

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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15 November 2023

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 22 NOVEMBER 2023** 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 held on 18 October 2023 at 11.00 am (Pages 3 - 8)
- (b) Planning, Protective Services and Licensing Committee held on 18 October 2023 at 2.00 pm (Pages 9 - 14)
- (c) Planning, Protective Services and Licensing Committee held on 18 October 2023 at 3.00 pm (Pages 15 - 16)

4. **MR ROBERT MACINTYRE: SITE FOR THE ERECTION OF DWELLINGHOUSE: LAND WEST OF RUANDA, SHORE ROAD, PEATON, HELENSBURGH (REF: 22/00678/PPP)** (Pages 17 - 38)

Report by Head of Development and Economic Growth

5. **OBAN BAPTIST CHURCH: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW CHURCH/COMMUNITY BUILDING WITH ASSOCIATED LANDSCAPING WORKS: OBAN BAPTIST CHURCH, ALBANY STREET, OBAN (REF: 23/00688/PP)** (Pages 39 - 78)

Report by Head of Development and Economic Growth

6. **MR THOMAS IRWIN: FORMATION OF EARTH BANK SLURRY LAGOON AND ASSOCIATED WORKS: LAND AT WEST DRUMLEMBLE FARM, WEST OF ROWAN TREE COTTAGE, DRUMLEMBLE, CAMPBELTOWN (REF: 23/01018/PP)**
(Pages 79 - 104)

Report by Head of Development and Economic Growth

7. **SCOTTISH BIODIVERSITY STRATEGY - DELIVERY PLAN: TACKLING THE NATURE EMERGENCY: CONSULTATION ON SCOTLAND'S STRATEGIC FRAMEWORK FOR BIODIVERSITY** (Pages 105 - 108)

Report by Executive Director with responsibility for Development and Economic Growth

8. **THE FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022 - FIREWORK CONTROL ZONES IN ARGYLL AND BUTE** (Pages 109 - 114)

Report by Executive Director with responsibility for Legal and Regulatory Support

Planning, Protective Services and Licensing Committee

Councillor John Armour

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Daniel Hampsey

Councillor Mark Irvine

Councillor Paul Donald Kennedy

Councillor Luna Martin

Councillor Peter Wallace

Councillor Gordon Blair

Councillor Audrey Forrest

Councillor Amanda Hampsey (Vice-Chair)

Councillor Graham Hardie

Councillor Andrew Kain

Councillor Liz McCabe

Councillor Dougie Philand

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 OCTOBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Fergus Murray, Head of Development and Economic Growth
Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Sandra Davies, Major Applications Team Leader
Kirsty Sweeney, Area Team Leader – Helensburgh & Lomond
Alan Morrison, Regulatory Services & Building Standards Manager
Kim de Buitel  ir, Design and Conservation Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Daniel Hampsey, Andrew Kain and Dougie Philand.

2. DECLARATIONS OF INTEREST

Councillor Paul Kennedy declared a non-financial interest in item 5 (Private Hire Cars and Taxis Licensed in Argyll & Bute) as he held a Taxi Driver Licence for the Helensburgh and Lomond Area. He advised that he would remain the meeting but not take part in the consideration of this report.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 2.45 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 20 September 2023 at 3.30 pm was approved as a correct record.

* **4. CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES BYELAWS**

In terms of Section 201 of the Local Government (Scotland) Act 1973, byelaws require to be reviewed not later than ten years from them coming into force and every 10 years thereafter.

A report advising on a review of the Byelaw prohibiting consumption of alcohol in designated places in Argyll and Bute which was due for review in 2024 was considered.

Decision

The Committee agreed to:

1. note the position with regards to the review of the Byelaw prohibiting consumption of alcohol in designated areas in Argyll and Bute which was due for review in 2024; and
2. recommend to the Council that no change to the byelaw was required at this time, in the knowledge that should there be any changes in circumstances that a formal review could take place at any point before the next period of review subject to adherence to Scottish Government Guidelines and their consequent approval and confirmation.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 18 October 2023, submitted)

5. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE

A report providing an update on the number of private hire cars and taxis across the licensing authority's area was before the Committee for consideration.

Decision

The Committee agreed to:

1. consider and note the report;
2. note that amendments would be made to the figures detailed at Appendix 2 of the report; and
3. request that Officers investigate whether or not it would be appropriate at this time to refresh the LVSA survey and bring back a report to the Committee before the end of the year to advise on the outcome of this investigation.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 2 October 2023, submitted)

6. MS GAIL CRAWFORD: ALTERATIONS AND EXTENSIONS: 4 WEST LENNOX DRIVE, HELENSBURGH (REF: 23/00652/PP)

The Area Team Leader spoke to the terms of the report. Planning permission is sought for the alterations and extensions to an existing detached two storey traditional villa located within the Helensburgh Hill House Conservation Area. The site is located within the Main Town Settlement Zone of Helensburgh as identified in the Argyll and Bute Local Development Plan (LDP) 2015.

Reference was made to 2 additional objections submitted after publication of the report; one from a new representative and one from an existing representative, bringing the total to 29 objections and one representation. The comments did not alter the recommendation and did not raise any new issues not already addressed within the report. It is considered

that a hearing and site visit would not add value to the process as it is considered that all information was available within the report.

It is considered that the proposal accords with NPF (National Planning Framework) policies 1, 2, 3, 6, 7, 14 and 16 and Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP ENV 18, SG LDP SERV 2 and SG LDP – Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan as well as Policies 01, 04, 05, 08, 09, 10, 15, 16, 17, 61 and 77 of LDP 2.

It was recommended that planning permission be granted subject to the conditions and reasons detailed in the report.

Motion

To agree to hold a discretionary pre-determination hearing for this application.

Moved by Councillor Mark Irvine, seconded by Councillor Paul Kennedy.

Amendment

To agree to determine the application at this meeting today.

Moved by Councillor Liz McCabe, seconded by Councillor Peter Wallace

A vote was taken by calling the roll.

<u>Motion</u>	<u>Amendment</u>	<u>No Vote</u>
Councillor Armour	Councillor Hampsey	Councillor Green
Councillor Blair	Councillor McCabe	
Councillor Brown	Councillor Wallace	
Councillor Forrest		
Councillor Hardie		
Councillor Irvine		
Councillor Kennedy		
Councillor Martin		

The Motion was carried by 8 votes, with 3 for the Amendment and 1 no vote, and the Committee resolved accordingly.

Decision

The Committee agreed to:

1. hold a discretionary pre-determination hearing on a Hybrid basis in Helensburgh; and
2. hold an informal site visit in advance of this hearing.

(Reference: Report by Head of Development and Economic Growth dated 29 September 2023, submitted)

7. LOCAL DEVELOPMENT PLAN 2 TECHNICAL NOTES

On 28 September 2023 the Council agreed to the submission of Argyll and Bute Local Development Plan 2 (LDP2) as modified by the reporters to the Scottish Ministers stating intent to adopt. The Plan will be adopted within 28 days of submission unless otherwise directed by the Scottish Ministers.

A report inviting Members to approve technical notes as planning guidance to LDP2 was considered.

Decision

The Committee agreed to note and approve the content of the following proposed technical notes and supporting documents as non-statutory guidance to support LDP2.

- TN06 Sustainability Technical Note and Checklist (Appendix 1 of the submitted report)
- TN21 VII and LVIA (Light) Technical Note (Appendix 2 of the submitted report)
- TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light) (Appendix 3 of the submitted report)
- TN21 Appendix 2 VII Template (Appendix 4 of the submitted report)
- TN21 Appendix 3 LVIA (Appendix 5 of the submitted report)
- TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6 of the submitted report)

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 18 October 2023, submitted)

8. FOOD CONTROL LAW ENFORCEMENT PLAN 2023-2025

The Council, as a statutory food authority under the Food Safety Act 1990 and associated statutes, must ensure that it delivers, principally through Environmental Health, a service which is adequately resourced to meet the requirements of a national Code of Practice (FLCOP) issued by Food Standards Scotland. The FLCOP also requires food authorities to have a formal food control law enforcement plan approved by the appropriate Committee.

A report advising of the work undertaken by Environmental Health and presenting the Food Control Law Enforcement Plan for 2023-2025 was before the Committee for consideration.

Decision

The Committee agreed to:

1. recognise the work by Environmental Health to protect food safety in Argyll and Bute; and
2. approve the Food Control Law Enforcement Plan 2023-25 and reaffirm the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Control) together with the appointments of authorised Officers of the Council, and the Council's Public Analyst, Agricultural Analyst and Food Examiner arrangements.

(Reference: Report by Executive Director with responsibility for Environmental Health dated 18 October 2023 and Food Control Law Enforcement Plan 2023-2025, submitted)

9. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising the outcome of a recent appeal decision by The Planning and Environmental Appeals Division (DPEA) relative to planning application reference 21/02709/PP, was before the Committee for information.

Decision

The Committee agreed to note the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 18 October 2023, 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.

10. REQUEST FOR A TREE PRESERVATION ORDER

Consideration was given to a request for a Tree Preservation Order.

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 18 October 2023, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 OCTOBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Audrey Forrest	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Iain MacLean, Applicant
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Daniel Hampsey, Graham Hardie, Andrew Kain, Luna Martin and Dougie Philand.

2. DECLARATIONS OF INTEREST

There were no declarations of interest. Councillor Paul Kennedy advised that he was a Taxi Driver but as this was for the Helensburgh and Lomond Area he would remain in the meeting and take part in the hearing.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (I MACLEAN, DUNBEG)

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.

Police Scotland opted to proceed by way of video call and Sergeant David Holmes joined the meeting by MS Teams.

The Senior Solicitor advised that an objection from Police Scotland had been received outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. It was noted that it would be competent under Paragraph 3(2) of Schedule 1 of the 1982 Act for the Committee to entertain a late objection or representation if they were satisfied that there was sufficient reason for it not having been made within the time allowed. She advised that the objection had been received on 30 August 2023 but due to an administrative error Police Scotland had not been notified of the application until 21 August 2023 the day after the 28 day period had expired.

The Chair invited Police Scotland to comment.

Sergeant Holmes confirmed that the application had been made on 24 July 2023 and that the Police would have had until 18 August 2023 to lodge any objection. Notification of the

application was only received by Police Scotland on 21 August 2023 and they endeavoured to respond to this as quickly as possible with an objection being submitted on 30 August 2023.

The Chair sought and received confirmation from the Applicant that he had no comment to make.

The Chair sought the views of Members as to whether or not this late objection should be taken into consideration.

The Committee agreed to accept the late objection from Police Scotland and a copy of this was circulated by email to the Committee.

Reference was then made to a request from Police Scotland that the Committee take account of a matter that was considered “protected” in terms of the Rehabilitation of Offenders Act 1974. It was noted that the Committee may take into consideration such evidence relating to protected matters where they are satisfied that justice cannot be done except by admitting such evidence.

The Chair outlined the procedure that would be followed in this respect and invited Police Scotland to address the relevancy of the protected matter.

POLICE SCOTLAND

Sergeant Holmes advised there was one “protected” conviction which was connected to the licence applied for. He confirmed that it was Police Scotland’s position that justice could not be done in this case except by admitting the evidence relating to this “protected” conviction.

The Chair then invited the Applicant to ask Police Scotland questions and to address the relevancy of the protected matter to his application.

APPLICANT

Mr MacLean referred to all his convictions being years ago and in the past. He advised that he was currently working full time for Argyll and Bute Council and that he had children. He said that he was looking to do extra part time work at the weekends to help out his Uncle. He said that all the convictions were in the past and that he had not been in trouble since. He advised that he has been working for Argyll and Bute Council for nearly 3 years. He said he had nothing further to add in respect of the “protected” conviction.

The Chair invited Police Scotland to comment on the Applicant’s submission and Sergeant Holmes advised that he had nothing further to add.

The Chair then invited questions from Members.

Councillor Irvine sought and received confirmation from Sergeant Holmes that the date of the “protected” conviction was 7 October 2020.

Councillor Kennedy asked Police Scotland why the conviction was “protected”. Sergeant Holmes explained that in terms of the Rehabilitation of Offenders Act 1974 there were certain convictions that Police Scotland could and could not disclose. Although a fairly

recent conviction, this fell under the protection status due to the nature of the offence and the outcome of the court disposal.

Councillor Green sought and received confirmation from Sergeant Holmes that it was considered that this conviction was connected to the licence applied for and that justice could not be served without admitting this evidence to the Committee today.

Councillor Kennedy advised that he agreed justice could not be done without admitting this evidence if it was considered relevant to the application.

Councillor Irvine referred to the date of the conviction being after the other convictions and thought that this may be something that would be relevant to this application.

Councillor Forrest advised that she agreed that justice could not be done without admitting this evidence and that she would like to hear the detail of it.

The Committee agreed to consider the protected matter as part of this application on the grounds that justice could not be done in this case without admitting this evidence and a copy of the letter from Police Scotland was circulated by email to the Committee.

The Chair then outlined the hearing procedure that would be followed and invited the Applicant speak in support of his application.

APPLICANT

Mr MacLean advised that he had applied for a Taxi Driver Licence so that he could help out his Uncle and that this would be a part time job for himself. He said that the convictions were several years ago and that he had not had any recently. He said he was hoping for a good outcome today. He advised that he had submitted his application in July and had hoped to be able to help out his Uncle a lot sooner. He said that he hoped that things could be resolved today and that he could help his Uncle part time at the weekends.

QUESTIONS FROM POLICE SCOTLAND

Sergeant Holmes advised that he had no questions.

POLICE SCOTLAND

Sergeant Holmes referred to a letter dated 30 August 2023 which advised that the Chief Constable objected to this application on the grounds that the Applicant was not a fit and proper person to be the holder of a licence.

He advised that as a result of an incident which took place on 22 June 2009, Mr MacLean was convicted of Breach of the Peace on 15 September 2009 and received a fine of £300.

Sergeant Holmes also advised that as a result of an incident which took place on 18 October 2009, Mr MacLean was convicted under the Road Traffic Act 1988 Section 178(1)(a) and Section 5(1)(a) on 22 December 2009 and received fines of £275 and £675 and was disqualified from driving for 18 months and had his licence endorsed.

Sergeant Holmes further advised that as a result of an incident which took place on 16 July 2012, Mr MacLean was convicted under the Criminal Law (Consolidation) (Scotland)

Act 1995 Section 50A(1)(b) and (5) on 16 July 2012 and received a fine of £430 on 24 July 2012.

Sergeant Holmes also advised that as a result of an incident which took place on 2 March 2014, Mr MacLean was convicted of Assault to Injury on 3 March 2015 and received a fine of £400.

In terms of the protected matter, Sergeant Holmes advised that as a result of an incident which took place on 2 July 2019, Mr MacLean was convicted under the Road Traffic Act 1988 Section 3 on 7 October 2020 and received a fine of £540 on 1 December 2020.

QUESTIONS FROM APPLICANT

Mr MacLean advised that he had no questions.

MEMBERS' QUESTIONS

Councillor Kennedy asked Mr MacLean why he had not declared his previous convictions on his application form. Mr MacLean advised that as the charges were so long ago he did not think they needed to be disclosed. When questioned about the driving convictions, Mr MacLean advised that he had not realised that a driving conviction was a criminal conviction. He said that he had put all that behind him and that he had not been in trouble since. He said he wanted to better himself and earn some extra money. Mr MacLean confirmed that he understood now that he should have declared all his convictions on the application form.

Councillor Brown asked Mr MacLean why he did not think to declare the careless driving charge on his application form given this was an application for a taxi driver licence. Mr MacLean said that it was a simple mistake as he did not realise that a driving offence would be classed as a criminal conviction. He referred to the incident in question and advised that it had been an accident.

Councillor Green sought and received confirmation from Mr MacLean that the accident had occurred as a result of him being blinded by the sunlight. Mr MacLean advised that it had happened so fast. He said that he clipped a van mirror and panicked which caused him to go off the road.

Mrs MacFadyen pointed out to the Committee that as this particular conviction was 'spent' the Applicant would not have been required to disclose it on his application form.

Councillor Irvine sought and received confirmation from Sergeant Holmes that Section 3 of the Road Traffic Act 1988 related to careless driving without due care and attention.

Councillor Kennedy referred to some of the convictions in the past involving members of the public. He pointed out that carrying out the duties of a taxi driver would involve meeting members of the public. He asked Mr MacLean how his life had changed since these incidents had taken place. Mr MacLean advised that he had a partner and 2 children and that the majority of these incidents had occurred before he had children. He explained that he worked for Argyll and Bute Council and had a Heavy Goods Vehicle (HGV) Licence. Part of this role involved gritting the roads. He said that all his crimes were in the past and that he had since matured. Going forward he wanted to help his Uncle and earn some extra money.

Councillor Armour sought and received confirmation from Mrs MacFadyen that Mr MacLean did not need to declare the 2020 conviction on his application form. She confirmed that there were other convictions that should have been declared.

Councillor Green sought and received confirmation from Mr MacLean that being blinded by the sunlight had been a one off. He advised that in future, if this were to happen again, he would be more cautious, reduce his speed or stop, and try to find an alternative route to avoid being blinded.

Councillor Kennedy sought and received confirmation from Mr MacLean that he had accepted the charge of careless driving at Court and that the case did not go to trial. He confirmed he was charged under Section 3 of the Road Traffic Act 1988.

Councillor McCabe sought and received confirmation from Mr MacLean that he obtained his HGV licence after the incident in 2020. He advised that the Traffic Commissioner had allowed his licence as he needed it for his job.

Councillor Green sought and received confirmation from Mr MacLean that he had obtained his HGV licence towards the end of 2020 after the accident had occurred.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add.

Applicant

Mr MacLean advised that he had nothing further to add.

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

DEBATE

Councillor Green commented that the offences were regrettable, however, he had noted the dates and the Applicant's age at the time. He pointed out that Mr MacLean had just turned 18 at the time of the first offences and the ones in his early 20s were relatively minor in relation to driving. He referred to the most recent driving conviction and said that he was satisfied that Mr MacLean had learnt his lesson and from that he was minded to grant the licence.

Councillor Kennedy advised that looking at the whole case and what Mr MacLean had said about his change in behaviour and lifestyle, he would tend to concur with Councillor Green. He pointed out that Mr MacLean had a good job which he needed to keep. He said that he hoped that Mr MacLean had learnt from his past and that he was inclined to grant this licence.

Councillor Brown said that she agreed with what had been said and that Mr MacLean should be given a chance. She commented on him driving for a living with his HGV licence and that there had been no incidents since 2020. She confirmed that she would like to grant this licence.

Councillor Armour agreed with what had been said. He commented that Mr MacLean had been 18 years old and in his early 20's when the incidents occurred and that they were in the past and that he was a family man now. He advised that due to the previous convictions being a fair time ago and the circumstances around the most recent one regarding being blinded by the sunlight, he would be willing to agree to grant the licence.

Councillor Hampsey said she would agree with the previous comments made. Taking into consideration the age of Mr MacLean when the offences were made, and being encouraged to hear of his role currently working with the Council driving HGVs, she said this played quite a role in her willingness to grant this licence and that she would wish Mr MacLean well if it was granted.

DECISION

The Committee agreed to grant and Taxi Driver Licence to Mr MacLean and noted he would receive written confirmation of this within 7 days. It was further noted that the licence would not be issued until after 28 days due to the objection from Police Scotland.

