

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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15 March 2024

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 20 MARCH 2024** 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 16 February 2024 at 9:30 am (Pages 3 - 16)
 - (b) Planning, Protective Services and Licensing Committee held on 16 February 2024 at 2:00 pm (Pages 17 - 18)
 - (c) Planning, Protective Services and Licensing Committee held on 21 February 2024 at 11:00 am (Pages 19 - 40)
 - (d) Planning, Protective Services and Licensing Committee held on 21 February 2024 at 2:30 pm (Pages 41 - 42)
 - (e) Planning, Protective Services and Licensing Committee held on 21 February 2024 at 3:30 pm (Pages 43 - 46)
4. **CALA MANAGEMENT LIMITED: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 2, 3 6, 7, 8, 9, 11, 12, 13, 15, 16 AND 17 OF CONSENT 18/01444/PP (PPA-130-2071): ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND MISCELLANEOUS WORKS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS: (REF: 23/00144/AMSC) (Pages 47 - 76)**

Report by Head of Development and Economic Growth
5. **MR HARVEY LEE: ALTERATIONS (INCLUDING REMOVAL OF UPVC WINDOWS**

AND INSTALLATION OF NEW TIMBER SASH AND CASE WINDOWS) AND CHANGE OF USE OF HOTEL TO FORM THREE STUDIOS AND SIX APARTMENTS FOR USE AS SHORT-TERM HOLIDAY LETTING UNITS: BUTE HOUSE GUEST HOUSE, 4 WEST PRINCES STREET, ROTHESAY, ISLE OF BUTE, PA20 9AF: (REF: 23/01007/PP) (Pages 77 - 102)

Head of Development and Economic Growth

- 6. PROPOSAL OF APPLICATION NOTICE FOR PROPOSED BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE: LAND ADJACENT TO SSE TAYNUILT SUBSTATION, TAYNUILT: (REF: 24/00287/PAN) (Pages 103 - 110)**

Report by Head of Development and Economic Growth

- 7. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - FQ3 2023/24 (Pages 111 - 120)**

Report by Executive Director with responsibility for Development and Economic Growth

- 8. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS (Pages 121 - 124)**

Report by Head of Development and Economic Growth

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: Lynsey Innis

Tel. No. 01546 604338

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS
on FRIDAY, 16 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
Fiona Macdonald, Solicitor
James Crawford, Licensing Standards Officer
Mark Watson, Applicant
John Mackie, Applicant's Agent
Alastair Wilson, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Audrey Forrest, Daniel Hampsey, Andrew Kain and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATIONS FOR GRANT OF A SHORT TERM LET LICENCE

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, his Agent and the Objector opted to proceed by way of video call and Mark Watson, John Mackie and Alistair Wilson joined the meeting by MS Teams.

(a) Mark Watson, Invervaigan, Glen Striven Estate Roads, Toward, Dunoon PA23 7UN

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

The Applicant, Mark Watson spoke of the history of Glen Striven Estate, which had been a shooting estate since 1981. He advised that since then, every property on

the Estate had at one time or another been used as a Short-term Let. Mr Watson advised that he had bought Burnfoot Cottage on the Estate in 2016 and had been privileged to witness the business of the Estate including the farming and shooting of both deer and birds. He advised that unfortunately the Estate had fallen into hard times in 2018 and was put up for sale. Having not been able to sell the Estate despite it being advertised for a long period of time, the owners approached Mr Watson who initially bought Invervaigan and then other properties within the Estate.

Mr Watson spoke of refurbishing the property to a high standard and advised that it had been classed as a commercial property by Argyll and Bute Council for the last 20 years. He advised that the success of the property as a Short-term Let over the last few years had given his family the ability to spend money on maintaining the road and installing security gates. In addressing some of the issues raised by the Objector, Mr Watson advised that Mr Wilson's opinion that the Estate was a quiet housing estate was incorrect and that this was demonstrated through its history as a shooting estate. He addressed the issues Mr Wilson had with the security gates and advised that although Mr Wilson had not contributed financially to the installation of the gates, he benefitted from the privacy and security that they afforded. He advised that Mr Wilson appeared to have a vendetta against his family and his business and that as recent as last week Mr Wilson had received a public notice for being a nuisance.

QUESTION FROM OBJECTOR

Referring to the last point in Mr Watson's submission, Mr Wilson asked the Applicant if he had ever been arrested by the Police for his actions on the Estate.

The Applicant refrained from answering this question

OBJECTOR

The Objector, Mr Wilson spoke of the Council's Short-term Lets Licensing Policy Statement. He referenced paragraph 1.4 which outlines the aims of the licensing scheme such as addressing the issues faced by neighbours and that the economic and tourism benefits from short-term lets are balanced with the needs and concerns of local communities. He also referenced paragraph 5.5(c) which outlines grounds for refusing an application as a consequence of an objection where the premises were regarded as not suitable for the conduct of the activity.

Mr Wilson advised that Glen Striven Estate was a good example of a cluster of properties that had been purchased as Short-term Lets, which in turn prohibited those properties becoming private homes. He requested that the Committee consider the Estate as a whole and not piece meal and went on to highlight the applications before the Committee today as well as the expected number of guests within each one at any given time. He spoke of the volume of properties on the Estate being used as Short-term Lets and advised that these amounted to an unacceptable and unreasonable balance in terms of the Short-term Let Policy Statement and was also contrary to the Argyll and Bute Outcome Improvement Plan, the Local Development Plan and National Planning Framework 4. He requested that the Committee refuse the applications and redress the balance.

Mr Wilson noted that his objection had a number of areas and advised that these

were routed in paragraph 5.5 of the Argyll and Bute Short-term Lets Licensing Policy Statement. He advised that he had no issue with planning permission as he recognised that applications for Planning Permission were judged on a case-by-case basis. In relation to his comments on the noise and nuisance he advised that had he been living in an urban area he would expect noise, however living in a remote and rural area he found that any noise had a disproportionate affect. He advised that most properties on the Estate were strung along a single gravel road which passed through the bottom of his garden. He advised that he found the Applicant's reference to it being a shooting estate with lots of noise and commotion unacceptable as by the time he had purchased his property in 2017, the Estate had been sold and that all the properties were either private homes, homes of Estate employees or family holiday homes, not Short-term Lets as defined by the current legislation.

Mr Wilson spoke of the renovations at Invervaigan and expressed his displeasure that the rooms had been extended, with the installation of three kitchens, three bathrooms and three front doors that could easily accommodate up to 12 people. He expressed concern over the potential increase that this would bring in traffic, and the possibility that these additions could lend themselves to allow the development to become three self-contained flats.

Mr Wilson outlined his concerns around the private water supply and the difficulties faced in the summer months during spells of dry weather when the burn runs dry, without the addition of what could potentially be up to 40 people. He advised that wasn't good enough for the Applicant to refer back to the days of a shooting estate, as the shooting season runs during the wetter months of October to February. He further advised that Environmental Health did not study this matter in enough depth and advised that it was his opinion that a further study should be carried out before a determination on the matter was agreed.

Referring to the legislation which stated that "existing businesses offering new accommodation must legally have a licence before operating," Mr Wilson expressed his surprise that Invervaigan could be considered as an existing business given that as late as 2021 it had been a building site as renovation works progressed. Mr Wilson advised that he had evidence that the building had been deemed unsafe by the Council's Planning department and spoke of the significant periods of lockdown and travel restrictions over the 2020/21 period. He suggested that the Committee consider the information provided by the Applicant against these facts.

Mr Wilson then spoke of the legal requirement for notices intimating the Applicant's intention to let the property on a short-term basis to be displayed at or near the property where it can be conveniently read. He advised that the notices for the applications were displayed around a mile from the public footpath on a private road where they could not reasonably be read. He suggested that the notices were displayed in such a manner as to deny any comments or objections from other local residents.

Addressing the issue of the code for the security gates, Mr Wilson advised that the overwhelming reason that people wanted the security gates was to prevent unauthorised access, due to a number of thefts that had taken place. He advised

that his issue was that the code would be given to all guests of the Short-term Lets leaving them just as vulnerable to unauthorised persons on the Estate as before the gates were installed.

Mr Wilson concluded his submission by advising that by granting the Short-term Let Licences the strategic direction of the Argyll and Bute Short-term Lets Licensing Policy the Scottish Government Short-term Lets Policy and the enjoyment of his home, the private water supply and his security were being compromised. He requested that the Committee adhere to paragraph 1 of the Argyll and Bute Short-term Let Licensing Policy and redress the balance.

MEMBERS' QUESTIONS

Councillor Brown enquired as to how long the property had been used as Short-term Let.

The Applicant advised that Invervaigan had been used as an overspill for Glenstriven Shooting Estate, and it had been awarded commercial rates status 20 years ago.

Councillor Brown asked if it has been used as a commercial property since Mr Watson bought it.

Mr Watson advised that when he bought it, he had honoured the bookings of the previous owners and had used it himself as a Short-term Let.

Councillor Irvine referred to the information contained within the agenda pack, which alluded to the provision of water sports and boats and crafts. He asked the Applicant to explain a bit about this.

The Applicant advised that he had a private speedboat which he kept on Loch Striven. He spoke of an allegation that he allowed guests to use this speedboat and advised that this was incorrect. He advised that each property had a couple of plastic kayaks which were available for guests to use at no additional charge and entirely at their own risk.

Councillor Armour spoke of the housing crisis within Argyll and Bute and asked the Applicant whether there had been any indication that anyone would like to use any of the premises as a permanent residence.

Mr Watson advised that there hadn't and advised that the properties were located 18 miles from Dunoon and down a single track road.

Councillor Irvine asked the Applicant to explain a bit about the operational model, for example the changeovers, staffing and cleaning regime.

Mr Watson outlined the living arrangements for cleaning staff and maintenance and advised that in busier times they would seek to employ more staff from the local area, with transport being provided if required.

Councillor Irvine asked the Applicant if somebody would be on hand to deal with guests 7 days a week.

Mr Watson confirmed that his daughter lived within 5 miles of the property and would deal with any immediate issues.

Councillor Brown asked whether Mr Watson would consider advertising as a long term let given the current housing crisis.

Mr Watson advised of another property "Flagstaff" which was currently being renovated and advised that he would consider this property for that purpose.

Councillor Philand addressed the issues raised by the Objector in relation to the water supply and asked why he thought his position was the correct one.

The Objector advised that as a resident who resides at his property all year round, he was aware of times when the burn that feeds the water supply had run dry, with the few residents and people on the Estate. He advised that his concerns related to the use of this supply with upwards of 40 people using it. He suggested that the Council's Environmental Health department should undertake more studies to ascertain whether there was enough water for this purpose or whether the whole system needed to be upgraded.

Councillor Philand asked the Licensing Officer whether he was aware of the type of assessment carried out by Environmental Health in this regard.

Mr Crawford outlined the process followed in respect of seeking comments from statutory consultees in regards to an application of this type and advised that he had received a short reply to say that they had no issues.

Councillor Philand asked whether Environmental Health had made an effort to attend the site before coming to the conclusion that there were no issues.

