

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Executive Director: Douglas Hendry



*Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD*

12 January 2022

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 19 JANUARY 2022 at 11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**

- (a) Planning, Protective Services and Licensing Committee 15 December 2021 at 10.30 am (Pages 3 - 8)
- (b) Planning, Protective Services and Licensing Committee 15 December 2021 at 2.00 pm (Pages 9 - 10)
- (c) Planning, Protective Services and Licensing Committee 15 December 2021 at 2.30 pm (Pages 11 - 14)

- 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**
(Pages 15 - 26)

Report by Executive Director with responsibility for Legal and Regulatory Support

- 5. HELCO DEVELOPMENTS LIMITED: ERECTION OF 24 DWELLINGHOUSES: LAND NORTH EAST OF BRAESIDE, STATION ROAD, GARELOCHHEAD (REF: 19/02328/PP)** (Pages 27 - 54)

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Audrey Forrest
Councillor George Freeman	Councillor Kieron Green
Councillor Graham Hardie	Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan BEM	Councillor Roderick McCuish
Councillor Jean Moffat	Councillor Alastair Redman
Councillor Sandy Taylor	Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 15 DECEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Audrey Forrest	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail

Attending: Fergus Murray, Head of Development and Economic Growth
Patricia O'Neill, Governance Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
David Moore, Senior Planning Officer
Norman Shewan, Planning Officer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Rory Colville declared a non-financial interest in the Proposal of Application Notices (PANs) dealt with at items 6 and 7 of this Minute, as he was the previous owner of the land referred to at item 7. He left the meeting and took no part in the consideration of these PANs.

Councillor Gordon Blair declared a non-financial interest in the PANs dealt with at item 5 of this Minute, as a family member worked for the contractor. He left the meeting and took no part in the consideration of these PANs.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 November 2021 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 17 November 2021 at 2.00pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 17 November 2021 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 23 November 2021 was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE VEHICLES - VEHICLE SPECIFICATION

Following the Committee's decision on 17 November 2021 to agree to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars within the Council's area for the purposes of Section 167 of the Equality Act 2010, Officers have considered what accessibility requirements should be met before a vehicle will be included in any designated list.

A report inviting the Committee to adopt the draft WAV specification document was considered.

Decision

The Committee agreed to adopt the draft WAV specification document set on in Appendix 1 of the report.

(Reference: Report by Head of Legal and Regulatory Support dated 1 December 2021, submitted)

Councillor Mary-Jean Devon joined the meeting during consideration of the foregoing item.

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

5. 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)

The Senior Planning Officer spoke to the terms of the report. Four Proposal of Application Notices submitted by SSEN in respect of planned infrastructure upgrades in the Argyll area as part of upgrading the high voltage transmission infrastructure, were previously reported to the Committee on 17 November 2021. It was the intention of SSEN to resume public consultation events, however due to the current Covid situation in Argyll and Bute they have decided to cancel these. This decision is in accordance with current regulations where the suspension of the need for such events remains in place under regulations from the Scottish Ministers.

This report provided an update on the proposed changes to the community consultation process proposed by SSEN for the four substations.

Decision

The Committee noted the contents of the report.

(Reference: Supplementary report number 1 by Head of Development and Economic Growth dated 1 December 2021, submitted)

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

6. KINTYRE DEVELOPMENT COMPANY: PROPOSAL OF APPLICATION NOTICE FOR DETAILED PLANNING APPLICATION FOR FORMATION OF GOLF COURSE, MAINTENANCE BUILDING, COVERED DRIVING RANGE BAYS, ACCESS ARRANGEMENTS AND CAR PARKING, HARD AND SOFT LANDSCAPING AND ASSOCIATED USES: LAND NORTH OF MACHRIHANISH GOLF COURSE, NORTH OF WEST DARLOCHAN AND SOUTH EAST OF KILKENZIE (REF: 21/02258/PAN)

The Senior Planning Officer spoke to the terms of the report. The Proposal of Application Notice (PAN) relates to a future detailed planning application to construct a new golf course, maintenance building, covered driving range bays and associated car parking at land north of Machrihanish Golf Course, North of West Darlochan and South East of Kilchenzie. The proposals would involve the expansion of an existing golf course already established in the locality.

The potential impact upon the Machrihanish Dunes SSSI will be an important consideration for any future planning application. A scoping request has been submitted to the Council and discussions in respect of a future Environmental Impact Assessment (EIA) to support any planning application are currently being undertaken with Nature Scotland and the Council's Biodiversity Advisor. Officers are of the opinion that an Appropriate Assessment under the Habitats Regulations will require to be undertaken in respect of any future application.

The report sets out the information submission 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 was 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 and provided the following feedback:

- That consideration should be given to the installation of a reasonable amount of electric car charging points.

(Reference: Report by Head of Development and Economic Growth dated 1 December 2021, submitted)

Councillor Blair returned to the meeting during consideration of the foregoing item.

7. KINTYRE DEVELOPMENT COMPANY: PROPOSAL OF APPLICATION NOTICE FOR PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A 75 BED HOTEL, RESTAURANT AND LEISURE HUB, UP TO 50 LODGES, GOLF CLUBHOUSE, GOLF PRO SHOP, ACCESS ARRANGEMENTS AND CAR PARKING, HARD AND SOFT LANDSCAPING AND ASSOCIATED USES: LAND NORTH OF MACHRIHANISH GOLF COURSE AND NORTH OF CLOCHKEIL COTTAGES, MACHRIHANISH (REF: 21/02287/PAN)

The Senior Planning Officer spoke to the terms of the report. The Proposal of Application Notice (PAN) relates to a future planning application for Planning Permission in Principle (PPP) to construct a 75 bed hotel, restaurant and leisure hub, up to 50 lodges, golf clubhouse, golf pro shop, access arrangements and car parking, hard and soft landscaping and associated uses at land north of Machrihanish Golf Course and north of Clochkeil Cottages, Machrihanish. The proposals would involve the expansion of existing golf course facilities already established in the locality.

The report sets out the information submission 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 was 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 and provided the following feedback:

- Consideration should be given to the installation of an electric car charging point at every lodge as well as additional points at the hotel and throughout the complex.

(Reference: Report by Head of Development and Economic Growth dated 1 December 2021, submitted)

Councillor Colville returned to the meeting at this point.

8. TSL CONTRACTORS LTD: PROPOSAL OF APPLICATION NOTICE FOR DEVELOPMENT COMPRISING CIRCA 90 RESIDENTIAL UNITS, CARE HOME, NURSERY AND COMMERCIAL UNIT WITH ALL ASSOCIATED EXTERNAL WORKS AND LANDSCAPING: THE PCC FIELD, LAND NORTH WEST OF ISLE OF MULL HOTEL, CRAIGNURE, ISLE OF MULL (REF: 21/02336/PAN)

The Senior Planning Officer spoke to the terms of the report. The Proposal of Application Notice relates to a future planning application for development comprising circa 90 residential units, care home, nursery and commercial unit with all associated external works and landscaping at land north west of the Isle of Mull Hotel, Craignure, Isle of Mull.

The PAN site is substantially unallocated within the LDP proposals map and is designated as Countryside. A section of the PAN boundary is within PDA 6/11 which is indicated in

the LDP as being suitable for community facilities. However the Council are proposing that some of the land be allocated in LDP 2 under site H4022 for 80 housing units. Some of the redline boundary is outside the proposed allocation site. Objections have been made to this proposed change in the status of the land and therefore the views of the LDP Reporter on this matter will be a substantive consideration for any future planning application.

The report sets out the information submission 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 was 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 and provided the following feedback:

- Consideration should be given to installing electric car charging points at each unit and installing an appropriate level of car charging points at the care home and nursery.

(Reference: Report by Head of Development and Economic Growth dated 1 December 2021, submitted)

9. KEY PERFORMANCE INDICATORS FOR FQ2 2021/22 - DEVELOPMENT AND ECONOMIC GROWTH SERVICE

A paper presenting the FQ2 2021/22 Key Performance Indicators (KPIs) for the Development and Economic Growth Service was considered.

Decision

The Committee reviewed and scrutinised the FQ2 2021/22 KPI report as presented.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 9 November 2021, submitted)

10. UPDATE ON RECENT SCOTTISH MINISTERS PLANNING APPEAL DECISION

A report summarising the recent decision made by Scottish Ministers to grant Section 36 consent and deemed planning permission for Blarghour Wind Farm was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 1 December 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 11. ENFORCEMENT REPORT REFERENCE: 18/00042/ENOTH1

Consideration was given to enforcement case reference 18/00042/ENOTH1.

Decision

The Committee agreed to the recommendations in the report.

(Reference: Report by Head of Development and Economic Growth dated 15 December 2021, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 15 DECEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Audrey Forrest, George Freeman, Donald MacMillan BEM and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI CAR LICENCE (J MACINTYRE, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of written submission which was contained within the Agenda pack circulated to the Committee, and the contents of this were summarised by the Council's Solicitor, Mr McMillan.