(Reference: Report by Head of Legal and Regulatory Support, submitted and letters from Police Scotland dated 30 August 2023, tabled)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 OCTOBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour

Councillor Liz McCabe

Councillor Audrey Forrest

Councillor Peter Wallace

Councillor Paul Donald Kennedy

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Jan Brown, Amanda Hampsey, Daniel Hampsey, Graham Hardie, Mark Irvine, Andrew Kain, Luna Martin and Dougie Philand.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT-TERM LET LICENCE (M LEE AND C DEAN, LOCHDON, ISLE OF MULL)

The Committee Manager advised that advance notification had been given that this hearing would not go ahead today as there were outstanding matters to address in respect of a Building Warrant and that the application would be considered at a later date.

DECISION

The Committee noted the update from the Committee Manager.

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

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

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

Reference No: 22/00678/PPP

Planning Hierarchy: Local Application

Applicant: Mr Robert MacIntyre

Proposal: Site for the erection of dwellinghouse

Site Address: Land West Of Ruanda Shore Road Peaton Helensburgh Argyll And Bute

DECISION ROUTE:

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Site for the erection of dwellinghouse
Installation of septic tank
Formation of a new private access

ii) Other Specified Operations

Connection to public water supply

(B) RECOMMENDATION:

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

(C) RELEVANT PLANNING HISTORY:

No planning history relating to this site.

South of the site, at the location where the proposed access is located there is a pending application:

23/01120/PP

Change of use of land for the siting of 2no holiday let pods, erection of storage building, installation of septic tank and formation of access and parking arrangements

(D) CONSULTATIONS:

Roads Helensburgh And Lomond - 10.06.2022 – No objection subject to conditions.

Scottish Water - 01.06.2022 – No objection however Scottish water have noted the following;

There is currently sufficient capacity in the Belmore Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. Unfortunately, according to our records there is no public Scottish Water, WasteWater infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Ministry Of Defence - 11.08.2022 – No objection subject to conditions

Scottish Environment Protection Agency (SEPA) –

- 13.03.2023 - No objection subject to conditions
- 08.09.2022 - No objection subject to conditions
- 24.08.2022 - Holding objection due to the lack of information
- 04.08.2022 – Holding objection due to the lack of information

Local Biodiversity Officer

- 03.08.2023 – Defer - *Request for further information by way of; tree survey, a bat roost assessment (EPS), a bird survey, otter survey (EPS) & an invasive non-native species eradication plan for both the Himalayan balsam and Japanese knotweed found on the site. It is noted that the bat and otter surveys cannot be conditioned and require to be submitted prior to determination as they are EPS surveys.*
- 20.07.2022 - No objection subject to conditions
-

Development Policy Section –

- 31.10.2023 - The application would be contrary to LDP 2 policies; Policy 01, Policy 02 LDP2, Policy 04, Policy 05, Policy 08, Policy 10, Policy 73, Policy 77, Policy 78, Policy 79 and Policy 80.
- 29.07.2022 – The application is considered that the proposed site is not an appropriate site in terms of LDP STRAT 1, LDP 3 & LDP 9.

Cove And Kilcreggan Community Council - 14.07.2022 – Object to the proposals - *on the basis that the proposals would negatively affect the existing woodland on the site, negatively affect the bio-diversity of the site, the site would be within an area of flooding, the proposals site is an inappropriate use of the foreshore which should be protected, the proposed access is out with the settlement boundary and that the proposed septic tank with soakaway is not in line with SEPA'S guidelines.*

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application
23.06.2022

Expiry Date:

(F) REPRESENTATIONS:

i) Representations received from:

Objection

Donald Mackay Frolic Shore Road Ardpeaton Helensburgh Argyll And Bute
Anne M Prentice Craigpeaton Shore Road Peaton Helensburgh 15.06.2022
Carol Anne Calder Bloomfield Shore Road Cove Helensburgh Argyll And Bute
17.06.2022
Alasdair Reynolds Stanley Lodge North Shore Road Ardpeaton Helensburgh Argyll
And Bute 19.06.2022
Tracey Quine Broompark Shore Road Cove Helensburgh Argyll And Bute 25.07.2022
Unknown Shore Road Peaton Cove 25.07.2022
Sarah Frod 1 Myrtle Park Shore Road Cove Helensburgh Argyll And Bute
Arthur Redpath Rocklee Shore Road Cove Helensburgh Argyll And Bute
Janet Williams 156 Lakeside Sunset Park Sower Carr Lane Hambleton FY6 9EQ
21.07.2022
Ed Widdicks Primrose Bank Shore Road Kilcreggan Helensburgh Argyll And Bute
07.07.2022
Ken Owen Hartfield Court South Ailey Road Cove Helensburgh Argyll And Bute
14.07.2022
James McLean Seymour Lodge Shore Road Cove Helensburgh Argyll And Bute
14.07.2022
Iain Robson Ashlea Shore Road Cove Helensburgh Argyll And Bute 19.07.2022
Lynda MacKenzie Park Place Shore Road Cove Helensburgh Argyll And Bute
18.07.2022
James Greg Upper Flat Craigowlet House West Shore Road Cove Helensburgh
Argyll And Bute
Katy Grant 21 Lochview Ardpeaton Helensburgh Argyll And Bute 20.07.2022
Chloe Brodie 81 Leyland Road Bathgate EH48 2SG
Amy Glen 4 Wester Kippielaw Green Dalkeith EH22 2GF 21.07.2022
Lesley Wade Shiemara Shore Road Kilcreggan Helensburgh Argyll And Bute
21.07.2022
Claire Jones 34 Greenfield Road Little Sutton Cheshire CH66 1PF 21.07.2022
Tom Furniss Park Place Shore Road Cove Helensburgh Argyll And Bute 19.07.2022
Mrs Cheryl Mccauley 16 Henderson terrace Gourrock Pa19 1tt 21.07.2022
Mrs Mairi Watkins 45 Foxglove Road Glasgow G77 6FP 21.07.2022
Mrs Veronica Ferguson Glen Eden Shore Road Cove Helensburgh Argyll And Bute
22.07.2022
Lisa Carr Ruanda Shore Road Peaton Helensburgh 14.06.2022 & 03.06.2022
Kevin Carr Ruanda Shore Road Peaton Helensburgh 14.06.2022 & 03.06.2022

Representation

George H L Campbell Calveley Home Farm Long Lane Nr Tarporley Cheshire
30.06.2022

ii) Summary of issues raised:

Concern about the impacts the proposals will have on bio-diversity / wildlife and potential protected species

Comment; *the bio-diversity officer has been consulted on the proposals and requested further information by way of; tree survey, a bat roost assessment (EPS), a bird survey, otter survey (EPS) & an invasive non-native species eradication plan for both the Himalayan balsam and Japanese knotweed found on the site. The applicants have subsequently submitted a preliminary ecological appraisal on this basis that suggests further EPS's surveys are submitted. Based on this information*

the bio-diversity officer was re-consulted and has requested further info which can be conditioned.

Concern about the potential impacts on trees

Comment; *As above*

Concern that the proposed development will affect the neighbouring properties views

Comment; *this is noted however, this is not a material planning consideration*

Note that this development would be the only shore side development within the settlement

Comment; *please see full assessment below*

Concern about the proposed location of the access as this is on a blind bend

Comment; *The council's roads officer has been consulted and has recommended certain conditions in the interests of roads safety*

Concern the proposal with create a precedent;

Comment; *this is noted however, each application is accessed on its own merits*

Concern about flooding as the site is located within an area shown as high risk on the SEPA floor risk maps

Comment; *SEPA have been consulted on the proposals and have noted that they have no objection subject to conditions*

Concern that the proposals will affect daylight to neighbouring properties

Comment; *this is noted however, it is considered that the distance between neighbouring properties is such that daylight will not be adversely effected*

Note that the proposed access is out with the settlement boundary

Comment; *please see full assessment below*

Concern in regards to the proposed septic tank and soakaway in that such systems are not permitted within close proximity to the shore

Comment; *SEPA have been consulted on the proposals and have noted that they have no objection subject to conditions*

Concern in regards to development on the foreshore which should be preserved

Comment; *please see full assessment below*

Note that a railway carriage has been dumped on the site

Comment; *this is noted however, this does not form part of these proposals and will be investigated as a separate enforcement matter*

Note that comments within the supporting statement are untrue or incorrect

Comment; this is noted however, a full assessment has been taken in regards to the proposals including a site visit therefore, the authority are well aware of the parameters of the site and any issues

(G) SUPPORTING INFORMATION

- i) Environmental Impact Assessment Report: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement:
 - A supporting statement submitted which includes a summarised site appraisal, comments on privacy, access, landscaping, parking and the envisaged design.
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:
 - A Preliminary Ecological Appraisal was submitted which included a walkover survey.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 6 – Forestry, Woodland and Trees
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 10 – Coastal Development
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 15 – Local Living and 20 minute neighbourhoods
NPF4 Policy 16 – Quality Homes
NPF4 Policy 22 – Flood Risk and Water Management

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

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

Coastal Development

SG LDP CST 1 – Coastal Development

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non

Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 55 – Flooding
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 77 – Forestry, Woodland and Trees
Policy 79 – Protection of Soil and Peat Resources

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

(L) Has the application been 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 pre-determination hearing: No.

This is a local application. It is considered that the proposed development has been determined in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

(P)(i) Key Constraints/Designations Affected by the Development: N/A**(P)(ii) Soils**

Agricultural Land Classification: Unclassified Land

Peatland/Carbon Rich Soils Classification: N/A

Peat Depth Classification: N/A

Does the development relate to croft land? No

Would the development restrict access to croft or better quality agricultural land? N/A

Would the development result in fragmentation of croft / better quality agricultural land? N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes

Does the proposal include any replacement or compensatory planting? No

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area (Proposed House)
- Rural Opportunity Area
- Countryside Zone (Proposed access)
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs**etc:**

N/A

ABC pLDP2 Settlement Strategy

- Settlement Area (Proposed House)
- Countryside Area (Proposed access)
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs**etc:**

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a single dwellinghouse and installation of septic tank at: Land West Of Ruanda, Shore Road, Peaton. The site for the proposed dwellinghouse is located with the minor settlement boundary of Coulpport/Letter. The proposals also includes the formation of a new access to serve the proposed dwellinghouse – it is noted that the majority of this new access is out with the settlement boundary and is located within the countryside zone. The site is also located within the MOD safeguarding zone of Coulpport.

The proposed site is located on the seaward side of the main road (B833) opposite an existing dwelling known as Ruanda. It is noted that all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. It is, however, recognised that there is development on the seaward side of the main road in nearby neighbouring settlement of Ardpeaton. This development is either historical development or is re-development on brownfield sites and is not on a greenfield site. The application site is greenfield, considered to be natural foreshore and can be described as a mature aged broadleaved woodland with areas of wet woodland within it.

Limited information has been given on the proposed design of the dwellinghouse as this is a PPP application, however, there are some further details within the applicant's supporting statement (see detailed assessment below).

Summary relating to settlement strategy

LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposals include area of settlement zone and countryside zone, they do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposal would also result in development which extends the settlement in to the countryside zone and therefore do not accord with part E of LDP DM1.

In terms of LDP2; LDP1 policy DM1 is replaced in LDP2 by Policy 01 in relation to settlement areas and Policy 02 outwith settlement areas. In relation to Policy 01 the criteria include appropriate scale and fit, and respects the character and appearance of the surrounding townscape. In this regard the proposals do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. With regard to Policy 02, the proposal would not constitute infill, rounding off, redevelopment or a previously developed site and is therefore not generally supported.

NPF4 Policy 9 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies, as explained above, then the proposal is also contrary to Policy 9 of NPF4.

Summary relating to siting

The proposal has been assessed against the policy relating to sustainable development (LDP STRAT 1, LDP2 Policy 04) and those relating to Design and Placemaking (NPF4 Policy 14, Policy LDP9 replaced by LDP2 Policies 05, 08, 10). As well as policy relating to natural places (NPF4 Policy 4) and policy relating to coastal development (SG LDP CST 1 & NPF4 Policy 10).

The development does not integrate into the landscape or existing built form, and the siting of a development does not take into account the character of the area in terms of its settlement pattern, layout and density. In this respect the proposals do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road.

The proposal does not accord with the above policies that seeks to conserve and enhance the natural and built environment and the landscape character.

Summary relating to impacts on natural environment

The proposal has been assessed against NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Policy's 73, 77 & 79 of LDP2 relating to conserving and enhancing biodiversity. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.

Summary relating to impacts on woodland

The proposal has been assessed against NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77.

The applicant's survey states that the application site consists of native semi-natural broad-leaved woodland and is dominated by mature aged broadleaved woodland with areas of wet woodland within it. Further details of this is within the detailed assessment below.

There is no tree survey submitted and the applicant's submission does not identify the trees to be removed. Despite the lack of detail with regard to tree removal, from site inspection, it is certain that trees will require removal to accommodate development.

As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

Summary relating to access

The proposal has been assessed against LDP 11, SG LDP TRAN 4, TRAN 6 and Proposed LDP Policies 36, 39 and 40. In terms of terms of the proposed access (which is mainly located within the countryside zone) the applicants have provided supporting information. Roads have no objections and if the application was to be improved they recommend conditions relating to the access / driveway widths and gradients, drainage, surfacing, parking and turning that would be required in this location.

Summary relating to flooding

The proposal has been assessed against LDP STRAT 1 and NPF4 Policy 22. There is a potential flood risk but it has been concluded that the applicant has been able to demonstrate that there are areas within the site available to accommodate the development which meet the Finished Floor Levels of 5.5mAOD.

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

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

See reasons for refusal below.

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

N/A

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

Author of Report: Emma Jane
Reviewing Officer: Kirsty Sweeney

Date: 02.11.2023
Date: 06.11.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. 22/00678/PPP

1. LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. With regard to LDP DM1 the proposal includes an area of settlement zone and countryside zone, the proposal does not constitute an appropriate site within the settlement zone, because it does not relate to the established settlement pattern at Coulpport/Letter, where built development is located exclusively on the landward side of the road. The proposed access to the development is located within the countryside zone and therefore does not accord with part E of LDP DM1. In addition, it would not be supported by LDP2 Policy 01 in relation to settlement areas and Policy 02 out with settlement areas which is a material consideration. In relation to Policy 01 – Settlement Areas, development will normally be acceptable where it is an appropriate scale and fit for the size of settlement in which it is proposed and respects the character and appearance of the surrounding townscape. In this regard the proposal does not constitute an appropriate site within the settlement zone, because the proposal does not relate to the established settlement pattern at Coulpport/Letter, and results in the development of a section of natural foreshore in a village where built development is located exclusively on the landward side of the road. Regarding Policy 02, the proposal would not constitute as infill, rounding off, redevelopment or located on a previously developed site and is therefore not generally supported. Policy 02 further notes that development adjacent to, but out with settlement boundaries which are delineated in the proposals maps will not constitute infill, rounding off or redevelopment.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area.

As the proposed development fails to pay regard to the established settlement pattern in this location it is also considered to be contrary to NPF4 Policy 14. Furthermore, based on the above the proposals would also be contrary to the provisions of Policy LDP 9 and the Supplementary Guidance Sustainable Siting and Design Principles (paras 4.1 and 4.2) and proposed LDP policies 05, 08 & 10 which are a material consideration.

2. Policy 9 of NPF4 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement strategy policies within the adopted LDP (as explained in point 1), then the proposal is also contrary to Policy 9 of NPF4.
3. It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Proposed LDP2 Policy 73 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.
4. The proposal would be contrary to NPF4 Policy 6 part b) which notes that proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regard to potentially fragmenting woodland habitats, the preliminary ecological appraisal has noted the site has good connectivity to further Ancient Woodland Inventory and to the Local Nature Conservation Site at Peaton Glen. Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to

have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

5. NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. In addition, policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling house fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1. Furthermore, as this proposal for a single dwelling is located within an undeveloped coastal area it would also be contrary to NPF4 Policy 10.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00678/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A Settlement Strategy

The proposal is for a dwellinghouse which is located with the minor settlement boundary of Coulport/Letter. The proposal also includes the formation of a new access to serve the proposed dwellinghouse – it is noted that the majority of this new access is out with the settlement boundary and is located within the countryside zone.

Whilst an indicative position for the dwellinghouse has been shown, the purpose of this application for Planning Permission in Principle is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 16 relate to quality homes. The site is within a settlement area and therefore Policy 16 is relevant. Part f supports housing that is not allocated within the LDP where the proposal is small-scale and within an existing settlement boundary. However, the proposal must also comply with other relevant policies of NPF4 and the LDP.

LDP DM1 gives encouragement to sustainable forms of development within key settlements on appropriate sites and within the countryside zone on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone.

With regard to LDP DM1 the proposal is for the house to be located within an area of settlement zone and the access within the countryside zone. In terms of the proposed house within the settlement zone, it does not constitute an appropriate site because it does not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. The proposal would also result in development which extends the settlement in to the countryside zone to accommodate the access to the proposal and therefore do not accord with part E of LDP DM1. Further assessment in relation to this is provided below under Location, nature of proposed development.

In addition the proposals would not be supported by the proposed LDP2 Policy 01 in relation to settlement areas and Policy 02 outwith settlement areas which is a material consideration. In relation to Policy 01 the criteria include appropriate scale and fit, and respect for the character and appearance of the surrounding townscape. In this regard the proposals do not constitute an appropriate site within the settlement zone, because they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. With regard to Policy 02, the proposal would not constitute infill, rounding off, redevelopment or a previously developed site and is therefore not generally supported. It is, however, recognised that there is development on the seaward side of the main road in nearby neighbouring settlement of Ardpeaton. This development is either historical development or is re-development on brownfield sites and is not on a greenfield site. The application site is greenfield, considered to be natural foreshore and can be described as a mature aged broadleaved woodland with areas of wet woodland within it.

NPF4 Policy 9 seeks to encourage reuse of brownfield, vacant and derelict land and reduce the need for greenfield development. Policy 9 does not support greenfield sites unless the site is allocated for development or the proposal is explicitly supported by policies in the LDP. Given the house is not supported by the settlement

strategy policies, as explained above, then the proposal is also contrary to Policy 9 of NPF4.

Therefore, in conclusion the proposal is not supported in principle and does not meet LDP DM1 or NPF 4 Policy 9.

B. Location and Nature of Proposed Development

The proposed site is located on the seaward side of the main road opposite an existing dwelling known as Ruanda. The site is located between the main road (B833) to the east and the shoreline of Loch Long immediately to the west. The site slopes from east to west (from the road to the shoreline) gradually getting steeper towards the shoreline. The site is overgrown greenfield and contains mature aged broadleaved woodland with areas of wet woodland within it.

As explained above, all development within the minor settlement boundary of Coulport/Letter is located exclusively on the landward side of the main road and there is no existing development to the seaward side of the road within the settlement boundary. As noted above this would be contrary to LDP DM1, LDP2 01 & 02 and NPF4 Policy 9.

The site boundary edged red as shown on the site plan including the proposed access measures approximately 650sqm. Limited information has been given on the proposed design of the dwellinghouse as this is a PPP application, however, within the applicants supporting statement they have noted; *Materials will be used to minimise any visual impact of the buildings where possible. The development of the site would have a 'soft touch' approach in terms of clearing the site....the proposed design will be a maximum of one storey and a half modern house. It will be a very high-quality bespoke design which will integrate fully into its environment / rural setting. The view from the road should not change as the natural screening will remain.*

Whilst an indicative position for the dwellinghouse has been shown, the purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 14 seeks to encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle. NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. The proposed development fails to pay regard to the established settlement pattern in this location and is considered to be contrary to NPF4 Policy 14.