Mr Crawford advised that as far as he was aware, Environmental Health inspect and test the water supply on an annual basis, and although he was unaware as to whether they attended the site on this occasion, he suggested that they would have used the data collected at the last annual inspection and made their assumption based on that.

Referring to the Objectors concerns that both National and Local Government Policies had been compromised by the application, Councillor Philand asked the Licensing Officer whether he was satisfied that legislation and procedures had been followed.

Mr Crawford advised that he was satisfied.

Councillor Armour asked whether the burn was the only source of water supply for the Estate.

The Applicant advised that there were 3 separate sources that could be utilised. He outlined the regular maintenance checks which included clearing silt and checking the tank. Mr Watson advised that in peak season, if they find that the tank wasn't enough, he would take the necessary steps to add an additional tank to ensure that there was no disruption in the supply of fresh water for both his guests and residents on the Estate.

In addressing the concerns of the Objector in relation to the possibility that the house could eventually be turned into 3 separate units as opposed to one, Councillor Brown asked the Applicant whether this was his plan.

Mr Watson advised that he had purchased the property for his 3 daughters and

their families to use out of season. He advised that the purpose of the 3 separate units was so that they could close doors to ensure that each of his daughters and their families had privacy. He further advised that although the premises was designed to be used as a larger Short-term Let for parties of up to 12 people, the property had the ability to be closed off in such a way that smaller groups could rent it out and only use a percentage of the property.

Councillor Brown enquired as to whether the application related to one property or 3 separate properties.

The Applicant advised that it was only one property and that he only intended using it as such, charging a lesser rate depending on the size of the party renting it.

The Chair, Councillor Green sought legal advice in terms of the licensing implications for renting out of the property that could be used flexibly.

The Council's Solicitor advised that legally, closing off doors to protect areas of the property was no different to closing off a room to protect personal effects. She advised that it was one property in terms of the definition of a dwelling house.

Councillor Brown enquired as to the legal position in terms of the rates to be charged for hire of the property to different sized parties.

Ms Clanahan confirmed that this was no different to charging different rates for different seasons. She advised that the price can be altered accordingly and that this didn't change the definition of the property.

Councillor Green spoke of certain situations within the Act where multiple properties were covered by one licence.

Ms Clanahan outlined the legal position and advised that the application before Members was for one property. She advised that should the Applicant make changes in the future, this would require to be addressed at that time.

Councillor Green asked the Applicant whether he would be happy if the licence was granted with a condition that stipulated that the property could only be used by one group at a time.

Mr Watson advised that he would be happy with that stipulation as he did not intend to have multiple occupancy as he hoped to maximise the income through larger parties.

Ms Clanahan confirmed that there were no legal issues with adding this as a condition of any licence granted.

Councillor McCabe noted that the purpose of an Air B&B was to make money. She asked the Applicant to clarify the position in relation to the prices charged to different sizes of parties.

Mr Watson advised that it would be different rates for different sizes of parties. He advised that if permission was granted and it took traction, his intention was to introduce a minimum party size.

Councillor Hampsey asked the Applicant to advise of his intentions should the property be booked out to one couple, who would be at one end of the property,

would he consider renting to another couple who could use the other end of the property at the same time.

Mr Watson advised that he would not do this as the rest of the property would be closed off.

Councillor Green asked the Applicant about his experience of the water supply.

Mr Watson advised that in his experience they always had water filling the tanks. He advised of an occasion where the tank had drained dry but advised that this was as a result of lack of maintenance as the burn itself had not run dry.

Councillor Green enquired as to how long it would take to resolve any issues.

Mr Watson confirmed that this would take 3-4 hours.

Councillor Green asked the Objector to outline his experience of the water supply over the summer months.

Mr Wilson advised that over the last 4 years, there had been 2 occasions where the burn had run dry and that this was with less people using it than would be if the Short-term Let Licence was granted.

Councillor Green asked Mr Wilson what he did when the water ran out.

Mr Wilson advised that he used bottled water. He advised that there were other burns that water could be drawn from by bucket but not a dedicated supply.

Councillor Irvine asked the Applicant to re-summarise his ability to deal with the water supply running low.

Mr Watson advised that at present there was a 16,000 litre tank in place that is fed by the burn. He advised that he intended to add another 16,000 litre tank if there was traction on rentals.

Councillor Green asked the Applicant about the three burns that could be utilised, he enquired as to whether it was the Applicants' intention to plumb them in.

Mr Watson advised that in his experience, the burn that currently feeds the supply doesn't run dry. He advised that if it were to he would have no issue in using another burn to get the supply from.

SUMMING UP

Objector

The Objector, Mr Wilson took the opportunity to summarise his submission. He advised that he had tried to put in a water system and he found that it didn't work. Referring to the water sports, he advised that he had never spoken about the use of the Applicant's motor boat. He did advise that he had concerns regarding the use of the kayaks referred to by the Applicant and would query whether the appropriate Public Liability Insurance was in place that covered water sports. Mr Wilson further advised that Invervaigan was not a Short-term Let as defined by the legislation as it previously had employees living in it. In addressing the issue of the gate code, he advised that he didn't see why he should be compromised by that. Mr Wilson urged the Committee to refuse the application.

Applicant

The Applicant, Mr Watson advised that he felt he had said all that was necessary. He advised that the reviews of his guests were testament to how impressive the area was and outlined the tax he had contributed over the last year and the estimated tax for the coming year.

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

DEBATE

Councillor Irvine took the opportunity to clarify for the Objector that his letter of objection, contained within the agenda pack, made reference to the motor boat.

Councillor Green advised of his own experience in living off a private water supply. He advised that this was an all-year-round problem which had to be given cognisance, however having considered the discussion around that including the ability to utilise a larger body of water, he was content that the application be approved.

Councillor Armour agreed with Councillor Green's comments and advised that he too was happy with the information provided to alleviate the concerns of the Committee around the water supply.

Councillor Brown advised that her main issue with the application was the ability to split the premises into three sections. Having noted the Applicant's comments in relation to making money, she advised that if the Committee were minded to grant the application she would like to see a condition imposed that would mean that the Applicant would require a Short-term Let Licence for each property.

Referring to earlier discussions, the Chair sought legal advice in relation to the procedure around imposing such a condition.

The Council's Solicitor clarified the position around the application procedure to change one property into 3 separate properties and the procedure around amending a licence to remove any conditions imposed.

Councillor Armour confirmed that he would support that Application with the addition of a condition precluding the property being used by more than one party at any given time.

Councillor Irvine advised that having considered the argument put forward by the Objector in regards to footfall, traffic and general usage of the Estate, he felt that were these properties to be sold as private dwelling houses the comings and goings on the Estate would be similar when you took into account deliveries and such like. He advised that his personal opinion was that these properties would be difficult to let on a long term basis but that allowing them to be used as Short-term Lets would allow the increase of employment within the area.

Councillor Philand advised that he had taken reassurance from the information provided, specifically in relation to being compliant in terms of the legislation, the water supply and the comings and goings were it to be a private dwelling house. He advised that he was content to accept the recommendations of the Licensing Officer that this application be approved.

Councillor Wallace advised that he had a concern in relation to the kayaks. He advised that his concerns stemmed from comments made by the Applicant around the use of lifejackets and advised that he felt that either the appropriate safety equipment was provided or the kayaks should not be readily available for use by guests.

The Chair, Councillor Green sought legal advice in this regard.

Ms Clanahan advised that the provision of kayaks within the property, would mean that the Applicant would be liable for any loss, damage or accident while in use.

Councillor Wallace advised that for him to be content with the application, the provision of lifejackets would be necessary.

Discussion took place on the competency of imposing such a condition on a licence for a Short-Term Let. Ms Clanahan advised that it would be more suitable to advise that National Safety Guidelines had to be followed.

Councillor Hampsey advised that she felt strongly that if kayaks were available within the properties for use by guests, then suitable buoyancy aids and lifejackets should also be made available.

To provide clarity around earlier discussions, Fiona Macdonald, Solicitor advised that the provision of water sports and activities would be ancillary to the actual property and as such to include safeguards in terms of conditions was potentially challengeable. Ms Macdonald advised that any liability in this regard lay solely with the Applicant.

Councillor Hardie advised that he was in agreement with Councillor Philand and that he too supported the recommendations of the Licensing Officer.

The Chair, Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour and privacy and security and to include an additional condition in terms of the occupancy being restricted to one group at any given time. With no-one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour and privacy and security conditions set out at paragraph 6.1 of the report, along with an additional condition that the occupancy of the property being restricted to only one group at any one time.

(Reference: Report by Regulatory Support and Building Standards Manager, submitted)

The Chair moved, and the Committee agreed to adjourn for a short comfort break. On resuming at 11:30am, all those present were as per the sederunt with the exception of Councillor Armour.

(b) **Mark Watson, Pier Cottage, Glen Striven Estate, Toward, Dunoon**

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

The Applicant, Mr Watson advised that Pier Cottage was a beautiful cottage which had been rented out since the days of the old shooting estate. He advised that this was deemed as a commercial property which paid commercial rates.

QUESTIONS FROM OBJECTOR

The Objector, Mr Wilson confirmed that he had no questions.

OBJECTOR

Mr Wilson referred the Committee back to the submission that he made in respect of the previous application at Invervaigan, Glen Striven Estate Roads, Toward, Dunoon, PA23 7UN.

QUESTIONS FROM APPLICANT

The Applicant confirmed that he had no questions.

MEMBERS' QUESTIONS

Referring to discussions in respect of the previous application, specifically in relation to the provision of water sports, Councillor Peter Wallace asked the Applicant what his intended approach would be in this regard.

The Applicant, Mr Watson advised that it was Point Cottage that had the water craft, and advised that the legal implications in terms of the specifics around the fit of buoyancy aids was the reason that they had stipulated that guests had to provide their own. He further advised that emphasis would be placed upon guests supplying their own buoyancy aids for those intending to use the facilities.

Referring to information contained in the Agenda pack, Councillor Irvine asked the Applicant to clarify any restrictions on the title deeds in respect of the property.

The Applicant's Agent, Mr Mackie outlined the historical condition which was applied in 1948 and stipulated that both Pier Cottage and The Point should only be used as private residential dwellings and not as a hotel or for any other purpose. He advised that since this time, the law had progressed somewhat and that the Title Conditions (Scotland) Act 2003 stated that if a previously issued condition had been breached for a period of five years or more, the original title condition was deemed to be extinct. He advised that Mr Watson had evidenced that both properties had been used as a Short-term Lets since 2016, being a period of 8 years, and as such the condition should now considered extinguished and no longer valid.

Councillor Brown enquired how the Applicant policies the use of kayaks and water sports, ensuring that guests have brought their own lifejackets and buoyancy aids.

Mr Watson advised that kayaks were locked in sheds and only made available when it was clear that appropriate provisions had been met. He advised that safety was paramount and that this was a strict requirement when agreeing what provisions were required.

SUMMING UP

Objector

The Objector, Mr Wilson advised that the objections he raised in the previous application were pertinent to this application and stressed that the issue of the title deed conditions should not be overlooked.

Applicant

The Applicant, Mr Watson advised that he had nothing more to add at this time.

