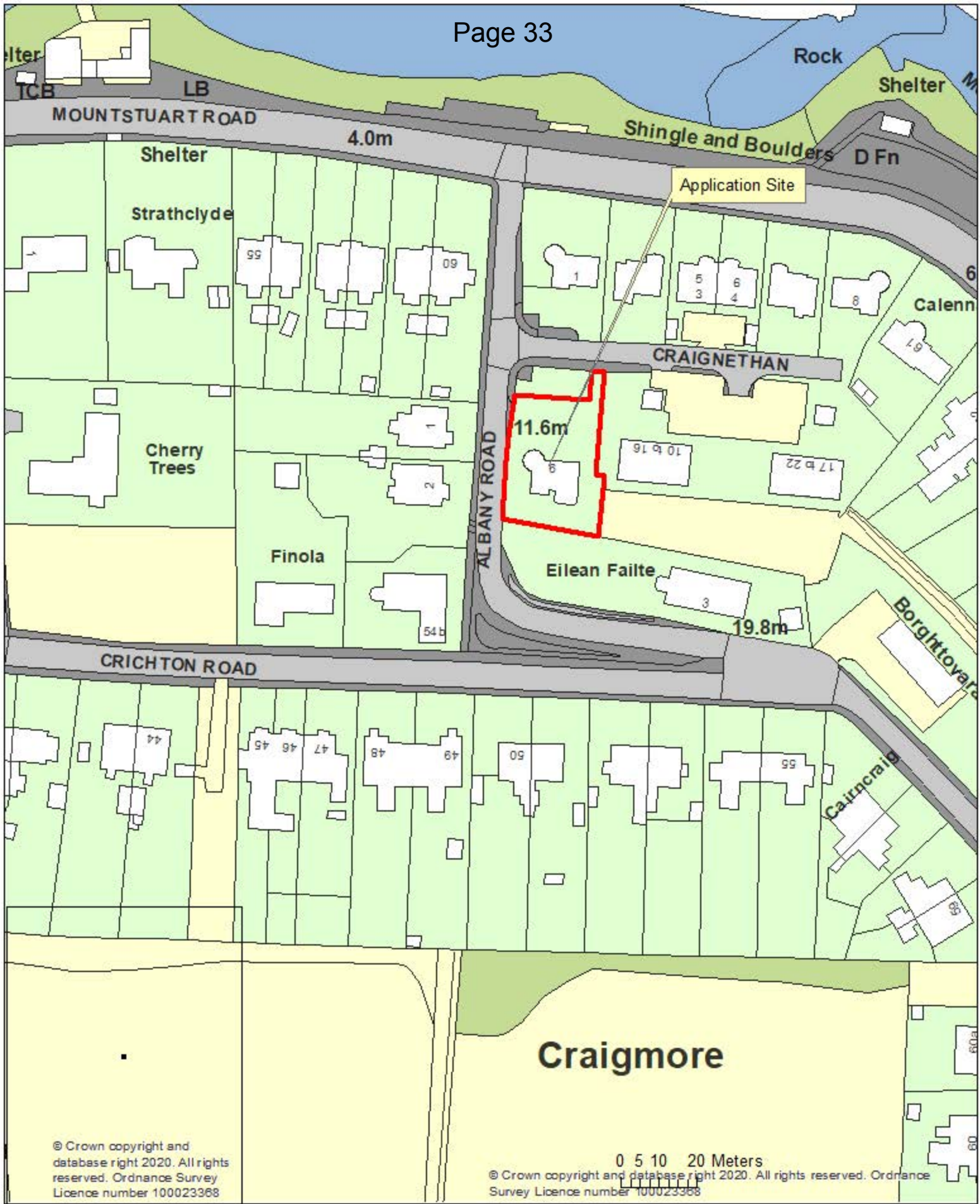
In these circumstances, it is not considered that this part of the proposed development would represent an unduly incongruous or visually dominant feature either on the building or the wider streetscape.

- Both the proposed garage and shed would represent outbuildings that would be subsidiary in scale to the main dwellinghouse. The garage would be located 6.5 metres back from the front façade of the main dwellinghouse whilst the shed would be effectively hidden behind the large bow-fronted bay window on the north-western corner of the dwellinghouse. The garage would have a backdrop of rising ground containing plants and shrubbery when viewed from both Albany Road and the internal Craignethan access road into which its dark-stained timber external wall finish would successfully blend

In taking all of the above factors into account, it is considered that the proposed works would have a '*neutral*' effect thereby preserving the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area in accordance with the relevant national and local planning policy and supplementary guidance.

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**Planning Application: 21/01014/PP**



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

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

---

**Reference No:** 21/01288/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr David McKerrow  
**Proposal:** Formation of vehicular access with gate and parking area (part retrospective)  
**Site Address:** 17-19 West Clyde Street, Helensburgh, Argyll And Bute G84 8SQ

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### **DECISION ROUTE**

Local Government Scotland Act 1973

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

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

- Formation of vehicle access (retrospective)
- Installation of gate
- Formation of parking area

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

- Demolition of section of wall
- 

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

Planning permission be approved subject to conditions recommended herein.

---

#### **(C) CONSULTATIONS:**

Roads Helensburgh and Lomond – 06.08.2021 – No objections subject to conditions.

---

#### **(D) HISTORY:**

21/01297/LIB – Application for Listed Building Consent for the formation of vehicular access with gate and parking area (part retrospective) – Not yet determined – To be determined concurrently with this application for planning permission by elected Members.

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**(E) PUBLICITY:**

Site Notice - Conservation Area – Expired 18.08.2021

Listed Building/Conservation Advert – Expired 26.08.2021

Neighbour Consultation – Expired 26.08.2021

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total of 24 representations have been received – 2 registering support and 22 objections.

Support

Davi Stewart – Flat 1/2, 18 West Clyde Street, Helensburgh G84 8SQ

Mr Stephen Clayton - 19 West Clyde Street Helensburgh Argyll And Bute G84 8SQ

Objection

Mr. Charles Swallow - Flat 9 5 Colquhoun Square Helensburgh G84 8AD

Mr Cameron Reid - Caledonian Golf Travel Ltd Colquhoun Chambers 2 Colquhoun Street Helensburgh G84 8AJ

Anna Curley - 6 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Mark Ferguson - Flat 4 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

R Giarchi - Flat 2 5-8 Colquhoun Square 12 Colquhoun

E Giarchi - Flat 2 Owner Of Flat 5-8 Colquhoun Square 12 Colquhoun Square Helensburgh G84

Michael Austin - Flat 8 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Sheila Austin - Flat 8 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Rachel Guy - Flat 10 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Anne Barty - Flat 5 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Margaret English - 17 - 19 West Clyde Street Helensburgh Argyll And Bute G84 8SQ

Mudassar Shah-Mashwani - Address Not Provided

Graham Reid - AMG Chartered Accountants Colquhoun Chambers 2 Colquhoun Street Helensburgh Argyll And Bute G84 8AJ

Iris Heggan - 4 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Alastair Trail - 4 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Angela Thomson - 7 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Raman Kaushal - Flat 6 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Colin Dalgleish - Flat 3 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Anne Filshie - Flat 10 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

John Morton - 6 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Mairead De Barra - Flat 7 1 Colquhoun Square Helensburgh G84 8AD

Graham Morrison - Flat 7 1 Colquhoun Square Helensburgh G84 8AD

**Objections**

**(ii) Summary of issues raised:**

- The proposed change from grassed garden with trees to paved parking would have a negative environmental impact contrary to conservation policy.

*Comment:- Impact upon local visual amenity and the character and appearance of the conservation are assessed in Section (P) below.*

- Poor visibility due to the height of the wall on either side of the access resulting in road traffic hazards
- Inadequate manoeuvring space would result in traffic hazards
- Resultant intensification of traffic movements would exacerbate existing traffic hazards on Colquhoun Street which does not have capacity due to existing traffic levels and recent changes to the street layout.
- Concerns are expressed that the proposed development will also be used for commercial deliveries involving small and large vans resulting in increased manoeuvring difficulties.

*Comment: - Technical access issues will be assessed in detail in Section P below.*

- There is a suggestion that the applicant intends to use his property for short-term let accommodation and this would exacerbate concerns regarding road safety and impact on residential amenity.

*Comment: - The application for planning permission has to be assessed on its own merits. It would not be appropriate to take speculation of future development or change of use into account as part of this assessment. If future development requiring an application for express planning permission takes place then the material planning issues will be assessed as part of that application.*

- Resultant intensification of traffic would result in noise and nuisance to residents.
- Removal of wall reduces security for residents/businesses at Colquhoun Square

*Comment: - Impact upon residential amenities and security is assessed in Section (P) below.*

- Reduction in surface water drainage

*Comment: - A condition covering this issue is proposed.*

- The plan is misleading as it does not show where the access is to be made.

*Comment: - It is considered that the submitted application drawings are sufficiently clear with regard to the proposed entrance to the parking court area to allow a competent assessment.*

- Works to demolish part of a wall within a conservation area have been carried out in breach of planning control.

*Comment: - This application for planning permission seeks to regularise any works that have been implemented that require express consent.*

- It is understood that the applicant does not own the wall which was demolished. Concern is expressed how the planning authority could therefore approve planning permission.
- Residents are considering legal action to have the wall re-instated.
- Applicant should be obliged by the Council to rebuild the wall at his expense.
- The access road to the site is a private road owned by residents and businesses in Colquhoun Square. The applicant has not paid towards the upkeep of the road and has no right to use it.
- Proposed car park is small and existing private car park for properties in Colquhoun Square may be used as 'overflow' parking.
- Any historical right of access into the application site has time-expired.