The Chair then outlined the procedure that would be followed and in the absence of the Applicant, invited questions from Members.

MEMBERS' QUESTIONS AND DEBATE

Councillor McCuish sought and received confirmation from Mr McMillan that as this car had already been on the road before the Applicant decided not to renew, this could be considered like for like and not an additional car. Mr McMillan explained that this was one of three licences that had lapsed during the renewal process in the summer and that on reflection Mr MacIntyre was now making a fresh application to replace his lapsed licence.

Councillor McCuish commented that Mr MacIntyre was a well-known face on the taxi rank for many years and that he would have no hesitation in supporting this application.

Councillor Moffat questioned the need for questions. She said that this was a competent driver that would not be adding to the number of taxis and that it would be common sense to grant the licence.

Councillor Hardie confirmed that he agreed with Councillor Moffat.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that at the time the taxi survey was carried out there were 52 taxis operating in the Oban, Lorn and the Isles area. Since then three licences had lapsed, one was surrendered, and one was granted by the Committee in November 2021, which left a current total of 49 taxi licences.

Councillor Kinniburgh said this appeared to be straightforward given that if the Applicant had decided not to retire, the vehicle would have still been on the road and on that basis he would move that the licence be granted. It was established that no one was otherwise minded.

DECISION

The Committee unanimously agreed to grant a Taxi Car Operator Licence to Mr MacIntyre.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 15 DECEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
James Buchanan, Applicant
Jane MacLeod, Applicant's Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Audrey Forrest, George Freeman, Donald MacMillan BEM and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (J BUCHANAN, DUNOON)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of audio call and joined the meeting by telephone. The Applicant's Solicitor opted to proceed by way of video call and joined the meeting by MS Teams.

The Council's Solicitor, Mr McMillan, advised that Police Scotland had requested the Committee take into account a number of matters that were considered "protected" in terms of the Rehabilitation of Offenders Act 1974. He explained that it had been Police Scotland's intention to attend the hearing today but a late apology for absence had been received this morning. He advised that Police Scotland did not submit anything further in support of their request for the protected matters to be taken into consideration.

The Chair outlined the procedure that would be followed in this respect and in the absence of Police Scotland, invited the Applicant's Solicitor to address the relevancy of the protected matters.

Mrs MacLeod advised that as far as she and Mr Buchanan were aware from the paperwork they had received, the only matters referred to were 2 convictions and 2 occasions when the Procurator Fiscal decided not to proceed with any charges against Mr Buchanan. She commented on Police Scotland also referring to a medical condition and confirmed that she had lodged a letter with the licensing team to advise that there was no medical condition. She referred to the protected matters and advised that if this was in relation to spent conditions, then she would like to remind the Committee that Mr

Buchanan had held a taxi driver's licence from the 2000s until he had to surrender it in 2017 following an unfortunate conviction. She suggested that the Committee in the past had either treated the protected matters as being spent or considered them not to be relevant. She advised that she would maintain that this position had not changed and that the Committee should not consider the protected matters as relevant to this application. She asked the Committee to proceed with determining the application today without the disclosure of the protected matters.

The Chair then invited comment from Members.

Councillor Colville said that he was confident a decision could be reached today without disclosing the detail of the protected matters.

Councillor Trail asked Mr McMillan if the Committee could arrive at a fair decision today without Police Scotland being present. Mr McMillan advised that the Committee could. He explained that Police Scotland, as well as all other parties, had been given fair notice of today's hearing, with letters issued at least 14 days before the hearing. He advised that Police Scotland were planning to attend but due to resourcing issues, they submitted their apologies this morning. He advised that they did not request a continuation of the hearing. Mr McMillan confirmed that it would be competent under the Act for the Committee to proceed with the hearing today.

Councillor Kinniburgh asked Mr McMillan if the Committee had considered an application from Mr Buchanan in the past. Mr McMillan said it was his understanding that Mr Buchanan had held a Taxi Driver's Licence in the past but he could not confirm if this was granted under delegated powers or following a hearing as it was historical pre 2017.

Councillor Kinniburgh advised that he would not feel comfortable proceeding today without hearing from Police Scotland. He advised that he would like to hear their reasons why the protected matters should be taken into consideration.

Motion

To agree to continue this hearing to a future meeting to enable Police Scotland to attend.

Moved by Councillor David Kinniburgh, seconded by Councillor Jean Moffat.

Amendment

To agree to proceed with the hearing today.

Moved by Councillor Rory Colville, seconded by Councillor Mary-Jean Devon.

A vote was taken by calling the roll.

Motion

Councillor Green
Councillor Hardie
Councillor Kinniburgh
Councillor McCuish
Councillor Moffat
Councillor Redman

Amendment

Councillor Colville
Councillor Devon
Councillor Trail

The Motion was carried by 6 votes to 3 and the Committee resolved accordingly.

DECISION

The Committee agreed to continue consideration of this hearing to a future meeting to enable Police Scotland to attend.

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

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****LEGAL AND REGULATORY
SUPPORT****19th JANUARY 2022**

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**TAXI FARE SCALE REVIEW**

1.0 EXECUTIVE SUMMARY

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22nd April 2022. The fares were last reviewed by members on 17th June 2020 and took effect on 22nd October 2020.

2.0 DETAILS

The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 23rd March 2022.
- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE**

**LEGAL AND REGULATORY
SUPPORT**

19th JANUARY 2022

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI FARE SCALE REVIEW

1. SUMMARY

1.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22nd April 2022. The fares were last reviewed by members on 17th June 2020 and took effect on 22nd October 2020.

1.2 The current maximum fares are:

Tariff 1 £3.00 (hiring between 7am and 10pm)
Initial charge (860 yards or part thereof)
Subsequent charge (each 176 yards or part thereof) @ 20p

Tariff 2 £3.60 (hiring between 10pm and 7am)
Initial charge (860 yards or part thereof)
Subsequent charge (each 150 yards or part thereof) @ 20p

Tariff 3 £4.20 (public holidays)
Initial charge (860 yards or part thereof)
Subsequent charge (each 120 yards or part thereof) @20p

Charges in respect of soiling, waiting and telephone bookings are £100 (maximum), 35p per minute and 30p respectively.

The last fare increase took effect from 9th June 2014.

2. RECOMMENDATIONS

2.1 The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 23rd March 2022.

- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

3. DETAIL

3.1 On 25th October 2021 a letter was issued to all taxi operators requesting their views on taxi fares by 29th November 2021. After the 3 yearly renewal process undertaken in July this year we currently have 170 taxis licensed and 106 operators. Prior to the renewal process there were 113 operators 178 taxis were licensed. As a result of the consultation the following responses detailed below have been received:-

Lorn

4 responses were received.

- one requested no increase as an increase might deter people using a taxi.

3 supported an increase with the following reasons:

- with the price of fuel the fares should increase. (no further information provided).
- a 15-20% increase on the starting rate and a tariff change to 9pm instead of 10pm.
- fuel prices have escalated. (no further information provided)

Mid Argyll

1 response was received requesting no increase be made with the following reason:

- any increase would be highly detrimental to my business. An increase would encourage taxi customers to find alternative transport. Taxi fares should remain at a price that is reasonable for people, as they were pre-pandemic.

Cowal

3 responses were received requesting an increase.

1 is supporting a fare increase of 20% for the following reasons:-

1. There has been no increase since 2014. We intended to propose an increase last year but didn't feel it was appropriate given the circumstances of the past 20 months.
2. Since the last fares increase the minimum/ living wage has gone up by 20%. By the time this proposed increase would come into

effect the minimum wage will have risen by over 30%.

3. The cost of new vehicles has increased by 40%.
4. The price of fuel has also increase by 40% in the past year alone. I understand that this fluctuates but the increase is still in excess of 20% since 2014.

The other operators provided the following:

- our fare structure has not moved since 2013 and fuel is at an all-time high we think that a 20 pence increase on the flag falls and leave the distances between jumps as it is that would be the fairest way to do it.
- an increase as follows:-

	Present	Future
Fare 1.	£3.00	£3.20
Fare 2.	£3.60	£3.80
Fare 3.	£4.20	£4.40

The operator also believes that the 20p increase in each fare should remain but the increase should be quicker. If not then the 20p should go to 30p.