Policy LDP3 states that a development will not be supported where it (B) does not protect, conserve, or where possible enhance; (i) the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design, and; (C) does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale and design.

Policy LDP 9 notes that development setting, layout and design proposals are required to be sited and positioned so as to pay regard to the context within which it is located, and to effectively integrate with the urban, suburban or countryside setting. Further guidance on this is given in the Supplementary Guidance Sustainable Siting and Design Principles, paras 4.1 and 4.2 are particularly relevant where new development must be compatible with and consolidate the existing settlement, and reflect traditional building pattern and built form. As the proposal would be the only

development on the coastal side of the road at Coulport/Letter, it would not accord with the above requirements.

Under proposed LDP2 which is a material consideration; LDP1 Policy LDP 9 is replaced in LDP2 by Policy 05 Design and Placemaking, Policy 08 Sustainable Siting and Policy 10 Design: All Development. Policy 05 refers to compatibility with surrounding land uses, respecting site topography, landmarks or views, and developing the area's sense of identity by understanding and embracing the existing distinctive characteristics. In this respect the proposals do not do that as they do not relate to the established settlement pattern at Coulport/Letter, where built development is located exclusively on the landward side of the road. In relation to Policy 08 this requires that development should integrate into the landscape or existing built form to minimise detrimental effects on the environment, and that the siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density. As the proposal would be the only development on the coastal side of the road at Coulport/Letter, it would not accord with the above requirements. Policy 10 Design: All Development requires development to demonstrate an understanding of and appropriate response to the proposed development site and wider context including consideration of character and urban grain. Again, as the proposal would be the only development on the coastal side of the road at Coulport/Letter, it would not accord with this aspect of policy.

In addition, whilst it is believed that the site could accommodate a modest sized dwelling, it has not been demonstrated that there would be sufficient land for the required amenity space including; garden, parking and turning area

C. Natural Environment

NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change, part B) notes; Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site. As this proposal for a single dwelling is located in an undeveloped coastal area it would be contrary to NPF4 Policy 10.

Policy SG LDP CST 1 (Coastal Development) notes that the preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone, excluding the Natural Foreshore. This proposed site is a Natural Foreshore where there is a presumption against development unless there is a specific operational need; and ii) there is no effective alternative location for the development landward of the natural foreshore; and iii) the development does not damage or undermine the key features of the natural foreshore area. As the proposal for a single dwelling fails to demonstrate compliance with the above criteria the proposal would also be contrary to SG LDP CST 1 despite the dwelling being located within the settlement development management zone.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks. NPF4 Policy 1 requires significant weight to be given to nature crisis when considering all development.

LDP STRAT 1 seeks that new development proposals demonstrate certain sustainable development principles. In relation to Policy LDP STRAT 1 the site does not accord with section H) *Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage*

resources; and I) Respect the landscape character of an area and the setting and character of settlements.

Policy LDP 3 seeks to protect, conserve and enhance the environment and will not supported development when it (A) does not protect, conserve, or where possible enhance biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment.

The council's bio-diversity officer has been consulted on the proposal and requested certain surveys including; Tree surveys, bird surveys, bat & otter European protected species surveys as well as a non-native species irradiation plan. The applicant latterly submitted a preliminary ecological appraisal to address this. The survey states "the mature trees provide suitable features for roosting bats" However as there is no tree survey and no indication of the extent of tree removal then a survey for bat roosts could not be concluded. The survey states that the site is dominated by wet woodland, consisting of mature broadleaved trees and an understorey consisting of yellow flag iris with marsh marigold, water avens, hemlock water- dropwort and soft rush. Non-native invasive species Rhododendron and Japanese knotweed were located on site during the survey. A dedicated otter survey was carried out which consisted of 200m north and 200m south along the coastline of loch long and no signs of otters holts were found.

It is not considered that the preliminary ecological survey fully address the issues raised by the bio-diversity officer and that further surveys (in relation to bats and trees) are required to address the potential bio-diversity impacts, however, as we are looking to refuse this application for other reasons and the matter has already been raised and information submitted via the preliminary survey then this is unlikely to be considered a new matter if the application went to appeal and the applicant can provide more details at this point if they should wish.

Also of relevance are SG LDP ENV 1, SG LDP ENV 6, and SG LDP ENV 14 these policies place importance on development impact on habitats, species and biodiversity in terms of giving stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites, importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees and lastly development impact on landscape in that out with national scenic areas and areas of panoramic quality, Argyll and Bute Council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape.

It is considered that the proposed development is contrary to NPF4 Policy 1 & 3 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, 6 & 14 and Policy's 73, 77 & 79 of LDP2 given the disturbance to biodiversity is not acceptable. The construction of a house and access would result in the loss of ground flora and fauna and individual mature trees within an established native woodland and the potential impacts on protected species.

D. Impact on Woodland

The proposal will result in the loss of woodland, specifically to areas where the access road is proposed and where the proposed house will be sited. Wild surveys ltd have prepared a preliminary ecological appraisal which has been submitted by the applicants. This survey shows the site to be in an area designated as native woodland. The survey goes into more detail and notes that the native woodland is a semi-natural broad-leaved woodland and is dominated by mature aged broadleaved

woodland with areas of wet woodland within it. The site contains mature oak (*Quercus robur*), sycamore (*Acer pseudoplatanus*) ash (*Fraxinus excelsior*), birch (*Betula* sp.) and alder (*Alnus* sp.) as well as willow (*Salix caprea*), elder (*Sambucus nigra*), hazel (*Corylus avellana*) and rowan (*Sorbus* subg. *Sorbus*). The mature trees are of good ecological value and the site has been classed as being of good condition within the UKHabs condition sheet. It should be noted that a tree survey has not been undertaken so trees have not been individually tagged and identified and assessed in terms of health condition. Additionally there is no plan that identifies the trees to be removed.

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees, this policy also notes under part b) that development proposals will not be supported where they result in adverse impacts on native woodlands including individual trees of high biodiversity value or fragmenting woodland habitats. In regards to potentially fragmenting woodland habitats the preliminary ecological appraisal has noted the site has good connectivity to further AWI's and to the LNCS Peaton Glen.

Also of relevance is SG LDP ENV 6, which places importance on development impact on trees / woodland whereby Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of woodland/trees. Policy 77 of the proposed LDP notes that there is a strong presumption in favour of protecting our woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods and individual trees of high nature conservation value are safeguarded, conserved and, where possible, enhanced. Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits.

Despite the lack of detail with regard to tree removal, from site inspection, it is certain that trees will require removal to accommodate development.

As noted above the adverse impacts on native woodland and individual mature trees of biodiversity value would be contrary to NPF4 Policy 6, SG LDP ENV 6 as well as Proposed LDP Policy 77 which is a material consideration.

E. Flooding

LDP STRAT 1 in terms of section J) *Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability*; SEPA have been consulted on the proposals and initially submitted a holding objection due to lack of information as the site is adjacent to the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium to high risk of flooding from the sea. The applicant latterly provided the additional information by way of site sections, spot heights and an indicative location for the proposed house. In SEPA's latest consultation response (received: 14.03.2023) they have removed their holding objection and requested that a condition is added requiring that (in line with NPF4 policy 22); all development is limited to existing ground levels above 4.9mAOD. The finished floor level of the development should be set to as least 5.5mAOD. The additional info as submitted by the applicant demonstrates that areas within the site are available to accommodate development which meet with SEPA's recommendations.

F. Road access including Sustainable Transport, Local Living

In terms of terms of the proposed access (which is mainly located within the countryside zone) the applicants have noted within their supporting statement that; *The access to the new properties will take the form of a private driveway accessed off Shore Road (B833) with a hard surface finish for the first 5 metres and sightlines of 136x2.4x1.05M in both directions. The position of the new access indicated will allow for the sightlines to be created within the ownership of the applicant and maintained*

in perpetuity. Off street parking for 3no. Cars will be formed and creation of level access to the house and comply with Scottish Technical Standards, as well as turning within the overall site. In respect of the above the local roads area manager has been consulted on the proposals and had noted that they have no objection subject to conditions. It is however worth flagging that roads have requested visibility splays of 160 x 2.4 x 1.05 metres in both directions not the shorter 136 x 2.4 x 1.05 metres in both directions that the applicants say they can achieve. Roads have also included conditions relating to the access / driveway widths and gradients, drainage, surfacing, parking and turning that would be required in this location. The proposal is therefore considered to be consistent with LDP 11, SG LDP TRAN 4, TRAN 6 and Proposed LDP Policies 36, 39 and 40. It is also worth noting in terms of NPF4 Policies 13 & 15 which relate to sustainable transport and local living and 20 minute neighbourhoods for which this proposal has been assessed against as well as the proposed LDP2 Policy 32 which relates to active travel. It is considered that the proposed development would meet these policies as it is considered that the proposal is small scale and would not result in the requirement to upgrade the existing infrastructure. It is also noted that two bus stops are located within walking distance to the proposal which link up with local facilities 14 minutes away and that these facilities could also be accessed via a 14-minute cycle which is considered appropriate for living within a rural area.

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Application Site



Location Plan Relative to Planning Application:22/00678/PPP



1:2,500

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

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: 23/00688/PP
Planning Hierarchy: Local
Applicant: Oban Baptist Church
Proposal: Demolition of existing buildings and erection of new church/community building with associated landscaping works
Site Address: Oban Baptist Church, Albany Street, Oban

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of church/community building

(ii) Other specified operations

- Demolition of existing buildings
 - Connection to public water network
 - Connection to public drainage network
-

(B) RECOMMENDATION:

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

(C) CONSULTATIONS:

Argyll and Bute Council - Roads Authority

Report dated 16/05/23 advising no objection to the proposed development but noting that a Traffic Management Plan will be required during the construction period.

Argyll and Bute Council - Environmental Health Service (EHS)

Memo dated 05/06/23 advising no objection to the proposed development but providing advisory comments with regards to the operation of the development should permission be granted.

Argyll and Bute Council – Environmental Health Service (Contaminated Land)

Memo dated 08/06/23 advising that as there is potential for asbestos to be contained within the existing structures, the Applicant will be responsible for undertaking an asbestos survey prior to any building works should permission be granted. An informative will be added to the grant of permission advising the Applicant of this advice.

Argyll and Bute Council - Conservation Officer

E-mail dated 01/06/23 advising, in summary, that the preferred option would be to demolish the 2 buildings to the east of the church and design a new extension to the church to replace these – thereby retaining the historic building that has for over a century been a landmark building in the town, and providing a compromise in terms of creating one large building that is suited to the congregation's requirements but reduces the demolition requirement. A less preferred but second option would be to re-use the existing stone of the church into the new design, rather than disposing of this and bringing in a new stone cladding as proposed. The comments from the Conservation Officer, and the subsequent discussions with the Applicant, are discussed in more detail in the assessment of the proposal in Appendix A of this report.

Oban Community Council (OCC)

Letter dated 08/06/23 advising, in summary, that they have tried to balance the needs of an expanding and active church congregation, and the undoubted and desirable benefits that it brings and will continue to bring to the community, against the desirability to preserve an old building. The OCC discussed the potential to retain the church building and erect a new building either as an extension to the church or a separate building but advised that they are not qualified to comment on such a proposal without sight of plans. The OCC also advised that they are not qualified to comment on the potential reuse of materials that might be salvaged from the existing church building. The OCC noted the concerns of third parties regarding other disused church buildings currently empty with no indication that they will be preserved or put into new uses in the foreseeable future. However, the OCC advised that consensus view was that the needs of the church congregation should be afforded the higher priority therefore confirmed their support of the proposed development.

Historic Environment Scotland (HES)

Letter dated 07/07/23 advising that they do not find the church building to be a building of special architectural or historic interest and accordingly they declined the request by third parties to have the building Listed.

Scottish Water

Letter dated 03/05/23 advising no objection to the proposed development which will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that further investigations may be required once formal application for connection are submitted to them for consideration.

Health and Safety Executive

E-mail dated 02/05/23 advising no objection to the proposed development.

Consultation responses are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

96/00028/DET

Proposed parking and access amendment – Granted: 16/04/96

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 01/06/23.

(F) REPRESENTATIONS:

- (i) 12 objections, 1 representation and 48 expressions of support have been received to the application.**

OBJECTIONS

Mr David Sclater, 13A Argyll Street, Oban, PA34 5SG (23/06/23)
Oban and Ganavan Heritage – by e-mail only (07/06/23 & 09/11/23)
Edna Price – by e-mail only (08/06/23 & 11/09/23)
Ms Jane Terris, Portlea, Gallanach Road, Oban, PA34 4LS (08/06/23)
Mr Jack Tait Westwell, 1/2 634 Alexandra Parade, Glasgow, G31 3BT
(07/06/23 & 04/09/23)
Mr Andrew Thornton, Flat 1, Laroach House, Ballachullish, PH49 4JE
(06/06/23 & 09/09/23)
Mr A. Gordon, Teven Cottage, Ganavan Road, Oban, PA34 5TU (05/06/23)
Miss Ann Terris, Teven Cottage, Ganavan Road, Oban, PA34 5TU
(25/05/23)
Mr Robin Russell, Flat 1/1, 1 Glenshellach Terrace, Oban, PA34 4BH
(24/05/23)
K. McCusker, 3d Cawdor Terrace, Oban
Ms Catherine MacGillvray, 9 Lorn Road, Dunbeg, PA37 1QG (23/05/23)
Lorna Tait – by e-mail only (22/05/23)

REPRESENTATIONS

Oban District Access Panel – e-mail only (04/06/23)

SUPPORT

Mrs Morag Head, 1 Orchy Gardens, Oban, PA34 4JR (08/06/23)
Mrs Fiona Leadbeater, Sidhean Mhor, Kilmore, PA34 4XX (08/06/23)
Dr Philip Toms, Treshnish, Glenmore Road, Oban, PA34 4PG (08/06/23)
Mr Stephen Dangana, 1A Dalintart Drive, Oban, PA34 4EE (07/06/23)
Mrs Favour Dangana, 11A Dalintart Drive, Oban, PA34 4EE (-7/06/23)

Mr Daniel Rimmer, Kilchurn, Soroba House, Mews, Oban, PA34 4SB (07/06/23)
Mrs Rachel Heald, 6 Pendean, Burgess Hill, RH15 0DW (07/06/23)
Mr Andrew Heald, 6 Pendean, Burgess Hill, RH15 0DW (07/06/23)
Mr Russell Daniels, 12 Lonan Drive, Oban, PA34 4NN (07/06/23)
Mr John Durat MacRae of Kergord, 1 Ford Spence Court, Benderloch, PA37 1PY (07/06/23)
Mr David O'Brien, Schiehallion, Rowan Road, Oban, PA34 5TQ (07/06/23)
Mrs Sandra MacColl, 12 Aros Close, Oban, PA34 4RN (07/06/23)
Mr Christopher Farley, Lochnell Cottage, North Connel, PA37 1RW (07/06/23)
Mrs Lismore Farley, Lochnell Cottage, North Connel, PA37 1RW (07/06/23)
Miss Mary Black, 5A Albany Street, Oban, PA34 4AR (07/06/23)
Mrs Beryl Carmichael, 5 Orchy Gardens, Oban, PA34 4JR (07/06/23)
Mr David Valentine, Burnside, Kilmore, PA34 4XT (06/06/23)
Mrs Carol Chalmers, Fearnoch View, North Connel, PA37 1QX (06/06/23)
Mr William Stuart Kennedy Chalmers, Fearnoch View, North Connel, PA37 1QX (06/06/23)
Mr David Vandervoorde, 23 Java Houses, Craignure, Mull, PA65 6BE (06/06/23)
Miss Marianne Fell, 8 Park Road, Oban, PA34 4GZ (06/06/23)
Mr George Gray, Sonas, Ardentallen, Oban, PA34 4SF (06/06/23)
Mrs Patricia Morrison, 3 Creran Gardens, Oban, PA34 4JU (06/06/23)
Mr C.E. Morrison, 3 Creran Gardens, Oban, PA34 4JU (06/06/23)
Ms Isla Farley, 23 Java Houses, Craignure, Mull, PA65 6BE (05/06/23)
Ms Margaret Taylor, 15 Inverbhreac Cottages, Barcaldine, PA37 1AH (05/06/23)
Mr Ewan Stuart – by e-mail only (05/06/23)
Mrs Susan Windram, Taigh Nam Faclan, Kilchrenan, PA35 1HD (05/06/23)
Mrs Claire Keen, Ben Alder, Ardconnel Road, Oban, PA34 5DR (05/06/23)
Mrs Elizabeth Deverill, 8 Lonan Drive, Oban, PA34 4NN (05/06/23)
Maureen O'Brien, Schiehallion, Rowan Road, Oban, PA34 5TQ (05/06/23)
Mrs Sue Turner, Ealachan Bhana, Clachan Seil, Oban, PA34 4TL (05/06/23)
Miss Jenny Low, 4 Campbell Crescent, Oban, PA34 4DE (05/06/23)
Mrs Aimie Baker, 9 Tynribbie Place, Appin, PA34 4DS (05/06/23)
Miss Karen Campbell, Flat B, 13 Corran Brae, Oban, PA34 5AJ (05/06/23)
Mrs Dawn Singleton, Tigh na Ros Bhain, Clachan Seil, Oban, PA34 4TL (05/06/23)
Miss Wendy Whyte, 25 Camus Road, Dunbeg, PA37 1QD (05/06/23)
Miss Hannah Stevenson, 27B Glencruitten Drive, Oban, PA34 4EQ (05/06/23)
Mrs Kathryn Sadler, The Manse, Ganavan Road, Oban, PA34 5TU (05/06/23)
Mrs Carole Gatward, Camu Darach, Ganavan Road, Oban, PA34 5TU (05/06/23)
Mrs Helen Daniels, 12 Lonan Drive, Oban, PA34 5NN (05/06/23)
Melissa Van Eck, 25D Kerrera Terrace, Oban, PA34 5AT (05/06/23)
Mrs Susan C. Hamilton, Innishmore, Ellenabeich, Isle of Seil, PA34 4RQ (05/06/23)
Mrs Jade Brown, 20 Castle Road, Dunbeg, PA37 1QH (05/06/23)
Ms Caroline Sharp, Sonas, Dalmally, PA33 1AE (05/06/23)
Linda Hill – by e-mail (29/05/23)
Miss Heather Morrison, Tigh a Mhonaigh, North Connel, PA37 1QZ (25/05/23)

Miss Sara Hiam, Tigh a Mhonaigh, North Connel, PA37 1QZ (25/05/23)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

OBJECTION

Historic Importance of the Building

- The building is a local landmark and is in keeping with the style of a lot of the older buildings and monuments in Oban which give the town its unique distinctive character.
- The church is a building of architectural, historical and cultural importance by the well-known Scottish architect Alexander Shairp.
- Historical and cultural heritage is of huge importance to the tourism industry and local business.
- Once these old buildings are destroyed they can never be brought back.
- All buildings like this church should be listed by default.
- The robust, simple church building is in remarkably good condition and has been well maintained.
- The church building is worthy of protection, it has recently been re-roofed and could sustain a life span of another 100 years.
- The church is an important feature of our local and Scottish heritage, built with local Bonawe granite by skilled craftsmen, this cannot be repeated or replaced.
- The building was purpose built as a Baptist Church and has continued in this use for nearly 120 years, as such it is part of the wider Baptist Church Heritage, both in Oban and across the UK.
- Many local people in Oban regard Oban Baptist Church with great affection and its absence will be held with much regret.