*Comment: - Assessment of this application by the planning authority is based on material land-use planning matters. Issues of ownership or private rights of access are private civil matters that are more appropriately pursued outside of the planning system. The assessment by the planning authority is in no way prejudicial to land/property ownership disputes.*

- Approval of planning permission would establish a precedent for similar proposals for other properties onto a private road.

*Comment: - It is a fundamental tenet of the planning system that each planning application will be determined on a case-by-case basis with regard to the specific issues raised by each application. Private rights of access are not a material planning consideration and should be pursued as a private civil matter.*

- If approved, it would make a very good investment sale to any neighbour with interest in a new asset.

*Comment: - The application has to be assessed on its individual merits. Should it become apparent to the planning authority that there is any future breach in planning control with regard to the use of the parking area then it will be investigated and resolved at that time, however this possibility cannot prejudice assessment of the current application.*

- The Fire Service has confirmed that front exit from the communal close along with the open rear garden is within the safety guidelines, and no change is required to the garden.

*Comment: - Noted. Evidence that a rear access is not essential for fire safety does not warrant refusal of an application for planning permission for development that is consistent with the provisions of the Local development Plan and does not give rise to any adverse impact upon planning matters.*

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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

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**(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 3 – Supporting the Protection Conservation and Enhancement of our Environment  
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)**

**Natural Environment**

SG LDP ENV 6 – Impact on Trees / Woodland

**Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings  
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)  
SG LDP ENV 18 – Demolition in Conservation Areas

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

**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.**

• **Argyll and Bute proposed Local Development Plan 2 (November 2019)**

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

- Scottish Planning Policy
- Historic Environment Policy for Scotland (HEPS) – 5<sup>th</sup> April 2019 – Historic Environment Scotland (HES)
- Managing Change in the Historic Environment – Guidance Notes - HES
- Consultee responses
- Material land-use planning issues raised in 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**

There is a total of 22 no. objections to the proposed development plus two supporters. However, the land-use planning related issues raised are not considered to be unduly complex, and as such it is considered that a fully informed assessment and determination can be made with reference to this report.

It is also considered that the proposed development is consistent with the relevant provisions of the Local Development Plan. It is considered that there is no policy conflict with the recommendation.

The recommendation is also consistent with all consultation responses.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

The proposal is for the formation of a parking court area for 5 vehicles within the existing walled rear curtilage of a listed building located within the Helensburgh Conservation Area. Physical works comprise the removal of a section of wall along the rear boundary of the curtilage to form an opening onto a private access road on adjacent land. A 3.0 metre long section of wall has been removed prior to this application. It is noted that the Area Roads Engineer has advised that this opening should be increased to a minimum of 3.7 metres to provide adequate visibility. It is also proposed to install a sliding metal gate across this opening. Lastly, it is proposed to surface the existing grassed rear yard with pavers and mark it out with 5 no. parking bays to one side of an aisle aligned with the gateway.

Access to the proposed parking court from the closest point on the public road network is shown as being via an existing private cul-de-sac access road that serves a car parking area at the rear of Colquhoun Square.

The rear elevation of the listed building is compromised to a significant extent by an accumulation of incremental alterations which have had a negative impact on the qualities of the building, including uPVC windows. The paving of a grassed yard with pavers will not have a material impact upon the setting of the listed building. The section of wall that has been removed is a relatively modern brick in-fill and as such it has nominal historic value in terms of building fabric. The formation of a gate within the rear wall of the curtilage of the listed building will retain the enclosed character of its setting to an acceptable degree. On this basis, the proposed development is considered to be consistent with Policies LDP 3 and SG LDP ENV 16(a).

The site is located within the Helensburgh Town Centre Conservation Area wherein there is a presumption against development that will not preserve or enhance the Character and appearance of the conservation area. The area around the site is a backland area of yards and outbuildings that traditionally served primary commercial premises fronting onto the public streets. As such the proposed formation of a gated entrance to a small, surfaced parking court to the rear of a frontage property is considered to be wholly in keeping with the character and appearance of this part of the conservation area in accordance with policies LDP 3 and SG LDP 17.

The intensification of traffic generated as a result of the proposed development will be minimal relative to the background levels of noise and activity within this rear servicing 'zone' and will not have any material impact upon the amenities of town centre residents occupying nearby buildings. There is no evidence of any negative impact upon security of nearby commercial or residential properties that is likely to be caused by the formation of a parking court for 5 vehicles to serve an existing property and the formation of a new gated opening into the walled yard at the rear of the application property.

Subject to the clear opening to the parking area being a minimum of 3.70 metres and the parking court being laid out to minimum standard dimensions, the Council's Area Roads Engineer has no objections to the proposed development on highways and access grounds. It is not considered that any commensurate improvements are required to the existing private public access regime in association with this proposal. As such, the proposed development accords with policies LDP 11 and SG LDP TRAN 4 of the Local Development Plan.

It is noted that many of the objectors to this application raise the issue of the applicant not having a right of way over the private access road to the rear of Colquhoun Square and as such cannot legally access the proposed parking area from the public road network. In the interests of clarity, the planning authority is restricted to assess land-use planning matters separate from ownership or disputes regarding rights of way that are private civil matters. This assessment and determination in no way prejudices private civil matter such as private rights of access which should be pursued by the appropriate parties outside of the planning system.

Having regard to all material planning considerations it is considered that the proposed development can be supported as being consistent with the relevant provisions of the Argyll and Bute Local development Plan – 2015.

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

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

The proposed development is considered to be in accordance with all relevant provisions of the Argyll and Bute Local Development Plan – 2015 and will not give rise to any other material planning issues such as to warrant a departure from these provisions.

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

Not applicable. The proposed development has been assessed as being in accordance with all relevant provisions of the Local Development Plan.

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

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**Author of Report:** Norman Shewan

**Date:** 7<sup>th</sup> October 2021

**Reviewing Officer:** Howard Young

**Date:** 7<sup>th</sup> October 2021

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01288/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 18<sup>th</sup> June 2021, 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	1 of 3 – 2126/PL-01	-	21.06.2021
Existing Plan & Elevation	2 of 3 – 2126/PL-02	-	21.06.2021
Proposed Plan, Elevation & Gate Details	3 of 3 – 2126/PL-03	-	21.06.2021-

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, no development shall commence until the full details of the access junction, showing a minimum clear opening of 3.70 metres in the boundary wall has been submitted to and approved in writing by the planning authority in consultation with the Council's Road Engineers. The opening shall be created in accordance with the approved design prior to commencement of any development within the proposed parking area and the approved scheme completed in full prior to the proposed parking being brought into use.

Reason: In the interests of road safety.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. These details shall include: -
- i) Parking bays measuring no less than 2.5 metres by 5 metres; and,
  - ii) An aisle of minimum 6.0 metres width.

The duly approved scheme shall be implemented in full prior to the proposed parking area first being brought into use.

Reason: In the interest of road safety.

4. Notwithstanding the effect of Condition 1, no development shall commence until a full manufacturers specification for the pavers, including details of material, colour and finish, to be used in the surfacing of the parking court 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 preserve the setting of the listed building and the character and appearance of the conservation area.

5. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first use of the parking area and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

**NOTE TO APPLICANT**

- **The length of the 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).]
- 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.
- 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: 21/01288/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The site is located within the Main Town of Helensburgh Development Management Zone as identified in the Argyll and Bute Local development Plan 2015, wherein Policy LDP DM1 (A) gives encouragement in principle to up to and including large scale, sustainable forms of development on appropriate sites.

On this basis, the proposed development is considered to be consistent with the LDP Settlement and Spatial Strategy in principle.

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

The application site has an area of approximately 326m<sup>2</sup> and comprises no.s 17-19 West Clyde Street including a walled yard to the rear of the frontage building. No.s 17-19 form part of continuous development fronting directly onto the pavement of West Clyde Street, located within the Core Shopping Area of Helensburgh as identified in the Argyll and Bute Local Development Plan – 2015 (LDP). The site is situated within the Helensburgh Conservation Area.

The frontage building is a Category C listed building. Further details relating to the listing are set out in section E below. An associated application for listed building consent is reported for Members consideration on this agenda.

The property is bound to either side by adjoining properties. It is bound to the rear by an unadopted private service access road with a junction off of the lower section of Colquhoun Street south of Colquhoun Square. This service road gives vehicular access to the rear of the Colquhoun Square premises and terminates in a private car-parking area to the rear of Colquhoun Square.

A 3.04 metre length of brick wall forming the northern boundary of the site with the service road has been removed to form an opening between the site and the adjacent service road.

The rear yard of the applications site is currently grassed with several perimeter trees/shrubs.

It is proposed to surface the rear yard area with block pavers and set out 5 no. parking spaces to one side of a manoeuvring aisle. Access from the public adopted road is to be via the service road to the rear of Colquhoun Square.

It is also proposed to install a manually operated sliding steel gate across the entrance to the site off of the adjacent service road.

**C. Natural Environment**

The area proposed to be surfaced and used for car parking comprises a level grassed area within a walled rear yard within an urban area. There are several individual small trees and shrubs around the perimeter of the rear curtilage. It is proposed that the

majority of the natural vegetation around the boundaries will be retained. As such, the proposed development will not have any material impact upon the natural environment and there is no conflict with policies LDP 3 or associated Supplementary Guidance.