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

DEBATE

Having noted that no Member wished to speak at this time, the Chair, Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour and privacy and security. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour and privacy and security conditions set out at paragraph 6.1 of the report.

(Reference: Report by Regulatory Support and Building Standards Manager, submitted)

(c) **Mark Watson, The Point, Glen Striven Estate, Toward, Dunoon PA23 7UN**

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

The Applicant, Mr Watson advised that The Point was located at the very end of the Estate, a mile and a half from the entrance, which was accessible by a dirt track road which he maintained. Mr Watson advised that the property had

operated as an Air B&B since before 2016 and sought approval to carry on.

QUESTIONS FROM OBJECTOR

The Objector, Mr Wilson advised that he had no questions.

OBJECTOR

The Objector, Mr Wilson advised that the objections he raised in the previous two applications were pertinent to this application. He advised that he felt that there had been no real discussion on the issues he raised in relation to the gate code and security or to the provision of notices outlining the Applicants intention to use the property as a Short-term Let. He further advised that the issue of the title conditions, are classed as a real burden, which is at odds with the Applicant's lawyer but that he would look to resolve this issue by another means.

QUESTIONS FROM APPLICANT

The Applicant, Mr Watson advised that he had no questions.

MEMBERS' QUESTIONS

Councillor Brown sought advice from the Council's Solicitor as to whether it was pertinent for the Committee to approve this application if they were so minded.

Ms Clanahan advised that she was in agreement with the Applicant's lawyer and that the issue could be pursued in another forum if required. She advised that it would be competent for the Committee to determine the application.

Addressing the issues raised by the Objector, Councillor Irvine enquired as to the exact nature of the objection in relation to the gate codes and general security.

The Objector, Mr Wilson advised that the idea behind such a security measure was that the code would only be circulated around a small group of people. He advised that the code would be given to a number of people, who in turn could give it out to others if they so wished, and that would result in the loss of the control of the gates.

Councillor Brown advised that having heard earlier submissions in relation to the reliance of the Objector on deliveries as the area is so remote, advised that the same could be said of delivery drivers. She further advised that her understanding of the necessity for the gates was to prevent unauthorised access to the track. She asked the Objector, whether in his opinion, the gates would therefore help in maintaining the track.

Mr Wilson advised that the original reason for putting in the gates was due to a number of thefts from the area. He argued that the more people who have the code, the less effective the gates become.

Councillor Irvine asked the Objector, whether, as he had known about the notices which had been posted, he had canvassed others for opinions and objections.

Mr Wilson advised that he had been party to general discussions but that he did not canvass anyone.

The Chair, Councillor Green enquired as to how many permanent residents there

were on the Estate.

Mr Wilson advised that there were only two, himself and his wife.

Councillor Hampsey asked the Applicant how often he proposed to change the code on the gates, and how this would be done, given the obvious breakdown in the relationship between the Applicant and the Objector.

Mr Watson advised that the code had only been changed once in the last year. He stressed that in his opinion, giving the code to regular delivery drivers was more of an issue than giving it to people who have travelled miles to come to the area. Mr Watson advised that the code change was done by a third party so there was no need for contact between himself and Mr Wilson. He also took the opportunity to clarify that pedestrian access to the Estate was still in place despite the gates.

Councillor Hampsey enquired as to whether Mr Wilson was happy with the arrangements as outlined by the Applicant.

Mr Wilson confirmed that he could live with a code change on an annual basis, and was happy to liaise with the third party on that.

SUMMING UP

Objector

The Objector, Mr Wilson advised that he had nothing further to add. He advised that in his opinion the issue of the display of notices had not been dealt with, and it was setting a precedence that could lead to trouble in the future.

Applicant

The Applicant, Mr Watson confirmed that he had nothing further to add.

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

DEBATE

The Chair, Councillor Green advised that in relation to the display of notices, he took the presentation by the Licensing Officer at face value. He advised that the issue would not appear to affect any other person, as there was only one other household on the Estate and one member of that household was in attendance. He advised that he did not agree that a precedence was being set, and that as familiarity with the new Licensing regime grows so too would compliance with the process.

Having noted that no Member wished to speak at this time, the Chair, Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour and privacy and security. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour and privacy and security conditions set out at paragraph 6.1 of

the report.

(Reference: Report by Regulatory Support and Building Standards Manager, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS
on FRIDAY, 16 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Mark Irvine	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
Alison MacLeod, Licensing Standards Officer
Andrea Winkler, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Audrey Forrest, Daniel Hampsey and Paul Donald Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

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

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 video call and Andrea Winkler joined the meeting by MS Teams.

The Objector chose not to join the meeting.

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of her application.

APPLICANT

The Committee heard from Ms Winker that she had provided all the information in response to the Objector's concerns and had nothing new to add and was happy to take any questions.

QUESTIONS FROM APPLICANT

There were no questions from the Applicant.

MEMBERS' QUESTIONS

There were no questions from the Members.

SUMMING UP

APPLICANT

Ms Winkler advised that as the Objectors main issue was building security she was exploring the possibility of installing a front and back door security system and that she was happy to repair any damage to the communal areas caused by her guests.

When asked, Ms Winkler agreed that she had received a fair hearing.

DEBATE

Councillor Brown said that Ms Winkler had taken a number of precautions and the matter of anti-social behaviour very seriously, adding that as the Objector had not come along to air his grievances she was minded to recommend that the licence be granted.

Councillor McCabe agreed with Councillor Brown and wished Ms Winkler luck.

Councillor Green concurred with the member's points and proposed that the Committee grant permission to the application subject to the conditions relative to antisocial behaviour; privacy and security; noise control in flatted premises and littering and waste disposal.

DECISION

The Committee unanimously agreed to grant a short-let licence to Andrea Winkler subject to the mandatory conditions and additional conditions detailed at paragraph 6 of the report.

It was noted that the Applicant would receive written communication of this within 7 days.

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

**MINUTES OF THE MEETING OF THE PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE HELD BY MICROSOFT TEAMS
ON WEDNESDAY, 21 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Dougie Philand
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Fergus Murray, Head of Development and Economic Growth
Iain Jackson, Governance, Risk and Safety Manager
Stuart McLean, Committee Manager
Peter Bain, Development Manager
Bryn Bowker, Area Team Leader – Mid Argyll, Kintyre and the Islands
Kirsty Sweeney, Area Team Leader – Helensburgh and Lomond/Bute and Cowal
Sandra Davies, Major Applications Team Leader
Fiona Scott, Planning Officer
Derek Wilson, Planning Officer
Emma Shaw, Planning Officer
Steven Gove, Planning Officer
Stuart Watson, Assistant Network and Standards Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Paul Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Peter Wallace declared a non-financial interest in planning application reference 23/00395/PP as he had a business relationship with the applicant in November 2023. He indicated that he would leave the meeting and take no part in the determination of this application which was dealt with at item 8 of this Minute.

3. MINUTES

(a) Planning, Protective Services and Licensing Committee held on 24 January 2024 at 11.00 am

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 11.00 am was approved as a correct record.

(b) Planning, Protective Services and Licensing Committee held on 24 January 2024 at 2.00 pm

The Minute of the Planning, Protective Services and Licensing Committee held on

24 January 2024 at 2.00 pm was approved as a correct record.

(c) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 3.00 pm**

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 3.00 pm was approved as a correct record.

(d) **Planning, Protective Services and Licensing Committee held on 24 January 2024 at 4.00 pm**

The Minute of the Planning, Protective Services and Licensing Committee held on 24 January 2024 at 4.00 pm was approved as a correct record.

(e) **Planning, Protective Services and Licensing Committee held on 30 January 2024**

The Minute of the Planning, Protective Services and Licensing Committee held on 30 January 2024 was approved as a correct record.

Councillor Amanda Hampsey took over as Chair for the next item due to having Chaired the discretionary hearing relating to this item.

4. MR SHAUN SINCLAIR: ERECTION OF CAFÉ WITH ASSOCIATED LANDSCAPING INCLUDING A VIEWPOINT, SEATING, INTERPRETIVE SIGN AND PLAY PARK: LAND WEST OF INVERLUSRAGAN, CONNEL (REF: 21/01583/PP)

The Development Manager spoke to the terms of the report. This application was first presented to the Planning, Protective Services and Licensing (PPSL) Committee on 20 September 2023 at which time Members agreed to its continuation to a Pre-Determination Public Hearing which was held on 30 January 2024.

The Supplementary Report brought the planning file up to date to include details of the late neutral representation submitted from Councillor Julie McKenzie prior to the application being presented to the September PPSL meeting and also an error in the original Report of Handling, details of which were presented verbally to Members at the beginning of the presentation to the Committee on 20 September 2023.

The Supplementary Report also details the withdrawal of an expression of support and the submission of a late representation.

It was recommended that planning permission be refused for the reasons appended to the report of handling.

Motion

I understand that this development is contrary to the stated intentions of NPF 4 Policy 9(b), and Argyll and Bute Local Development Plan 2015 Policies LDP 8 and SG LDP REC/COM 2 and it is not possible to link the development to any of the exemptions that relate to Policy SG LDP REC/COM 2 which would allow the development to comply with the Local Development Plan (LDP) and LDP2.

The OSPA has been designated because the open undeveloped space offered a high degree of scenic amenity to the public with views left towards to Connel Bridge and the Falls of Lora and right along Loch Etive.

It is suggested in the report of handling that the proposed development will be highly visible from the northern end of Connel Bridge and from the water of Loch Etive under Connel Bridge and the North Connel/Bonawe road and while I accept that may be the case, it is contended that such assessments are subjective and that as the main building will be tucked in against existing development and the remainder of the development is at a level where it will merge into the backdrop of Connel Village and as such the current view from these locations towards the site will not be impacted detrimentally.

The scenic amenity primarily encompasses views from and across the site towards Connel Bridge, the Falls of Lora, and along Loch Etive.

The open space is currently not easily accessible to the public and there is nothing to suggest that members of the public do access it on a regular basis to take in these views. That said, I am aware that the foreshore beyond the boundary of the site can be accessed via a path to the east of the site.

During the site visit, I found it difficult to see many aspects of the Connel Bridge and the Falls of Lora from the pavement, on the main road, adjacent to the site due to the existence of Connel Surgery, the House adjacent to it and the vegetation, trees etc along the road which rises up at that point. It is also not possible to see much of the bridge and the Falls of Lora when driving towards them.

In a similar way, when travelling by car in the other direction from Connel Bridge towards the site the road drops down and the views of the Falls of Lora are very limited and the views along Loch Etive are unlikely to be hindered or affected for drivers or indeed people walking along the footpath. It is also notable that the planning committee required to park several minutes walk away from the site, as there is not currently safe parking places in which to adequately view the scenic amenity.

It is important to consider that this site visit was carried out during the winter month of February when deciduous vegetation and trees are during a period of abscission, when the leaves are naturally shed, with no examples of marcescence, where the leaves are withering but remain attached to the stem, thus by, the scenic amenity during months when trees and other vegetation are in full canopy or bloom, would be even more restricted than that experienced by the committee during their site visit.