Officer Comment: *Whilst these comments are noted, the church building is not listed, nor is it within an area benefiting from a statutory designation which affords it protection. Whilst the church is a historic building, as detailed by HES, the building does not demonstrate special design quality within its common building type or for its building date.*

The demolition of the building to facilitate the redevelopment of the site to serve the Oban Baptist Church is considered to be an appropriate development which is discussed in more detail in the assessment of the application within Appendix A of this report.

Alternative Scheme without Demolition of Existing Building

- There is no requirement from an architectural perspective to demolish the church when there are two additional buildings that could provide an area for further extension.
- A conversion that retains and utilises the existing stone church with modern upgrades would be acceptable if the old church walls are still at least partially on display for people to enjoy.
- The demolition of the building is unnecessary as there is potential within the site for further sensitive development to accommodate the growing needs of the church.
- The current church building could easily be retained and extended to offer a panoramic view whilst accommodating the expressed needs of a growing church and maximising the opportunity that the site offers.
- Retention, extension and adaption of the existing building is more environmentally sustainable than demolition and rebuild.
- An extension to the west would also provide ancillary accommodation below the church since the site has a substantial change in level in this direction.
- The adjacent 1960s buildings could be demolished to accommodate all the requirements of the new church. The areas are approximately the same as the proposed building.
- Alternative more satisfactory options can be considered on the same site without the need for demolition of one of Oban's finest buildings.

Officer Comment: *Whilst these comments are noted, the building is not listed, nor is it within an area benefiting from a statutory designation which affords it protection. Notwithstanding this, the proposal for the demolition of the building and redevelopment of the site is fully assessed against the relevant National and Local Policies within Appendix A of this report.*

Design/Function of Proposed Development

- Anything that would replace this historic building would only ever be a poor, short lived substitute for a building that has stood for decades.
- The proposal is to provide a larger place for worship, this is not evident in the proposal. The proposed plans in the new space for worship is virtually the same size as the existing church.

Officer Comment: *The design of the proposed replacement church/community building is considered to represent an acceptable design solution which is discussed in more detail in the assessment in Appendix A of this report.*

The proposed development is not just about the area to be provided for worship, it is to provide a facility that serves the ever increasing needs of the church, its congregation and its numerous associated community based activities.

Existing Built Heritage

- The existing church enhances and complements the surrounding built heritage much of which is listed, and protected.
- The building is currently being considered for Listed Building status by HES.

Officer Comment: *It is noted that there are some Listed Buildings in the vicinity of the site, details of which are discussed in more detail in the assessment of the proposal in Appendix A of this report. There are also a number of modern, unlisted buildings of no particular architectural merit in the vicinity of the site.*

HES did not find the building to be a building of special architectural or historic interest and accordingly they decided not to designate the building as a LB. This is discussed in more detail in the assessment of the proposal in Appendix A of this report.

Sustainability/Re-Use of Materials

- Demolition is a topical subject in the construction world and the effects on global warming are increasingly realised to be most significant.
- The church is built of solid stone granite, with thick walls all built in lime mortar the demolition of which will result in substantial loss of resources, energy and material.
- Reusing the granite for a new building would be difficult as it is hard to dress and modern buildings have much thinner walls. A new building would almost certainly use cement mortars which would add further complications.
- Reusing the material is not an option due to the loss of embodied energy and loss to timber, slate etc.
- The financial costs alone make demolition an unsustainable option.
- In an era of upcycling and recycling, the environmental impact of a new build would be a lot more damaging than the repurposing and altering of the existing building.

Officer Comment: *These comments are noted by the Planning Authority and are fully considered in the assessment of the application within Appendix A of this report.*

Compliance with Planning Policy

- It is important the Argyll and Bute Council make their decision based on their own promises and policies set out clearly in their own words to their electorate and do not become distracted by any emotional arguments on either side.
- Planning policies do not support this application and they should be vigorously applied in the consideration of this application.
- Argyll and Bute Council made a commitment to ensure the protection of its historic environment the scope of which the church falls within.

- The proposal does not support the protection, conservation and enhancement of the historic building environment and does not enhance the cultural heritage.
- What evidence do the Council have to demonstrate that all alternatives have been explored before approving the planning application.
- The application should not be determined until a decision on proposed Local Development Plan 2 is made.

Officer Comment: *The proposal subject of this application is assessed against the relevant National and Local Policies in Appendix A of this report.*

The building is not subject of any statutory protection and accordingly there is no need for evidence of alternatives to be submitted in support of the application.

The policies of Local Development Plan 2 have been considered in the proposal, details of which are set out in the assessment of the application in Appendix A.

Impact of the Loss of the Building on the Community

- The effect of demolition of the building on local people who value their townscape is unfair and disrespectful.
- Such loss is known to lower self-esteem and identity, with many local people experiencing this and recognising the loss of previous demolitions of finer examples of Oban's architecture e.g. Railway Station, Oban High School and many others.

Officer Comment: *Local people have had the opportunity to submit their views on the proposal during the consultation period of the planning application with all comments fully considered during the application process.*

The Planning Authority is not suitably qualified to comment on the impact that demolition of a building can have on the self-esteem of individuals.

General

- The application in our current economic climate is an extreme and unusual approach from a religious denomination which divides the community.
- The application does not justify the need for the proposed development.
- Despite requests from the Planning Authority, the Applicant has not provided an Options Appraisal, Conditions Assessment or Sustainability Statement.

Officer Comment: *The application has been submitted with information from the Applicant demonstrating the approach behind the proposal for the demolition and redevelopment of the site in order to provide suitable accommodation for the various activities currently undertaken by the church.*

It's not clear why it is thought that the proposal is an unusual approach from a religious denomination.

It is not considered that the proposal has divided the community, whilst objections from 12 individuals have been received, none of whom are members of the congregation, 48 expressions of support have been received for the proposed development, with many of these being from members of the congregation who regularly use the existing facilities.

The Planning Authority is satisfied with the level of information submitted in the application which is discussed in more detail in the main assessment of the application in Appendix A of this report.

Traffic, Parking Provision and Impact During Construction

- There is no allowance for sufficient parking and there has been no Traffic Impact Analysis submitted.
- At least two planning applications have been knocked back at that end of town for private dwellings, the reasons given were that they weren't in keeping with surrounding buildings, and extra houses mean more traffic.
- If, as claimed, this congregation has outgrown their building, surely a larger, modern style of building, would attract more traffic, and not be in keeping with surrounding buildings. This would highlight inconsistencies in the way applications are dealt with.
- If the project was to go ahead the building works would cause chaos for the people that live on Albany Street, Gallanach Road and Shore Street. This type of chaos is already being seen with wide lorries crawling their way along these roads with chalets on the back of them, often with no warning, and at inconvenient times, resulting in people knocking on doors, demanding cars get moved to let them through.

Officer Comment: *The premises as existing do not provide for on-site parking and turning.*

The proposal to redevelop the site to provide improved facilities for the church and will continue to utilise existing town centre parking provision. The Council's Roads Engineer raised no objection to the proposed development in this regard.

It is not clear what exactly the statements regarding the two planning applications which were 'knocked back' are alluding to. Without details of the applications referenced, the Planning Authority is unable to provide a comment on this statement.

The Council's Roads Authority has detailed the need for a Traffic Management Plan for the construction period of the proposed development. Such details will be sought by condition imposed on the grant of permission which will require to be agreed by the Planning Authority, in consultation with the Roads Authority, prior to any works starting on site.

Setting a Precedent

- Granting of permission for demolition of this historic building will set a precedent for owners of similar buildings who no longer want to maintain them and seek an easy way out of their obligations.

Officer Comment: *The granting of permission for the demolition of the building subject of this application in no way infers that any future applications for demolition will necessarily be supported. Each planning application submitted is considered on its own merits in accordance with the Development Plan in force at the time along with all other material planning considerations.*

SUPPORT

- The people of the church have spent many years looking for alternative accommodation in the town to cater for an expanding congregation. The church has given so much thought and consideration to all the options available to them to create a space that is fit for purpose, including keeping/extending/refurbishing the current building. Unfortunately no suitable solution has been found which allows expansion of the community based work.
- The church leadership has been diligent in consulting the community about the proposals, even changing the original aspect in the plans to accommodate neighbours' concerns about losing their views.
- The church has spent 7/8 years to come to the conclusion that a new building is the only solution if the congregation want to continue to gather on this site. 5 different architects were engaged to draw up plans for both a new build and a building integrating the existing church on site. Various options were considered, including moving to other church buildings, none of which were viable. Members, adherents and friends have been consulted continuously throughout the process and, as a body, the overwhelming decision was to take the current route.
- The church has a clear vision to serve the people of Oban and increase its positive social impact, continuing to welcome and support all members of the local community.
- The church building is no longer fit for purpose suffering from damp, mould and poor heating. There is a need to replace it with an energy saving, well insulated building that is economical, protects the environment and the health of the people who use it.
- Due to the expanding numbers of the congregation, and the increased opportunity to engage with the local community the existing building is not fit for purpose and new premises are required.
- Sadly, and importantly, more often than not the church is unable to host major life events normally expected of a church, such as funerals, weddings and baptisms due to size and facility restrictions, resulting in the Minister having to conduct such services at other churches in order to cater for large gatherings.
- When the church opened in 1904 the population of Oban was around 5000. The current population of Oban and Lorn has more than doubled since then rising to around 25000 in the summer months.

- In 1904 the church held 3 services per week and was used for approximately 4/5 hours per week. Today the work of the church spans 7 days per week in a variety of spiritual/social support/educational facilities.
- It is evident that the church community is growing, already having to host meetings elsewhere because the current buildings are not fit for the current purpose. When church attendance and membership is declining countrywide the Oban Baptist Church is bucking the trend.
- The current building is too small for the existing congregation, let alone newcomers. Sunday morning services are currently being held in Oban High School due to lack of capacity within the church.
- The church serves the religious community and other valued social activities such as the free school uniform exchange, the mother and toddler group and activities for young people. The new church building will not only be used on a Sunday, the plan is to open all week to serve the community.
- The church seeks to be able to provide a safe, all access facility, not just for regular church goers but also to the many outside groups who already use the buildings on a regular basis.
- What is the lost opportunity, or even social damage that could occur if the church's proposals are not accepted.
- The church is often overcrowded and has very poor toilet and catering facilities with no disabled facilities.
- The new project took into consideration its impact on the neighbouring properties.
- The design of the proposed building is attractive and will add to the beauty of the environment, it also has a lower roof line than the existing church which will allow neighbours of the church an improved sea view.
- The new church building will present a wonderfully welcoming view to everyone who should see it from both land and sea.
- A Christian church's purpose is to serve its neighbouring community and grow. The old church has faithfully served the Baptist Church for many years, but churches are not defined by their buildings, but instead by their congregations.
- The church is a community of people, not a building.
- Likewise, towns like Oban are not defined merely by their architecture, but by the people who call it home and help the community to thrive.
- Old buildings, when they can be repurposed can absolutely be a part of a new Oban, look no further than the redeveloped Rockfield Centre. However, the church building is not suitable for such a proposal.
- The church cannot expect an ever expanding congregation to be forced into such a small building, it is not appropriate.

- Having worshipped in this church for forty years now, with lots of special memories, sadly the building is no longer fit for purpose.
- As a regular visiting member of the congregation, we have witnessed how the existing building constrains the activities and outreach into the community that the church undertakes.
- Working with Hope Kitchen, there is need for supporting community groups for families and individuals.
- Whilst history is important, it is also important to create space for new architectural works that can be remembered and protected by the younger generation.
- The proposal represents a well thought through and sensitively planned new building which blends in with the area and provides facilities for both the church and other organisations to thrive.
- The proposal represents a breath of fresh air to the town.
- Whilst it is important to hear the views of all, the best judges as to the future of the building are those who are part of the church community, not external individuals or groups.
- Whilst heritage is important, it rarely impacts the poor and the disenfranchised and seems to be the preserve of most who have never set foot into the current building.
- There are fake hysterical outbreaks on social media from people who don't live in the area, aren't members of the church and are not impacted by this decision one way or the other.
- If the congregation support the proposal, and the new plans do not impact the neighbours, then they should be allowed to redevelop the site as they see fit.
- It is hoped that the Council will take everything into account from the needs of the community looking to do something innovative and new and of course, any real objections.
- As beautiful as they are, Victorian buildings, such as this one, were never intentionally designed to meet the needs of disabled people, due to most disabled people being institutionalised or hidden away from society during the Victorian era and accordingly disabled access and facilities were not required.
- The Scottish Government has explicit duties to promote, protect and ensure the human rights of disabled people, this includes supporting disabled people to participate fully in society, including access to buildings. It will need more than a ramp for the existing building to meet the varied requirements of different types of disability needs experienced throughout the community. A new modern church building and community space, specifically designed to incorporate such considerations, would be beneficial to both old and young alike.

Officer Comment: *These expressions of support are noted by the Planning Authority.*

REPRESENTATION

- Overall, the Oban and District Access Panel commends the Inclusive Design approach adopted by the architects. Both the accessible toilets meet the BS8300 standard and the folding door is a clever solution; and at the main entrance, the width of just one of the double door leaves will accommodate the largest wheelchair. There appears to be a lift but it is not identified on the plan.

The Panel noted the strong supporting statement and in particular the reference to wheelchair access and hearing loops.

The Panel supports the application subject to:

Ideally, at least 2 accessible parking bays should be provided within 40m of the main entrance to the building, and signed as such.

Whilst noting the 1:50 gradient at the main entrance doors, it is important that the force of any door closing device for each single door leaf is easily usable by an independent wheelchair user.

A passenger lift should be provided between the two floors. To accommodate a wheelchair user and a carer or one other person this should be a minimum of 1100 x 2000mm.

If the seating in the main hall is fixed (as opposed to flexible) at least three wheelchair stances should be provided together with easy access thereto.

An audio loop system should be provided for the main hall area

Officer Comment: *These comments are noted by the Planning Authority and will be provided to the Applicant for review.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No A Client Statement has been submitted with the application.
- (iv) **A report on the impact of the proposed development e.g.** Yes No

Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

(H) PLANNING OBLIGATIONS

Is a Section 75 Yes No agreement required:

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes 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.

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
(*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 18 – Infrastructure First

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

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

LDP 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

Local Development Plan Schedules

Area for Action (AFA) 5/1- Oban – South Pier/Railway

Strategic allocation for town centre/waterfront development and management

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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

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

SG LDP ENV 21 – Protection and Enhancement of Buildings

Sport, Leisure, Recreation and Open Space

SG LDP REC/COM 1 – Sport, Recreation and Community Facilities

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

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

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility

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

SG LDP TRAN 6 – Vehicle Parking Provision

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

- Third Party Representations
- Consultation Responses
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development
Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 49 – Sport, Recreation and Community Facilities
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Local Development Plan 2 Schedules

Area for Action A4004 – Oban-South Pier/Railway

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

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

(M) Has a Sustainability Checklist been submitted: Yes No

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

(O) Requirement for a pre-determination hearing

In deciding whether to hold a discretionary hearing Members should consider:

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

At the time of writing, representations have been received by the Planning Authority from 61 respondents in relation to this planning application. 12 respondents raise objection, 48 provide support and 1 submits a representation.

In the context of the population of Oban, which is approximately 9000, 12 objections is considered to be a relatively small number.

The main thrust of objection relate to the demolition of the church building. However, as set out in the main assessment of the proposal in Appendix A of this report, the demolition of the building would benefit from 'deemed permission' under the GPDO and therefore this aspect of the proposal is outwith the remit of the Council as Planning Authority.

With regards to the other concerns raised by objectors in relation to the access and infrastructure arrangements to serve the proposed development, it should be noted that the site is already operating a similar development to that proposed in the application. Furthermore, in response to the application, consultees did not raise any concerns with regards to the proposed development and its impact on existing infrastructure arrangements or its impact on the amenity of the area.

As a minor departure to NPF4 Policy 9 with regards to demolition, which can be undertaken without any input from the Planning Authority, the proposal is otherwise consistent with the provisions of both Local and National Policy and it is not considered that a hearing would add anything to the planning process.

(P)(i) Key Constraints/Designations Affected by the Development:

- N/A

(P)(ii) Soils

Agricultural Land Built Up Area
Classification:

Peatland/Carbon Rich Soils Class 1
Classification: Class 2
 Class 3
 N/A
Peat Depth Classification: N/A

Does the development relate to croft land? Yes No
 Would the development restrict access to croft or better quality agricultural land? Yes No N/A
 Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No
 (If yes, detail in summary assessment)
 Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 (tick all relevant boxes) Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
 LDP DM 1 (tick all relevant boxes)

Main Town Settlement Area
 Key Rural Settlement Area
 Village/Minor Settlement Area
 Rural Opportunity Area
 Countryside Zone
 Very Sensitive Countryside Zone
 Greenbelt

ABC pLDP2 Settlement Strategy
 (tick all relevant boxes)

Settlement Area
 Countryside Area
 Remote Countryside Area
 Helensburgh & Lomond Greenbelt

<p>ABC LDP 2015 Allocations/PDAs/AFAs etc:</p> <p>AFA 5/1</p>	<p>ABC pLDP2 Allocations/PDAs/AFAs etc:</p> <p>A4004</p>
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(P)(v) Summary assessment and summary of determining issues and material considerations

The proposal the subject of this application is seeking to secure planning permission for the demolition of the existing Oban Baptist Church (OBC) and ancillary buildings to allow for the erection of a replacement church/community building.

In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP REC/COM 1 and SG LDP ENV 14 which offer further support to new or improved community facilities where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

The application comprises a roughly triangular shaped area of ground situated at the western end of Albany Street at its junction with Shore Street within the main town centre of Oban.

Albany Street forms the southern boundary of the application site with Shore Street forming its southern and western boundaries. The northern boundary of the site is delineated by a long established dental practice building and parking area. The site slopes down from Albany Street to Shore Street.

The site is currently occupied by three buildings, the main OBC building, the church hall and a detached bungalow, all of which are in use by the OBC for its various functions.

The proposal is seeking to secure planning permission for the demolition of the OBC building and the two associated ancillary buildings to allow for its redevelopment with a new purpose built church/community building to serve the OBC.

Whilst a historical building, the OBC is not covered by any statutory designation nor is it within any area benefiting from statutory protection.

The new building is a contemporary designed, split-level structure which presents as a single storey mono-pitched roof structure to Albany Street with a two storey pitched roof element presenting to Shore Street. As the ground slopes down from Albany Street to Shore Street, the proposed building sits low in the site with its roof height lower than that of the existing OBC building.

No change to the existing servicing or infrastructure arrangements currently serving the site are proposed as part of this application which comprise utilisation of town centre parking provision and public water and drainage connections.

The proposal has elicited 12 objections, 1 representation and 48 expressions of support.

The Oban Community Council recognise that the needs of the church congregation should be afforded a higher priority than the concerns regarding the loss of the building, both on historic and sustainability grounds.