## **D. Built Environment**

The part of the application site subject to the proposed development is a walled yard forming part of a larger 'backland' area at the centre of a townscape 'block' formed by commercial and residential development fronting West Clyde Street, Sinclair Street, West Princes Street and the south eastern corner of Colquhoun Square.

The immediate area comprises walled or fenced-off rear yards, a service access road, a private parking area, outbuildings and infrastructure development, creating a commercial and utilitarian character typical of backland service areas to the rear of town centre shopping streets.

The proposed physical works comprise the following:-

- 1) Formation of an access with a sliding metal gate onto a access/service road to the rear of the application site; and,
- 2) Surfacing an existing grassed rear yard with block pavers to create a parking area

It is not uncommon to have gated accesses to the rear curtilages of frontage development off of a service access. Boundary treatment in this area comprises a mix of stone wall; brick wall; metal security style palisade fencing; 'Heras' fencing panels; timber post and rail; etc. As such the formation of an access and a black painted sliding metal gate is wholly in keeping with the visual character of this area. The laying of block pavers within a walled rear yard within a 'backland' area with a commercial/service character and appearance will have a negligible visual impact on the appearance of the area.

Having regard to the character of the immediate site context, it is considered that the proposed development will be in keeping with pattern and character of built development, and will not give rise to detrimental visual impact.

The proposed development is considered to be in accordance with the provisions of policies LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

## **E. Historic Environment**

No.s 17-19 West Clyde Street is Category 'C' listed building by Historic Environment Scotland in recognition of its architectural and historic interest. It is a 3-storey tenement building with double fronted bays with a 'modern' dormer extension to the front roof. The ground floor frontage comprises two shop units with a central pend leading to the rear of the building. The rear elevation is considerably less formal in character with several additive forms extending outwards into the rear yard. Material finishes are cement render and brick. Many of the original windows have previously been replaced with unsympathetic uPVC frames.



Policies LDP 3 and SG LDP ENV 16(a) generally serve to require that development does not have any detrimental impact upon a listed building or its setting, and any features of special architectural or historic interest that it possesses. SG LDP ENV 16(b) relates to the “*total or substantial*” demolition of listed buildings. Whilst it is considered that the perimeter walls of the rear yard would normally be considered to form part of the listed building, the removal of a 3.0 metre section of non-original brick wall does not constitute substantial demolition and as such this policy will not be afforded any material weight in the assessment.

The section of wall that has been removed is within a section of brick wall which has been erected relatively recently to fill a gap in the original stone wall. As such it has no material historic value in relation to the loss of the actual fabric. Boundary enclosures do contribute to the setting of listed buildings however gateways within these boundaries are not uncommon, and the remaining either side of the new opening serve to retain the integrity of the walled enclosure to the rear yard. With reference to the Area Roads Engineer’s recommendation that the opening will require to be enlarged by a further 700mm, it is considered that this will not undermine the above assessment. Additionally, it is proposed to erect a black painted sliding metal gate which will help to retain the enclosed character of the rear yard. The replacement of the grassed area with block pavers will not have any material impact upon the setting of the listed building.

It is therefore considered that the propose development will preserve the architectural and historic features of the listed building and the integrity of its setting in accordance with policies LDP ENV 3 and SG LDP ENV 16(a).

Policies LDP 3 and SG LDP 17 serve to operate a presumption against development that does not preserve or enhance the character and appearance of a conservation area or its setting. As previously set out in more detail, whilst within the Helensburgh Town Centre Conservation Area, this site is discreetly located within the service area to the rear of a townscape block. This ‘backland’ service area is functional in terms of character and this minor scale of development to create an access to the rear yard of a frontage property, and the paving of that rear yard, is in keeping with that character and appearance. It is noted that the fabric of the brick wall has no historic value. As such, it is considered that the proposed development will preserve the character and appearance of this part of the Conservation Area in accordance with policies LDP 3 and SG ENV 17.

### **F. Road Network, Parking and associated Transport Matters**

Access to the site is via a private access road serving the rear of commercial/residential development fronting onto Colquhoun Square. This private access road has a junction with the public adopted road network onto Colquhoun Street south of Colquhoun Square. An access point has created onto this private road by the removal of a 3.04 metre length of rear boundary wall at the rear of the application site. It is proposed to install a sliding gate across this opening and pave the existing yard area to provide 5 no. parking spaces to serve 17-19 West Clyde Street.

The clear width of the surfaced private access road from the rear wall to no.s 17-19 West Clyde Street to the face of the rear wall to the Colquhoun Square development is approximately 6.15 metres. Immediately across the access road from the rear boundary of the application site is a wide opening directly off of the private access into ‘undercroft’ parking servicing the rear of a Colquhoun Square property. Immediately to

the east of the proposed new gated access, the private service road widens out into a parking/turning area at the rear of Colquhoun Square.

Policies LDP 11 and SG LDP TRAN 4 serve to ensure that new development has appropriate road/access infrastructure to support them. Acceptance of new development utilising existing public roads, private roads and private access regimes is generally subject to the access being capable of any commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development.

Area Roads and Infrastructure Services has no objections with regard to technical highways matters provided that the minimum clear opening in the rear boundary wall is a minimum of 3.7 metres in width and that the car parking spaces measure 2.5x5.0 metres with an aisle of 6.0 metres width.

The existing opening in the rear boundary wall is 3.0 metres wide. However, there is no constraint to the further widening of the opening by a minimum of 700mm with regard to detrimental impact upon the character and appearance of the Helensburgh Conservation Area or the integrity of the setting of the listed building at no. 17-19 West Clyde Street. Notwithstanding the objections received from third parties, the Roads and Infrastructure Services consultation response indicates that the current public/private access regime can accommodate the resultant intensification in traffic without detrimental impact on road safety or congestion, without the need for any commensurate improvements. The intensification of traffic resulting from the creation of 5 no. car parking spaces will be insignificant in relation to existing traffic use, and traffic speeds will be slow along the private access road. As such the proposed development is considered to be consistent with the provisions of Policies LDP 11 and SG LDP TRAN 4

As such, it is considered that planning permission can be supported subject to a suspensive planning condition requiring the development to be implemented in accordance with submitted drawings showing a minimum gateway width of 3.7 metres.

The internal width of the yard is approximately 11.38 metres, which will allow for a row of parking spaces measuring 5.0 metres in length with a 6.0 metre aisle running along the rear of the row of spaces. Detailed design to ensure that surface water does not flow from the site onto the access road can also be secured by means of a suspensive planning condition.

A significant number of objections refer to issues of private rights of access, advising that the owner(s) of the application site do not have a legal right of access over the length of access road from the public adopted road network (Colquhoun Street). The Area Roads Engineer has included a conditional requirement of any consent for written agreement by the shared owners of the access road prior to the works being carried out.

Notwithstanding this comment by the Area Roads Engineer, and the objections received on grounds of private access rights over the road adjacent to the north of the application site, it is acknowledged that private rights of access are a civil matter that do not carry any material weight in terms of this assessment. Assessment by the planning authority must therefore be restricted to relevant land-use planning issues, which in this case include the technical standard of the existing access road regime and design of the access junction in relation to matters of highway safety and congestion. Having established that the proposed development can be served without detriment to congestion or safety then issues of private rights of access can be more

appropriately resolved between parties as a civil matter. It would therefore be inappropriate for the planning system to seek to approve any planning permission subject to a suspensive condition relating to resolution of a private civil matter between the applicant and other parties with an ownership interest in adjoining land.