The development will create a number of jobs in the area and the business will increase the number of visitors to the area, which is likely to have a positive impact on trade for other businesses in the area, which demonstrates economic benefit will be derived from the development.

As it stands, the OSPA creates no beneficial use of the location by the public and by opening up the site with this development, consequently it will ensure direct access to members of the public, locals and visitors and will offer the public the ability to enjoy all the aspects of the OSPA area in a manner which has not previously been available to them.

In conclusion, therefore I am of the view that the development has been designed to minimise the impact on the OSPA to a level that will not detrimentally affect the scenic amenity of the location and will enhance it through providing access to the area and the siting of the viewpoint.

Therefore, on that basis, I move that the development is approved, subject to conditions and reasons being delegated to the Head of Development and Infrastructure, in consultation with the Chair and Vice Chair of the PPSL.

For the avoidance of doubt, and in order to underpin the justification for departing from the provisions of the Development Plan, such conditions shall include an appropriate mechanism to secure the timely provision and ongoing maintenance of an accessible footpath and viewpoint within the scheme of development, and to ensure that such facilities will be made freely available to the general public without barrier to entry on a permanent basis.

Moved by Councillor Amanda Hampsey, seconded by Councillor Andrew Kain.

Amendment

The Committee refuse planning permission subject to the reasons appended to the Report of Handling.

Moved by Councillor Graham Hardie, seconded by Councillor Gordon Blair.

As the meeting was being held remotely on Microsoft Teams, the vote required to be taken by calling the Roll and Members voted as follows –

Motion

Councillor John Armour
Councillor Amanda Hampsey
Councillor Andrew Kain
Councillor Liz McCabe
Councillor Dougie Philand
Councillor Peter Wallace

Amendment

Councillor Gordon Blair
Councillor Jan Brown
Councillor Audrey Forrest
Councillor Kieron Green
Councillor Graham Hardie
Councillor Mark Irvine
Councillor Luna Martin

Decision

The Amendment was carried by 7 votes to 6 and the Council resolved accordingly.

(Reference: Report by Head of Development and Economic Growth dated 5 September 2023; supplementary report 1 dated 29 January 2024; Minute of the PPSL Committee dated 30 January 2024; Supplementary report number 2 dated 20 February 2024; submitted; Motion by Councillor Amanda Hampsey seconded by Councillor Andrew Kain, tabled; and Amendment by Councillor Graham Hardie, seconded by Councillor Gordon Blair, tabled)

5. MS SHEENA FERRAND: SITE FOR THE ERECTION OF 10 DWELLINGHOUSES (AS AMENDED 23.09.22): LAND NORTH OF ACHNAGARADH, CRAIGHOUSE, ISLE OF JURA: (REF: 21/01037/PPP)

The Planning Officer spoke to the terms of the report. The application was originally submitted for the erection of 16 dwelling houses. Subsequent to the majority of the representations, revised plans have been secured which have reduced the scale of development to 10 dwellings. It is on this basis that the proposed development has been assessed.

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

Decision

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1 PPP - Approved Details & Standard Notes – Non EIA Development

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. PPP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 12.05.2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan No.	Ref.	Version	Date Received
Location maps and croft plan	599/01			04.10.2023
Site Survey Plan	599/03			29.09.2023
Revised floor levels houses 9 and 10			1 of 2	19.01.2024

Reason: For the purpose of clarity, to ensure that the development is

implemented in accordance with the approved details.

3 **PPP - Provision of Adoptable Standard Service Road**

Pursuant to Condition 1. – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
- ii) A junction with the existing public road formed with visibility splays of 2.40 metres to point X by 75 metres to point Y formed from the centre line of the junction;
- iii) A bus bay to be incorporated into the junction design with hardstanding on constructed opposite the junction to provide for a bus drop off point;
- iv) The junction of adoptable standard development road is to be sited no closer than 25 metres from the nearest existing junction;
- v) The development road is to have either 2.00 metre wide footways or 2.00 metre wide service strips;
- vi) The development road is to be no less than 5.50 metres wide;
- vii) A turning head for the public service vehicle at the end of the adoptable standard road;
- viii) Roads design to incorporate Sustainable Urban Drainage (SuDS);
- ix) Hardstanding for the provision of two grit bins;
- x) Details for the provision of two village gateway signs to erected on the public road;
- xi) Details for the provision of pedestrian on road signage to be provided and erected between the development site;
- xii) Details for the provision of the existing public road verge to be widened out to provide safe step offs for pedestrians between the development and Craighouse School;
- xiii) Details for the provision of road name signs.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

All access roads, footways and step offs granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads, footways and step offs shall be applied concurrently with the construction of the final building.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

4. PPP – Access/Parking/Turning for Multiple Buildings served by an Adoptable Road

Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of vehicular access and parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) Means of vehicular access to that building from the service road shall be formed with junctions of 90 degrees with visibility splays of 2.40 metres to point X by 25 metres to point Y formed from the centre line of the junction or provision of 2.5m by 5m parking bays located behind any footway/service strip;
- ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Development Plan 2015.

The approved means of vehicular access to the building shall be implemented in full prior to the commencement of construction of the development which the access is intended to serve and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

Note to Applicant:

Any parking bays provide will not be adopted.

5. PPP BUILDING SITING, DESIGN & FINISHES – MULTIPLE BUILDINGS

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development for up to 10 dwellings within that plot have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of 1.5 storeys in design;
- v) Rectangular footprint no greater than 100 square metres;
- vi) External building span no greater than 15 metres;
- vii) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- viii) External walls finished in natural stone or wet dash render or, a mixture of both;
- ix) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- x) Windows to have a vertical and symmetrical orientation.
- xi) A design and site layout that reflects the findings of survey work associated with condition no 11 below, relating to reptile, amphibians, and bat roost(s), including biodiversity enhancement measures.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and coherent high quality layout and design for the site as a whole. This should be reflected in any submission to meet the terms of this AMSC, with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

6. PPP – Full Landscaping Scheme

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;

- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) 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;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vii) Identified areas of strategic landscaping with details of proposed management arrangements; to include areas to the eastern section of the site and land to the north of the application site as a minimum.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved 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

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and strategic high quality landscaping scheme with management arrangements. This should be reflected in any submission to meet the terms of this AMSC with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

7. PPP – Surface Water Drainage – Further detail required

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

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

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

8. PPP – Archaeological Watching Brief

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological scheme of investigation has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

9 **PPP - AFFORDABLE HOUSING**

Pursuant to Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those properties to be used as affordable homes;
- c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

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

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

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

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

- 10 Prior to the commencement of development, a pre-construction survey shall be carried out in respect of otters to checks for any new holts or resting places that may have become occupied after the original survey. This pre-construction survey should be completed as close to the construction period as possible and no more than 3 months before the start of work. Full details of the pre-construction survey shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

11 **PPP– Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of reptile, amphibians, and bat roost(s) has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with Nature Scot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In the interests of protected species and nature conservation.

- 12 No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Planning. The CEMP shall inform the production of construction method statements, and shall specify the siting of working areas, management practices and measures to prevent pollution of the water environment. The CEMP shall also include a project specific Surface Water Management Plan with appropriate protocols in place for the prevention of pollution entering the sea during construction.

The SWMP shall identify all waste streams arising from construction and proposals for their mitigation, including materials excavated on site and shall also provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising during the operational phase of the development. The CEMP shall also include otter mitigation as detailed in section 5.0 of the Otter Survey Report undertaken 26th July 2021 and provision for pre-start walk overs to check for ground nesting birds.

Reason: In the interests of pollution prevention, sustainable waste management and protected species.

- 13 No development shall commence until full details of a scheme for the eradication of *Rhododendron Ponticum* has been submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the *Rhododendron Ponticum* on a scaled plan.

The scheme shall be implemented in accordance with duly approved details, and prior to the commencement of development, a validation report confirming details of the remediation treatment that has been carried out and that the site is free of *Rhododendron Ponticum* shall be submitted to and approved in writing by the Planning Authority.

Reason: To eradicate *Rhododendron Ponticum* from the development site and to prevent the spread of this non-native invasive species through development works.

14 PPP – Timescale to be Agreed for Completion

Pursuant to Condition 1. – no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F

15 PPP – Tree Retention and Protection

No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 “Trees in Relation to Construction”.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

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

16 PPP – Availability of Connection to Public Water Supply

No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

17 PPP – Details of New Private Foul Drainage System

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

(Reference: Report by Head of Development and Economic Growth dated 1 February 2024, submitted)

6. BEATON AND MCMURCHY ARCHITECTS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE: LAND NORTH OF LYNBURN, ROWAN ROAD, OBAN: (REF: 22/01986/PP)

The Planning Officer spoke to the terms of the report. This planning application seeks to secure planning permission in principle for the erection of a dwellinghouse at land north of Lynburn, Rowan Road, Oban and the formation of a vehicular access. The application has been submitted with indicative details of the footprint of the dwelling and its siting within the plot.

It was recommended that planning permission in principle be granted subject to the satisfactory conclusion of a section 75 agreement, and the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant planning permission in principle subject to the satisfactory conclusion of a section 75 agreement, and the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in Conditions 3, 4, 5, 7, 8 and 9 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. **PPP - Approved Details**

The development shall be implemented in accordance with the details specified on the application form dated 30.09.2022 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan & Section	2034 02	B	13.10.2022
Site & Location Plans	2034 03	B	13.10.2022
Cross Sections	2034 04		01.12.2022
Site & Location Plans Road Improvements Proposals	2034 07	A	06.02.2024
Junction Site Plan as Proposed	2034 11		06.02.2024

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. **Timescale to be Agreed for Completion**

Pursuant to condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

4. Vehicular Access, Parking and Turning

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The upgrade of the existing access at the connection with the public road in accordance with the Council's Roads Standard Detail Drawing SD08/002a with visibility splays measuring 2.4 metres to point X by 25 metres to point Y;
- ii) The provision of a parking and turning area in accordance with the requirements of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015;
- iii) The provision of a footway to be provided over the total length of the private road;
- iv) A road carriageway with a minimum width of 3 metres;
- v) The provision of passing places in accordance with Operational Services Drawing 08/003a at locations approximately 50m, 90m and 180m from the junction with the public road;
- vi) The provision of a turning head in accordance with Figure 18 of The Roads Development Guide to be provided at the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill', with a bin storage area to the rear of the turning head;
- vii) The provision of street lighting ducting to be installed from the junction with the public road to the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill';

Prior to work starting on site, the approved scheme of works shall be completed, and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 0.6m above the road carriageway at point Y and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

5. PPP – Availability of Connection to Public Water Supply

Pursuant to Condition 1 - no development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

- In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

6. Sustainable Drainage System

Notwithstanding the provisions of Condition 2, 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 .

7. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the dwellinghouse has been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of one and three quarter storey in design;
- v) Rectangular footprint with traditional gable ends;

- vi) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;
- vii) External walls finished in white wet dash roughcast, white smooth render, natural stone, timber cladding or a mixture of these finishes;
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of section drawings, contour plans, site level surveys, or a combination of these;
- ix) Windows with a vertical emphasis; and
- x) Details of an area within the application site for the placement of refuse/recycling bins.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

8. Landscaping and Biodiversity Enhancement

Pursuant to Condition 1 - no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) 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 physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

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.