A key factor in the assessment of this application is whether or not the demolition of the existing three buildings to allow for the redevelopment of a new purpose built facility to serve the needs of the OBC is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

Whilst there is a clear expectation set out in NPF 4 policy 9 (d) that demolition is the least preferred option the decision maker must also have regard to the fact that the demolition of the building is development which, on its own, would benefit from 'deemed permission' under the provisions of Class 70 of the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended) (GPDO), and as such is a matter outwith the direct control of the Council as Planning Authority.

The applicant has been provided with additional opportunity to demonstrate that there is appropriate justification within the context of NPF 4 Policy 9(d) to support the demolition proposed. Whilst the applicant has failed to satisfactorily demonstrate this case it must also be acknowledged that the proposal to redevelop the site is otherwise viewed to be consistent with all other relevant provisions of the Development Plan, and on the basis that the applicant does not in this instance require express permission from the Council in order to undertake demolition works, it is considered that it would be unreasonable to withhold permission solely on the basis of failure to satisfy NPF 4 Policy 9(d).

Taking account of the above, it is recommended that planning permission be approved subject to conditions.

A full report is provided in Appendix A.

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

(R) Reasons why Planning Permission Should be Granted:

Subject to a minor departure to NPF4 Policy 9, as detailed at Section S below, the proposal is considered to be consistent with the relevant provisions of the Development Plan and National Planning Framework 4 and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

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

Whilst there is a clear expectation set out in NPF4 Policy 9(d) that demolition is the least preferred option, it is neither expressly presumed against nor has the Scottish Government made any legislative change to the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended) (GPDO) which would preclude the demolition work benefiting from 'deemed permission' under Class 70.

In this instance the demolition of the existing buildings does not require express permission from the Council as Planning Authority and, given that the proposal is otherwise considered to be consistent with all other relevant provisions of the Development Plan, it is considered that it would be unreasonable for the Council to withhold planning permission solely on the basis that the applicant has failed to satisfy the requirements of NPF 4 Policy 9(d).

The proposal is considered to be acceptable subject to being recognised as a minor departure to the provisions of NPF4 Policy 9(d).

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

Yes No

Author of Report: Fiona Scott **Date:** 25/10/23

Reviewing Officer: Peter Bain **Date:** 06.11.2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00688/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 31/03/23, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Drawings	01		03/04/23
Location & Block Plans	AL- 001 -A3		21/04/23
Topographical Plan	AL- 002 1-125 A2		03/04/23
Existing Site Plan	AL- 003 A3		03/04/23
Proposed Site Plan	AL- 004 A3		21/04/23
Proposed Floor Plans	AL- 005 A1		03/04/23
Proposed Elevations	AL- 006 A1		03/04/23
Client Statement/Pre-Application Consultation – 24 PAGES			03/04/23

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

Note to Applicant

Please note the comments in the consultation response from Scottish Water and the comments provided in the submission from the Oban District Access Panel, details of which are available to view on the planning application file via the [Public Access](#) section of the Council's website.

2. PP – Traffic Management Plan

Notwithstanding the effect of Condition 1, no development shall commence until a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To address potential abnormal traffic associated with the development in the interests of road safety.

3. PP - Finishing Materials

Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings

4. PP - Reclamation of Materials

No demolition works shall commence until a scheme for the reclamation of stone from the Oban Baptist Church building, during or prior to demolition has been drawn up in consultation with, and approved in writing by the Planning Authority. The stone shall be satisfactorily set aside, stored and used within the redevelopment scheme in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical qualities of the building to be demolished.

5. PP – Sustainable Drainage System

Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

6. PP - Waste Management

Notwithstanding the effect of Condition 1, no development shall commence until a Waste Management Strategy for the development has been submitted to and approved in writing by the Planning Authority.

The Waste Management Strategy shall include details of how much waste the proposal is expected to generate and how it will be managed including:

- i. Details of provisions to maximise waste reduction and waste separation at source;
- ii. Details of measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Thereafter the development shall be undertaken in accordance with the approved Waste Management Strategy unless otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 12.

7. **PP - Landscaping and Biodiversity Enhancement**

Notwithstanding the effect of Condition 1, no development shall commence until details of the proposed treatment of the soft landscaping areas within the development has been submitted to and approved in writing by the Planning Authority.

The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Proposed hard and soft landscape works;
- iv) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

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

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to: [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/00688/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

- 1.1. The proposal the subject of this application is seeking to secure planning permission for the demolition of the existing church and ancillary buildings and the redevelopment of the site to provide a replacement church/community building.

2. Location of Development

- 2.1. The application site comprises a roughly triangular shaped area of ground situated at the western end of Albany Street at its junction with Shore Street within the Main Town Settlement Zone of Oban.

Albany Street forms the southern boundary of the application site with Shore Street forming its southern and western boundaries. The northern boundary of the site is delineated by a long established dental practice building and parking area. The site slopes down from Albany Street to Shore Street.

The site is currently occupied by three buildings, the main Oban Baptist Church (OBC) building, the church hall and a detached bungalow.

3. Settlement Strategy

- 3.1 In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement for sustainable developments, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP REC/COM 1 and SG LDP ENV 14 which offers further support to new or improved community facilities where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

In terms of pLDP2, the site is identified as being within a 'Settlement Area' where Policy 01 gives a presumption in favour of redevelopment of brownfield sites where the proposed development is compatible with surrounding uses; is of an appropriate scale and fit for the size of settlement in which it is proposed; respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements; and is in compliance with all other relevant pLDP2 policies. Accordingly, in this instance, it is not considered that the proposal conflicts with Policy 02 of pLDP2.

In order to address the determining issues, the key considerations in this application are:

- 3.1.1. Compliance with the Development Plan and other relevant planning policy
- 3.1.2. Any other material considerations.

4. Proposal

- 4.1. The proposal is seeking to secure planning permission for the demolition of OBC and the two associated ancillary buildings within its grounds to allow for the redevelopment of the site with a new purpose built church/community building to serve the OBC.

OBC comprises a single storey, pitched roof ecclesiastically designed structure which takes a generally rectangular form with a small pitched roof entrance porch to its southern elevation with a larger pitched roof projection to its southern elevation. OBC incorporates pointed arched windows and is finished in rusticated rubble with red sandstone quoins and dressings with a natural slate roof.

Whilst a historical building, OBC is not covered by any statutory designation nor is it within any area which affords it statutory protection.

The ancillary buildings comprise the church hall which is situated directly adjacent to the OBC with its main frontage facing onto Albany Street. The hall comprises a small, single storey, shallow pitched roof structure finished in a mix of render and stone cladding with a felt roof.

The second ancillary building is situated to the north of OBC and hall comprising a single storey, hipped roof, dorrans style bungalow oriented with its main elevation facing towards Shore Street. The bungalow is finished in white painted render with a concrete roof tile.

Both ancillary buildings are not considered to be of any particular architectural merit.

The demolition of the buildings within the site will allow for the redevelopment of the site with a purpose built church/community building to serve the needs of the church and its congregation.

The new building is a contemporary designed, split-level structure which presents as a single storey mono-pitched roof structure to Albany Street with a two storey pitched roof element presenting to Shore Street. As the ground slopes down from Albany Street to Shore Street, the proposed building sits low in the site with its roof height lower than that of the existing OBC building.

The main entrance into the building is from Albany Street which leads into a reception area with a large foyer with a lounge/soft play area and seating area off of which are toilet facilities, kitchen facilities and an office. Beyond the entrance foyer is the main church area with a capacity for approximately 200 seats. A small triangular covered balcony projects from the side elevation of the main church overlooking the church grounds. Stairs lead down from the main foyer area to a lower foyer area off of which there are a number of meeting rooms and spaces. External access is available to the lower foyer.

The proposed building is to be finished in mix of render, natural stone cladding and timber cladding on a basecourse of smooth brick with the roof finished in an Anthracite grey coloured metal cladding. Whilst the application proposes the use of natural stone cladding, the Planning Authority will seek the stone reclaimed from the existing OBC building is incorporated into the proposed development.

Within the grounds, the application shows a new stone boundary wall extending along the Albany Street frontage to the Shore Street frontage which merges into a boundary fence which continues along the Shore Street frontage. Within the site an area of paving is proposed leading from the Albany Street entrance, via a set of stairs, to a paved area adjacent to the lower foyer area of the building. Small areas of landscaping and external seating are provided within both the upper and lower areas of the site.

No change to the existing access or infrastructure currently serving the OBC are proposed as part of this application which comprise utilisation of existing town centre parking provision and public water and drainage infrastructure.

5. Compliance with National Policy

5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

In this case, given the small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the LDP, it is considered that the development proposed would be in accordance with the broad aims of NPF4 Policy 1 as underpinned by LDP Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist and Policies 01 and 04 of pLDP2.

5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the 'Argyll and Bute Local Development Plan' 2015 (LDP) 1 promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

It is considered that the proposed development would be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted LDP, notably Policies STRAT 1, LDP DM 1, LDP DM 10 and the adopted Sustainability Checklist and Polices 01 and 04 of pLDP2.

5.3. NPF4 Policy 3 – Biodiversity

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted, unusually for a town centre site an area of soft landscaping has been identified within the site and accordingly it is considered that proportionate measures for biodiversity enhancement

can be delivered by planning condition. Such a condition will be attached to this permission.

With a condition to secure proportionate biodiversity enhancement and creation opportunities the proposed development is considered to be consistent with NPF4 Policy 3 as underpinned by LDP Policy LDP 3 and SG LDP ENV 1 and Policy 73 of pLDP2.

5.4. NPF4 Policy 4 – Natural Places

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

The proposed development is therefore considered to be in accordance with NPF4 Policy 4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 and 71 of pLDP2

5.5. NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Whilst the OBC is not a Listed Building (LB), during the processing of the current planning application, it came to light that third parties had contacted HES with a request to have the building listed.

In their response to the request for listing, HES advised that they had assessed the property and, from the information available to them, found that the building does not meet criteria for designation and they decided not to designate the building as a LB.

HES advised, in summary, that *“Built in 1903, the OBC is an example of a small church designed in a simple gothic style with a standard rectangular plan form. It has now lost most of its original interior features.*

The design of the church is typical for small churches of the second half of the 19th and early 20th centuries and has some good exterior stonework, however it otherwise has no special architectural details and is very simply laid out to the interior. Its small scale and modest design likely reflect the need to keep construction costs low and the relatively small size of the Baptist community in the area.

The design of the church is similar to many small rural churches across Scotland and is not of special interest in design terms. Later alterations to its interior, including the loss of pews and replacement timber dado panelling, have also further affected its potential special architectural interest.

OBC is a relatively late example of a purpose built Baptist Church with other significant examples in Scotland surviving from an earlier date. We have not found the church to be an early or rare example of its building type or for its particular denomination. We also do

not consider it to be an exceptional example in design terms of a small urban church of the turn of the century.

While the OBC has a good setting, it does not demonstrate special design quality within its common building type or for its building date. It is not a rare or early example of a purpose built Baptist church or chapel”.

The detailed report submitted by HES, and details of listing criteria, is published in full on the planning application file and is available to view via the [Public Access](#) section of the Council's website.

Notwithstanding the above, there are two groups of LBs in relatively close proximity to the application site, Cawdor Place, a terrace of Category B LBs to the north east of the site and Alma Crescent a terrace of Category C LBs to the west of the site. Accordingly the development the subject of this application requires to be assessed for its impact on the setting of the LBs as follows.

Part (a) of Policy 7 seeks to ensure that any proposals which are likely to have a significant impact on historic assets or places are accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place.

The proposed building will not be viewed within the same visual window as Alma Crescent and therefore it is not considered that it will have any impact on its setting as a LB. With regards to Cawdor Terrace, the proposed building will be viewed in relation to the existing modern buildings surrounding Cawdor Terrace, where it is considered that the sympathetic design of the building, and its siting working with the existing contours, together with the muted palette of finishing materials proposed, will ensure that it will not give rise to any significant adverse impact on the setting of Cawdor Terrace as a LB.

The proposal will introduce a contemporary designed building within the streetscene which is considered to be of an appropriate scale, design and finishes which will fit well within this site which is in an area where there is no distinct architectural style evident with a varied mix of styles and finishes, some traditional and some more modern buildings of no particular architectural merit. It is considered that the key to this development working within this prominent town centre site will be the quality and application of the finishing materials, boundary treatments and landscaping. Accordingly, whilst such details as shown within the application are considered to be acceptable, a condition is proposed on the grant of permission to secure the finer details of the proposed finishing materials, landscaping and boundary treatments for approval prior to works starting on site. A further condition will be imposed on the grant of condition to secure the reclamation of stone from the existing OBC building and details of how it will be incorporated into the proposed development.

It is not considered that the proposed development will have a significant adverse impact on historic assets or places consistent with NPF4 Policy 7 as underpinned by LDP Policies LDP 3 and SG LDP ENV 16(a) and Policy 16 of pLDP2.

5.6. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application represents the sustainable reuse of a brownfield site situated within the Main Town Settlement Zone of Oban within the

LDP, where such proposals are directly supported by Policy 9(a) of NPF4 and underpinned by LDP policies STRAT 1 and LDP DM 1.

In terms of pLDP2, the site is identified as being within a 'Settlement Area' where Policy 01 gives a presumption in favour of redevelopment of brownfield sites where the proposed development is compatible with surrounding uses; is of an appropriate scale and fit for the size of settlement in which it is proposed; respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements; and is in compliance with all other relevant pLDP2 policies.

However, consideration has to be given to Part (d) of Policy 9 which seeks to secure the reuse of existing buildings, taking into account their suitability for conversion to other uses and the need to conserve embodied energy, with demolition regarded as the least preferred option, but not specifically excluded.

On this basis, consultation was undertaken with the Council's Conservation Officer (CO) who advised that NPF4 Policies 1 and 2 put climate change at the centre of planning decisions, balanced with other relevant policies as appropriate, noting Policy 9(d) which cites demolition as the least preferred option. The CO noted that existing buildings contain a significant amount of embodied energy and adaptation and retrofit options are the preferred option with demolition being the least preferred option, albeit in relation to vacant and derelict buildings. On this basis the CO advised that the preferred option would be to demolish the two buildings to the east of the church and design a new extension to the church to replace these – thereby retaining the historic landmark building in the town, and providing a compromise in terms of creating one large building that is suited to the congregation's requirements but reduce the need for demolition would could be considered to be in accordance with relevant NPF4 Policies.

The CO further stated that a less preferred but second option would be to re-use the existing stone of the church into the new design, rather than disposing of it and bringing in a new stone cladding as indicated in the application. The logistical challenges in terms of modern construction methods would urge that consideration be given to this, to not only reduce material water, but to retain something of the historic building for the community and to comply with NPF4 Policy 14 in terms of distinctiveness, which is discussed in more detail below.

As result of the comments from the CO, ongoing discussions took place with the Agent regarding the proposed development and how the decision for demolition had been arrived at. The following finalised information was provided regarding the proposed development.

***“Building Fabric:** Regarding the building fabric, a visit to the building reveals the deficiencies that the church has had to contend with over the past few years. Indeed, working with or inhabiting an older building exposes the daily inefficiencies and ongoing maintenance issues inherent in such structures, particularly through the winter months.*

***Options Appraisal:** The decision to favour the demolition of the building was reached after assessing multiple policy factors outlined in NPF4 policy guidance. We note the reference to the cost of the project not being a factor in consideration. For community projects like this one, costs are a critical factor, encompassing both construction expenses and project development. Moreover, ongoing operational costs are particularly crucial for a voluntary group dedicated to serving and meeting the broader needs of the local community. As previously noted, retaining an existing building entails significant construction costs, subject to an additional 20% VAT, along with ongoing high operational and maintenance costs, imposing a substantial burden and liability on the facility. It's*

essential to highlight that this facility is initiated and managed by a community group, funded by personal donations and limited grants. The decision to propose the current plan stems from extensive community consultation, where various options for retention and demolition were weighed against sustainability and community factors outlined in the planning statement. While the conservation department understandably places a significant emphasis on preservation (and non-demolition), it is necessary to balance this with additional community factors, such as disabled access, sustainability, functionality, and cost.

NPF4: *It's noted that whilst demolition is not the preferred option it is still an option permitted within the policy. It's crucial to clarify that the church and its decision-making process have had to consider all factors, not just conservation and demolition, to align with the full planning framework and all other NPF4 policies addressed by this proposal. Furthermore, it's important to mention that the building earmarked for demolition does not hold any significant protected status, such as being listed or located within a conservation area. This fact further diminishes concerns regarding the proposal's alignment with national planning policy”.*

Whilst the consultation comments submitted by the CO make a valid argument in relation to the requirements of NPF4 Policy, it should be noted that there is nothing in planning terms that would prevent the Applicant from simply demolishing the existing buildings given that they are neither Listed Buildings or located within a Conservation Area, and are not “qualifying buildings” for the purpose of Class 70 of the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended) (GPDO) and therefore demolition works could benefit from ‘deemed permission’ without the requirement for any notification to and approval from the Council as Planning Authority.

Whilst there is a clear expectation set out in NPF4 Policy 9(d) that demolition is the least preferred option it is neither expressly presumed against nor has the Scottish Government made any legislative change to the GPDO that would preclude demolition being undertaken and then planning permission being sought afterwards. In this respect it is confirmed that the demolition of the building is development which, on its own, would benefit from ‘deemed permission’ under the provisions of Class 70 of the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended) (GPDO), and as such is a matter outwith the direct control of the Council as Planning Authority.

The applicant has been provided with additional opportunity to demonstrate that there is appropriate justification within the context of NPF 4 Policy 9(d) to support the demolition proposed. Whilst the applicant has failed to satisfactorily demonstrate this case it must also be acknowledged that the proposal to redevelop the site is otherwise viewed to be consistent with all other relevant provisions of the Development Plan, and on the basis that the applicant does not in this instance require express permission from the Council in order to undertake demolition works, it is considered that it would be unreasonable to withhold permission solely on the basis of failure to satisfy NPF 4 Policy 9(d).

Whilst the site proposes the reuse of brownfield land, which is directly supported by NPF4 Policy 9(a), consideration has to be given to the Policy and SG contained within the adopted LDP and emerging pLDP2 with regards to the demolition of the existing buildings.

With regards to the adopted LDP, whilst Policy SG LDP ENV 21 seeks to secure opportunities for the enhancement and re-use of existing buildings through proposals for re-building, re-use or change of use, to maintain the fabric of the building and its value to the community, this policy does not prohibit demolition.

In terms of pLDP2, as detailed above, the site is identified as being within a 'Settlement Area' where Policy 01 gives a presumption in favour of redevelopment of brownfield sites.

With regards to the reuse of existing buildings, Policy 04 of pLDP2 seeks to make efficient use of vacant and/or derelict land including appropriate buildings maximising the opportunities for sustainable forms of design including minimising waste, reducing carbon footprint and increasing energy with Policy 05 seeking the retention of existing buildings which contribute to the character and identity of the wider area retained and integrated into the design unless it has been clearly demonstrated that it is not practicable. Policy 09 seeks to secure sustainable design and construction methods in terms of embodied energy; conversion, reuse and adaptability with Policy 11 seeking to reuse materials wherever practical and retain features of particular architectural or historic interest.

In this instance, as detailed above, the buildings are not subject to any statutory protection which would prohibit their demolition. The proposal to demolish the existing three buildings on the site to allow for the redevelopment of a new purpose built facility to serve the needs of the OBC, which has been sympathetically designed for the site, is considered to be an appropriate development. Suitable conditions would be imposed on the grant of permission to secure that reclaimed stone from the church building is incorporated into the proposed building which would, in part, address the concerns expressed by the CO and the requirements of NPF4, LDP and pLDP2 Policies.