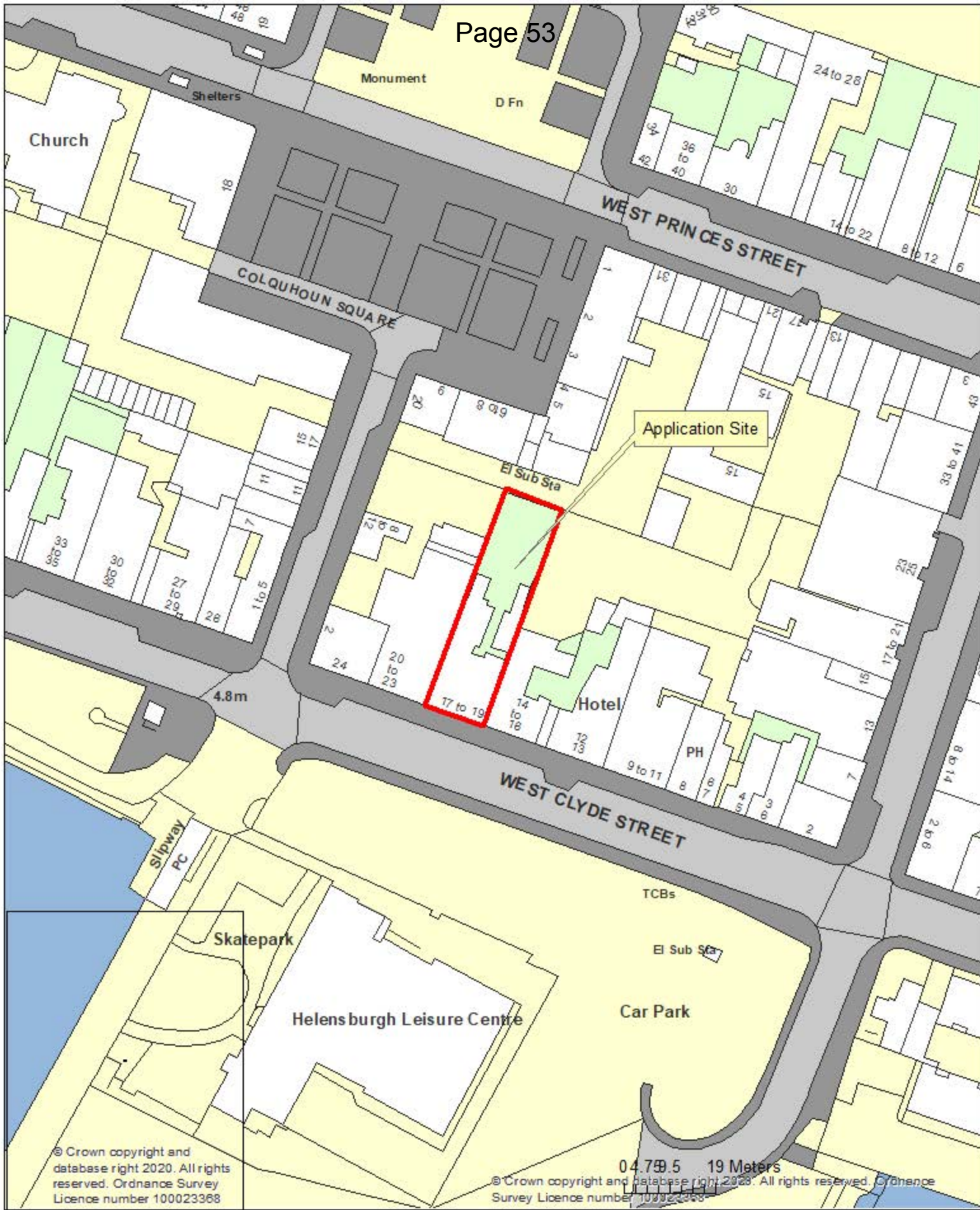
**G. Residential Amenity/Security**

The upper floors of some residential flats in this part of Colquhoun Square overlook the application site across the service access road. The upper floors on adjacent properties on West Clyde St. may also include residential use.

It is considered that the use of a walled yard area as a parking court for 5 cars associated with the use of no.s 17-19 within a wider servicing rear court will not result in a material impact on residential amenity by reason of increased noise or disturbance. It is quite common for flatted development to be served by a parking court without any material detriment to amenity.

It is not considered that the formation of a gateway to a proposed parking court at the rear of an existing property will materially impact upon security. No specific threats to security directly arising from the propose development are put forward by objectors other than a general sense of threat. The proposal will in theory allow access from West Clyde Street to the service access at the rear via the pend. However access will be subject to some control, particularly when the proposed gate is closed. The planning authority has no evidence to anticipate that the propose development will result in any loss of security/safety to existing businesses or residents.

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**Planning Application: 21/01288/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:** 21/01585/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Graeme Miller  
**Proposal:** Installation of 3 Replacement Windows (Retrospective)  
**Site Address:** Flat 1/3, 4 Deanhood Place, Rothesay, Isle of Bute

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION****(i) Development Requiring Express Planning Permission**

- Installation of 3 replacement windows (retrospective)

**(ii) Other specified operations**

- None
- 

**(B) RECOMMENDATION:**

It is recommended that Planning Permission be **refused** for the reason set out below.

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**(C) HISTORY:**

An application for Planning Permission (ref: 20/00634/PP) for the installation of replacement windows in other flatted properties at 4 Deanhood Place was withdrawn on 10<sup>th</sup> December 2020.

Planning Permission (ref: 20/01645/PP) for the installation of replacement windows in other flatted properties at 4 Deanhood Place was approved on 17<sup>th</sup> November 2020.

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**(D) CONSULTATIONS:**

None

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**(E) PUBLICITY:**

Subject of Neighbour Notification (closing date 28<sup>th</sup> September 2021) and advertised as development in Conservation Area (closing date: 8<sup>th</sup> October 2021).

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**(F) REPRESENTATIONS:**

No representations have been received.

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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
- (v) Supporting Statement:** Yes

In a letter dated 1<sup>st</sup> November 2021, Alan Marshall (agent for the application) has put forward information in support of the application. The points that have been raised, and my comments thereon, are as follows:

- i. Other windows with uPVC frames, and often not with a traditional sash and case appearance, have been installed widely in the Rothesay area.

**Comment:** One of the aims of the Rothesay Windows Technical Working Note that was adopted by the Council in 2015 was to add a degree of pragmatism and flexibility to the specific development pressures in the Rothesay Conservation Area. This was an acknowledgement of the considerable loss of traditional windows in some of the townscape blocks; the previous rational policy position (outlined in the 1995 Windows Policy Statement); and an acknowledgement that new windows products had been introduced to the market.

The Technical Working Note highlighted that buildings that were not statutorily listed or had not been identified within a Prime Townscape Block were still important within the Conservation Area and could contribute effectively to it. For these buildings, it was still recommended that either repair, refurbishment or 'like for like' timber replacement was pursued in the first instance. However, it was accepted that these buildings had already lost some or all of their original windows or historical fenestration value through inappropriate replacements over the years.

One of the options that was indicated as being acceptable in such properties was the installation of "good quality, well-proportioned white uPVC sliding sash and case" and this type of window has received Planning Permission since the adoption of the Technical Working Note. However, the property that is the subject of the current application is within a Prime Townscape Block and the significance of this designation



in the assessment of the window replacement is detailed in Appendix A below.

- ii. The sash proportions of the windows that are the subject of the current application do not appear to differ significantly from the sash proportions approved in a recent Planning Permission (ref: 20/01645/PP) for windows in the adjoining block.

**Comment:** The type of window approved under Planning Permission 20/01645/PP that the agent refers to as being similar to the windows that are the subject of the current application is proposed on the rear elevation of the property, which is on the opposite side of the building. It is considered, therefore, that a comparison between these two particular types of window is not relevant.

- iii. The flat was vacant and in a derelict state before the refurbishment work was undertaken and this work has contributed positively to the restoration, however imperfect, of the block of flats.

**Comment:** The sympathetic refurbishment of flats within Rothesay Town Centre is to be welcomed. However, the agent's opinion that the installation of the subject uPVC windows has positively contributed to the restoration of this particular flat is not accepted. In addition, it is not considered a sufficiently strong factor to justify over-riding the relevant national and local planning policies and guidance on window replacement.

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 obligation 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 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

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

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

SG LDP Sustainable Siting and Design Principles

- (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.**

Planning History

Argyll & Bute Sustainable Design Guidance (2006)

Technical Working Note – Rothesay Windows, December 2015

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland 2019

*'Managing Change in the Historic Environment'* - Windows, Published by Historic Environment Scotland (2018)

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

The unchallenged policies and proposals within PLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the PLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. There are no provisions in PLDP2 that may be afforded significant weighting in the determination of this particular application.

- 
- (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**

Planning Permission is sought for the retention of three replacement windows (two on the front elevation and one on the rear) in a first floor flat at 4 Deanhood Place, which is located within the Rothesay Conservation Area. The previous windows in the flat (and the windows in adjoining properties within the wider block) are traditional, white-painted, two-paned, timber, single-glazed, sliding sash and case units. The windows that have been installed are white, two-paned, uPVC, double-glazed units with a sliding sash and case method of opening.

Argyll and Bute Council adopted a Technical Working Note in December 2015 in order to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and in the Rothesay Conservation Area.

In the survey associated with the Technical Working Note, 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

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

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

The replacement windows that are the subject of this application have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the subject flat; of the existing adjoining windows in the building; or of the windows approved under Planning Permission 20/01645/PP in adjoining properties.

Argyll and Bute Council adopted the Rothesay Windows Technical Working Note in 2015 and 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

On the basis of the foregoing, the development is contrary to Policies LDP STRAT 1, LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015. Furthermore, the works are not consistent with Argyll and Bute Council's adopted

Rothsay Windows Technical Working Note 2015 nor with the expectations of Historic Environment Scotland through their '*Managing Change in the Historic Environment*' guidance on windows.

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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:** Steven Gove

**Date:** 2<sup>nd</sup> November 2021

**Reviewing Officer:** Howard Young

**Date:** 2<sup>nd</sup> November 2021

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

**GROUNDS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 21/01585/PP**

1. The replacement windows that are the subject of this application have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the subject flat; of the existing adjoining windows in the building; or of the windows approved under Planning Permission 20/01645/PP in adjoining properties.

Argyll and Bute Council adopted the Rothesay Windows Technical Working Note in 2015 and 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

On the basis of the foregoing, the development is contrary to Policies LDP STRAT 1, LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015. Furthermore, the works are not consistent with Argyll and Bute Council's adopted Rothesay Windows Technical Working Note 2015 nor with the expectations of Historic Environment Scotland through their '*Managing Change in the Historic Environment*' guidance on windows.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01585/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site comprises a flatted property located within the 'Main Town' settlement of Rothesay as identified in the Argyll and Bute Local Development Plan (LDP) 2015. Within this type of settlement, Policy LDP DM 1 encourages sustainable forms of a variety of scales of development on appropriate sites subject to assessment against all other material policy considerations. The proposal is considered to comply with the Settlement Strategy.

#### B. Background to Current Application

An application for Planning Permission (ref: 20/00634/PP) was registered in April 2020 for the installation of replacement windows in a number of flatted properties on the front and rear elevations of 4 Deanhood Place, which is located in Rothesay Town Centre.