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.

9. **Pre-commencement Survey**

Pursuant to Condition 1 - no development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

(Reference: Report by Head of Development and Economic Growth dated 9 February 2024, submitted)

7. **MR DOUGIE CRAIG: ALTERATIONS AND EXTENSION, SUB-DIVISION OF EXISTING MAISONETTE AT FIRST FLOOR TO FORM SELF-CONTAINED 2 BEDROOM FLAT AT FIRST FLOOR AND 3 BEDROOM FLAT AT SECOND FLOOR, REPAIR AND REPLACEMENT OF EXISTING ROOF: FLAT 1, 11 BATTERY PLACE, ROTHESAY: (REF: 22/02090/PP)**

The Planning Officer spoke to the terms of the report. Planning Permission is sought for the subdivision of an existing five-bedroomed maisonette at 11 Battery Place, Rothesay, Isle of Bute into a self-contained two bedroom first floor flat and a three-bedroom second floor flat. Externally, the roof space is to be increased through the removal of the existing dormer window on the front slope and its replacement with a mansard-type construction. The existing extended roof on the rear slope is to be refurbished by a new external finish and replacement windows.

It was recommended that Planning Permission be granted as a minor departure to the Local Development Plan 2015 and Proposed Local Development Plan 2 (as intended for adoption) subject to the conditions, reasons and informative notes set out in the report of handling.

Decision

The Committee agreed that planning permission be granted as a minor departure to the Local Development Plan 2015 and Proposed Local Development Plan 2 (as intended for adoption) subject to the following conditions, reasons and informative notes:

Standard Time Limit Condition for Planning Permission (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 17th October 2022; 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	Drawing No. 2207/001A	A	19.10.2022
Proposed	Drawing No. 2207/002A	A	18.10.2022
Proposed First Floor	Drawing No. 2207/003	-	18.10.2022
Prop. Second Floor Plan	Drawing No. 2207/004	-	18.10.2022
Prop. Section B – B	Drawing No. 2207/005		18.10.2022
Prop. Section C – C	Drawing No. 2207/006		18.10.2022

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

2. Prior to the commencement of the development, full details of the external finish of the new roofs and the new windows in the front and rear roofs shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the new roofs and windows shall be installed in accordance with the approved details.

Reason: In order to successfully integrate the development with the existing Listed Building and the wider Conservation Area and for the avoidance of doubt.

3. A facility for the storage of cycles, the details of which shall have been previously submitted to and agreed in writing with the Planning Authority, shall be provided within the rear curtilage of the application site prior to the occupation of the first of the flatted dwellings hereby approved. Unless otherwise agreed in writing with the Planning Authority, the approved cycle storage shall be retained in perpetuity for this dedicated purpose.

Reason: In the interests of facilitating the use of cycles by the occupants of the flatted dwellings hereby approved in accordance with the provisions of National Planning Framework 4 Policy 13 ‘Sustainable Transport’ and Supplementary Guidance policy SG LDP TRAN 2 ‘Development and Public Transport Accessibility’ of the Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Development and Economic Growth dated 5 February 2024, submitted)

Having declared a non-financial interest in the following item of business, Councillor Wallace left the room and took no part in discussion of this item.

8. MRS KIRSTEEN MACDONALD: FORMATION OF VEHICULAR ACCESS, FORMATION OF PARKING SPACE AND REMOVAL OF WALL AND GATE: 4A ARGYLE PLACE, ROTHESAY, ISLE OF BUTE: (REF: 23/00395/PP)

The Planning Officer spoke to the terms of the report. The proposal seeks planning permission for the formation of a vehicular access and the use of an existing hardstanding in the front garden as a parking space at 4A Argyle Place, Rothesay, Isle of Bute. In order to achieve access and parking, the existing front boundary wall, railings and gate are to be removed from the site.

It was recommended that Planning Permission be granted as a minor departure to the Local Development Plan 2015 and Proposed Local Development Plan 2 (as intended for adoption) subject to the conditions, reasons and informative notes set out in the report.

Decision

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons:

Standard Time Limit Condition for Planning Permission (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

- The development shall be implemented in accordance with the details specified on the application form dated 26th February 2023; the Addenda dated 23rd March 2023 and 13th June 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 Plan	Ref. No. TQRQM23074155036170	-	13.06.2023
Site Plan 1:200	Ref. No.	-	13.06.2023

	TQRQM23074161329640		
Site Plan 1:50	Drawing No. 202209-24	-	08.06.2023
Photographs and Description of Works	Drawing No. 202209-25	-	08.06.2023

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

(Reference: Report by Head of Development and Economic Growth dated 5 February 2024, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the BY MICROSOFT TEAMS
on WEDNESDAY, 21 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Liz McCabe
Councillor Jan Brown	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Andrew Kain	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
Fiona MacDonald, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Audrey Forrest, Paul Donald Kennedy, Mark Irvine, Gordon Blair and Amanda Hampsey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE: C HEADS, PORT ELLEN

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of written representation as she was unavailable to join the meeting.

The Chair outlined the procedure that would be followed and invited the Committee Manager to read out the written representation submitted by the Applicant.

APPLICANT

I have been working in the hospitality industry as a hotel receptionist and a bar maid on Islay for the last year and have been struggling daily to get taxis available to transport guests. There just isn't enough taxi providers on Islay to deal with the huge influx of visitors to the island and this is only going to be compounded by the 3 new distilleries that are currently under construction. In my opinion there is such an increase in demand for more taxi services on the island. Thank you for your time at this hearing and I look forward to hearing the outcome.

DEBATE

Councillor Armour having recently been on Islay fully appreciated the need for taxis and was supportive of the application, saying it would be a huge asset to the Island.

Councillor Brown looked for clarification that the Applicant already had a taxi driver licence and was only applying for a taxi operator licence. This was confirmed by Ms Clanahan.

As there was no further comments, Councillor Green was happy to move to approve the licence adding that the LVSA had been discussed at previous meetings and the information within the document was now several years old.

DECISION

The Committee agreed to grant a Taxi Car Licence to Ms C Heads and noted that written confirmation of this would be sent to her within 7 days.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the BY MICROSOFT TEAMS
on WEDNESDAY, 21 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Liz McCabe
Councillor Jan Brown	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Andrew Kain	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
Fiona MacDonald, Solicitor
Richard Gorman, Environmental Health Officer
Bassem Mohamad AlMheimed, Applicant
Ameen Nemer, Interpreter for Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Audrey Forrest, Paul Donald Kennedy, Mark Irvine, Gordon Blair and Amanda Hampsey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE: B ALMHEIMED, ROTHESAY

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 has opted to proceed by way of video call and joined the meeting by Teams along with his interpreter Mr Ameen Nemer.

The Chair outlined the procedure that would be followed, noting that none of the 3 objectors were in attendance, and invited the Applicant to speak in support of their application.

APPLICANT

Through his interpreter, Mr AlMheimed, stated he was not aware of the process when he applied for the Late Hours Catering Licence and that he wants the business to run smoothly by not bothering anyone. Mr AlMheimed advised that he installed a notice in the shop front to ask patrons to be respectful of neighbours and to keep the outside street clean and that should any anti-social behaviour occur he would intervene, adding that when he opened the business he wants both himself and his team to benefit from it and not annoy anyone.

MEMBERS' QUESTIONS

Councillor McCabe offered her support of the shop advising that the property had been empty for a long time, with it previously being a pub with a noisy disco. Councillor McCabe believed that neighbours may have gotten used to it being vacant and therefore no noise issues. Councillor McCabe added that the Applicant is doing a great job and that the Applicant's business is growing fast and offers good food.

Councillor Brown noted that the property was a sit in restaurant as well as a take-away and asked if the restaurant closed earlier than the take-away.

The Applicant advised that the restaurant has facilities for 12 individuals to sit in and that there is no toilet in situ. Last orders are taken at 10.30pm and in the event that the Late Hours Catering Licence is granted then restaurant orders would be up until 10.30pm and thereafter take-away only.

Councillor Green referenced the recommendations contained within the report from Environmental Health in relation to the operating hours specifically that trading hours be limited to 11.00pm to 12 Midnight, Monday, Tuesday, Wednesday, Thursday and Sunday and; 11.00pm to 01.00am, Friday and Saturday. He asked the Applicant if it would be a problem if these trading hours were applied.

The Applicant responded he would not find it a problem to operate within these trading hours.

Councillor Wallace asked about the security of the communal close and if it was common practice for deliveries to go through the close and not via the front shop.

The Applicant stated that deliveries use the front door of shop.

SUMMING UP

Applicant

The Applicant thanked the Committee for listening to his presentation and apologised for any disturbances that may have been caused by his customers. Mr AIMheimed confirmed that he wants to operate a business that benefits his employees and the Island and that he has hired an employee to clean the inside and outside of shop to improve upon hygiene.

When asked, the Applicant agreed he had received a fair hearing.

DEBATE

Councillor Armour advised he was happy to go with the recommendations from Environmental Health and Councillor McCabe as she was based on the Island.

Councillor Hardie also agreed and happy to go with the recommendations from Environmental Health.

Councillor Philand advised he was of the same opinion as Councillors Armour and Hardie.

Councillor McCabe confirmed she was happy to accept Environmental Health's suggested trading hours.

Councillor Green was in full agreement with the member's comments and moved to approve the application subject to the application of Environmental Health trading hours.

DECISION

The Committee agreed to approve the application for a Late Hours Catering Licence subject to the following trading hours 11.00pm to 12 Midnight, Monday, Tuesday, Wednesday, Thursday and Sunday and; 11.00pm to 01.00am, Friday and Saturday.

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

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

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

Reference No:	23/00144/AMSC
Planning Hierarchy:	Major
Applicant:	Cala Management Limited
Proposal:	Approval of Matters Specified in Conditions 2,3,6,7,8,9,11,12,13,15,16 and 17 of consent 18/01444/PP (PPA-130-2071). Erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works.(Proposed removal/alterations to conditions 4, 5 &7 of REF 15/01794/PPP)
Site Address:	Land North of Cardross Primary School, Barr Roads, Cardross, Argyll and Bute.

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Aspects of the Development Requiring Approval of Matters the subject of Conditions within a Grant of Planning Permission in Principle (ref. PPA-130-2071)

A brief summary of the matters to be addressed by each of the conditions to be discharged is set out below. The full condition wording is referenced at Appendix A of this report.

- Condition 2 – Site layout, design and external finishes of the development
- Condition 3 – Scheme for the provision of affordable housing
- Condition 6 – A814 Main Road, gateway enhancement and traffic calming scheme
- Condition 7 – Internal road layout
- Condition 8 – Car Parking provision
- Condition 9 – Archaeological field evaluation
- Condition 11 – Drainage details including cut-off ditch
- Condition 12 – SUDS and Maintenance
- Condition 13 – boundary treatments and landscaping
- Condition 15 – provision and maintenance details of communal open space and equipped play areas
- Condition 16 – Waste management during operation (submission?)
- Condition 17 – Site Waste Management Plan

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended to approve the submissions and discharge these aspects of the conditional approval.