Lomond

3 requested an increase stating the following:-

- since there hasn't been an increase since 2014, they propose raising all 3 tariffs by £0.50p
- the current 176 yards distance in tariff 1 should be reduced. They suggest adjusting the initial 860 yard & subsequent 176 yard to give an increase of 40 pence on a £5 fare. In tariff 2 the subsequent charge of 20 pence for each 150 yards be increased to 30 pence per 150 yards. Time & a Half on the yardage. The Meter to be set, to automatically adjust to tariff 2 at 10pm & back to tariff 1 at 7am. As many hires start before tariff 2 but the meter does not automatically change at 10pm & 7am to incorporate the change in tariff. Public & Bank Holidays – these should be changed to tariff 2.
- the major cost for taxi owners apart from the capital outlay for the vehicles, are insurance and fuel. Aside from the impact that COVID has had on the industry, fuel costs have been spiralling, almost by 50% in the last two years. The impact on the industry is severe, profit margins are being squeezed, this when many of us are still suffering the effects of covid on business. They feel they have to increase the tariffs to take this into account. They suggest a 50p increase across all starting tariffs, and at least a 20p increase on all the running miles.

3 requested no increases be made with the following reasons:-

- I definitely don't think taxi fares should increase under the current climate. Business is bad enough just now and I definitely think it would make things worse.

- Fares should remain at the same rate and have no increase. Given the recent and ongoing covid pandemic it is only fair to give everyone the chance to get back on their feet and so now is not the time for any increase.
- I don't think we should raise the prices as we are just getting back to some kind of normal but have lost a lot of clients. We are getting a bad name for being the dearest fares in Scotland(don't know if that is true) and there is a lot of outside taxis and Uber taxis coming into the town with hires. Sometimes you can be out and get 5 or 6 hires a day and see all these taxis coming into town because they are somewhat cheaper.

Bute

2 responses were received supporting an increase. One would be in favour of a fare increase especially going onto the initial fare that they start on ie. flag fall as the vast majority of hires are short journeys and in many cases the meter doesn't go above £3.00 so an increase in this would help. A small increase in the running mile would also help with the ever increasing cost of diesel, tyres and repairs. (no further information provided)

The second response is suggesting a 50 pence increase in flag fall and leave the distance tariff as it is.

The reasons are as follow:

1. It has been 7 years since there was an increase and it is now long overdue.
2. Taxi licence fees, inspection fees, fuel, maintenance have all increased massively.
3. Due to Covid there is a massive additional expense with PPE, hand sanitiser, wipes, Dettol spray and the purchase of 7 fogging machines.
4. In 2014 the national minimum wage was £6.50 per hour, this is due to go to £9.50 per hour.

It is normally a minority of mainland taxi operators that object to an increase. We have previously stated at Licensing Meetings that Bute should be zoned as our trade and expenses are very different to the mainland.

Kintyre

We received one late representation which was not in favour of an increase.

- 3.2** Enquiries were made with Angus Council, East Lothian Council, Highland Council and West Dunbartonshire Council regarding their existing taxi charges for the purpose of comparison and the findings are noted below.

	Argyll and Bute Existing Fares	Angus Council	East Lothian Council	Highland Council	Dumbarton & Vale of Leven Zone
Tariff 1	£3.00 860 yards then 176 @ 20p	£3.50 1660 yards then 85 @ 10p	£3.00 Depending on distance/time add 20p	£3.00 Depending on distance/time add 10p	£2.50 Depending on distance/time add 10p
Tariff 2	£3.60 860 yards then 150 @ 20p	£3.80 1260 yards then 75 @ 10p	£4.00 Depending on distance/time add 20p	£3.30 Depending on distance/time add 10p	£3.00 Depending on distance/time add 10p
Tariff 3	£4.20 860 yards then 120 @ 20p	£5.10 1320 yards then 65 @ 10p	£5.00 Depending on distance/time add 40p	£3.90 Depending on distance/time add 10p	£4.10 Depending on distance/time add 10p

3.3

The Committee are advised that data from the AA's Fuel Price Report for 31 October 2021:-

Unleaded prices have increased, from 135.2 p/litre last month to 141.4 p/litre now.

Diesel prices have risen from 136.9 p/litre to 144.9 p/litre.

The price difference between diesel and unleaded has grown to 3.5 p/litre

Supermarket prices for unleaded now average 138.8 p/litre. The gap between supermarket prices and the UK average for unleaded has shrunk to 2.6 p/litre.

3.4

The recent taxi survey undertaken by LVSA in 2019 noted "that the Private Hire and Taxi Monthly magazine publish monthly league tables of the metred fares for taxis in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The lower the ranking (number), the more expensive the journey, compared with other authorities. The July 2019 table indicated that the fares in Argyll & Bute were ranked 103 out of 366 authorities listed. This indicates that taxis in Argyll & Bute are more expensive than for most authorities". As at November 2021 Argyll and Bute are ranked 130.

3.5

Circular 25/1986 states the Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs. (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them.

4. CONCLUSION

- 4.1 Members are now required to review the matter of taxi fares. As previously advised in terms of Section 17 the procedure for reviewing taxi fares has changed.

In carrying out a review, the licensing authority must -

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- (b) following such consultation –
 - (i) review the existing scales, and
 - (ii) propose new scales (whether at altered rates or the same rates)
- (c) publish those proposed scales in a newspaper circulating in its area -
 - (i) setting out the proposed scales
 - (ii) explaining the effect of the proposed scales
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
- (d) consider any such representations

In reviewing the matter of taxi fares members are invited to consider whether;

- A)** They wish to accept the general consensus from the 16 written responses received whereby 11 are requesting an increase and 5 are requesting that no increases to the fares be made.

When considering all of the above proposals members may wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. A total of 105 operators were consulted with 16 providing written representations. Therefore only 17% of the trade has responded.
2. The comparison of the general effect of Argyll and Bute's existing fares with those in place in Angus Council, East Lothian Council and Highland Council.
3. The fluctuation in the price of fuel.
4. The economic effect COVID 19 is still having on our local communities.

If members are minded to propose an increase in fares they require to detail the proposed new scales, taking into consideration the following views obtained from taxi operators:-

- Mid Argyll and Kintyre wish the fares to remain as is
- Lorn propose an increase of 15% and 20%
- Cowal propose a 20% increase or an increase of 20p to each initial charge
- Bute propose an increase of 50p to each initial charge
- Lomond propose an increase of 50p to each initial charge plus change distance tariffs

For ease of comparison please refer to the attached appendix which sets out clearly the increases as listed above. Also noted are Argyll and Bute's current fares.

B) They may wish to reaffirm the current scale of maximum fares previously reviewed by the Council on 17th June 2020 which came into force 22nd October 2020 also having regard to the 16 written responses whereby 11 are requesting an increase to the taxi fares and 5 are requesting no increase. Members may also wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. Only 17% of the trade have responded.
2. It should be noted that those requesting no increases from the following areas:- Lomond, Lochgilphead, Mull and a late representation received from Kintyre.

4.2 Members further require to propose a date of which the proposed fares are to come into effect. It is recommended that this be 22nd April 2022.

4.3 Members should be aware that any person or any persons or organisations appealing to the Traffic Commissioner to be representative of taxi operators in the area who operates a Taxi in an area for which scales have been fixed or in respect of which a review has been carried out will still have the opportunity to lodge an appeal to the Scottish Traffic Commissioner within a 14 day period.

5. IMPLICATIONS

5.1 Policy- None

5.2 Financial -none

5.3 Legal – The Council require to review taxi fares in terms of the Civic Government (Scotland) Act 1982

5.4 HR -none

5.5 Fairer Scotland Duty:-none

5.5.1 Equalities - protected characteristics-none

5.5.2 Socio-economic Duty-none

5.5.3 Islands -none

5.6 Climate Change-none

5.7 Risk-none

5.8 Customer Service-none

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Cllr David Kinniburgh

For further information contact: Sheila MacFadyen, Senior Solicitor

Tel: 01546 604265

Email Sheila.macfadyen@argyll-bute.gov.uk

December 2021

This page is intentionally left blank

		Current Fares - Mid Argyll & Kintyre suggest leave as is.				Lorn Proposals						Cowal Proposal			Bute Proposal			Lomond Proposal			
	Argyll and Bute Council Civic Government (Scotland) Act 1982	Taxi Fares in effect from 22 October 2020				With 15 % increase			With 20 % increase			Increase of 20p to each initial charge			Increase of 50p to each initial charge			Increase of 50p to each initial charge plus change distance tariffs			
		Fare	1 mile = 1760 yds	5 miles = 8800 yds	Per Lomond £5 fare = 2620 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Per Lomond £5 fare = 2620 yds
Tariff 1	Hirings from ranks or "flag"																				
	Hiring between 7am and 10pm																				
	Initial charge (860 yards or part thereof)	£3.00	£4.02	£12.02	£5.00	£3.45	£4.63	£13.83	£3.60	£4.83	£14.43	£3.20	£4.22	£12.22	£3.50	£4.52	£12.52	£3.50	£4.73	£14.33	£5.90
	Subsequent charge (each 176 yards or part thereof)	£0.20				£0.23			£0.24			£0.20			£0.20			£0.24			
Tariff 2	Hirings from ranks or "flag"																				
	Hiring between 10pm and 7am																				
	Initial charge (860 yards or part thereof)	£3.60	£4.80	£14.19		£4.14	£5.52	£16.31	£4.32	£5.76	£17.02	£3.80	£5.00	£14.39	£4.10	£5.30	£14.69	£4.10	£5.90	£19.98	
	Subsequent charge (each 150 yards or part thereof)	£0.20				£0.23			£0.24			£0.20			£0.20			£0.30			
	Tariff 2 also applies to hirings from ranks or "flag" between 6pm and 10pm December 24 th , 6pm and 10pm December 31 st and between 7am 2 nd January and 7am 3 rd January																				
Tariff 3	Hiring from ranks or "flag" between 10pm 24 th December and 7am 27 th December and 10pm 31 st December and 7am 2 nd January																				
	Initial Charge (860 yards or part thereof)	£4.20	£5.70	£17.43		£4.83	£6.56	£20.05	£5.04	£6.84	£20.92	£4.40	£5.90	£17.63	£4.70	£6.20	£17.93	£4.70	£6.95	£24.55	
	Subsequent Charge (each 120 yards or part thereof)	£0.20				£0.23			£0.24			£0.20			£0.20			£0.30			