This proposal identified the replacement of the existing traditional two-paned, white, timber sliding sash and case fenestration with two-paned, dark-stained, timber double swing windows. Given that these properties were within a 'Prime Townscape Block' as designated in the Rothesay Windows Technical Working Note (2015), the Planning Department advised that this application for proposed windows of a different colour and method of opening than the existing would not be supported.

In view of the lack of support for the above application, a revised proposal was submitted and registered on 11<sup>th</sup> September 2020 (ref: 20/01645/PP). This new application showed the installation of two-paned, white, double-glazed, timber sliding sash and case windows.

From a visual inspection at the time of the processing of application 20/01645/PP, there was evidence that the condition of the existing windows was sub-standard with parts of them being rotten. On the basis of this evidence, it was considered that a justification had been made for the replacement of the windows. In addition, the energy efficiency of the proposed windows provided support to the proposed double-glazing. In these respects, it was concluded that a compelling case had been made for the installation of new windows.

It was also clear that the applicant had sought to source high quality replacement windows that would replicate the finish, colour, profile, method of opening and appearance of the existing windows. In these circumstances, Planning Permission was granted on 17<sup>th</sup> November 2020.

In March 2021, the department was approached by solicitors acting on behalf of the applicant asking for the details of Planning Permission 20/01645/PP on the basis that the installation of replacement windows was due to take place within the following few weeks. Links to the Decision Notice and approved plans relative to the permission were sent by return.

In the early part of June 2021, the department was contacted by the same solicitors and asked to confirm that the windows that had recently been installed were in accordance with the drawings approved under Planning Permission 20/01645/PP. Upon visual inspection, it was noted that three windows had been installed – two were on the front elevation of a first floor flat looking onto Gallowgate and one was on the rear elevation of the same flat facing in the direction of Deanhood Place.

The windows of this particular flat were not shown to be replaced in the approved drawings. Even if they had been, the windows that were installed differed from what was approved in the following ways:

- They have a white upvc finish as opposed to the approved timber finish
- The position of the horizontal transom bar creates a 30/70 split between the upper and lower sashes of the window as opposed to the approved 50/50 split

The current application has been submitted in an attempt to regularise the installation of these three unauthorised windows.

## **C. Location, Nature and Design of Development**

Deanhood Place is located within Rothesay Town Centre and it links Montague Street and Victoria Street. At the junction with Montague Street, there is a three-storey block that contains a chemist on the ground floor (102 – 104 Montague Street) with the first and second floors comprising residential flats. The address of these flats is 4 Deanhood Place. As one moves in a north-westerly direction, part of the block also has a frontage facing onto Gallowgate.

The current application relates to the installation of two windows on the front elevation of a first floor flat in that part of the block that faces onto Gallowgate and one window on the rear elevation of the same flat that faces in the direction of Deanhood Place. As mentioned in the preceding section, the windows are two-paned, white, upvc sliding sash and case fenestration with the horizontal transom bar creating a 30/70 split between the upper and lower sashes of the window.

The other windows on the front-facing elevations of 4 Deanhood Place remain as traditional two-paned, white, timber sliding sash and case fenestration.

## **D. Assessment**

The assessment of this application focusses on the detail and whether or not the development that has taken place is consistent with the character of the Rothesay Conservation Area and Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.

### Rothesay Windows Technical Working Note (2015)

Argyll and Bute Council adopted a Technical Working Note in December 2015 in order to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and in the Rothesay Conservation Area. This document takes account of the aforementioned Policies and Supplementary Guidance and the relevant Historic Environment Scotland documents including HEPS and the '*Managing Change in the Historic Environment*' series (specifically windows).

During the process of formulating the Technical Working Note, a survey of the Rothesay Conservation Area was carried out in 2015. This survey identified townscape blocks where elevations of prominent buildings had been well maintained and windows/doors remained mostly traditional. These townscape blocks were identified in the Technical Working Note and, like listed buildings, they play a pivotal role in creating the unique sense of place and heritage interest in the Conservation Area. These important buildings that have retained their integrity are referred to as '*Prime Townscape Blocks*'.

For the purposes of the Technical Working Note, 4 Deanhood Place is located within a 'Prime Townscape Block' and it is significant that, in the period since the 2015 survey was carried out, almost all of the traditional fenestration remains.

In the case of existing traditional timber sliding sash and case fenestration on the front elevations of buildings (or secondary elevations which are still important) in 'Prime Townscape Blocks', the Council encourages refurbishment or repair of windows; the installation of 'like-for-like' replacements; or the installation of double-glazed units that are identical to the original windows in all other respects (providing that it can be demonstrated that the existing windows are beyond economic repair).

On rear or secondary elevations, flexibility will be afforded and high quality timber dual swing windows which give the appearance of sash and case units in all respects (except when open) and high quality well-proportioned uPVC sliding sash units which retain the distinct step of sash and case windows are very likely to be viewed favourably.

At the time of determining application 20/01645/PP for the replacement of a total of 20 windows at 4 Deanhood Place, it was considered that the condition of the existing timber fenestration was such that the option of replacement (as opposed to repair or refurbishment) was sufficiently justified. The three timber windows that previously existed in the subject flatted property were of a similar condition with the consequence that the principle of replacement is also accepted in this case.

### Two Windows on Front Elevation

In terms of the two windows on the frontage of the building facing onto Gallowgate, these do not follow the requirements of the Technical Working Note in that they have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the flat; of the existing adjoining windows in the building; or of the windows approved under permission 20/01645/PP.

The significance of the uPVC finish is that the horizontal transom bar is slightly thicker than its wooden counterpart and, therefore, lacks the elegance and refinement of a traditional timber window. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, has resulted in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

### Window on Rear Elevation

The assessment of the window that has been installed on the rear elevation is more finely balanced. The Technical Working Note recognises that flexibility can be afforded on secondary elevations within 'Prime Townscape Blocks' depending on the availability of public views; the contribution to the Conservation Area; and the integrity of traditional fenestration.

The Rothesay Town Centre Character Area Appraisal was prepared by Argyll and Bute Council in 2010 and it states the following:

*"Deanhood Place marks the route of the culverted Water of Fad (completed by 1863) and connects Montague Street to Victoria Street. There is less continuity in the built form with the section of low single storey development on its west side lacking definition. Its eastern side is distinguished by St Paul's Episcopal Church (1854; 1893), a landmark on the seafront, and the later Edwardian Church Hall is set back on the corner with Montague Street."* (Page 27)

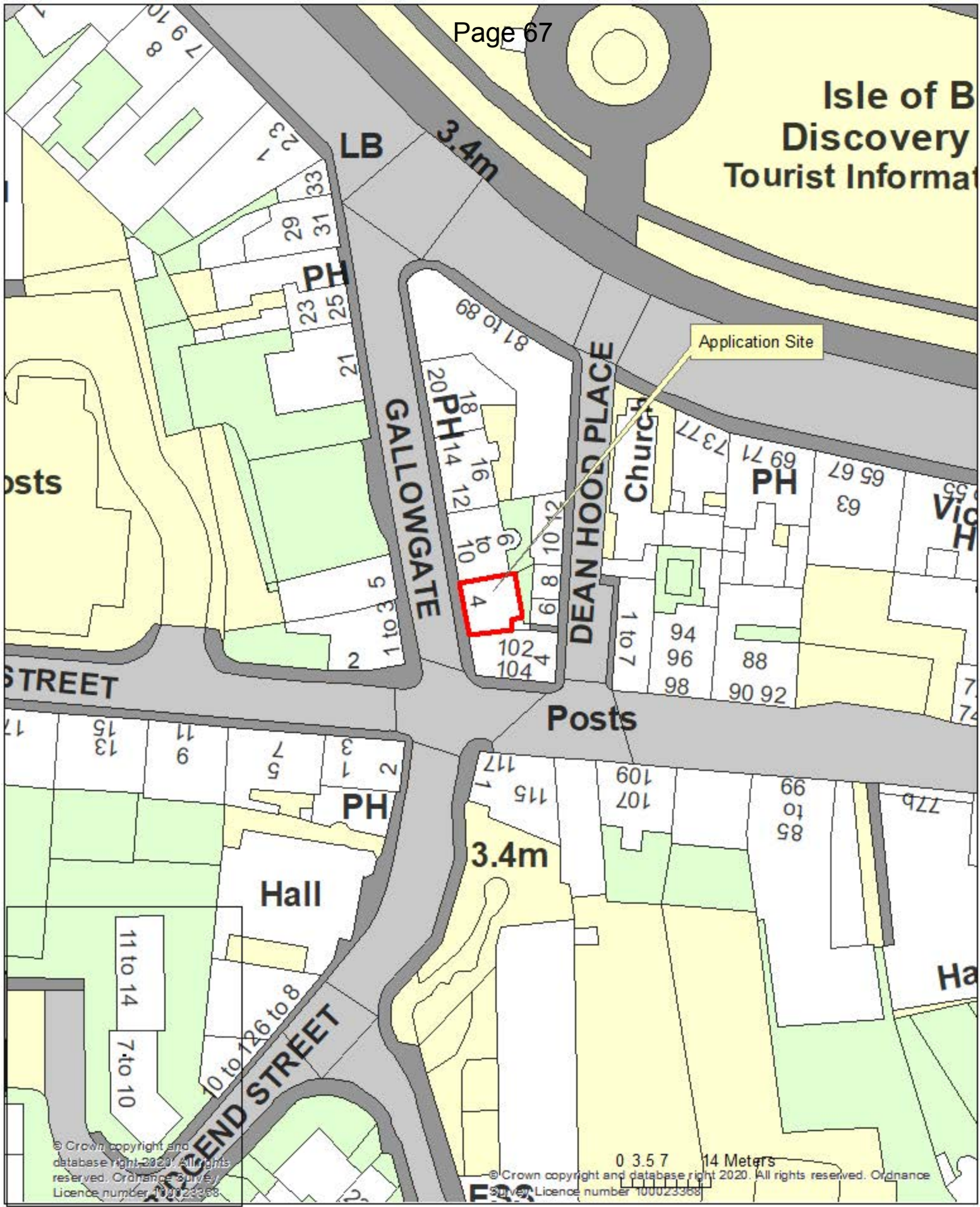


The above statement acknowledges that the buildings on the west side of Deanhood Place do not contribute to a particularly significant or attractive streetscape. However, given that they are only single storey, views to the top floors of the rear of 4 Deanhood Place and the buildings on Gallowgate further to the north are available. Nevertheless, the single window that has been replaced in the subject flat is on the first floor with the consequence that it is barely visible from Deanhood Place or from longer distances on Montague Street and Victoria Street.