(C) CONSULTATIONS:

West of Scotland Archaeologist Service (22.03.23, 01.06.23 and 03.08.23) - confirms that the field work element is complete and the required post excavation and publication work is secured by contract between the applicant and their chosen archaeological contractor. No further archaeological works are required for this development and the Service advise that the condition dealing with archaeology can be satisfactorily discharged.

ABC Area Roads Officer: Responses Dated (31.03.23, 15.05.23, 24.05.23 19.10.23, 31.10.23, 06.02.23 and 07.03.24

Previous concerns of the Area Roads Engineer in respect of road safety (over the 8 houses directly taking access to Barr's Road) and in respect of pedestrian safety at the proposed pedestrian access/egress point to Barr's Road have been addressed by the redesign of the housing layout and the introduction of traffic calming at this point in the revised layout. The submitted details are now considered by the Area Roads Engineer to be in accordance with necessary technical and safety standards.

The internal layouts are also considered to be in accordance with necessary standards and the proposed Traffic Calming proposals for the A814 are also considered acceptable and in accordance with necessary road safety standards.

ABC Flood Risk Assessor (08.08.23 & 10.01.24) – Confirms that the information provided is sufficient to meet planning condition 11 and 12 and that the flooding and drainage proposals meet required technical standards.

ABC Local Biodiversity Officer (30.03.23) has provided advice in relation to the landscape proposals. It is considered that the contents of the design proposal and associated Management Plan are acceptable. (Members are requested to note that following the Barr's Road frontage redesign additional landscaping and biodiversity improvements of the proposals has been secured).

Cardross Community Council (15.12.23 & 21.2.24) Object.

Concerns expressed in respect of Flooding, Japanese Knotweed, Core Paths, and Roads. Second representation states that documents are not available on the public website and expresses further concerns over drainage and flooding.

Officer Comment: Following the representations of 15.12.23 and 21.2.24 further advice and clarification was sought from the Council's Flooding advisor. He has confirmed that the proposed flooding and drainage works are in accordance with required design and capacity standards.

In respect of Japanese Knotweed, an informative has been added clarifying the legislative framework under which this matter should be addressed.

In respect of the comments on the core path on Darleith Road and other roads matters in respect of Darleith Road, these matters do not form part of the application which has been submitted and are therefore not considered material to the determination of this application.

Officers are content that the concerns expressed by the Community Council, in so far as they are material to this application on drainage and flooding matters, have been properly addressed by the applicant. The Council's flooding advisor is content that the proposals meet required technical standards and no grounds to refuse the current submissions have been identified. In respect of the question of documents being on the public website, all the relevant and material documents are on public access.

The stated concerns on transparency in respect of the Darleith Road access are noted. At time of writing no alternative access arrangement for Darleith Road to that approved by the Reporter has been agreed. All discussions on this matter are via a Pre-Application submission (REF:22/01642/PREAPP). Such discussions are currently confidential in accordance with the normal procedures of the Council.

However, Officers are aware of the local concerns on this matter and will ensure that the Community Council is notified of any submissions made to alter the existing, approved access arrangements on Darleith Road under condition 04 of the permission and will be given the opportunity to submit comments, which will be taken into consideration in evaluating any alternative proposals.

(D) HISTORY:

23/00145/PP – Variation of Condition 2 relative to planning permission in principle reference 18/01444/PP (PP-130-2071) - amendment to wording of Condition 2 in relation to finished floor levels. Application approved at Planning Committee on 25/05/23.

18/01444/PP/ PPA-130-2071– Removal of Conditions 4 and 5 and variation of condition 7 of planning permission in principle 15/01794/PPP (Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works) in relation to roads arrangements.

*(Members are requested to note that this application was subject to Non-Determination Appeal to The Scottish Ministers (DPEA). Members advised that had they been so empowered the application would have been refused at planning Committee. Permission was subsequently granted by appeal on 15th July 2019 under reference: **PPA-130-2071**. It is the conditions associated with this appeal decision/grant of permission that are currently subject to this application to discharge).*

15/01794/PP – Planning Permission in Principle for 'Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works. Granted subject to conditions 26/01/17.

There is associated planning history linked to this site in respect of its inclusion within Local Development Plans as a Housing allocation (Kirkton Farm). The site was included as a Housing Allocation within LDP 2015 as Housing Allocation site H2002 and has been included in LDP 2 as Housing Allocation Site H2002. Therefore as well as historic planning permission having been granted in principle for the development of the site in 2015 by the

Council, the site forms part of the housing land supply supported by the Local Development Plan.

(E) PUBLICITY:

Regulation 20 Advert Major Application – Expiry date- 13th April 2023

(F) REPRESENTATIONS:

(i) Representations received from:

At the time of writing this report 91 objections and 10 representations have been received in relation to this application for AMSC. A list of representees is attached to Appendix B.

Copies of the objections/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. Jackie Baillie MSP has forwarded concerns on behalf of a resident who has contacted her but has not raised objection herself.

Members are requested to note that many of the objections either wholly or in part, relate to matters associated with the Darleith Road access arrangements approved under condition 04 of the appeal decision by the Reporter (REF: PP-130-2071). For clarity, the decision issued by the Reporter in allowing the development does not require the submission of any further AMSC details in respect of condition 04 as the access arrangements along Darleith Road have been approved.

Members are requested to note that no matters related to the approved Darleith Road access arrangements form part of this AMSC application, and therefore such objections/concerns are not relevant to the current submissions before members.

(ii) Summary of issues raised- the concerns and general comments raised are summarised within the various themes below:

Comments/Objections received in relation to Condition 4 and approved Darleith Road Access arrangements

- wholly impractical, on vehicular access grounds
- object on the grounds of public health and safety if the condition is not complied with
- development includes third party land with the owner not willing to allow the works to occur
- Formation of the three parking spaces on western side of Darleith Road would entail major construction, environmental damage with huge tree loss and require further upkeep paid for by the council.
- Point 2 of the approved access requires third party land on the eastern side of Darleith Road and previous correspondence from the applicant states "it is clear the access to the site cannot be achieved in terms of the conditions attached to the original consent."

- A single track road is inappropriate for a development of this size
- No segregation or places of safety for other non-motorised road users.
- Conflict between the Core Path Plan and this proposal using Darleith Road
- Application does not include any information on the Darleith Road improvements.
- The road is well used by walking, horse-riding and cyclists and the proposal would increase safety impacts.
- Geometry of Darleith Road provides poor visibility
- Concern regarding the lack of a resolution between the potentially dangerous access route between Mill Road and the west site entrance.
- Works to Darleith Road will undermine the road stability, leading to a potential road collapse due to the flooding erosion to the west.
- Darleith Road is used by timber lorries, farm traffic and traffic to the existing houses. This proposal will worsen the safety.
- Council have removed Condition 4 which was to ensure improvements would be made to Darleith Road.
- The public should be allowed to pass comment on the remits of Condition 4.
- Darleith Road cannot be widened
- The painting of give-way markings is considered an inadequate traffic calming measure.
- Darleith Road is unsuitable as the access to the development

Impacts on the Core Path

- 120 new homes, with parking for 338 cars mean an increased volume of traffic using Darleith Road which is a core path could cause adverse safety impacts on the public exercising access rights.

Comments on Road Safety

- Development would increase pressure on the road network of the village, in particular Darleith Road, and Muirend Road (as the only other exit onto the Min road)
- Darleith Road is unsuitable for any more traffic.
- The development traffic in addition to school traffic would make the area congested and noisy
- Unacceptable that Darleith Road includes no footway provision
- Concern for road safety due to construction traffic
- Barr's Road has parked cars and the increase in traffic is a safety concern
- Proposal is contrary to LDP road policies due to a lack of a separate public footpath provision
- Barr's road and Darleith road are unsuitable for the increase in vehicular traffic
- Query as to why the site plan shows a "future link provision" from the internal vehicle route near to Barr's Road and the private track.
- Queries regarding the traffic survey collected and the methods used.
- No suitable access to the development

Officer Comment: The AMSC submission before the Council is to discharge conditions 2,3,6,7,8,9,11,12,13,15, 16 and 17 of consent 18/01444/PP (DPEA REF: PP-130-2071) and do not relate to condition 04. Therefore objections/concerns related to condition 04 matters (Darleith Road Access arrangements) are not relevant to the matters which form part of this AMSC application and are therefore not material to its consideration,

That the applicant wishes to discharge the conditions relating to primarily onsite layout, landscaping and the access arrangements for Barr's Road, as is required by the permission is a matter of planning process.

Road safety concerns which are not connected to condition 04 and which relate the internal layout of the scheme and works proposed at Barr's Road, and general roads safety associated with the construction of the development are addressed in the commentary associated with the relevant layout conditions within the Report.

Comments on Flooding and Drainage

- Concern that the additional single SUDS is not enough capacity to deal with the surface water arising from the development.
- Concern regarding surface water arising from the proposal being offset to the lower part of the village causing adverse impacts
- Proposal would exacerbate existing drainage infrastructure problems within the area.
- Concern that the proposal would exacerbate flooding issues in the area
- Queries relating to the flooding statements included within the supporting documentation.
- Climate change must be considered.
- Query regarding whether the existing network between the site and the public waste water treatment works have the capacity to accommodate the development waste.

Officer Comment: The application is supported by the necessary technical information on such matters. The Council's flooding and drainage advisor is content that the submitted details submitted comply with necessary technical standards.

Comments on Waste

- Query regarding the positioning of the refuse collection point location and whether the van would drive up the Private Drive to access it.

Officer Comment: A layout plan showing bin store and collection locations has been provided and Roads and amenity services raise no concerns over this.

Comments on Biodiversity

- Geilston Gardens is a haven for wildlife- has the impact of the development taken account of the ecosystem?
- The applicant should be made aware of Japanese knotweed close to the drainage channels in the southeast corner of the site.

Officer Comment: The Council's Biodiversity advisor raises no objection to the proposals and is content that the biodiversity requirements have been properly addressed. Officers are content that the scheme is compliant with biodiversity objectives and the Council's Biodiversity Action Plan and that no adverse impacts upon Geilston Gardens will occur. An informative in respect of Japanese Knotweed is proposed as this is controlled under other legislation.

Comments on Archaeology

- Note that the recent archaeology survey report recommended further assessment.
- This is an area of archaeological significance and the remains of a later prehistoric enclosed settlement have been discovered, which would be destroyed by the development.

Officer Comment: WOSAS have confirmed that they are content with the condition discharge submissions.

Comments on Construction

- Construction will cause noise pollution affecting the residents of the area.
- Concern regarding construction traffic impact access to adjacent properties

Officer Comment: It is unavoidable that some noise and disturbance will be caused to some residents during construction. This is an unavoidable consequence of building new development near to existing houses and is not a matter which would warrant the refusals of the current AMSC submission on what is an allocated housing site. The transient nature of any disturbance is considered to be vastly outweighed by the benefits of providing new housing, both market and affordable given the Housing Emergency.