Policy 9(b) of NPF4 aligns with the settlement strategy of the LDP and subject to a minor departure to Part (d) of NPF4 Policy 9, the current development proposal raises no issue of conflict.

5.7. NPF4 Policy 12 – Zero Waste

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to establish a replacement church/community building. Whilst this is a development which will generate waste when operational, it will benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy and the requirements of the EHS with regards to waste from the kitchen facilities. Notwithstanding this, it is considered appropriate to impose a condition to secure a statement addressing the requirements of Part (c) of Policy 12 to ensure compliance.

With regards to the requirement in Part (a & b) of Policy 12 to reuse materials and minimise demolition and salvage materials for re-use, it is proposed to impose a condition on the grant of permission to secure a scheme for the reuse of the stone salvaged from the church building within the proposed development.

With conditions to secure a waste management statement and scheme for the use of reclaimed materials from the demolition, the proposed development is considered to be in compliance with NPF4 Policy 12 as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

5.8. NPF4 13 – Sustainable Transport

NPF4 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application does not propose a vehicular access or off street parking provision, instead it is proposed to utilise existing town centre parking. It is not considered that the proposed development will be a significant travel generating use and is therefore in accordance with Policy 13(c), 13(d) or 13(f)

As detailed above, the site is currently occupied by three existing buildings, with no existing access or parking provision. The application is seeking to secure permission to demolish the existing buildings to facilitate the construction of a purpose built church/community facility.

On this basis, given the town centre location of the site; the provision of existing town centre parking provision; the proximity to the transport hub (bus, train and rail); and the existing use of the site; the current proposal, which will also utilise existing town parking provision, is considered to be acceptable.

In addition, in their response to the application, the Roads Authority raised no objection to the proposed development but did highlight the need for a Traffic Management Plan (TMP) for the construction period of the proposed development to ensure no adverse impact on the public road network arises.

With a condition to secure the submission of a TMP for the construction phase of the proposed development, as requested by the Roads Authority, the proposal is considered to be acceptable in terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6 and Policies 35 and 40 of pLDP2.

5.9. NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

Policy 14(a) seeks development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale with Part (b) giving support to proposals where they are consistent with the six qualities of successful places.

With regards to Part (a), the new building is a contemporary designed, split-level structure which presents as a single storey mono-pitched roof structure to Albany Street with a two storey pitched roof element presenting to Shore Street. The proposed building is to be finished in mix of render, natural stone cladding and timber cladding on a basecourse of smooth brick with the roof finished in an Anthracite grey coloured metal cladding. Whilst the application proposes the use of natural stone cladding, the Planning Authority will seek the stone reclaimed from the existing OBC building to be incorporated into the proposed development.

It is considered that the proposed building is of an appropriate scale, design and finishes which will fit well within this site which is in an area where there is no distinct architectural style evident with a varied mix of styles and finishes, some traditional and some more modern buildings of no particular architectural merit. The reuse of reclaimed stone from the church building will help reinforce the local identity.

With regards to the six qualities of successful places set out in Part (b) as follows:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health;

Pleasant: Supporting attractive natural and built spaces;

Connected: Supporting well connected networks that make moving around easy and reduce car dependency;

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity;

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions;

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

The proposed redevelopment of the site would provide much improved facilities to serve OBC through the provision of a purpose built, attractively designed and finished, well insulated building with suitable access for all within the main town centre of Oban. The site is within a close proximity to the transport hub and a wide range of local services.

The provision of a suitably sited, design and finished building is considered to comply with the broad aims of NPF4 Policy 14 as underpinned by LDP Policies LDP 9 and SG LDP Sustainable Siting and Design Principles and Policies 05, 08, 09 and 10 of pLDP2.

5.10. NPF4 Policy 18 – Infrastructure First

NPF4 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

The development the subject of this planning application proposes connection to the existing public water supply and drainage infrastructure in the control of Scottish Water. In their response to the application Scottish Water raised no objection to the proposed development which will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that further investigations may require to be undertaken once formal applications for connection to their infrastructure is submitted to them for consideration.

The proposed water and drainage infrastructure to serve the proposed development is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policy LDP DM 11 and Policies 04 and 08 of pLDP2.

5.11. NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed above the development the subject of this planning application proposes a connection to the public water supply network to which Scottish Water has not objected. The management of rain and surface water at the site would be managed through the provision of a sustainable drainage system, details of which can be adequately secured through the use of a planning condition. The proposed site is not within any defined flood risk area.

With a condition to secure the incorporation of a sustainable drainage system the proposed development is considered to be consistent with NPF4 Policy 22 as underpinned by LDP Policies LDP 10, SG LDP SERV 2 and Policy 61 of pLDP2.

6. Other Considerations

6.1. Background and Community Engagement

The application is accompanied by a Supporting Statement (SS) that outlines how the proposal subject of the current planning application was reached. The following represents a summary of the SS with the full SS published in full on the planning application file available to view via the [Public Access](#) section of the Council's website.

The SS outlines that the OBC has found its congregation increasing over the last decade, with a congregation of approximately 120 people post-covid and a seating capacity of approximately 75 chairs. The SS details that it was evident as early as 2016 that significant redevelopment was necessary to meet the needs of the congregation. The SS outlines that the OBC have been actively engaged in the community for generations. In addition to being a place of worship, the SS outlines that the OBC has a wide range of direct initiatives including Noah's Ark; a school uniform bank and also actively engages and supports other initiatives in Oban such as Hope Kitchen, Hope2Oban and GreenShoots.

The SS outlines that the existing OBC premises are split over three buildings, none of which can adequately accommodate their numbers and, with the age of the buildings, they have become in need of significant modernisation, structural attention and in the case of the hall, total redevelopment. The SS details that as the existing buildings can't meet the needs of the OBC, the decision for a complete redevelopment was deemed to be the most sensible.

The SS outlines that *"The vision for OBC in the decade ahead is that we can increasingly become an integral part of the community of Oban, given our historic and existing activity, reputation, growing congregation and engagement with such a diverse range of community groups and families. A redeveloped site would enable us to not only fulfil our current activities more effectively, but it would open up opportunities for the Minister, Leadership Team, Congregation and numerous incredible Volunteers to serve the community they love with purpose-built facilities fit for our day"*.

The SS details that a community consultation was undertaken to engage as widely as possible with the local community. The community consultation process comprised an Open Day which was advertised in the local press, social media and via word of mouth and which was followed up by an online survey over a period of six months online. Full details of the survey results are available within the full SS.

6.2. Public Representation

The application has been subject to 12 objections, 1 representation and 48 expressions of support.

Of the 12 objectors, according to information submitted by the Applicant, none are within the congregation of the OBC.

The Oban Community Council recognise that the needs of the church congregation should be afforded a higher priority than the concerns regarding the loss of the building, both on historic and sustainability grounds.

It is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling.

The determining factor in the assessment of this application is whether the demolition of the existing three buildings to allow for the redevelopment of a new purpose built facility to serve the needs of the OBC is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

In this instance, as detailed above, whilst there is a clear expectation set out in NPF4 Policy that demolition of buildings is the least preferred option, it is neither expressly presumed against nor has the Scottish Government made any legislative change to the GPDO that would preclude demolition being undertaken and then planning permission being sought afterwards.

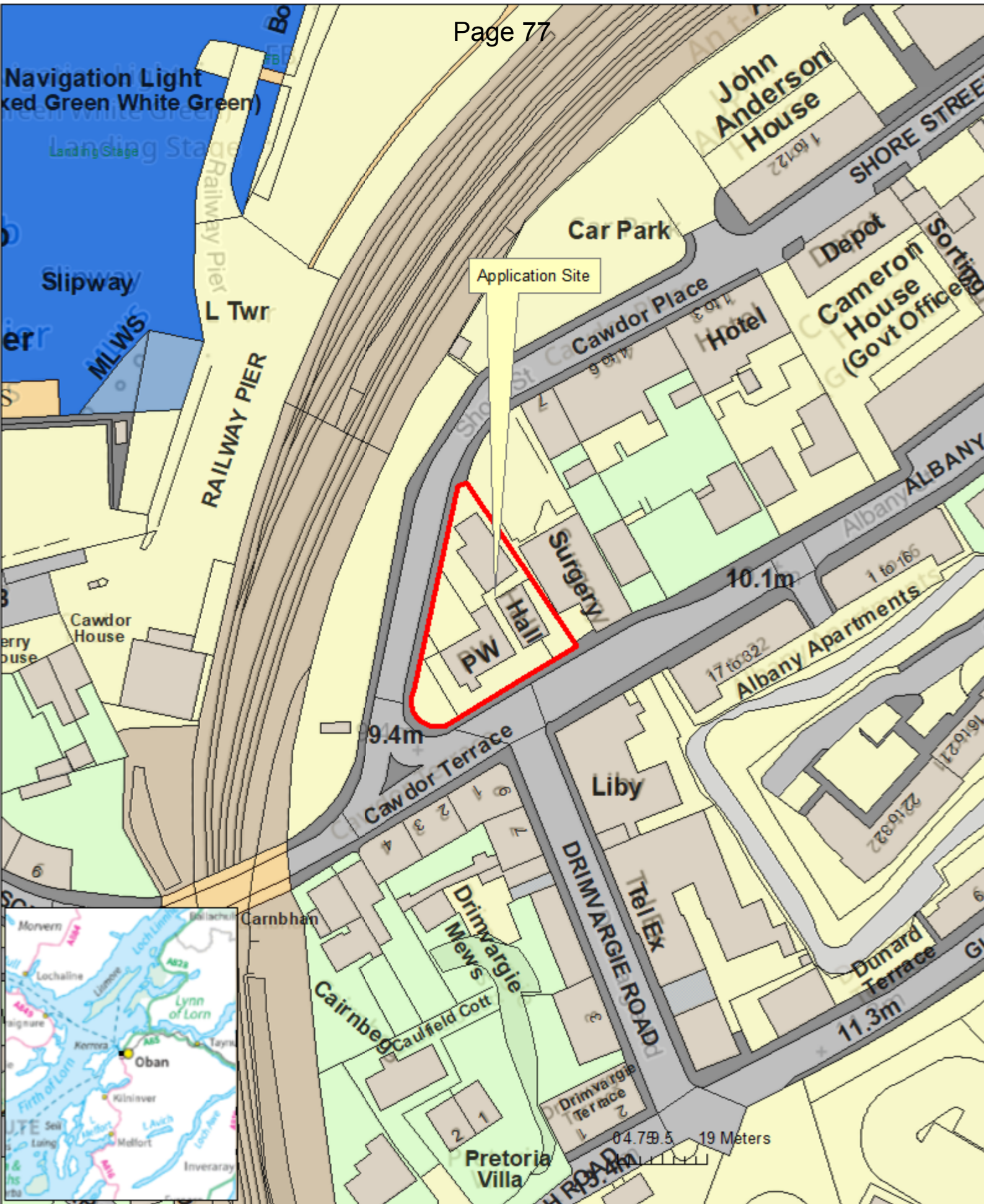
In light of the above, whilst current application is being advanced on the basis of demolition and rebuild, which requires to be considered as a whole, given the conflict between the proposal, the GPDO and the intent of NPF4, it is not considered reasonable to withhold permission for the redevelopment of the site.

7. Conclusion

As a minor departure to NPF4 Policy 9, with regards to the demolition of the existing building, the proposed development is considered to be otherwise consistent with the provisions of the adopted National Policy as underpinned by the LDP with the issues raised by third parties not amounting to material planning considerations that have not been addressed through the processing of the planning application.

Accordingly the application is recommended for approval subject to conditions.

Navigation Light
(Red Green White Green)



Location Plan Relative to Planning Application: 23/00688/PP



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Argyll and Bute Council
Development & Economic Growth

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: 23/01018/PP
Planning Hierarchy: Local Development
Applicant: Mr Thomas Irwin
Proposal: Formation of earth bank slurry lagoon and associated works
Site Address: Land at West Drumlemble Farm West of Rowan Tree Cottage
Drumlemble Campbeltown Argyll and Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of earth bank slurry lagoon and associated works
- Erection of 2 metre high boundary fencing

(ii) Other specified operations

- Ground works to remove soil and base materials from the site
-

(B) RECOMMENDATION:

That planning permission is granted, subject to conditions.

(C) CONSULTATIONS:

Environmental Health

Initial response requested additional information (Odour Impact Assessment) – 30.08.2023

Following submission of an Odour Management Plan, no objection was raised to the proposal – 20.09.2023

Flood Risk

Initial response recommended deferral of decision – 21/09/2023

Following submission of additional information, no objection was raised to the proposal – 29/09/2023

Laggan Community Council

With more consideration, thought and engagement the development could have been better planned with a less negative outcome. Consider that the project at the current proposed site is hugely detrimental to a significant proportion of residents in the Community Council Area, with very few obtaining any form of benefit. Object to the proposal in the strongest possible terms.

Raise specific concerns in relation to safety, including regarding access to the slurry lagoon, fumes, and subsistence/structural failure associated with historic mine works, noting a large part of the village had to be evacuated in the past, noting the Coal Board's Report is not available. Question the location of the proposed development, suggest it should be located closer to the farm stading, and query the proposed siting in terms of aesthetics. Consider the proposal could affect property values and the desirability to live/relocate to the village.

West of Scotland Archaeology Services

Note that the application lies within an area of archaeological sensitivity and potential based on the presence of recorded sites of prehistoric, medieval and later date in the surrounding landscape. However, no objection is raised subject to a condition to secure an archaeological watching brief.

(D) HISTORY:

No relevant site-specific planning history

(E) PUBLICITY:

Regulation 20 Advert (expiry date: 07.07.2023)

Neighbour notification (expiry date: 12.06.2023)

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 29 representations were received for the application – 28 of which were in objection and a neutral comment. Details of the contributors and contents of representations are summarised below.

Neutral comment received from:

- Donald Kelly

Objection comments received from:

- Susan Jones – 30 Rhudal Cottages, Drumlemble, Campbeltown, PA28 6PR

- Sheila Ross – 21 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Michelle Ross – 2 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Christina Mauchline – 29 Rhudal Cottages Drumlemble, Campbeltown
- Debbie Morrison – 5 Burn bank cottages, Drumlemble, PA28 6 PP
- Chris Annetts – 28 Rhudal Cottages Drumlemble, Campbeltown
- Tiffany Lang – 7 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Elizabeth McTaggart – 16 Rhudal Cottages Drumlemble, PA28 6 PR
- Leslie MCGeachy - 2 Burnbank Cottages Drumlemble PA28 6PP
- Norman Munro - 15 Rhudal Cottages Drumlemble Campbeltown PA28 6PR
- Moyra Patterson - Dalbuie Southend Campbeltown PA28 6PJ
- Isobel & William Mathieson - 22 Rhudal Cottages Drumlemble PA28 6PR
- Marie & Stewart McSporran - 24 Rhudal Cottages Drumlemble PA28 6PR
- Allan Russell - Flat 2/1 27 Longrow Campbeltown PA28 6ER
- Kate Omary - 25 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Christopher Lang - 3 Main Row Cottages Drumlemble PA28 6PS
- Jeananne Mathieson - Torchoillean Farm Drumlemble PA28 6PW
- Andrew Nelson - 1 Rhudal Cottages Drumlemble, PA28 6 PR
- Michelle Crawford – 6 Burnbank Cottages Drumlemble PA28 6PP
- Diana & J H Manning – 1 Burnbank Cottages Drumlemble PA28 6PP
- Tommy Millar - Bal-Na-Hannan Drumlemble Campbeltown PA28 6PW
- William Mathieson - 1A Davaar Avenue Campbeltown PA28 6NF
- Sandra Mathieson & Les Van Acker - 8 Burnbank Cottages Drumlemble PA28 6PP

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

Summary of neutral comment:

- Concerns regarding the positioning and potential impacts of the slurry on neighbouring residents raised by Donald Kelly who was at the time of submission an elected member for Ward 1. Cllr wishes to vote and speak should the application go to a discretionary hearing.
- *Comment: This point is noted and addressed in the main body of the report below. The application is scheduled for Planning Committee, and officers are of the view that a hearing would add little value to the decision-making process. Ultimately, it would be for members of PPSL to decide whether a discretionary hearing was necessary. It is noted that Donald Kelly has subsequently stepped down from his role as elected member for Ward 1*

Summary of objection comments:

- Safety concerns raised in relation to danger posed by the development to local children, elderly and animals should they gain access to the slurry regardless of the 2 metres high fence. A historic loss of a dog in slurry has been highlighted.
- *Comment: This point is noted. However, a 2-metre-high security fence would be erected around the site. In addition, the applicant has opted to install a covered slurry lagoon, with a small hole for the inlet/outlet being the only*

access to the slurry. As such, it is considered that withholding planning permission on safety grounds would not be justified.

- Concerns regarding the smell associated with the proposed slurry (even when covered), and the prevailing wind, which would pose health problem and restricted use of locals' outdoor spaces and garden areas. A previous similar slurry pit further from the village is noted to have caused odour nuisance in summer periods. The area already has existing odour related issues from farming. Concerns that the proposed site would be difficult to monitor away from the main farm.

Comment: The above points are noted, and an Odour Management Plan has subsequently been submitted to the Planning Authority. Environmental Health who raised no concerns following review of the document. Furthermore, the applicant has confirmed that the proposed slurry would serve as a surplus unit to an existing slurry tank within the current farm steading. The applicant also noted that the intent of this application is not to intensify the existing farm operations, and that the proposal would remain ancillary to an existing land use, where such odours would not be an unusual experience in a countryside location.

- The suitability and lifespan of the lagoon's lining and cover was queried.
- *Comment: In this regard, the proposed material for the lining has been deemed suitable by SEPA who will inspect the work upon completion to ensure the right materials have been used and installed appropriately. An appropriately worded condition could be imposed to ensure the proposed works have been reviewed by SEPA post completion of works.*
- The site is within close proximity to a natural watercourse, noted to be liable to surface water flooding within the village during heavy rain. Concerns have been raised regarding the slurry's potential to exacerbate this by overflowing/leaking to residents' garden areas as a result of structural/material malfunction and/or heavy rains filling the slurry.
- *Comment: This point is noted and addressed in detail in the main body of the report. However, as per SEPA flood maps, the proposed site and its immediate surrounding are out with any flood risk zones and is subject to no known record of flooding. SEPA have also confirmed acceptance of the lining materials and propose a post inspection of the lagoon prior to its use to ensure compliance. In addition, following the submission of requested additional information, the Council's Flood Advisor has raised no objections to the proposed development.*
- Query the slurry lagoons location as opposed to the immediate surrounding of the farm and the potential precedence this would set. A potential alternative site is also suggested.
- *Comment: These points are noted. However, each planning application must be assessed on its own merits and the supporting document sets out why the proposed location was selected. Further detail associated with the site selection and suitability is addressed in the main body of the report.*

- Concerns raised with regards to road/pedestrian safety as the proposal would intensify the volume of farm traffic and heavy vehicles/ machinery going through the village.
- *Comment: This point is noted. However, the applicant has confirmed that due to the proposed site location, journeys through the village would be reduced as once slurry is due to be spread, there will be limited transportation through the village as the slurry will already be on site and will be connected to an umbilical system for spreading up to three times annually. Further vehicular activities through the village are detailed in the main body of the report.*
- It is suggested that a completely sealed tank, high walled or metal structure or some other impermeable material would seem safer, and the tank could be located nearer the farm which is the source of the slurry.
- *Comment: This point is noted. However, SEPA has assessed the proposed materials and confirmed suitability. Given that the proposal is to meet legislative requirement and noting the characteristics of the identified suitable site, it is considered that a high walled/metallic structure would appear visually prominent. Further consideration of site suitability is contained in the main body of this Report. Moreover, the proposed development must be assessed on its own merits.*
- Comment was made regarding the earth bund containment of the development and as well as the carbon footprint of the slurry.
- *Comment: These points are noted. The earth bund is intended to be seeded to blend in with the surround fields. Given the proposal is in response to new legislative requirements rather than the intensification of the existing agricultural unit and based on the available evidence, withholding permission on the basis of climate change would be difficult to substantiate.*
- Local occupants have highlighted the effect of the proposal on house prices within the village and the likelihood to legally challenge the application's decision.
- *Comment: These points are noted. However, the effect of a proposed development on property prices or the likelihood of a legal challenge is not a consideration material to the determination of this planning application.*
- The possibility of an underground mine shaft being present on the site was highlighted due to record of previously collapsed mines within the village. The Coal Authority's mapping system was claimed to be inadequate, with no records of mines older than 1900. Hence, a bore test is proposed to test the area.
- *Comment: This point is noted. However, no substantive evidence has been submitted to support this point. The Coal Authority have raised no concerns in respect of the proposed development, with reference to the documentation submitted by the applicant. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where*

Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.