Whilst it is not possible to partially approve this current application, it is very likely that, if the window on the rear elevation had been the only development works that had taken place, retrospective permission would have been granted.

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### Planning Application: 21/01585/PP



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

**PROPOSAL OF APPLICATION NOTICE (PAN)**

**Members are requested to note that four separate PAN notices have been submitted for future substation developments. All of these PAN's relate to the next phases of development to upgrade national electricity transmission infrastructure in the Argyll area. As the developments are of a similar nature and scale, and related to the same overall project it is considered expedient to combine all these PAN's into a single report whilst ensuring procedurally that any views Members may wish to provide on the separate proposals can be given and properly recorded.**

**Reference:** 21/01884/PAN - Crossaig North Substation  
21/01885/PAN - Craig Murrail Substation  
21/01886/PAN - Crarae Substation  
21/01887/PAN - An Suidhe Substation

**Applicant:** Scottish Hydro Electric Transmission Plc

**Proposal:** Proposal of Application Notice for the erection of four no. electricity substations. All comprising platform area, control building, associated plant and infrastructure, ancillary facilities, access track(s), laydown area(s) and landscape works

**Site Address:**

21/01884/PAN - Crossaig North Substation  
21/01885/PAN - Craig Murrail Substation  
21/01886/PAN - Crarae Substation  
21/01887/PAN - An Suidhe Substation

**1.0 INTRODUCTION**

Four Proposal of Application Notices have been submitted by SSEN in respect of planned infrastructure upgrades in the Argyll area as part of upgrading the high voltage transmission infrastructure. Members may recall that a PAN for a similar substation was presented to August PPSL for a site at Creag Dhubh (21/ 01230/PAN)

In considering these items, Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness, impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

Members are requested to note that the Scottish Government has provided additional guidance to Planning Authorities and applicants on appropriate community consultation measures due to current Covid 19 restrictions on the holding of public meetings. This new advice requires applicants to demonstrate that enhanced measures to compensate for the lack of a public meeting are provided to the satisfaction of the Planning Authority.

Members have previously raised concerns over the lack of public events in respect of the proposals and Officers are therefore pleased to be able to report that SSEN have taken the decision to again hold public events as well as online consultation events in respect of all of the proposals. Both a public event and two online events are proposed for each of the proposals.

The applicants have further confirmed the following:

*A postcard drop providing more information on the proposals, and the ways in which to participate in consultation on the project will be prepared for issue to all residents within a 5 km radius of the site. Information on how to obtain physical copies of the exhibition information or a more detailed information leaflet will be provided at this time. This will be issued circa 10 days prior to the first event via postal service. More information will be provided on the project website and also on SSEN Transmission social media outlets. This approach hopes to ensure that all those with an interest in engaging on the project are provided with an opportunity to review the project information, regardless of accessibility to the internet, or ability to attend the live event. A copy of the PAN will be provided to the Community Councils and other parties as listed in the PAN notice, and should they wish to engage directly on the project via a meeting or other means this will be encouraged.*

This return to face to face public events is welcomed. SSEN will of course be responsible to ensure that any events are in accordance with Scottish Government Guidelines in force at the time of the events.

Officers are content that the proposed steps within all of the PAN notices are commensurate with the scale of the development and the likely level of public interest in the proposal and accord with the current Covid 19 pre application guidance and regulations of the Scottish Government and wider PAN objectives. For Members general information, SSEN runs an overall project website with a link provided below:

[mar-18-north-argyll-booklet.pdf](http://mar-18-north-argyll-booklet.pdf) ([ssen-transmission.co.uk](http://ssen-transmission.co.uk))

Members are requested to note that the applicants have referenced the proposals as comprising “National” development as defined in NPF 3 within the submitted PAN documentation. As the substation is connected to the provision and operation of national transmission infrastructure and has significant functional and physical linkages to it, Officers accept that this is an appropriate description. This does not alter the procedures in respect of determining the planning application, which rests with the Planning Authority. However, the Council’s Constitution clarifies at Part C, Para 2.1.3 (10) that the following matters are not delegated under the constitution of the Council to PPSL Committee;

*The determination of planning applications which in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008 are (1) National and the undertaking of Pre-Determination Hearings in respect of all national applications; (2) Major Developments and the undertaking of pre-determination Hearings where in the case of the latter there would be a significant departure from the development plan, were the application to be approved.*

Therefore developments which are defined as “National” require to be determined by full Council and not by PPSL Committee. As these PAN's are not applications for Planning Permission, it is considered appropriate that these can be presented to PPSL committee and not full Council. However any future planning application will be presented to PPSL committee for their consideration and recommendation, but the formal determination will require to be made by full Council.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

Further information in respect of the proposals on each of the proposed sites has been provided by SSEN as set out below;

### 21/01884/PAN - Crossaig North Substation

Components of the Proposed Development subject to Town and Country Planning (maximum total area 8 ha):

- Air-insulated switchgear (AIS), potentially located within a building, together with site services and control equipment. The height of the substation building will depend on the selected AIS substation design, up to a maximum height of 25 m. A single supergrid transformer will be located outdoors within a bunded area. Depending on the final arrangement, there may also be some unhoused electrical switchgear and plant located within the platform area. The site would be surrounded by a 2.4 m high security fence of palisade construction with CCTV surveillance. Substations are not generally illuminated, other than sensor-activated security lighting for night-time access. Floodlights would be installed but only used in the event of a fault during the hours of darkness;
- Formation of the new access; and
- Temporary site compounds and construction laydown areas.

### 21/01885/PAN - Craig Murrail Substation

Components of the Proposed Development subject to Town and Country Planning (maximum total area 8 ha):

- Air-insulated switchgear (AIS), potentially located within a building, together with site services and control equipment. The height of the substation building will depend on the selected AIS substation design, up to a maximum height of 25 m. A single supergrid transformer will be located outdoors within a bunded area. Depending on the final arrangement, there may also be some unhoused electrical switchgear and plant located within the platform area. The site would be surrounded by a 2.4 m high security fence of palisade construction with CCTV surveillance. Substations are not generally illuminated, other than sensor-activated security lighting for night-time access. Floodlights would be installed but only used in the event of a fault during the hours of darkness;
- Formation of the new access; and
- Temporary site compounds and construction laydown areas.

### 21/01886/PAN - Crarae Substation

Components of the Proposed Development subject to Town and Country Planning (maximum total area 8 ha):

- Air-insulated switchgear (AIS), potentially located within a building, together with site services and control equipment. The height of the substation building will depend on the

selected AIS substation design, up to a maximum height of 25 m. A single supergrid transformer will be located outdoors within a bunded area. Depending on the final arrangement, there may also be some unhoused electrical switchgear and plant located within the platform area. The site would be surrounded by a 2.4 m high security fence of palisade construction with CCTV surveillance. Substations are not generally illuminated, other than sensor-activated security lighting for night-time access. Floodlights would be installed but only used in the event of a fault during the hours of darkness;

- Formation of the new access; and
- Temporary site compounds and construction laydown areas.