Waiting Time – 35 pence per minute

commencement of journey, charged on a pro rata basis per second

£0.35

£0.40

£0.42

Taxi called by means of telephone - 30 pence additional charge

£0.30

£0.35

£0.36

Large Mini-bus type vehicles (carrying 5 or more passengers together at their own request)

a) Where Tariff 1 would apply – charge Tariff 2

b) Where Tariff 2 would apply – charge Tariff 3

c) Where Tariff 3 would apply – Surcharge £1.00

£1.00

£1.15

£1.20

Fee by negotiation – for all journeys commencing within but finishing outwith Argyll & Bute, in a place of the above charges, such fares may be charged as prior to the acceptance of the hire, were proposed to the hirer and accepted by him/her**Ferry Fares** – The hirer shall be liable for the cost of a return ferry fare for any journey involving a ferry**Soiling Charge** - £100 maximum (with permission to display warning signs indicating that there may be an additional charge for any potential loss of earnings suffered as a consequence)

£100.00

This page is intentionally left blank

Argyll and Bute Council
Development and Economic Growth

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

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

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Erection of 24 dwellinghouses

ii) Other Specified Operations

- Construction of new vehicular access road off Station Road
 - Junction improvements at junction of A814 and Station Road
 - Installation of traffic calming measures on Station Road
 - Construction of footway on Station Road
-

(B) RECOMMENDATION:

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

(C) HISTORY:

99/00608/OUT Erection of residential development (outline) Approved 19.04.1999
 03/01897/DET Erection of 24 dwellinghouses and associated works Withdrawn 27.05.2004
 04/01028/DET Erection of 24 dwellings Approved 12.01.2005
 07/01323/DET Erection of 24 dwellinghouses (Amended design original ref. 04/01028/DET) Approved 17.11.2010

(D) CONSULTATIONS:

Roads Helensburgh and Lomond – (03.02.2020 and 07.01.22). No objections subject to conditions.

Scottish Water - Dated 15.01.20 – No objection

SEPA – Dated 20.1.21 – No Objection

Core Paths – Dated 07.05.20 – Objection- Requests further details of core path diversion.

Local Biodiversity Officer - Dated 06.04.20 and 08.09.21- No Objection subject to conditions

Ministry Of Defence - 10.03.20 – No objections subject to conditions

Flood Risk Assessor - 27.01.20 – No objections subject to conditions

Scottish Environmental Protection Agency - 20.01.20 – No objections

Network Rail - 27.01.20 – No objections subject to conditions

Garelochhead Community Council - 30.01.20 – (Objection/representation)
Raise the following matters:

- Concern that junctions in locality unable to safely cope with proposals
- Wish Sustrans path to be “given its place” as an important attribute for the village
- Wish appropriate ecology surveys to be properly completed.
- Concern regarding excess traffic at 4 way junction, access to Sustrans path and impacts upon ecology

Officer Comment: All of these matters are addressed in the main report.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 13.02.2020

(F) REPRESENTATIONS:

The application has generated a considerable amount of objection. At time of writing some 86 Objections and four representations have been received. No submissions in support have been received. A full list of those who have made objects or representations is set out at Appendix B to this report.

i) Summary of issues raised in objections submitted:

Design

- There is no greenspace incorporated in to the development.
- The size and scale of the development is inappropriate for a small village.
- Gradient of site too steep prohibiting development/a gritter will not be able to access site due to steep incline
- Urbanisation is deteriorating the area ruining the semi-rural area.

Officer Comment – *Refer to report.*

- Information missing from the site layout plan omitting Heatherbank and the route of Dunevard Burn

Officer Comment – *This matter was raised with the applicant's agent who provided a revised site layout plan addressing matters.*

Amenity

- The site contains Japanese knotweed, concerned this will spread further.

Officer Comment – *The Council's Biodiversity Officer advises pre-start site examinations which are subject to safeguarding condition.*

Informal access to the site will occur via Frances Henry Walk footpath or from Upland Road

Officer Comment – *The issue of the public creating shortcut routes is not controlled by planning legislation.*

- Concern the new road will impact upon the structural stability of Braeside

Officer Comment – *Any structural damage to private property in respect of the implementation of a planning permission is a civil matter and not a material planning consideration. Construction of the access road and any associated structures will be subject to RCC process which will ensure appropriate roads engineering standards are proposed and progressed.*

- Noise during construction affecting residential amenity/possible damage to boundary wall will impact upon habitats

Officer Comment – *Hours of construction operation can be controlled through restrictive planning conditions. Damage to boundary wall is a private civil matter, the Council's Biodiversity Officer advises pre-start site examinations which are subject to safeguarding condition.*

- Existing overlooking into the garden and upstairs bedrooms of Rannoch Brae

Officer Comment – *Refer to report.*

Ecology/Wildlife

- Development will result in loss of valued ecosystem
- Development will harm wildlife and biodiversity interests
- Biodiversity value of site is also a benefit to residents of the area which is a valued open/green space as well for the village and benefits wellbeing.
- Slow worms on site

Officer Comment: *No objections are raised by the Council's Biodiversity advisor following the provision of updated ecological surveys. Further commentary on this matter is contained in the Officer Report.*

Drainage/Flooding

- Drainage on site has significantly degraded, concern new development will exacerbate this
- Surface water is to run into burn, this borders Rannochbrae, concern this will further impact upon drainage/possible damage to boundary wall.
- Concern that sewerage infrastructure in the area will be insufficient.
- Can existing utilities and infrastructure cope?
- Drainage and services should fall away from Braeside
- Water run off already problematic from the site. It would be far worse if developed.

Officer Comment – *Scottish Water, SEPA and the Council's Flood Risk Manager have no objections to this proposal subject to appropriate conditions.*

Footpath/Right of Way

- Concern regarding public access to footpath during construction.
- The footpath walking experience will be changed.

- Loss of greenspace detrimental to residential and recreational uses.
- Detrimental impact upon biodiversity and habitats.

Officer Comment –*Refer to Report.*

Road Traffic

- Increase in vehicle movements will affect road traffic safety/residential amenity
- Increased traffic will have a detrimental impact upon air quality
- Construction traffic will face problems re safe access to the site.
- Existing road junction at Station Road/A814/Feorlin Way is already congested/the meeting of 3 roads is beyond capacity for the increase in vehicle movements.
- Current poor quality footpaths/restricted access to paths on Station Rd and Fairway, the new development will make pedestrian access more dangerous.
- Network Rail heavy goods traffic use Station Road to access the Station, this will add to congestion.
- Network Rail park HGVs on Feorlin Way allowing congestion.
- Station Rd leading to Fairway is effectively a single track road due to on street parking
- Station Road at the site access junction takes a rural road feel allowing young drivers who may speed to experience unexpected hazards.
- There is no pedestrian access from the site to Garelochhead Train Station.
- The proposal should have a different access road for cars.
- Concern that the previous Area Roads manager observations from 07/01323/DET cannot be met.
- Damage to road covering

Comment – *The Area Roads Engineer raises no objections to the proposals. Further commentary on roads matters and compliance with necessary roads standards for residential development is contained within the officer report.*

(G) SUPPORTING INFORMATION

- Ecological Surveys dated October 2020 and June/July 2021

An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:
No

i) A design or design/access statement: No

(H) PLANNING OBLIGATIONS

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 DM1 – Development within the Development Management Zones.
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure
LDP PROP 2 – The Proposed Allocations

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP HOU 1 – General Housing Development including Affordable Housing
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green Space
SG LDP PG 1 – Planning Gain
Sustainable Siting and Design Principles
SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP - Climate Change
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

LDP 2 Policy Framework.