- Concerns are raised regarding the health and safety of the village residents (including their physical, social and psychological effect) and potential of gas poisoning from the slurry.
- *Comment: This point is noted and is addressed in the main body of the report.*
- Concern raised by the immediate neighbouring residents stating that farm operations have ceased and the premises now remains a family home. The comment highlights an enclosed slurry would not be such an issue and proposes alternative site further from their home.
- *Comment: This comment is noted and addressed in the main body of the report.*
- Comment made highlighting discrepancies in the application and information circulated locally by the applicant which made no mention of the proposed cover for the slurry, did not plan for an umbilical/pipeline system, and did not include both the Coal Board's report and that of SEPA.
- *Comment: The application has been assessed based on the submitted information from both the Coal Authority and SEPA which have raised no concerns in response to the planning application, with reference to the documentation submitted by the applicant. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant. The applicant has confirmed a temporary umbilical system will be through the fields for filling the lagoon and intends to install a permanent piping system under the public road which will be dealt with in a separate planning application.*
- Concerns regarding the ground suitability to hold the amount of slurry and the potential of slurry leaking into underground mines that were not filled.
- *Comment: The applicant has submitted a topographical survey in support of the proposal. Furthermore, comments have been submitted from the Coal Authority by the applicant, which albeit relate to a slightly different red line to that associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No (if Yes insert EIA topics below)
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No (if Yes attach as an appendix)
- (iii) **A Design or Design/Access statement:** Yes No (if Yes insert summary of key issues below)

'This proposal has come about after the government made changes to its general binding rules stating that all cattle farms within Scotland must have at least 22 weeks slurry storage capacity by the 1st of January 2026. We endeavour to do our best to be compliant.'

As a farm we want to be proactive in getting the measures in place in good time to be compliant with the legislation rather than leaving it to last minute when it will be a logistical nightmare to have measures in place when every other farmer is trying to get the same supplier/builder/contractor to complete their works at the same time.

Much planning, consulting and research has gone into suitable siting, equipment and material as well the logistics of operating such a storage facility in conjunction with the farms current storage system. The proposed location has been selected to benefit the environment, community and the farms soil health.

No additional slurry will be produced on farm other than what is produced at present. This proposal is simply to store slurry for when there is a more suitable time to spread to benefit the environment.'

The supporting statement sets out that the site in question has been chosen as it is situated away from the main track leading to the Piggery and High Tirfergus farm. Although along this track may have been more practical and convenient for the site, it is kept back from where people regularly and rightly enjoy walking to keep people out harm's way when equipment may be working around the lagoon.

'In terms of lagoon safety, a tall security fence would be installed as per plans (refer to operation statement). This would be a chain lock fence which meets legislation and can't be climbed or scaled with ease. Relevant warning signage would be installed as per legislation.

A suitable stock proof fence will also be built around the perimeter of the bund to protect the banks and security fence from damage from livestock or equipment.

With one small child of our own and another on the way, safety is of utmost importance right across the whole farm, this wouldn't have been considered if it was thought to be unsafe. This is a busy working farm with dangers at every corner be it from livestock/machinery/topography or electric stock fences and such like. Children should be supervised, and the Scottish outdoor access code followed at all times when out enjoying the countryside.

Protecting our environment/climate

- a) *The material used for the liner are compliant with SEPA*
- b) *The lagoon will enable slurry to be spread when the crop has a nutrient requirement (i.e. February to October) and not when we are at the mercy of stores being full. This means cleaner watercourses.*
- c) *The lagoon would be fully enclosed with a floating cover, this will help our climate/environment by reducing emissions and eliminating rainwater entering the slurry system (refer to operation statement)*
- d) *Leak detection system. This will be in place to mitigate any issues of leakage into watercourse if a minor leak were to occur when the liner is reaching its operational lifespan at which point the liner can be replaced rather than constructing a whole new facility at a cost to the environment/climate.*

Smell/odour and overflow from Livestock slurry

As previously mentioned, the lagoon would be enclosed with a floating cover. This is not mandatory or a cheap option by any means, but we wanted to ensure the best measures are taken to mitigate smell/odour. This would be sealed around all 4 sides and there would be no means of gaining access to the slurry other than that of the 6 inch inlet/outlet valves used to fill/empty the store. This mitigates any risk of smell or odour that may occur around mixing or storage.

No complaints have ever been received for smell from mixing/storage of slurry at the steading with the tanks being situated from only 120 meters from the village. This proposal is around 400 meters from the village and 180 meters from the nearest dwelling not associated with the farm. We don't foresee any issues with smell.

This same cover would also collect any rain water that may fall upon the lagoon's freeboard capacity. The water would be pumped off onto surrounding grassland and prevent any rainwater producing any slurry in excess of what is produced on farm at present. This would mean that there will be no means for the lagoon to overflow at any time. Whatever volume of slurry put in the lagoon will be the same as that to come back out at application.'

The planning application is also accompanied by documentation from SEPA and the Coal Authority, the contents of which are summarised below:

SEPA (letter dated 03.07.23)

Confirms that the proposed lagoon, in combination with existing slurry storage facilities, will provide the business with greater than the required 22 week slurry storage. Confirms the liner is complaint for slurry storage use in Scotland, and advises the liner must have a geotextile installed between the liner and the ground, and fixed

missing, filling and emptying points with concrete protection should be provided.

Provided the works are carried out in the submitted drawings and attached Annex, states the development should meet regulatory requirements. Requests that SEPA are contacted post completion of works to allow final inspection.

The Coal Authority (Coal Mining Report dated 16.06.23):

In summary notes ' According to the official mining information records held by the Coal Authority at the time of this search, evidence of, or the potential for, coal mining related features have been identified. It is unlikely that these features will impact on the stability of the enquiry boundary.'

However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No (if Yes list supporting documents below)

(H) PLANNING OBLIGATIONS

- Is a Section 75 agreement required:** Yes No (if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No (if Yes insert details of direction below)

-
- (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.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety

Productive Places

NPF4 Policy 29 – Rural Development

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 3 – Drainage Impact Assessment

SG LDP SERV 5 – Waste Related Development and Waste Management

Transport (Including Core Paths)

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

SG LDP TRAN 7 – Safeguarding of Airports

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

- Third Party Representations
- Consultation Responses
- Planning History

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 14 – Bad Neighbour Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 19 – Scheduled Monuments

Policy 21 – Sites of Archaeological Importance

Connected Places

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

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

Policy 43 – Safeguarding of Aerodromes

Sustainable Communities

Policy 55 – Flooding

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 79 – Protection of Soil and Peat Resources

Local Development Plan 2 Schedules

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No (if Yes confirm date of screening opinion and reference below)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No (if Yes provide summary detail of PAC below)

(M) Has a Sustainability Checklist been submitted: Yes No (if Yes provide detail below)

(N) Does the Council have an interest in the site: Yes No (if Yes provide detail below)

(O) Requirement for a pre-determination hearing: Yes No (if Yes insert details below)

(P)(i) Key Constraints/Designations Affected by the Development:

- Coal Bearing Land.

(P)(ii) Soils

[Agricultural Land Classification:](#)

Class: 4.20

[Peatland/Carbon Rich Soils Classification:](#)

- Class 1
- Class 2
- Class 3
- N/A

[Peat Depth Classification:](#)

N/A

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
(If yes, detail in summary assessment) No

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
(tick all relevant boxes) Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1 (tick all relevant boxes)

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AF As etc:

N/A

ABC pLDP2 Settlement Strategy

(tick all relevant boxes)

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AF As etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

This application seeks for planning permission to establish an earth bank slurry lagoon and associated works, including erection of a 2m high security fence.

The application site is accessible via a farm track off a private access to the U031 public road. The proposal development is in response to the updated Scottish government legislation on the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which requires all cattle and pig farmers to have a minimum slurry storage capacity for a period of 22 and 26 weeks by 1 January 2026; and slurry storage to be built in line with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) requirements.

In terms of the provisions of NPF4 policies and those of the adopted Argyll and Bute Local Development Plan (LDP) and the proposed LDP2, the application site comprises a greenfield site located within the Countryside Zone. Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. Policy LDP DM 1 gives

encouragement to small scale developments on appropriate infill, rounding off and redevelopment sites and change of use of existing building. Policy 02 of the proposed LDP2 further sets out a presumption in favour of sustainable development within the Countryside Areas where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies.

Other forms of development in the open countryside might be supported if an exceptional case is demonstrated and the works meet the terms of an Area Capacity Evaluation (ACE). However, table 1, which accompanies Policy SGLDP ACE 1, sets out the definition of scale of development by type, none of which the proposed use would fall into. Additionally, the proposal is not considered to have adverse impact that would require the submission of additional assessments with respect to policy 02 of pLDP2.

In this instance, the proposed erection of a slurry lagoon, whilst on a greenfield site, represents an exceptional case (to comply with new regulatory requirements) requiring this specific location (located within a reasonable distance from the existing functioning agricultural buildings) to function as an integral part of the agricultural operations at West Drumlemble Farm.

While the proposed building is not located immediately beside the existing farm, the applicant has set out that the water table around the existing farm steading would be breached should the lagoon be sited within the area. Also, the soil type within the area means it is not possible to accommodate the type of development proposed nearer the farm steading. In addition, it is considered that the submission of a topographical study has helped demonstrate that the proposed site would be a reasonable location for the development. The application has therefore been deemed an acceptable extension to the existing West Drumlemble farm as an ancillary unit. Though Policy LDP DM 1 sets out categorical development allowed within the Countryside Zone, it allows for exceptional cases for developments such as this to be considered favourable where appropriate.

The determining factors in the assessment of this application were to establish the appropriateness of the proposed site is for the development. Further considerations, including the scale, design and effect of the development on local residents and the wider landscape and visual effect of the proposed development, are assessed in Appendix A.

In this case, it is accepted that the site forms part of the farmland. The setback position of the proposal with a backdrop of a built presence coupled with its scale, design and impacts, as assessed in Appendix A of this report, are acceptable in that it would not result in a materially detrimental effect in terms of local landscape and character. Furthermore, consultee responses have raised no objection to the development and its potential effect in terms of flood risk, and on the living conditions and amenity of neighbouring occupants. It is officer's view that there is no justifiable basis to withhold planning permission.

The application has attracted a high volume of representations and is therefore referred to Members to be determined as per the Council's agreed scheme of delegation.

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

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

The proposal, subject to conditions, is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

N/A

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

Yes No (If yes provide detail below)

Author of Report: Tiwaah Antwi

Date: 06.11.2023

Reviewing Officer: Bryn Bowker

Date: 10.11.2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01018/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions**1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 19.05.2023 supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plans/Site Layout Plans	PL-001	A	30.05.2023
Proposed Site Plan - 1:250	PL-002	B	30.05.2023
Proposed Site Plan with Topography	PL-002	C	22.09.2023
Security Fence Details	PL-004		30.05.2023
Cross Sections through proposed slurry lagoon	PL-003	B	30.05.2023
Topographic Survey	01		22.09.2023
Odour Management Plan			22.09.2023

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, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect archaeological resources.

3. Notwithstanding the effect of Condition 1, upon completion of works the development hereby approved shall not be brought into use until the applicant has submitted to the planning authority written confirmation from SEPA to confirm that the proposed development complies with the relevant provisions of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended).

Reason: In order to safeguard amenity and the environment.

4. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- ii) Proposed hard and soft landscape works;
- iii) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

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

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

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3

5. The proposed development hereby approved shall be operated in accordance with the submitted Odour Management Plan dated September 2023, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity and safety.

NOTE TO APPLICANT

- The applicant's attention is drawn to SEPA's note regarding the proposed slurry liner which states that it must have a geotextile installed between the liner and the ground. Also, a fixed mixing, filling and emptying points with concrete protection shall be provided.
- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/01018/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

1.1. *Background*

Planning permission is sought for the formation of an earth bunk slurry lagoon and associated works, including the erection of a 2m high gated fence.

The proposal has been made in response to the updated Scottish government legislation on the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 commonly referred to as the ‘*Diffuse Pollution General Binding Rules*’. The legislation requires all cattle and pig farmers to have a minimum slurry storage capacity for a period of 22 and 26 weeks respectively by 1 January 2026; and the slurry to be built in line with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) requirements. As noted in the supporting statement accompanying the proposal, the applicant seeks to meet this requirement in time and to comply with the necessary guidelines issued relative to operating the farm.

1.2. *Principle of development*

Of relevance, NPF4 Policies 1, 2, 3 and 4 are collectively set out to safeguard against developments likely to have detrimental impact including cumulative effect on climate change, biodiversity and natural environment.

NPF4 Policy 9b) sets out that proposals on greenfield sites will not be supported unless the site has been allocated for development or explicitly supported by policies in the Local Development Plan (LDP). In this regard, reference is made to ABC LDP Policies LDP DM 1, SG LDP ACE 1 and Policy 02 of pLDP2.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

The site is located approximately 400m south west of Drumlemble and for planning purposes would be sited within a Countryside Zone wherein the provision of Policy LDP DM 1 of the adopted Argyll and Bute LDP apply. This policy encourages sustainable forms of small-scale developments on appropriate infill, rounding off and redevelopment sites and change of use of existing building. In exceptional cases, up to and including large scale may be supported, if this accords with an Area Capacity Evaluation (ACE), wherein Policy SG LDP ACE 1 applies. However, table 1 which accompanies Policy SG LDP ACE 1, sets out the definition of the scale of development by type, none of which the proposed use would fall into.

Policy 02 of the proposed LDP2 further sets out a presumption in favour of sustainable development within the Countryside Areas where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies. For the reasons that follow below, the proposal is not considered to have adverse impact that

would require the submission of additional assessments with respect to policy 02 of pLDP2.

Notwithstanding the above, whilst the proposed slurry lagoon would be on a greenfield site, it is considered that the proposal represents an exceptional case in that it relates to an established farm that is required to comply with new regulatory requirements. The location of the proposed lagoon has been given consideration by the applicant and it would be sited within a reasonable distance to existing functioning agricultural buildings.

With reference to the submitted supporting statement, a site selection process was undertaken by the applicant to find the best suited site for the development. The process involved several test holes being dug to a considerable depth to establish the site's suitability. Based on the engineer's findings, the proposed site and material were deemed suitable for construction of the lagoon. A topographical survey was conducted and used to inform the lagoon's design. The applicant has also stated that a suitable site could not be found around the current farm steading owing to the water table and soil type unsuitability. Details from the submitted supporting statement confirms that part of site has been cleared of any potential mine shafts by the Coal Board compared to other areas of the farmland. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant. Based on the available evidence, it is considered that a sufficient case has been put forward by the applicant to justify the site's location.

Drawing the above together, the principle of slurry development at the site is considered acceptable and would not materially compromise the provisions of NPF4 Policies 1, 2, 9 and 29; ABC LDP 2015 Policies LDP DM1, LDP 10, SG LDP ACE 1, and SERV 5; and Policy 02 of pLDP2, subject to the acceptability of the detailed matters set out below.

2. Local Character and Appearance

The proposed site boundary area is 2978m² and is surrounded by open fields/farmlands to the west and north, with Drumlemble village located some 400m to the north east. To the south is an existing drain which runs downhill towards the village. The closest residential property is known as 'Rowan Tree', approximately 180m from the site. Torchoillean is located to the south east, which is understood to now be operated solely for residential purposes with farming operations having ceased. Though located some 150m west of Torchoillean's former farm buildings, the slurry would be viewed as a new addition associated with this cluster of development.

The slurry would measure approximately 27.5m in width and length, with a depth of 4.25m. This is estimated to provide a 2036m³ slurry capacity and is proposed to be fitted with a floating cover. This is intended to reduce emissions to the atmosphere and keep nutrients within the slurry, while preventing any clean rainwater entering. The cover would help mitigate odour nuisance during mixing/storage. An earth bunk surround would be formed and a 2 metre security fence installed at its top.

The application site is located outwith any local or national landscape designation but does comprises a greenfield site in the open countryside. Despite this, the proposal does not give rise to any immediate effect in local character and appearance terms, given that the presence of a slurry store in a rural context near to an existing farm and close to clusters of nearby development would not be unusual sight. The earth bund will be reseeded to

blend in with the surrounding landscape, which would help mitigate the visual effect of the development. To provide additional reassurances in this respect, including in relation to land contouring works associated with the proposal, a landscape condition is necessary to help ensure that the development blends into its surroundings. Due to the proposed fence in the context of the built presence in the backdrop, the proposed slurry would not be a prominent feature from the public viewpoints along the B843 located some 570m to the south immediately adjacent to the village.

Overall, it is considered that the proposal would not have a harmful effect on local character and appearance and as such would comply with NPF4 Policies 4, 9 and 14; ABC LDP 2015 Policies LDP 3, LDP 9, SG LDP ENV 14 and SG LDP Sustainable; and Policies 05, 08, 09 and 10 of pLDP2 insofar as they relate to this matter.

3. Neighbouring living Conditions/Flood Risk

The proposal is located within close proximity to Drumlemble located some 400m north where a number of occupants have raised concerns, particularly in relation to odour nuisance, intensification of agricultural traffic, the safety of children and animals (via climbing over the fence and falling into the slurry) and regarding the proposal exacerbating ongoing surface water flooding (from a drain located south of the application site), and the potential of the slurry overflowing during heavy rain. Environmental Health have been consulted on the application in response to the odour concerns submitted and have raised no objection following review of an Odour Management Plan submitted by the applicant. No other concern/comment has been raised by Environmental Health with regard to the development. In addition, a 2m high security chain locked fencing is proposed, and it is noted that the applicant intends to install relevant warning signage. Furthermore, the applicant proposed to cover the slurry which would also help to address safety concerns. Based on the available evidence, it is considered there is no justifiable basis to withhold planning permission on the grounds of odour nuisance nor on safety grounds.