#### 21/01887/PAN - An Suidhe Substation

Components of the Proposed Development subject to Town and Country Planning (maximum total area 8 ha):

• Air-insulated switchgear (AIS), potentially located within a building, together with site services and control equipment. The height of the substation building will depend on the selected AIS substation design, up to a maximum height of 25 m. A single supergrid transformer will be located outdoors within a bunded area. Depending on the final arrangement, there may also be some unhoused electrical switchgear and plant located within the platform area. The site would be surrounded by a 2.4 m high security fence of palisade construction with CCTV surveillance. Substations are not generally illuminated, other than sensor-activated security lighting for night-time access. Floodlights would be installed but only used in the event of a fault during the hours of darkness;

- Formation of the new access; and
- Temporary site compounds and construction laydown areas

## **4.0 DEVELOPMENT PLAN POLICY**

### 'Argyll and Bute Local Development Plan' adopted March 2015

Relevant Policies which will require to be considered include:

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 6 - 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

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity  
SG LDP ENV 6 – Development Impact on Trees / Woodland  
SG LDP ENV 7 – Water Quality and the Environment  
SG LDP ENV 10 – Geodiversity  
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 14 – Landscape  
SG LDP DEP 1 – Departures to the Local Development Plan



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

SG LDP SERV 3 – Drainage Impact Assessment (DIA)

SG LDP SERV 5 –Waste Related Development and Waste Management Development

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 5 – Off-Site Highway Improvements

SG LDP TRAN 6 – Vehicle Parking Provision

The LDP Policy evaluation will require to address the following general matters:

- Landscape and Visual Amenity (an LVIA will be required with appropriate visualisations from agreed VP's)
- Bare land ZTV
- Land Use designations material to the proposal;
- Ecology and Nature Conservation;
- Ornithology;
- Cultural Heritage;
- Forestry;(felling schedules of adjoining commercial plantations)
- Proposed landscaping and screening to compound
- Design of SuDS proposals to promote biodiversity
- Traffic and Transport; (A Transportation Plan will be required for routing of traffic associated with transporting any large plant and construction materials for the site)
- Hydrology, Hydrogeology and Soils: (A detailed Peat survey should be submitted with any necessary mitigation/management proposals associated with the development in its entirety).
- Amenity and Health
- Recreation and Tourism;
- A design and access statement
- Construction methodology and waste plan

In respect of LDP 2. Following the consideration of the emerging LDP 2 on 24.6.21 the unchallenged policies and proposals within LDP2 may now be afforded significant material weighting in the determination of planning applications at this time as they constitute the settled and unopposed view of the Council. Those unchallenged policies which are considered relevant to the proposal are set out below:

- Policy 19 – Schedule Monuments
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 40 – Vehicle Parking Provision
- Policy 41 – Off Site Highway Improvements
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 63 – Waste Related Development and Waste Management
- Policy 78 – Woodland Removal

The proposal will therefore require to be considered against any material and unchallenged policies of LDP in a dual assessment exercise with the current LDP Policies.

## 5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal it is considered that the following matters will be material considerations in the determination of any future planning application;

- National Planning Framework 3 ( NPF 3 ) ( and potentially NPF4 )
- Scottish Planning Policy 2014 (and any emerging SPP advice)
- Argyll & Bute Sustainable Design Guidance (2006)
- Argyll and Bute Proposed Local Development Plan (LDP 2).
- A&B Local Biodiversity Action Plan
- Statutory/Non-Statutory Consultee Comments

## 6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN process for the four proposed substations. Summarised are the policy considerations, against which any future planning applications will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## 7.0 RECOMMENDATIONS

- a) That Members note the content of the report and submissions;
- b) Provide such feedback as they consider appropriate in respect of 21/01884/PAN - Crossaig North Substation to allow these matters to be considered by the Applicant in finalising any future planning application submission;
- c) Provide such feedback as they consider appropriate in respect of 21/01885/PAN - Craig Murrail Substation to allow these matters to be considered by the Applicant in finalising any future planning application submission;
- d) Provide such feedback as they consider appropriate in respect of 21/01886/PAN - Crarae Substation to allow these matters to be considered by the Applicant in finalising any future planning application submission; and
- e) Provide such feedback as they consider appropriate in respect of 21/01887/PAN - An Suidhe Substation to allow these matters to be considered by the Applicant in finalising any future planning application submission.

**Author of Report: David Moore**

**Date: 1.11.21**

**Reviewing Officer: Sandra Davies**

**Date: 1.11.21**

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

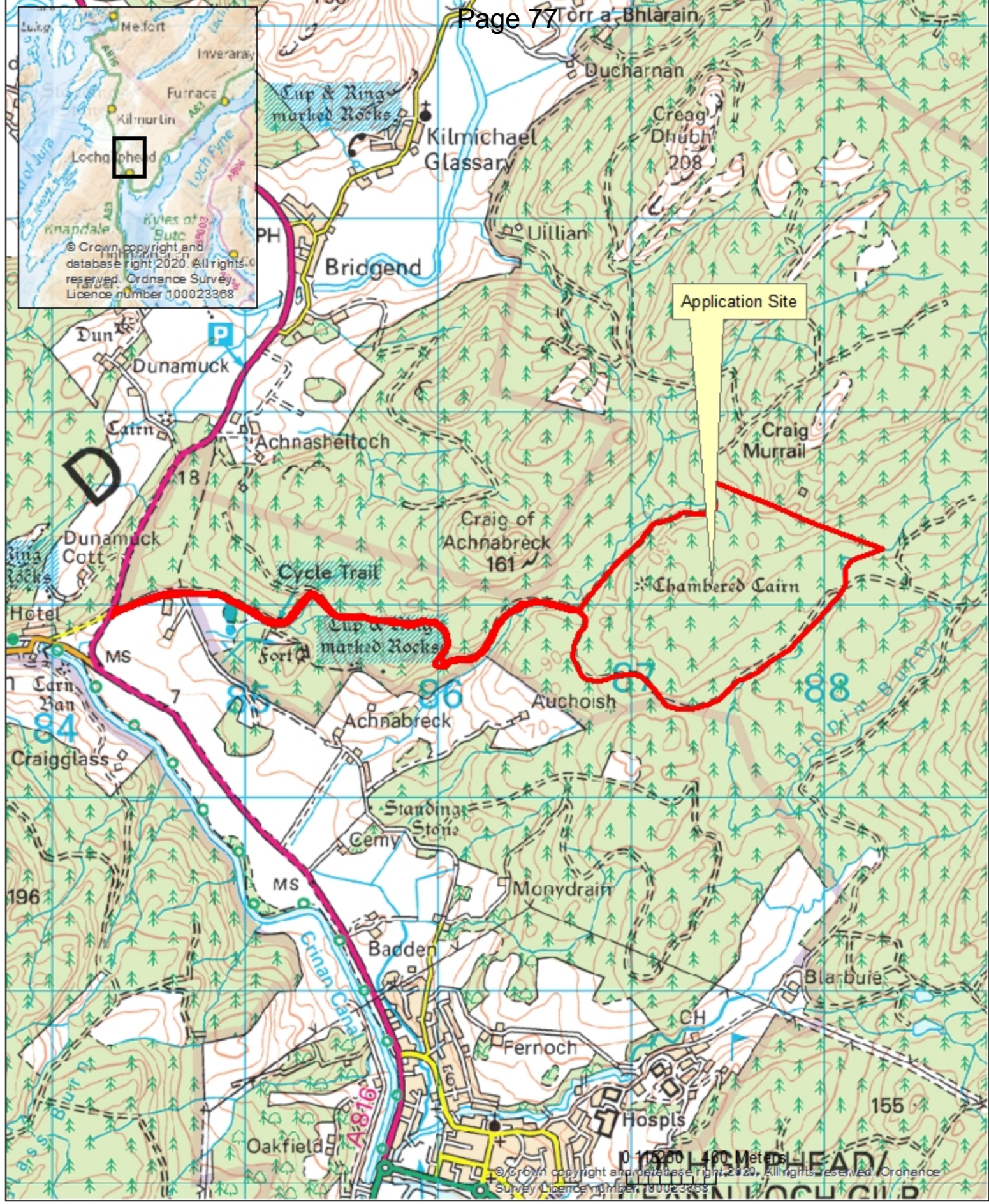


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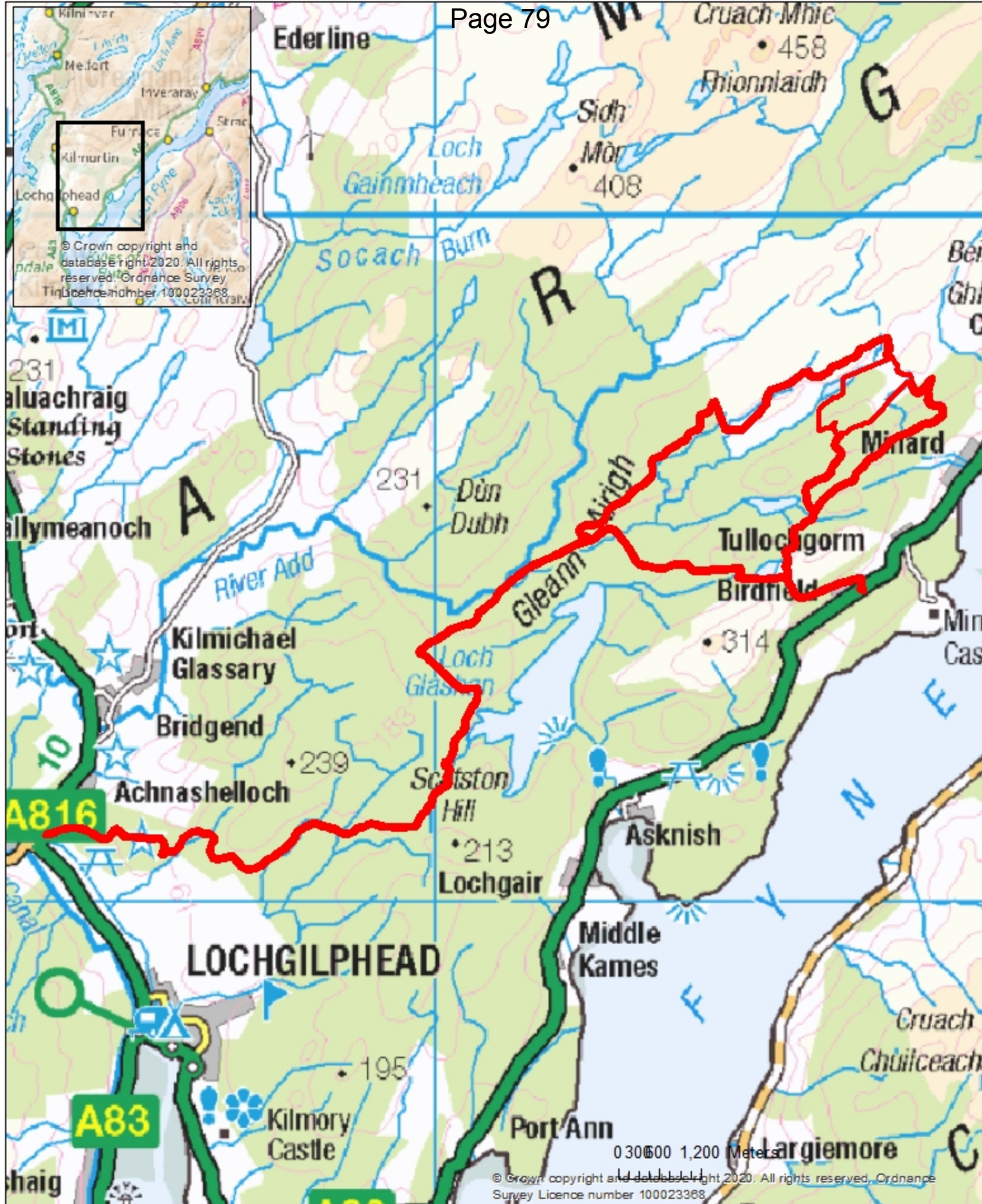
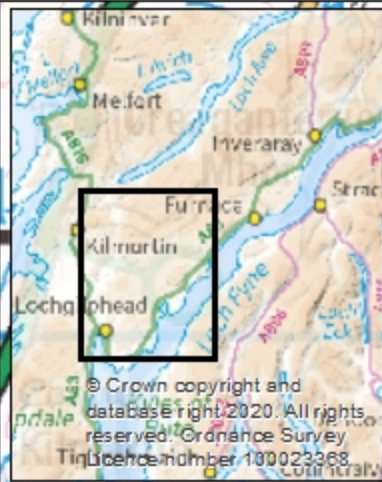