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within LDP2 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 LDP2 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 LDP2 that may be afforded significant weighting in the determination of this application are listed below:

Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development
Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 38 – Construction Standards for Public Roads
Policy 41 – Off Site Highway Improvements
Policy 63 – Waste Related Development and Waste Management

It should be specifically noted by Members that the applications site is no longer a proposed housing allocation within LDP 2 but is now identified as land within the

settlement boundary. Further detailed commentary on this matter and its materiality to the determination of the current planning application is contained within the Planning Policy section of this report at section H.

(ii) List of all other material planning considerations taken into account in the assessment of the application.

Argyll & Bute Sustainable Design Guidance (2006)
Argyll and Bute Biodiversity Action Plan (2017)
Designing Streets - Scottish Government Policy Advice
Creating Places – Scottish Government Policy Advice.

Approval of housing development associated with:

- 04/01028/DET: Erection of 24 dwellings Approved 12.01.2005
- 07/01323/DET Erection of 24 dwellinghouses (Amended design original ref. (04/01028/DET) Approved 17.11.2010

Members are requested to note that correspondence was received from third parties during the application process indicating that the previous planning permission 07/01323/DET has been commenced and then abandoned with questions being asked of officers through FOI whether any records of why works had stopped were available. Officers could identify no works on the site which would have been considered a commencement of development. It would appear that some tree clearance took place but no actual works to implement the historic planning permissions was found. No information in respect of such matters was found in either Planning or Building Standards records and this conveyed to the third party who made the inquiry.

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

A negative screening opinion (REF: 20/01595/SCREEN) was issued by Officers on 1.10.20

(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: Yes

The site of the proposed development is a housing allocation within the adopted Argyll and Bute Local Development Plan 2015 (LDP). In addition, a development of 24 houses has previously been approved under applications 04/01028/DET and 07/01323/DET. The principle of the proposal and the design, layout and materials proposed accord with the policies of the LDP and LDP 2.

Notwithstanding the above, the application has generated some 85 objections from the local community and has been removed as a specific housing allocation in LDP 2. On balance, it

is considered that a pre determination hearing would assist Members consider the issues which have been raised by objectors and allow them, if they so wish, to present their case.

Officers therefore recommend that a hearing be held prior to the determination of the case.

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

The proposal seeks to develop an allocated housing site (H-AL-3/3) to provide 24 dwellings of varying sizes. In addition permission is also sought for the following;

- Construction of new vehicular access road off Station Road
- Junction improvements at junction of A814 and Station Road
- Installation of traffic calming measures on Station Road
- Construction of footway on Station Road

The principle of the development is acceptable having regard to the allocation of land for residential development in the adopted development plan. The proposals will provide an appropriate layout and design for this well contained site. Notwithstanding the third party objections which have been received, it is considered that the topography of the site, the layout of the scheme, the landscaping proposed, and the house designs and external finishes present a form of development which will accord with LDP and SG policy requirements.

It should be noted that the Sustrans footpath, Garelochhead to Loch Long Way, which runs through the site remains designated as a core path and may be closed for a temporary period and a temporary diversion put in place to accommodate construction of the site.

The proposal has attracted a considerable number of objections raising issues relating to design, amenity, ecology, drainage/flooding, protection of footpath and road traffic safety. These issues are addressed in the Officer report and can all be dealt with by way of safeguarding conditions. A full assessment of these issues is made in Appendix A.

Road traffic junction improvements are proposed within the AFA 3/10 Garelochhead Village Centre in which environmental enhancements are regarded as a strategic objective. The proposal meets these aims. The Area Roads Manager has no objections to the junction and other improvements subject to their provision at an early stage in any implementation of this scheme should it be approved.

A considerable number of objections refer to the wildlife and biodiversity value of the site. The initial ecological surveys submitted were not adequate due to being undertaken at a non-optimal time. These have been re-done and the Council's Biodiversity Officer is content with the proposals and raises no objection to the proposals subject to the imposition of appropriate conditions.

In conclusion, the proposal accords with the adopted Argyll and Bute Local Development Plan (LDP) and supplementary guidance and there are no other material considerations, including views expressed by third parties, which would warrant other than planning permission being granted in this instance.

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

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

The site of the proposed development is a housing allocation within the adopted Argyll and Bute Local Development Plan (LDP). The principle of the proposal and the design, layout and material proposed accords with the policies of the LDP. The proposal also accords with supplementary guidance and there are no other material considerations, including views expressed by third parties, which would warrant other than planning permission being granted.

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

N/a

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

No

Author of Report: David Moore

Date: 07/01/22

Reviewing Officer: Sandra Davies

Date: 07/01/22

Fergus Murray
Head of Development and Economic Growth.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/02328/PP

1. The development shall be implemented in accordance with the details specified on the application form, 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 Ref.	Rev	Plan Title.	Date Received
Location Plan		1:2500 Dated	13.01.20
A06/846/11	H	Site Plan as Proposed	
A06/845/5:		Elevations House Type A	13.01.20
A06/846/1:		Layout House Type A	13.01.20
A06/846/21:		Handed Elevations House Type A	13.01.20
A06/846/20:		Handed Layout House Type A	13.01.20
A06/846/6:		Elevations House Type B	13.01.20
A06/846/2:		House Type B Layout	13.01.20
A06/846/23:		Handed Elevations House Type B	13.01.20
A06/846/22:		Handed Layout House Type B	13.01.20
A06/846/7:		Elevations House Type C	13.01.20
A06/846/3:		Layout House Type C	13.01.20
A06/846/25:		Handed Elevations House Type C	13.01.20
A06/846/24:		Handed Layout House Type C	13.01.20
A06/846		House Type D Elevations	13.01.20
A06/846		House Type D Layout	13.01.20
A06/846/27		Handed Elevations House Type D	13.01.20
A06/846/26		Handed Layout House Type D	13.01.20
3488/R04	B	Proposed Junction Alterations	13.01.20
3488/R03		Proposed Traffic Calming and Traffic Layout	13.01.20
3488/R06	C	Station Rd Road and Footway Layout	13.01.20
LSM 0100	A	Refuse Vehicle Tracking Layout	28.10.21
LSM 0101	A	Fire Tender Tracking Layout	28.10.21
LSM 0102	A	Visibility Splay Layout	28.10.21
LM 01		Landscape Sketch Masterplan	28.10.21

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

2. Notwithstanding the effect of Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
 - a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
 - b) Define those properties to be used as affordable homes;
 - c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
 - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being:

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing

(Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);

- ii) The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

3. Notwithstanding the effect of condition 1 –

- i) Prior to any works commencing on site:
 - a) The proposed footway detailed on drawing 3488/RO6 revision C shall be completed.
 - b) The junction improvements and traffic calming shown on drawings 3488/RO3, 3488/RO6 revision C and 3488/RO4 revision B shall be completed.
 - c) The open box beam vehicle safety barrier shown on drawing number 3488/R06 revision C are fully installed.
- ii) Prior to any works commencing on the dwelling houses:
 - a) A visibility sightline 2.4x35x1.05 metres in both directions at the junction of the new adoptable standard road with the exiting public road (Station Road) and these shall be maintained in perpetuity thereafter.
 - b) All walls, hedges and fences within the visibility splays must be maintained at a height not greater than 1 metre above the road and these shall be maintained in perpetuity thereafter.
 - c) The proposed new adoptable standard road shall be constructed to minimum of base layer.
- iii) Prior to the occupation of the first dwelling house:
 - a) The proposed new adoptable standard road shall be completed.
 - b) The allocated parking space(s) shall be fully formed and operational.

Unless as otherwise may be agreed in writing by the Area Roads Manager

Reason: In the interests of road safety.

- 4. Prior to development commencing, a Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Manager. The Plan shall detail approved access routes, agreed operational practices, and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. This Traffic Management Plan phasing should also accord with the core path diversion/closure requirements. The development shall be implemented in accordance with the duly approved Traffic Management Plan unless as otherwise may be agreed in writing by the Area Roads Manager.

Reason: To address traffic associated with the development in the interests of road safety and having regard to the restricted and shared access arrangements to the site and in the interests of residential amenity.

- 5. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of:
 - a. boundary fences;
 - b. external materials finishes of all the houses
 - c. any other walls to be constructed in the development;
 - d. roads and parking areas;

- e. footpaths;
- f. shared surfaces.

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 secure the use of appropriate materials.

6. Notwithstanding the effect of condition 1, no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings it is intended to serve.

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

7. Notwithstanding the effect of condition 1, no development shall commence until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation is agreed in writing by the Planning Authority and should accord with any approved Traffic Management Plan.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5(b).

8. Notwithstanding the effect of Condition 1, no development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these, has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved details.

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

9. Notwithstanding the effect of condition 1, prior to the commencement of any works on the site, a detailed tree survey shall be prepared which shall clearly identify species, location, condition and canopy spread of all trees on site, and shall separately identify those which it is proposed to fell as a result of the development. The survey shall also include details of the protection, maintenance and management measures of the trees that are proposed to be retained. The details shall also include:

- A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree/sapling in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".
- Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees adjoining the development site in the interests of amenity and nature conservation.