Highway Safety concerns raised regarding intensification of agricultural traffic has been addressed below under the *'road network, parking and associated transport matters'* subheading. In terms of the effect that vehicular movements associated with the proposed development would have on local occupants; the applicant has set out that there would be a reduction in overall vehicular movement through the village (see assessment under section 6 regarding Road and Transport matters for further detail), and that when slurry is being transported it would be via a sealed, enclosed tank towed by a tractor. The proposed lagoon would be utilised for spreading on the surrounding field up to three times a year. On this basis, it is not considered vehicular movements associated with the proposal would have a materially harmful effect on the living conditions of surrounding occupants.

Turning to matters of flood risk, the site is outside the indicative flood limits from all flood sources as per the SEPA Flood Maps. However, it is within close proximity to a small watercourse located south of the site which runs east and downhill towards the village. Representations have raised concerns relative to the severity of the surface water flooding from the watercourse during downpour and the potential exacerbation the proposed development may have on this. This concern is linked with the likelihood of the slurry itself overflowing and running along with surface water to flood the village during heavy rains.

In light of this, the Council's Flood Risk Advisor was consulted and following submission of additional information by the applicant. This additional information included a topography survey, confirmation that no drainage is proposed (noting that rainwater collecting on the lagoon cover would be periodically pumped off and spread to surrounding agricultural land as per standard practice with lagoons), noted details of a minimum

750mm freeboard, and photographs of the watercourse. In response to the additional information, the Council's Flood Advisor has raised no objection to the proposal. Additionally, while pLDP2 encourages incorporating existing ponds, watercourses or wetlands as positive environmental features in development schemes, in this case, due to the nature of the development it is considered to not conflict with the relevant provisions of Policy 61 of pLDP2.

On the basis of the above, the proposal has given thorough consideration to risks that the development may pose and has put forward satisfactory measures to reduce risks in terms of neighbouring living conditions and flood risk. It is therefore considered that the proposal would not have a materially harmful effect on neighbouring living conditions (including safety), and in terms of flood risk. Consequently, the proposal would meet the relevant requirements of NPF4 Policy 22 and 23; ABC LDP Policies LDP 10, SG LDP SERV 2 and SG LDP SERV 3; and Policies 55 and 61 of pLDP2 as it relates to the proposed development.

4. Historic Environment

The application site lies within close proximity to a number of Scheduled Ancient Monuments (SAM) with the closest SM206 Torchoillean, standing stone located about 600m north west of the site, and SM3652 Cnocan a'Chluig, cairn & barrow 180m north of the site. It is considered that due to the location, scale, massing and design proposed, the development is highly unlikely to be visible from key outward views associated with the setting of the SAMs. As such, the proposal would not affect the setting of both Scheduled Ancient Monuments, with Historic Environment Scotland consequently having not been consulted.

The constraints data for the application site has not triggered the need to formally consult West of Scotland Archaeology Service (WoSAS) on the application. Nonetheless, WoSAS has confirmed the application site lies within an area of archaeological sensitivity and potential. The site holds record of having produced prehistoric stone tools in the past with recorded sites of prehistoric, mediaeval and later date in the surrounding landscape. WoSAS have therefore requested imposing a condition which, with no substantive evidence to the contrary, is considered necessary to include as part of any permission

Drawing the above together, subject to the noted planning condition, the proposal does not raise any concerns in relation to the historic environment, and as such the proposal would meet the relevant requirements of NPF4 Policy 7; ABC LDP 2015 Policies LDP 3, SG LDP ENV 19 and SG LDP ENV 20; and Policies 15, 19 and 20 of pLDP2.

5. Biodiversity/Soil

The proposal does not relate to, nor is it within immediate proximity of any nature conservation designation. The site has no readily apparent biodiversity value and is classed as 4.20 in agricultural land classification terms, which is not defined as prime agricultural land by NPF4. The application does not include any detail of proposed biodiversity enhancements that would be delivered by the development other than reseeded the earth bank which would be formed using excavated soil from the site. However, it is considered that biodiversity enhancement measures could be secured by way of suspensive planning condition. In addition, a condition requiring good soil management practices would be necessary to meet the terms of NPF4 Policy 5a). Consequently, subject to the above noted conditions, the proposal would not materially conflict with the relevant requirements of NPF4 Policies 3 and 5; ABC LDP Policies LDP 3, SG LDP ENV 1 and SG LDP ENV 11; and Policies 73 and 79 of pLDP2.

6. Road Network, And Associated Transport Matters.

The development would be accessible via the existing farm track with no proposed alteration. Given the positioning of the slurry tank on the farm and the proposed method of operation, the development upon completion is expected to materially decrease the farm traffic through Drumlemble village. The applicant has confirmed the proposed slurry lagoon would remain as surplus to the existing store within the steading and estimates that farm traffic through the village would drop from around 700 trips per annum to approximately 100 trips.

The proposed lagoon will be filled through an umbilical system across the field by a tanker. Therefore, while other farm related transport will continue to travel through the village, any trips as it relates to this development would be associated with maintenance, to tank thin watery slurry to aid mixing (approximately 5 loads, once or twice a year), and slurry spreading. A specialist agricultural contractor will be contracted for the main spreading which will be carried out a maximum of three times annually using an umbilical tanker system to spray the slurry across surrounding fields. It is expected that outwith this requirement, where excess slurry is available after using the umbilical system, and is required to be spread on other parts of the nearby fields, an empty tanker would be used on an ad hoc basis approximately 20 days annually with a maximum of 2 trips daily. This in essence would reduce current travelling through the village with slurry and partly address the concerns surrounding increase in farm traffic and the safety of local residents. The proposal would therefore comply with the relevant requirements of NPF4 Policy 13; ABC LDP Policy LDP 11 and SG LDP TRAN 4; and Policies 35 and 37 of pLDP2.

7. Other Key Policy Matters

The accompanying documentation submitted with the planning application indicates that the applicants have engaged with both the Coal Authority and SEPA at early stages of the proposal. The Coal Authority's comments are covered in the above assessment. SEPA's comments submitted by applicant raised no significant concerns, and requested that the applicant consult them to allow for a post construction for a final inspection to be conducted.

Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application does not give rise to any fundamental conflict with the relevant policies of PLDP2.

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Location Plan Relative to Planning Application:23/01018/PP



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ARGYLL AND BUTE COUNCIL**Planning, Protective Services and
Licensing Committee****DEVELOPMENT AND ECONOMIC GROWTH****22 November 2023**

SCOTTISH BIODIVERSITY STRATEGY – DELIVERY PLAN:**Tackling the Nature Emergency: Consultation on Scotland’s Strategic Framework for Biodiversity**

1.0 EXECUTIVE SUMMARY

- 1.1** The Scottish Biodiversity Strategy: Tackling the Nature Emergency consultation is seeking views on a range of topics and actions to halt the loss of biodiversity and tackle the nature emergency in Scotland. <https://www.gov.scot/publications/tackling-nature-emergency-consultation-scotlands-strategic-framework-biodiversity/>

This consultation will be an officer response and as the Scottish Biodiversity Strategy – Delivery Plan progresses, further reports will be brought forward to Committee with updates on what the implications are for the Council.

This paper is a summary of the actions that Local Authorities (LAs) will be expected to deliver in the Scottish Biodiversity Strategy Delivery Plan which is a five year rolling plan.

- 1.2** In terms of Argyll and Bute Council, the overall aims and principles of the consultation and documents is one that would be difficult not to support. Indeed some of this work is already ongoing such as Peatland Restoration, Native Tree planting, Biodiversity Duty Reporting and various Guidance documents are currently being drafted.

However of the 100 actions, 50 have been identified for delivery by Local Authorities, it is likely these will create a significant amount of new work for LAs, much of which is not yet set out in detail, nor have the costs and resource implications been properly considered.

There will be an ongoing requirement for monitoring and reporting of the various actions proposed and a need to agree standardised methodologies which has not yet been done.

- 1.3** Some of the areas which will be impacted with additional work include; GIS & Data Storage / Local Development Plan / Biodiversity Officer work load/ Development Management/ Estates Management / Roads & Flooding Team/ Developers.

- 1.4** Further time and cost burdens along with the added complexity in determining planning applications will be a challenge to the aim of assisting growth, and for developers requiring management and maintenance plans for blue/green infrastructure is a potential added financial burden to them.

- 1.5** In terms of the proposed targets under the draft Natural Environment Bill, these have yet to be agreed, however, the consultation has provided information on criteria for selection. The Scottish Government needs to identify what support, or resourcing, will help achieve them and what sanctions may be in place if there is a failure to do so.

- 1.6** In addition there will be a variety of new and existing staff training needs.

ARGYLL AND BUTE COUNCIL

Planning, Protective Services and
Licensing Committee

DEVELOPMENT AND ECONOMIC GROWTH

22 November 2023

SCOTTISH BIODIVERSITY STRATEGY – DELIVERY PLAN:

Tackling the Nature Emergency: Consultation on Scotland’s Strategic Framework for Biodiversity

2.0 INTRODUCTION

The Scottish Biodiversity Strategy: Tackling the Nature Emergency consultation is seeking views on a range of actions to halt the loss of biodiversity and to tackle the nature emergency in Scotland.

This paper is a summary of the 50 actions that Local Authorities will be expected to deliver either as individual authorities or in partnership. The Scottish Biodiversity Strategy- Delivery Plan is a five year rolling plan.

3.0 RECOMMENDATIONS

It is recommended that the committee:-

- A:** Recognise the implications for Local Authorities as set out in paragraph 4.2 in delivering the Scottish Biodiversity Strategy - Delivery Plan actions including Nature Networks 30 x 30 in terms of resources, funding and timescales.
- B:** Recognise the implications for Local Authorities as set out in paragraph 4.5 in meeting any of the targets (which have yet to be agreed) in the draft Natural Environment Bill.

4.0 DETAIL

- 4.1** The overall aims and principles of the consultation and associated documents contained within is one that would be difficult not to support.

However, the key Actions outlined below bring with them a significant amount of work for Local Authorities, much of which is not yet set out in detail, nor have the costs and resource implications been properly considered. There will be a requirement for monitoring and reporting of the various actions proposed and a need to agree standardised methodologies which have not yet been drafted.

4.2 IMPLICATED ACTIONS FOR LOCAL AUTHORITIES.

The implications for LAs have been identified in the following Actions and Key Actions:

- a) **Action-** Implement Scottish Plan for Invasive Non Native Species (INNS) Surveillance, Prevention and Control (encompasses various actions).
- b) **Action -** Improve Resilience in Coastal and Marine Systems: Develop Coastal Change Adaptation Plans (CCAPs).

- c) **Action** - Enhance water and air quality- mainly Sustainable urban Drainage systems SUD's.
- d) **Key Action** - Expand and enhance Nature Networks and ecological connectivity by 2030 within each Local Authority. NPF4 Nature Networks Policy Framework sets out proposals for connecting nature-rich areas and LDPs primary mechanism for establishment.
- e) **Key Action** - Champion new planning and development measures for protecting and enhancing biodiversity.
- f) **Key Action** - Enhance biodiversity in Scotland's green and blue spaces.
- g) **Action** - Embed biodiversity and nature in curriculum development.
- h) **Action** - Mainstream and integrate biodiversity policy across government.
- i) **Action** - Address unsustainable supply and demand to reduce biodiversity impacts.
- j) **Action** - Contribute to the 30 by 30 draft Policy Framework - Other Effective Area-Based Conservation Measures (OECMs).
- k) **Action** - Possibility of being required to deliver the Statutory Targets for Nature Restoration - Statutory Targets – The Natural Environment Bill .

4.3 Some of the Council areas which will be impacted with additional work include; GIS & Data Storage / Local Development Plan / Workload of the Biodiversity Officer / Development Management/ Estates Management / Roads & Flooding Team/ Developers.

4.4 Further time and cost burden and complexity in determining planning applications will not assist growth, and for developers requiring management and maintenance plans for blue/green infrastructure is a potential added financial burden.

4.5 The consultation Delivery Plan and the associated Natural Environment Bill (currently under the drafting process) do not indicate which bodies will be covered by the restoration targets; what support or resourcing will help achieve them nor what sanctions may be in place.

4.6 In addition, there will be a variety of new staff training needs.

5.0 CONCLUSION

5.1 This report recommends that the Council should submit a response to the consultation in light of the implications for Local Authorities. The council's response needs to take the opportunity to highlight some of their concerns in terms of the resource implications to Local Authorities. In particular, in delivering actions set out in the Delivery Plan and the targets (as yet to be agreed) in the draft Natural Environment Bill, Nature Network contributing to the 30 X 30 objectives, the proposal for additional National Parks and the legal implications that appears to be in-bedded in all of the above.

6.0 IMPLICATIONS

6.1 **Policy** - There are some policy implications in relation to Nature Networks- as set out in National Planning Framework 4, 30 x 30 and the proposed new National Park(s).

6.2 **Financial** - There are no direct financial implications arising from this report; but whilst a funding plan is proposed as an action in the consultation, there has been no indication of the costs involved in delivering this 5 year rolling plan.

6.3 **Legal** - There are currently no direct legal implications arising directly from this report- the draft Natural Environment Bill targets and the new National Park proposal as well the addition of new biodiversity sites may introduce some at a later date.

6.4 **HR** - There is a personnel resource requirement for council staff to implement some of the Delivery Plan Actions.

6.5 **Fairer Scotland Duty**

- 6.5.1 **Equalities** – as set out in the consultation document as per the question on Human Rights.
- 6.5.2 **Socio Economic Duty** – Yes, there are implications in relation to this duty under the Business and Regulatory Impact Assessment - BRIA
- 6.5.3 **Islands** – Yes, there are actions that can be implemented on the islands within Argyll and Bute.
- 6.6 **Risk** - There is a risk of not delivering actions including Nature Networks and 30 x 30 or meeting the yet to be determined targets in the Natural Environment Bill.
- 6.7 **Climate Change** – The aim of the Scottish Biodiversity Delivery Plan is to halt the loss of biodiversity and encourage nature recovery to help address climate change.
- 6.8 **Customer Service** – communities across Argyll and Bute will benefit from this as they are included in some of the actions - an example of this is the development of Nature Networks in NPF4.

Kirsty Flanagan:

Executive Director with responsibility for Development and Economic Growth

Policy Lead: Cllr. Kieron Green.

26 October 2023

For further information contact: Marina Curran-Colthart, Local Biodiversity Officer.

Email: marina.curran-colthart@argyll-bute.gov.uk

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

LEGAL AND REGULATORY SUPPORT

22 NOVEMBER 2023

**THE FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022 –
FIREWORK CONTROL ZONES IN ARGYLL AND BUTE**

1.0 EXECUTIVE SUMMARY

As reported to the PPSL Committee in September 2023 [PPSL Firework Control Zones.pdf \(argyll-bute.gov.uk\)](#), Part 6 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 was brought into force on 22nd June 2023. This part of the act confers discretionary powers on local authorities to designate a place within their area as a Firework Control Zone (FCZ), and make provision as to how those powers are to be exercised.

Following on from the decisions taken by Members at the PPSL Committee in September, this report sets out how the Council will deal with “Community Requests” for a Firework Control Zone.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

LEGAL AND REGULATORY SUPPORT

22 NOVEMBER 2023

**THE FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022 –
FIREWORK CONTROL ZONES IN ARGYLL AND BUTE**

2.0 INTRODUCTION

2.1 The report to the PPSL Committee in September 2023 ([PPSL Firework Control Zones.pdf \(argyll-bute.gov.uk\)](#)) provided detail on the introduction and provisions of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022 and particularly the matter of Firework Control Zones. This report sets out how the Council proposes to provide information on Firework Control Zones and how community requests will be managed.

3.0 RECOMMENDATIONS

3.1 Members are asked to endorse the proposals detailed in the report.

4.0 DETAIL

Emergency Services Feedback

4.1 Following the meeting of PPSL held in September 2023, officers have given consideration to how the Council deals with the implications of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022 and particularly the matter of Firework Control Zones.

4.2 Officers sought feedback through the Community Safety Partnership from the Emergency Services to establish whether there are any areas within Argyll and Bute where there could be a need for the designation of a Firework Control Zone. At this time it has been confirmed that there are no areas identified which would meet the criteria for such a designation.

Community Requests for a Firework Control Zone (FCZ)

- 4.3 Guidance from the Scottish Government provides that there should be a mechanism whereby a “community request” for the establishment of a FCZ can be made to the council.

Local authorities should, where possible, establish a local process to give communities the ability to make the case for the designation of a Firework Control Zone, through a "community request".

The purpose of a community request is to provide communities themselves with a route to ask a local authority to formally consider whether a zone should be designated, amended or revoked in a particular place within its area. The Act does not make provision about community requests, however they can be a valuable tool for a local authority to become aware of local concerns about fireworks use.

- 4.4 It is proposed that the Council website is updated to provide a page which details the procedure to be followed by a member of the community who wishes to find out further information and to take forward any subsequent request. The page will provide contact to a generic e-mail box which is managed by the Council's Anti-Social Behaviour Co-ordinator. A draft of the website page wording is provided at Appendix 1 for information.

5.0 CONCLUSION

- 5.1 This report outlines the proposals to be put in place by the Council to deal with community requests for a Firework Control Zone which will be managed by the Council's Anti-Social Behaviour Co-ordinator.

6.0 IMPLICATIONS

6.1 Policy – None

- 6.2 Financial** – There should be minimal costs which can be covered through existing budgets.

- 6.3 Legal** – The proposals in this report are in line with the legislation.

- 6.4 HR** – Will be covered through existing officer resource.

- 6.5 Fairer Scotland Duty - None**

- 6.5.1 Equalities - protected characteristics – None**

- 6.5.2 Socio-Economic Duty - None**

- 6.5.3 Islands - None**

- 6.6 Climate Change - None**

- 6.7 Risk – None**

6.8 Customer Service – takes forward the new legislation and gives the option for residents to send in community requests for FCZs.

Douglas Hendry - Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Councillor Kieron Green

27 October 2023

For further information contact **David Logan - Head of Legal and Regulatory Support**

Proposed Wording for Council Website

Firework Control Zones

What are Firework Control Zones?

A firework control zone is an area within a local authority's boundaries in which it is a criminal offence for a member of the public to ignite a firework, including on private property such as a garden. It is also an offence to fire a firework into the boundaries of a zone; or to knowingly or recklessly throw or cast a lit firework into a zone. This does not apply to category F1 fireworks, which will still be permitted within firework control zones subject to any other legal controls on their use. Category F1 fireworks are indoor or close proximity fireworks with minimal safety distances. These can include sparklers, novelty items, indoor fireworks, and party poppers.

Why do they exist?

This is an option that can be used as one part of a specific targeted response to issues associated with firework use.

The power for local authorities to designate a place or places as firework control zones within their boundaries came into force on 22 June 2023. This is a key measure within the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, which aims to support a cultural shift in the relationship that Scotland has with fireworks.

How can I put forward a request for an area to be considered as a Firework Control Zone?

Should you feel there is an ongoing problem around fireworks in your area a community request can be made by any community of interest for a Firework Control Zone. In the first instance this should be sent by e-mail to:-

CommunitySafety@argyll-bute.gov.uk

The Council's Anti-Social Behaviour Co-ordinator will then make contact with you and provide further detail on the evidence and information required to take forward the request. If the process is taken forward there is a requirement for the Council to consult with necessary stakeholders on the proposal in line with the legislation, this process could take a number of months. Further detailed information will be provided by the Council when any request is made.

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