Comments on School and Infrastructure

- How will the school cope with the additional pupils/ School is at capacity
- Car parking within village and railway will need to be increased.
- Scale of development is too big for the site and location.

Officer Comment: This is a long standing housing allocation site where planning permission has already been granted. The development is of an appropriate scale and density for the site and meets all council standards within LDP 2015. Indeed, the number of units proposed, at 120, is below the nominal allocation number of 158 units and planning permission has already been granted for the development of the site.

Comment on the substation

- Concern regarding the proximity of the proposed substation to the residential dwellings outwith the site and the impact on health and amenity.

Officer Comment: This is not considered to be a matter of any substantive planning weight. Safety associated with the operation of substations is not a matter for the Planning Authority but for the relevant power company and power licensing organisations.

Comments on Procedure

- Neighbour notifications should have been sent to more than 14 residencies.
- Request for a public meeting.
- Why is condition 4 not subject to public scrutiny

Officer Comment: The Council has no powers to alter the decision notice or change the removal of condition 04 from the requirement for an AMSC submission as the Reporter has determined such a further formal submission is not required. The Council has acted in accordance with Planning Procedures, and in compliance with the terms of the appeal decision. The Council must follow proper procedures and cannot depart from this to favour one party or another.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|--------------|----------------------------------------------------------------------------------------------|-----|
| (i) | Environmental Impact Assessment Report: | No |
| (ii) | An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A Design or Design/Access statement: | Yes |

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

The application is supported by the following technical information:

- Drainage Impact Assessment
- Biodiversity Net Gain Strategy and checklist
- Agent analysis against relevant NPF4 policies
- Submission of a Statement of Community Benefit and Cala Community Pledge document, 11th April 2023.

(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 \(Adopted 13th February 2023\)](#)

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 12 – Zero Waste

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 20 – Blue and Green Infrastructure

NPF4 Policy 21 – Play, Recreation and Support

NPF4 Policy 22 – Flood Risk and Water Management

Argyll and Bute Local Development Plan 2 (Adopted 2024)

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

- Policy 05 – Design and Placemaking
- Policy 06 – Green Infrastructure
- Policy 08 – Sustainable Siting
- Policy 09 – Sustainable Design
- Policy 10 – Design – All Development

Connected Places

- Policy 32 – Active Travel
- Policy 33 – Public Transport
- Policy 34 – Electric Vehicle Charging Points
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision

Sustainable Communities

- Policy 55 – Flooding
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 62 – Drainage Impact Assessments
- Policy 63 – Waste Related Development and Waste Management

Homes for People

- Policy 64 – Housing Development on Allocated Sites
- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing
- Policy 68 – Housing Greenspace

High Quality Environment

- Policy 73 – Development Impact on Habitats, Species and Biodiversity

(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
- Approved Planning Permission and Planning History
- ABC Technical Note – Biodiversity (Feb 2017)
- ABC Housing Needs and Demand Assessment
- ABC Housing Emergency Statement

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

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

PAC is not required for AMSC applications.

(M) Has a Sustainability Checklist been submitted: Yes

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

(O) Requirement for a pre-determination hearing: No

The AMSC submissions made by the applicant are considered to be in accordance with necessary technical standards and will result in an attractive housing development in accordance with plan policies. Many of the objections which have been lodged are related to the approved access arrangements on Darleith Road. This does not form part of the application before Members, and in such circumstances it is not considered that a hearing will add value to the consideration of this AMSC application.

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

(P)(ii) Soils

Agricultural Land Classification:

Class 3.2

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
 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
(tick all relevant boxes)

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield (Allocated Housing Site H2002)

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 2 Allocations/PDAs/AFAs etc:

ABC pLDP2 Settlement Strategy
(tick all relevant boxes)

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt (Allocated Housing Site H2002)

The site is allocated within LDP 2 for housing development under allocation H2002.

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

This application is for approval of matters specified in conditions following a permission in principle granted at appeal by a Reporter. This is effectively a formalised system for discharging conditions referenced as Approval of Matters Subject to Conditions (AMSC).

Third party representations have been considered in the processing of this AMSC application insofar as they relate to the details of the submission. Those which question the principle of development or question the suspensive planning conditions attached to the Planning Permission in Principle, or relate to road safety concerns associated with Darleith Road are not material to the determination of the application before Members.

All of the conditions which require the submission of further information by means of an AMSC have been satisfied by this single application. Following amendments to the proposals in respect of layout and landscape integration, officers are satisfied that the details submitted are acceptable and it is therefore recommended that AMSC approval is granted for discharge of conditions: 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16, and 17. No competent reason to object to the approval of the conditional submissions has been identified.

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

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

The information submitted in respect of each condition is considered acceptable, and satisfy the conditions attached to the planning permission in principle.

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

Not applicable.

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

Author of Report: David Moore **Date:** 4.03.24

Reviewing Officer: Sandra Davies **Date:** 7.03.24

Fergus Murray
Head of Development & Economic Growth

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00144/AMSC
(Copy conditions into Uniform Decision Tab) (Refer to Standard Conditions
Document)**

Approved Details and Instructional Conditions:

AMSC - Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 30.01.23, supporting information and, the approved drawings listed 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.

Location Plan: 00289 LP-01
Planning Layout & (Schedule of Accommodation)SOA: 251022 Rev I
2 Bed Semi / End Terrace: AFF-ET-2B PD1
2 Bed semi / Mid Terrace: AFF-MT-2B PD1
3 Bed semi / End Terrace: 3B5PET-PD1.2 Rev A
3 Bed Semi / Mid Terrace: 3B5PMT-PD1.2 Rev A
Quarter Villa - Semi Detached: QV-PD1.1-ET1 Rev C
Ramsey - Detached RAM-PD1.2 Rev H
Ranald IC – Detached RAN-PD1.2-IC Rev I
Ranald SE – Detached RAN-PD1.2-SE Rev I
Bryce – Detached BRY-PD1.2 Rev G
Colville COL-PD1.2 Rev D
Crichton – Detached CRI-PD1.2 Rev E
Darroch – Detached DAR-PD1.2 Rev F
Dewar – Detached DEW- PD1.2SE Rev H
Evan – Detached EVA-PD1.2
Garvie – Detached GAR-PD1.2 Rev E
Kennedy – Detached KEN-PD1.2B2RH Rev F
Lewis – Detached LEW-PD1.2H Rev G
Logan – Detached LOG-PD1.2 Rev E
Moncrief – Detached MON-PD1.2 Rev G
Brodick – Detached BRO-PD1 2 Rev A
External Finishes Layout 00289 EF-01 Rev E
Development Phasing Plan 00289 PL-05 Rev A
Bin Storage and Collection 00289 PL_02 Rev D
Landscape Layout and Planting Plan (Sheet 1 of 2) 2063/03 Rev E
Landscape Layout and Planting Plan (Sheet 2 of 2) 2063/04 Rev E
Planting Plan (Sheet 1 of 5) 2063/05 Rev E
Planting Plan (Sheet 2 of 5) 2063/06 Rev E
Planting Plan (Sheet 3 of 5) 2063/07 Rev E
Planting Plan (Sheet 4 of 5) 2063/08 Rev E
Planting Plan (Sheet 5 of 5) 2063/09 Rev E
Cardross Play Area 00289 PL_04 Rev 0
Horizontal Geometry 22217-100-100 Rev F
Northern Cut Off Ditch Details 22217-500-104 Rev D
SUDS Basin Details 22217-500-105 Rev F
Drainage Maintenance Regime 22217-500-106 Rev F
Overland Flow Route 22217-500-109 Rev C
Outline Traffic Calming Along A814 22217-SK-17 Rev D
Swept Path Analysis (Refuse) 22704-SK-02 Rev F
Swept Path Analysis (Fire) 22704-SK-03 Rev F

Preliminary Site Levels (300mm FFL Raise) 22704-SK-04 Rev K
 Drainage Layout Sheet 1 22217-500-100 Rev F
 Drainage Layout Sheet 2 22217-500-101 Rev E
 Surface Water Management Plan 1 Rev E
 Three Pipe System 22217-SK-20B Rev B
 Affordable Housing - Combined Plans and Elevations Sheet 1 00289-AFF_C01 Rev B
 Affordable Housing - Combined Plans and Elevations Sheet 2 00289-AFF_C02 Rev A
 Brodick Handed 22 PD1 2H Rev A
 Bryce Handed BRY-PD1 2H Rev G
 Cleland Handed CLE PD1 2H Rev F
 Close Coupled Substation GTC E SS 0011 R2 1 (1 of 1)
 Colville Enhanced Stone COL PD1 2 Rev E
 Colville Enhanced Stone Handed COL PD1 2H Rev E
 Crichton Handed CRI PD1 2H Rev E
 Darroch Handed DAR PD1 2H Rev F
 Evan Handed EVA PD1 2H
 Garvie Handed GAR PD1 2H Rev E
 Kennedy Handed PD1 2verB2RH Rev F
 Lewis Handed LEW PD1 2H Rev G
 Logan Handed LOG PD1 2H Rev E
 Moncrief Handed MON PD1 2H Rev G
 Ramsay Handed RAM PD1 2H Rev H
 Driveway Visibility Splay 22217-SK-24 Rev E
 Driveway Swept Path Analysis 22217-SK-25 Rev A
 Barr's Road Traffic Calming Proposals 22217-SK-31 Rev A

Approved Supporting Documentation and Technical Reports

Scheme for affordable housing	(27.01.23)
Drainage Strategy Report Issue 3	(07.07.23)
Planning Condition 11 Memo (Cut off ditch)	(27.01.23)
Archaeological Field Evaluation (AFE)	(27.01.23)
Site Waste Management Plan	(27.01.23)
Geilston Burn Flood Study RP 4 22217 Issue 2	(07.07.23)
RSA Letter Darlieth Rd Cardross	(27.07.23)
Landscape Planting and Maintenance	(27.01.23)
Biodiversity Statement (Updated)	(06.03.24)
Statement of Community Benefit	(26.10.23)
Cala Community Pledge	(26.10.23)
Biodiversity Measures Checklist	(26.10.23)
Barr's Road Roads Safety Audit (RSA) (5423)	(26.10.23)
Biodiversity Memo	(31.01.24)

- 2 Unless otherwise agreed, the play area shall be completed and brought into use within 6 months of completion of the final unit.

Reason: In order to secure the provision of an equipped play area within the development in accordance with the minimum standards are set out in the Local Development Plan.

3. Unless otherwise agreed, planting and landscaping associated with each phase shall be completed by the end of the planting season following the completion of each phase as shown on the approved Build Route and Development Phasing Plan. All other landscaping which falls outwith the phased areas shall be completed by the end of the planting season following the completion of development. Any landscaping which fails

to become established, which is diseased, dies or is removed, shall be replaced in the following planting season with equivalent numbers and species as those originally required to be planted.

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

- 4 All landscape works/ maintenance shall be carried out in accordance with the methodology and objectives set out in the submitted Biodiversity Statement (06.03.24).

Reason: To ensure the long term management of the landscaping and communal areas continue to protect and promote biodiversity improvements inherent in the details being approved.