10. Notwithstanding the effect of condition 1, within 12 months of the date of this permission a detailed landscaping scheme and planting proposals including species and numbers to be

planted, must be submitted to the Planning Authority for their approval in consultation with the Council's Biodiversity Officer in accordance with the details set out in Drawing LM01. Such details shall also include provision of bat boxes on trees to be retained in accordance with the views of the biodiversity officer and objectives of the biodiversity Action Plan 2017.

Reason: To ensure that landscaping proposals accord with the objectives of the approved Argyll and Bute Biodiversity Action Plan 2017 and that appropriate levels amenity planting is carried out to secure the appropriate integration of the site into its locality.

11. All planting shall be completed in accordance with approved plan(s). Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within 5 years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and to promote bio-diversity.

12. The in-curtilage landscaping shall be completed by the planting season following the completion of each dwelling; and the casual open spaces and formal open spaces shall be completed in accordance with a phasing plan to be submitted to and approved in writing by the Planning Authority prior to the construction of the of development unless as otherwise may be agreed in writing with the Planning Authority.

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

13. Notwithstanding the effect of condition 1, no works (to include tree felling or removal) associated with the implementation of this permission shall commence on the site until an Access Plan which demonstrates how public access along the Core Path will be provided during the construction phase and the line of the Core Path once the site is complete has been submitted to and approved in writing by the Planning Authority. The Access Plan shall include cross sections of the path to show how it will be constructed along with details of any temporary diversion paths.

Reason: In order to maintain and improve pedestrian access of the Core Path c 280(d) Garelochhead to Loch Long Way.

14. Notwithstanding the effect of condition 1, no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:

- a. A plan showing the location and extent of communal open space and equipped play areas;
- b. Provision to satisfy the minimum standards set out in the Development Plan; 6 sqm of equipped play space and 12 sqm of informal open space per dwelling unit;
- c. Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- d. Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- e. A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects along with details of the parties responsible for the maintenance and public liability insurer.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision and retention of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

15. Notwithstanding the provisions of Condition 1, no construction plant and / or machinery shall be operated on the site outwith the following times: 07:30 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday nor at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Health.

Reason: In order to control noise nuisance in the interest of amenity.

16. Notwithstanding the provisions of Condition 1, prior to commencement developing the proposed finished floor levels for properties 12, 18, 19 and 20 shall be submitted and approved in writing by Planning Authority, in consultation with the Flood Risk Manager. The details shall demonstrate that the finished floor levels will be set to at least 0.3 m above ground level. Thereafter the development shall be carried out only in full accordance with such approved details.

Reason: In order to ensure appropriate mitigation for flood risk.

17. Notwithstanding the provisions of Condition 1, no development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 4th edition and to the satisfaction of the Councils flooding advisor. Post development runoff should not exceed the 1 in 2 year greenfield runoff rate.

The submission shall include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

Any Sustainable Urban Drainage Scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

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

18. Notwithstanding the provisions of Condition 1, a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, and provision for its future maintenance and renewal, should be provided. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons: In the interests of public safety and the protection of Network Rail infrastructure.

19. Notwithstanding the provisions of Condition 1, no development shall take place on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. The noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the railway line. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the

occupation of any houses to whom the mitigation relates and shall thereafter be retained in accordance with the approved scheme.

Maintenance responsibility for any required attenuation structures/works shall be submitted and approved by the Planning authority prior to commencement of development.

Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise sources.

20. Notwithstanding the provisions of Condition 1, prior to the construction of any dwelling associated with this permission, details of the method of construction of the dwellings shall be submitted to the Planning Authority in consultation with the Planning Safeguarding Department, Statutory & Offshore Defence Infrastructure Organisation Authority to allow further consultation with the Ministry of Defence (MOD) safeguarding department. Such details as may be approved by the Planning Authority in consultation with the MOD and Building Standards Officers of the Council shall thereafter be implemented.

Reason: The site is located within a MOD safeguarding zone and construction of any dwelling requires to accord with necessary structural and construction standards in the interests of safety.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The developer's attention is drawn to both the existence of Japanese Knotweed on the site and the requirement to properly address this matter in respect of any construction works under the Environmental Protection Act 1990 and Wildlife and Countryside Act to ensure that appropriate steps are taken to ensure that no spread of this invasive and notifiable species takes place.
5. All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.
7. In respect of condition 7 a Road Construction Consent application will be required and on subsequent RCC approval a financial security road bond will be required to be lodged with the Council prior to any building works starting on site.
8. A Road Opening Permit (S56) is required for verge crossing/Footway crossing is required
9. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact Network Rail Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02328/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application proposal for 24 dwellings is on land identified within the adopted Local Development Plan for residential development within the settlement boundary of Garelochhead and the housing allocation Garelochhead Station Road - H-AL 3/3. Garelochhead is a Key Rural Settlement in which Policy LDP DM1 (Key Rural Settlements) supports applications of medium scale. SG LDP HOU 1 establishes a general presumption against housing development when it involves large-scale housing development in Key Rural Settlements and Villages and Minor Settlements. Medium scale housing comprises between 6 and 30 dwelling units, the proposal is therefore in accordance with the settlement policy and dwelling threshold and accords with LDP DM1 – Development within the Development Management Zones and SG LDP HOU 1 – General Housing Development including Affordable Housing. The number of houses accords with the allocation number in the Local Development Plan (LDP) which is 24.

The proposal also accords with policies LDP STRAT 1, and LDP 10 in promoting development of an appropriate scale and type in an appropriate settlement location.

B. Location and Design of Proposed Development

The site is a wooded scrub field measuring approx. 3.4ha with a public footpath dissecting it from north to south. It is bounded by substantial tree/woodland to the north of the site which will not be developed. Other identifiable boundaries are a burn to the west and a railway embankment to the north which will continue to surround and contain the development site on all but its southern boundary where it abuts houses facing Station Road. The housing development occupies half of the site in area and the proposed new houses are all over 20m from the site boundary. The site is not relatable to any other development within the surrounding area. Due to the number of housing units proposed the development is considered to be a local planning application.

The ground levels of the site are steep and well contained at present due to existing shrubs along the site boundary to the north, the applicant has confirmed the site pertaining to housing will be cleared of all shrubs to accommodate the development. The site is not subject to any landscape, nature conservation, or historic environment designation. The public footpath is a Sustrans footpath, Garelochhead to Loch Long Way, which runs through the site.

The site is bounded by the railway line and a burn as well as established properties on Station Road. The new houses are proposed to be clad in a combination of wet dash render, reconstituted stone and artificial slate. The design and proposed finishes are considered acceptable in this location and will not have a detrimental impact on adjoining properties or the surrounding area.

The proposal remains the same layout as previous approval 04/01028/DET Erection of 24 dwellings granted on 12.01.2005 and a subsequent amendment 07/01323/DET Erection of 24 dwellinghouses granted on 17.11.2010. .

The site is bounded by substantial tree/woodland to the north of the site which will remain untouched and will be subject to management as part of the current proposals. Other identifiable boundaries are a burn and a railway embankment which will continue to surround and contain the development site on all but its southern boundary where it abuts houses facing Station Road. These houses are all over 20m for the site boundary and will not experience any increase in loss of residential amenity to that already occurring caused by users of the footpath.

The site itself is well contained at present due to existing shrubs along the site boundaries, the applicant has confirmed the site will be cleared of all shrubs to accommodate the development. However, this can be softened by a landscaping scheme which will re-instate green areas. A commitment has been made by the applicant to bring forward enhanced biodiversity planting as set out in additional landscaping submissions agreed by the Biodiversity Officer.

Objectors are concerned that the proposal should be more reflective of the surrounding semi-rural area. However, there is no dominant or generic design code associated with this local area, as it has evolved over the years. The judgement in this case is not whether houses which have been used in other areas are being promoted, but whether an attractive place to live is being created by the proposals which seeks to take on the “place making” agenda advised by the Scottish Government’s policy documents. The proposal will create an attractive and desirable place to live, with appropriate design and landscaping within the street scene through variation of materials, textures and housing design, as well as shared surface design and materials and will therefore accord with national and LDP policy advice and placemaking objectives.

In respect of garden sizes and plot sizes, all of the houses are in accordance with plot ratio requirements. All houses are detached and do not occupy any more than 33% of the plot. This is in accordance with required standards set out in SG advice in support of policy LDP 9.

Window to window privacy has been respected and it is not considered that any of the new houses will result in any material loss of privacy to any surrounding residential occupiers.

Provision of formal and informal open space within the development is in accordance with required standards and the location of the main formal play area to the top of the site sits comfortably within the site and is acceptable in appearance. An appropriate condition relating to the provision and maintenance of formal play equipment will be imposed. The proposals are therefore in accordance with the requirements of SG LDP HOU 3.