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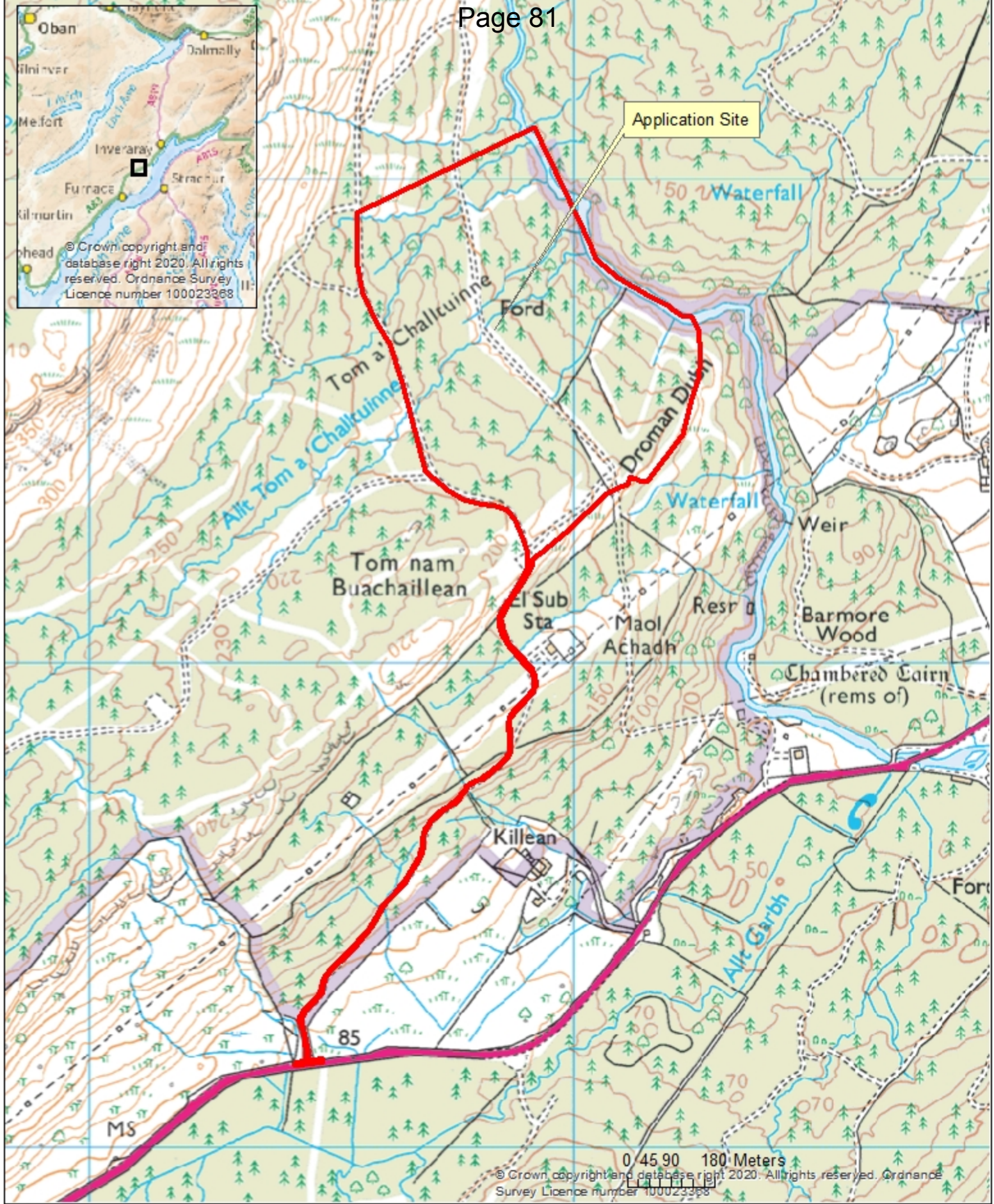
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**Argyll and Bute Council  
Development and Economic Growth**

**PROPOSAL OF APPLICATION NOTICE**

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**Reference:** 21/01907/PAN

**Applicant:** Intelligent Land Investments Group plc

**Proposal:** Proposal of application notice for the construction of a battery storage facility up to 50MW, access track, energy storage equipment, meter building, security cameras, fencing and planting of trees

**Site Address:** Land south of Auchnasavil Farm, Carradale

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**1.0 INTRODUCTION**

Proposal of Application Notices only relate to Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged.

In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness and impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

The applicant has confirmed that they intend to hold a public event at Carradale Village Hall on the 4th of November 2021. In addition they have advised that they intend to have a project website.

Officers are content that the proposed steps are commensurate with the scale of the development and the likely level of public interest in the proposal.

The Coronavirus (COVID-19) planning guidance on pre-application consultations for public events temporarily suspended the requirement to hold public events in relation to pre-application consultation (PAC). This guidance is still in place, however, it is possible for the applicant to hold their intended public events providing they adhere to all other relevant Scottish Government Covid legislation, there is just not a need for them to do so in terms of the aforementioned guidance, they could have an online event as an alternative if they wished. It is the applicant's responsibility to ensure that the public events comply with current Covid legislation.

The Proposal of Application Notice took effect from the 1<sup>st</sup> October 2021 and as such no formal Planning Application relative to this proposal can be made before 24<sup>th</sup> December 2021.

## 2.0 PROPOSAL AND SITE DESCRIPTION

A letter from the Scottish Government's Chief Planner dated 27<sup>th</sup> August 2020 stated that *"The Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station. As a result, a battery installation should be treated as any other generating station for the purposes of deciding whether Section 36 consent is required for its construction and operation"*. In this case, as the generating capacity would be greater than 20MW and less than 50MW this would be a Major planning application.

The site which measures approximately 3.3 hectares, is located approximately 2.5 km to the north west of the settlement of Carradale and sits between Carradale Water and the B842. The site is located immediately to the north west of an existing electricity substation.

The site is fairly level and is currently used as grazing land. There is also a power line running through the site which is supported by pylons. Other than a site edged red and description of the proposal, no details have been provided.

## 3.0 DEVELOPMENT PLAN POLICY

PAN 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' Adopted 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 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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

#### **Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)  
SG LDP ENV 7 – Water Quality and the Environment

**Landscape and Design**

SG LDP ENV 14 – Landscape

**Support for Business & Industry: General**

SG LDP BUS 2 – Business & Industry Proposals in the Countryside Zones

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 3 – Drainage Impact Assessment

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

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

**Addressing Climate Change**

SG LDP Sust Check – Sustainability Checklist

**Transport (Including Core Paths)**

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

SG LDP TRAN 6 – Vehicle Parking Provision

**4.0 POTENTIAL MATERIAL CONSIDERATIONS**

No detail has been provided on this proposal other than a site edged red. In these circumstances it is not possible to provide a definitive list of policies or potential material considerations as we do not know the scale (other than the electricity generating capacity) or appearance of the proposal or how it would operate.

The site is designated as improved grazing and is partially covered by a Local Nature Conservation designation. The impact on these designations would be material considerations as would the visual and landscape impacts of the development.

**6.0 CONCLUSION**

This report sets out the information submitted to date as part of the PAN. The policy considerations against which any future planning application is likely to be judged against and potential material considerations are noted above. 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.

**7.0 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.

**Author of Report: Sandra Davies**

**Date: 28<sup>th</sup> October 2021**

**Reviewing Officer: Peter Bain**

**Date: 28<sup>th</sup> October 2021**



### Planning Application: 21/01907/PAN



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