Given the above, the proposal the proposal is considered to accord with policies LDP 3, LDP 8, LDP 9 and SG advice in respect of plot ratio and garden sizes.

C. Natural Environment/Biodiversity

The site is not within any area of special environmental control. However, a considerable number of objections have been received in respect of potential unacceptable impacts upon wildlife interests, ecology and biodiversity. The initial application submissions, were supported by an ecological survey of the site to seek to identify whether any protected species were on the site. However, the survey originally submitted was carried out in winter months and therefore was not able to properly evaluate the potential for bats to utilise trees on the site.

The applicant was therefore requested to carry out a fresh and updated survey of the site. This was carried out and the submission dated July 2021 stated that:

Acorna Ecology Ltd. was commissioned in October 2020 to carry out a protected species walkover survey on land at Station Road, Garelochhead. This survey was completed on 27 October 2020. The survey considered the potential presence of relevant European Protected Species including bats and found that bat roost potential was commonplace in trees with ivy coverage. It was recommended that dusk and pre-dawn presence/absence surveys should be completed during the core active bat survey season May – August 2021 to determine if any roosting bats were present and therefore an ecological constraint for the proposed development.

The presence/absence surveys subsequently completed during June and July 2021 found no bat roost present within the Application Site, so roosting bats are therefore not an ecological constraint for the proposed development.

The Biodiversity Officer has evaluated the original and updated submissions. On this basis no objections are raised to the proposals by the biodiversity officer subject to the imposition of appropriate conditions upon any grant of planning permission, commenting that:

I have reviewed the attached Bat Survey Report and I am content with its findings. I note that some tree groups are to be retained as part of the landscape proposal, these are important areas for bats to forage in and around them. I recommend that Bat boxes are installed to increase roosting potential.

The provision of bat boxes on the trees to be retained will seek to encourage bats to utilise these and should result in a benefit and a condition to this effect has been proposed.

Following the submission of this additional information, further site meetings were held with the applicant to explore whether the overall scheme could improve its biodiversity contribution in accordance with the approved Biodiversity Action Plan objectives. Following these discussions it was agreed that a wider biodiversity strategy approach should be taken to the proposal. In accordance with this approach drawing LM-01 was submitted, committing to enhanced biodiversity features associated with the development proposals. Officers consider that this is a welcome commitment to biodiversity enhancement of the scheme over the original submission and an appropriate condition to ensure the details of the landscaping/planting and tree protection measures brought forward is proposed.

Wildlife/biodiversity matters will be subject to safeguarding condition to ensure compliance with LDP 3, SG LDP ENV 1, SG LDP ENV 6 and SG LDP ENV 8 and the Biodiversity Action Plan 2017.

D. Impact on Public Access/Tree Protection.

As set out at (C) above, there is a need to ensure that proposed planting properly addresses the need for landscaping to form an integral part of the design seeking to ensure that the resultant design will be substantially softened by landscaping and trees, framing and forming part of the overall design solution to create an attractive place to live. This is seen as an essential component of the overall design rather than an “add on”.

The proposed tree planting and landscaping proposals will be subject to safeguarding condition to ensure compliance with SG LDP ENV 6. In addition many existing and larger trees on site will be retained and a suitable condition to ensure their protection during construction is proposed.

The Core Path Officer originally objected to the proposals on the basis of insufficient information had been submitted in respect of a suitable solution to the impact on the core path which traverses the site. Further consideration has been given to this matter and potential solutions discussed with the applicant

It has been agreed with the applicant and access manager that the temporary diversion of the core path to allow development, as now proposed, will be retained after construction has finished to improve access to the path by surrounding residents. This new footbridge and path will be factored by the housing development and its maintenance will therefore be the responsibility of the occupants of the new houses and not the Council. A condition requiring details of the maintenance arrangements for this and other external open space and landscaping is proposed in accordance with normal practice.

Officers are content that the construction and detailed routing of the core path diversion can be subject to a suspensive condition and will form part of the necessary Traffic Management Plan clarifying how public access along the Core Path will be provided during the construction of the development. It is therefore considered that the concerns of the Core Paths Officer can be dealt with by an appropriate suspensive condition.

The protection of trees and core footpath through the site therefore meets the objectives of Policies LDP 11, SG LDP ENV 8 and SG LDP TRAN 1

E. Affordable Housing

In respect of affordable housing provision it is proposed to provide 6 affordable dwellings as part of the application. Argyll Community Housing Association have indicated interest in the six units to be provided and should planning permission be granted the necessary affordable houses will be secured by condition as is accepted practice on such matters.

The proposal is therefore in accordance with the 25% affordable housing requirement as set out in policy LDP HOU2

F. Road Network, Parking and Associated Transport Matters.

Members are requested to note that following the response dated 3.2.21, the Area Roads Engineer requested further details of the proposals to ensure that the submitted planning drawings demonstrated the ability of the proposal to meet necessary standards, particularly with respect to required gradients for the main access road and subsequent RCC requirements. A second response was provided on 07.01.22

In respect of roads infrastructure matters, the Area Roads Manager considers that the proposals are acceptable and raises no objection. The proposals have also been designed using the principles of designing streets to ensure that both the layout and surface treatments are accessible and accord with SG LDP HOU 2. The site also benefits from proximity to public transport and the facilities and transport connections of Garelochhead. The proposed junction and footway upgrades have been brought forward as in previous planning applications and are also considered acceptable. The area roads engineer requires that all of the offsite improvement works are carried out in advance of any works on site and a condition to this effect has been proposed.

Network Rail require safeguarding conditions in respect of protecting their asset (railway line) these are included as suspensive conditions and raise no issue in terms of the development plan. An appropriate informative on such matters has also been proposed.

The Area Roads Manager considers that the proposals are acceptable and meet required parking, roads and safety standards and raises no objection. The proposal is therefore considered to accord with Policies LDP 11, SG LDP TRAN 1, SG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 5, SG LDP TRAN 6 and SG LDP HOU 2.

G. Infrastructure

SEPA advise they have no evidence of significant flood risk at this site and raise no objection to the proposal.

Officers are advised by the Flood Risk Manager that the site is between 30m AOD (metres above Ordnance Datum) and 50m AOD. The overall site boundary is outside of the indicative limits of fluvial and coastal flooding as shown upon the SEPA Flood Map (2014), however, the surface water flood extent covers a small section of the site (along the northern edge). The burns within the site boundary are less than 3km², and are therefore too small to be included on the SEPA fluvial flood map.

The Council's Flood Risk Manager recommends that the finished floor level for properties 12, 18, 19 and 20 should be set to at least 0.3 m above ground level. In addition it is also recommended that all surface water drainage should be designed according to CIRIA C753 and Sewers for Scotland 4th Edition and post development runoff should not exceed the 1 in 2 year green field runoff rate. Appropriate conditions in accordance with the views of the Council's flooding advisor have been suggested.

These proposals are subject to safeguarding condition and will therefore accord with Policies SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 2, SG LDP SERV 7 and SG LDP Climate Change.

H. Other Matters

Emerging LDP 2

Members are requested to note that although the site is an allocated housing site within the current LDP (H-AI 3/3) it has been proposed to remove the site as a specific allocation in LDP 2 due to the failure of the site, although allocated, to deliver housing supply. The planning policy officer has provided the following explanation for the proposed change in its allocation status;

This site is currently identified as a housing allocation H-AI 3/3 for 24 houses in the Argyll and Bute Local Plan Adopted 2015. The site has a long history of being identified as an allocation for housing development, having been identified as such in the 1999 Dumbarton District Wide Local Plan, and also the Argyll and Bute Local Plan Adopted 2009. However, despite a number of planning applications being approved over the years, the site remains undeveloped and the allocation undelivered.

As part of the preparation process for the replacement of the 2015 plan, we issued a call for sites consultation in 2016, and a Main Issues Report in 2017 where we indicated that we would be reviewing all of the existing allocations to ensure they were effective (i.e. capable of being delivered during the lifetime of the plan). In the Main Issues Report the allocation at Station Road was identified as a red site, that is, as a site not preferred for inclusion in LDP2. No representations were received from the landowner/developer in response to this, and accordingly as the site had not been demonstrated as being effective, it was not included as an allocation in the Proposed LDP2 in 2019. No objections to the removal of this allocation were received during the consultation on the Proposed Plan.

The application site is included within the proposed settlement boundaries at Garelochhead, and while there have been objections to these, they do not relate to the area at Station Road. In terms of PLDP2 policy, the fact that it is no longer identified as an allocation for housing means that it is no longer required as part of the Housing Land Supply Targets. As the proposal is within the settlement area, the provisions of Policy 01 of the PDLP2 would be applicable. In particular, bullet points 3-7 apply as would the last sentence of the policy.

Although the site has been removed as a specific housing allocation in LDP 2, the land remains within the settlement boundary and has not been designated as an OSPA or protected area which would suggest that a housing development on the site was unacceptable in principle under LDP 2.

Officers consider that the following matters suggest planning permission should be granted in the case in respect of a general policy framework evaluation;

- inclusion of the site as a housing allocation within the current statutory LDP,
- previous grants of planning permission on the site,
- compliance with all necessary current LDP standards and supplementary guidance
- LDP 2 designation as land within settlement boundary suitable in principle for development
- Compliance with LDP 2 Policies not subject to objections.

In officers opinion these remain the substantive policy framework and material considerations against which the current planning application should be evaluated. In this respect it is recommended by Officers that Permission should be granted.

MOD Safeguarding.

The MOD in their consultation response dated 10.3.21 have confirmed that the proposed site occupies land within the statutory explosive safeguarding zone known as the Vulnerable Building Distance (VBD) surrounding Coulport RNAD. They have stated a requirement that all buildings occupying the VBD should be non-vulnerable that is of robust construction and design so that should an explosion occur at the MOD storage facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants and have referenced their standard condition on such matters to ensure the structural integrity and safety of any housing.

An appropriate condition in accordance with the views of the MOD is proposed to address this matter in accordance with normal practice for new development in such areas. (It is noted that the MOD incorrectly refer to the current application as for Planning Permission in Principle in their consultation response. However this does not have any planning consequences as the suggested condition can be properly imposed on a detailed planning permission to achieve the same outcome).

This page is intentionally left blank

Appendix B Representations

Representations in relation to: 19/02328/PP

Date: 10 January 2022

Objection

A Ferguson 1 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
A Gardiner Creagach Garelochhead Helensburgh Argyll And Bute 14.10.2020
Alan Laird Brentwood Garelochhead Helensburgh Argyll And Bute 15.12.2021
Alexandra Glazsher 1 Rosebank Garelochhead Helensburgh Argyll And Bute 03.01.2022
Alistair McIntyre Craggan Garelochhead Helensburgh Argyll And Bute 06.02.2020
Amanda Kennedy 8 Dunivard Place Dunivard Road Garelochhead Helensburgh 12.10.2020
Amanda Robinson 4 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
Andrew Armitage Flat 2/2 21 Baird Avenue Helensburgh Argyll And Bute 18.01.2021
Ann Robertson Avoch Station Road Garelochhead Helensburgh
Anne Pennycour 2 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
Ashley Perks 9 Upland Wynd Garelochhead Helensburgh Argyll And Bute 18.11.2020
Carole Spencer Craigellen Cottage Garelochhead Helensburgh Argyll And Bute 27.01.2021
Cherish Lawrence 17 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
Christine Spencer 10 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
Clare Scott 5 Fairway Garelochhead Helensburgh Argyll And Bute 07.01.2021
D Bruce 4 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
Dani Grant 1 Euston Place Garelochhead Helensburgh Argyll And Bute 10.1.22
David Aitken 3 Cairn View Garelochhead Helensburgh Argyll And Bute 11.11.2020
David B Tinsley 7 Park Avenue Garelochhead Helensburgh Argyll And Bute 24.11.2020
David Kennedy 8 Dunivard Place Garelochhead 12.10.2020
David Wilson 1 Station Cottages Station Road Garelochhead Helensburgh Argyll And Bute 05.02.2020
Douglas Gardiner Creagach Garelochhead Helensburgh Argyll And Bute 14.10.2020
Elaine A Hooper 15 Fairway Garelochhead Helensburgh Argyll And Bute 14.10.2020
Elainea Aitken 3 Cairn View Garelochhead Helensburgh Argyll And Bute 11.11.2020
Frances Phennah 23 Upland Road Garelochhead Helensburgh Argyll And Bute 22.01.2020
G McGoldrick 2 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
Gareth Wilson Heatherbank Lowere Flat Garelochhead
Gavin Findlay Fasgadh Dunivard Road Garelochhead Helensburgh Argyll And Bute 28.01.2020
Gavin Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
Gordon Forbes Station House Garelochhead 12.10.2020
Hazel Mackinnon Caerphilly Cottage Garelochhead Helensburgh Argyll And Bute 24.01.2020
Hazel Mackinnon Caerphilly Cottage Garelochhead Helensburgh Argyll And Bute 31.12.2021
Ian Marshall 2 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
Isobel Orr 6 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020
J Leishman 16 Upland Road Garelochhead Helensburgh Argyll And Bute 26.10.2020
J Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
J Sullivan No Address Provided 27.11.2020
James A Orr 6 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020
James Feal-Martinez Springbank Dunivard Road Garelochhead Helensburgh 07.10.2020
James Houston Hillside Whistlefield Road Garelochhead Helensburgh Argyll And Bute
Janet McKillop 1 Queens Crescent Garelochhead Helensburgh Argyll And Bute 14.10.2020
Jennifer Taylor Gowanlea Feorlin Way Garelochhead Helensburgh 12.10.2020
John Robinson 4 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020

John Saunders 9 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute 16.12.2020
 Julie Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
 K McLafferty 2 Schiehallion Dunivard Road Garelochhead Helensburgh 24.02.2021
 K Robertson Avoch Station Road Garelochhead Helensburgh 05.01.2022
 Kirsteen McKay 5 Frances Hendry Walk Garelochhead Helensburgh Argyll And Bute 16.12.2020
 Klaus Robertson Avoch Station Road Garelochhead Helensburgh 20.10.2020
 L Hay 7 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.10.2020
 Lorna Masterton 8 Fraser Avenue Helensburgh Argyll And Bute G84 8QP 12.10.2020
 M A Jones 7 Park Avenue Garelochhead Helensburgh Argyll And Bute 24.11.2020
 M M Brown Woodlands Dunivard Road Garelochhead Helensburgh Argyll And Bute 17.12.2021
 M Neilly No Address Provided 24.12.2020
 M Sullivan No Address Provided 27.11.2020
 M Williams 10 Hepburn Road Garelochhead Helensburgh Argyll And Bute 26.10.2020
 Marlene Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
 McGoldrick 2 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
 Michael Puxley Tigh Na Cluich Fairway Garelochhead Helensburgh Argyll And Bute 28.01.2020
 Michelle Douglas 6 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 18.11.2020
 N Coyle Thornlea Dunivard Road Garelochhead Helensburgh 12.10.2020
 Nancy Drew 7 Dunivard Place Dunivard Road Garelochhead Helensburgh 16.10.2020
 Nicholas Beevers Full Address Not Provided 03.02.2020
 Nicola Sullivan Rannochbrae Station Cottages Station Road Garelochhead 06.02.2020
 Owner/Occupier High Bagatelle Station Road Garelochhead Helensburgh 14.10.2020
 P Godfrey Gowanlea Feorlin Way Garelochhead Helensburgh 12.10.2020
 P Sheridan 4 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 26.10.2020
 Phillip Douglas 6 Mccoll Walk Garelochhead Helensburgh Argyll And Bute 18.11.2020
 R Prior 11 Greenfield Way Garelochhead Helensburgh Argyll And Bute 12.11.2020
 Rita Findlay Fasgadh Dunivard Road Garelochhead Helensburgh Argyll And Bute
 Robert Feal-Martinez 35 Rosneath Castle Caravan Park Rosneath Helensburgh Argyll And Bute 14.10.2020
 Robert McRobie 4 Park Avenue Garelochhead Helensburgh Argyll And Bute 28.10.2020
 Robin Anderson Roslyn Cottage Garelochhead Helensburgh Argyll And Bute 07.01.2021
 Rosemary Wilson Lower Flat Heatherbank Fairway Garelochhead 03.03.2020
 S Brown 4 Station Road Garelochhead Helensburgh Argyll And Bute 12.10.2020
 S Gilchrist High Bagatelle Station Road Garelochhead Helensburgh 14.10.2020
 Samuel Lawrence 17 Greenfield Way Garelochhead Helensburgh Argyll And Bute 18.11.2020
 Sean Murphy 3 Lineside Walk Rhu Helensburgh Argyll And Bute 22.12.2021
 Unknown 1 Gibson Walk Garelochhead Helensburgh Argyll And Bute 24.11.2020
 Unknown Elmbank Clynder Helensburgh Argyll And Bute 24.11.2020
 Unknown No Address Provided 11.11.2020
 Unknown No Address Provided 24.02.2021
 Unknown Rowanbrae Cottage Garelochhead Helensburgh Argyll And Bute 11.02.2021
 Unknown The Old Posty The Fairway Garelochhead G84 0BA 12.10.2020
 W Smith No Address Provided 11.11.2020

Support

Representation

Lynda Black Braeside Station Cottages Station Road Garelochhead

Yvonne Plues 5 Cairn View Garelochhead Helensburgh Argyll And Bute 24.11.2020

Lorna Masterton Address Not Provided

Rosemary Wilson Address Not Provided 20.01.2020

This page is intentionally left blank



This page is intentionally left blank