NOTE TO APPLICANT

- This permission should be read in conjunction with the terms and conditions of the Planning Permission in Principle to which it relates (PPA-130-2071) and permission 23/00145/PP in which permission variation in the height of floor levels was approved as part of a Section 42 application. Officers advise that there will be a requirement to implement and approved development under a single approved permission.
- This permission will last for **two years** from the date of this decision unless the development has been started within that period. In the event that the requisite approval of different matters relating to the Planning Permission in Principle are sought and approved at a later date, then the time period for expiry of this permission would then run concurrently with that of any subsequent decision. [See section 59 of the Town and Country Planning (Scotland) Act 1997 (As Amended).]
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by non planning legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are therefore advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work and, if found, to formulate plans to control or eradicate it within the terms of related regulation... A link to good practice and Legislative controls is set out in the links below;

[Guidance for gardeners on invasive or harmful plants | Argyll and Bute Council \(argyll-bute.gov.uk\)](#)

[Scotland » NNSS \(nonnativespecies.org\)](#)

APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/00144/AMSC
Assessment of Condition Submissions	

The current AMSC application seeks to discharge conditions: 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16, and 17.

Below each condition which requires to be discharge is listed and a short Officer evaluation of the submissions is provided, together with a recommendation on whether Officers recommend that the condition should be discharged.

2. Condition No. 2

2.1. Condition No.2 states:

2.1.1. *“Pursuant to Condition 1 – no development shall commence in respect of any individual plot until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum location outwith the application site. These levels shall be at least 0.3 metres to 0.6 metres above finished ground levels. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements established by policies SG LDDP TRAN 3 and SG LDP HOUS 2.”*

2.1.2. *Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.*

2.2. **Siting:** The layout has been altered from the indicative layout presented at the outline stage due to the topography of the site. The amended layout comprising 120 houses is below the indicative number of units within the site allocation within LDP 2 where 158 units are allocated. It is considered by Officers that this less dense layout is more sympathetic to the transitional nature of the site from the urban edge of Cardross to the more rural environs of its locality to the North West and East. An alteration to the initial layout on the eastern edge of the site was requested by Officers as the site fronts Barr’s Road.

2.3. The previous line of 8 properties facing Barr’s Road on the eastern edge of the site road (as set out in the original layout submitted) were considered to represent a potential road safety risk by the Area Roads Engineer. In addition, Planning Officers considered that the design presented a hard and unsympathetic suburban edge to the site which would appear discordant and out of context. The amended layout has both softened this edge and allowed for more comprehensive landscaping to be accommodated along this eastern edge, whilst also addressing road safety concerns. The amended layout is therefore considered to be an improvement in terms of placemaking objectives and also road safety matters.

2.4. Necessary formal and informal open space and plot ratio standards have been met by the revised layout. In respect of adhering to placemaking objectives, Officers would comment as follows:

- **Development should (3.1) ‘respect existing landforms and development patterns, and the amenity of other dwellings. Southerly aspect and shelter should be**

maximised. Clues can often be gained from old houses as to the best orientation for a new building, relative to shelter and aspect.'

Officers consider that the layout proposed respects the characteristics of the site and facilitated an acceptable integration of the development into its locality. The development will not adversely impact the amenity of any adjoining residential dwellings and will in officers' opinion represent a high quality and acceptable development within its local context.

- **Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.**

The local area has a variation of development styles and densities of development. The proposals is considered to represent an attractive and appropriate density and layout. The proposals will not adversely impact on any historic features or views of sensitive landscape. It should also be acknowledged that this is an identified housing site and the density of the proposed scheme is below that allocated in the LPD providing a more spacious and landscaped scheme to assist integration at this transition from town to countryside.

- **Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections of urban-style roads, pavements and lighting are best avoided.**

The proposals are directly connected to existing development to the south and proposed new development to the west. The dwellings along Barr's Rd will take access from an existing low traffic road which provides through access to residential and farm users. The proposals include improvements to Barr's Road, with traffic calming measures, improved road surfacing, and provision of pedestrian footways connecting the development into the wider development to the west. The Area Roads Engineer is content that the revised proposals represent a safe and technically compliant layout for pedestrians and road users.

- **Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.** There are no neighbouring uses that are incompatible with the proposed pattern of residential development. No defined local character has been found and the proposals is considered to represent an acceptable density and layout for the site and its environs. All houses will be constructed to modern energy efficiency standards as required by the Building Regulations.

- **Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.** The proposals are consistent with housing types, colour, materials, plot densities and sizes found in the immediate area which has no defined or dominant characteristics. The direct connectivity between existing residential development and the proposals will ensure excellent integration with the surround context and reflected the allocated site within the LDP having good access to facilities and integration with the existing settlement.

- **Proposed external material finish:** Three colours of render are proposed. The render is wet dash render coloured Stratherm Carilse (a reddish render), Stratherm Kenal (an oatmeal colour) and Stratherm Torbay (a cream colour). Cast iron effect ogee gutters;

Cupa slate roofs, Oak external doors, two pane uPVC Windows, Keinton square dressed stone for front bay detailing are proposed. It is proposed that there be solid mullions between the two vertical windows. The details provided will in Officers opinion provide attractive external finishes for the homes and are therefore acceptable.

- **Levels:** The requirements of condition 02 in respect of the indicated levels within this condition are confirmed by submission to have been met. Acceptable levels details were submitted which meet the minimum height standards and accord with DDA and therefore this element of the development is considered acceptable.

2.5. The proposed details submitted in respect of Condition 2 are considered to be acceptable and this condition has been satisfied.

3. Condition No.3

3.1. Condition No.3 states:

3.1.1. *“Pursuant to Condition 1 no development shall commence until a scheme for the provision of affordable housing that is in accordance with the provisions of the Council’s Development Plan Policy and Supplementary Guidance on Affordable Housing has been submitted to and approved in writing by the Planning Authority. The scheme shall include:*

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;*
- b) Define those dwelling that are to be used as affordable homes;*
- c) Established the timing of the provision of the affordable homes relative to the phasing of the development, which shall ensure that works on the last 25% of those approved dwellings that are not affordable homes are not commenced until the affordable homes have been completed for occupation;*
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers.*

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

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

3.2. The details provided indicate that of the 120 houses proposed 30 of these will comprise affordable housing units. This is in accordance with the requirements of the condition and council policy. In respect of the phasing of the construction of the units and compliance with the requirements of the condition. It has been clarified in the Planning Statement Submission Dated January (Paragraphs 4.11 – 4.13) submissions that;

..work will not commence on the 75th Private unit until the 30no. Affordable Housing units have been completed for occupation..

Dunbritton Housing Association is the allocated Registered Social Landlord (RSL) for the site and they have confirmed that the proposed affordable provision satisfies their requirements, and that the programme of delivery as illustrated on Build Route and Development Phasing Plan 00289 PL-03 is acceptable. This is further detailed in the accompanying Scheme for Affordable Housing letter from Dunbritton Housing Association. It is therefore considered that the criteria of condition 3 are satisfied.

Officers are content that this ties the phasing and affordable housing provision commitments together in an appropriate manner.

3.3. . This condition is considered to be satisfied.

4. Condition No.6

4.1. Condition No.6 states:

4.1.1. *“Pursuant to Condition 1- no development shall be commenced until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter the schemes shall be carried out in accordance with the approved details. Such details shall incorporate:*

- i) *On the A814 Main Road, Cardross, a scheme to enhance the gateway features in both directions at the entrances into Cardross village to be fully implemented in accordance with these details prior to occupation of the first dwelling house.*
- ii) *On the A814 Main Road, Cardross, within the village envelope a scheme to enhance traffic calming to be fully implemented in accordance with these details prior to occupation of the first dwelling house.*

4.1.2. *Reason: In the interests of road safety.*

4.2. The details in pursuant to this condition have been submitted and are considered by the Area Roads Engineer to be acceptable.

4.3. Therefore the requirements of Condition 06 are considered to have been satisfied

5. Condition No.7

5.1. Condition No.7 states:

“ Pursuant to Condition 1 – no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the Planning Authority. The development layout shall ensure that no more than 20 dwelling houses will be served from the east access i.e. via Barr’s Road. All other vehicular traffic will be required to access the development site from Darleith Road. The internal roads shall be constructed in accordance with the principles of Designing Streets.”

5.1.1. *Reason: In the interests of road safety and good placemaking.*

5.2. Members will note that the Area Roads Engineer was not content with the original Barr’s Road frontage layout in the originally submitted layout from a road safety stance. Through discussions both the housing layout and traffic calming have been altered to accord with the requirements of the Area Roads Engineer. The revised layout has six houses being served from Barr’s Road and enhanced traffic calming and pedestrian safety measures at the footpath access and egress as this will be the main pedestrian route in and out of the site to school, shops and the train station/main bus routes.

5.3. The proposals are therefore considered to be in accordance with this condition.

6. Condition No.8

6.1. Condition No.8 states:

“Pursuant to Condition 1 – Car parking provision shall be provided in accordance with the Argyll and Bute Council Supplementary Guidance Policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.”

6.1.1. Reason: *In the interests of road safety.*

6.2. The Area Roads Engineer has confirmed that the car parking provision, including those for visitors required by LDP 2 within the submitted layout is in accordance with required standards.

7. Condition No.9

7.1. Condition No.9 states:

7.1.1. *“Pursuant to Condition 1 – no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions. This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on site are confirmed, proposals for their preservation shall also be included.”*

7.1.2. Reason *In order to protect archaeological resources.*

7.2. An Archaeological Field Evaluation has been submitted in pursuant to this condition. The West of Scotland Archaeological Service, confirms that the field work required on site has been completed, and the required post excavation and publication work is now secured. As no further archaeological work is required for this development, the condition can be satisfactorily discharged.

8. Condition No.11

8.1. Condition No.11 states:

8.1.1. *“Pursuant to Condition 1 – no development shall commence until the following details have been submitted to and approved in writing by the Planning Authority:*

- i) Details of the proposed cut off ditch (or similar) to be located along the northern border of the site, along with calculations demonstrating that this proposed mitigation measure will not exacerbate flooding elsewhere;*
- ii) The existing flow pathway in the vicinity of the sewer line shall be maintained;*
- iii) A detailed drainage assessment and layout;*
- iv) Method Statement detailing the surface water containment during construction.”*

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

8.1.2. The details in pursuant to this condition have been supplied with necessary design details and engineering calculations. The Council's Flood Risk Advisor has reviewed the submissions and has advised that he considers they meet required technical standards.

8.1.3. The concerns expressed by the Community Council on drainage have been put to the Council's expert advisor following their objections. His advice remains that the submitted proposals are in accordance with necessary technical standards. The submitted details are therefore considered acceptable and the condition can therefore be discharged.

9. Condition No.12

9.1. Condition No.12 states:

"Pursuant to Condition 1 – full details of the proposed SUDs shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall commence in accordance with these details. These details shall include:

- i) Full details of the proposed design and appearance of the SUDs facility to be designed in accordance with CIRIA C753;*
- ii) Detailed design calculations for this facility;*
- iii) Details of the proposed drainage of the SUDs facility;*
- iv) Details of the proposed maintenance regime and maintenance responsibilities for the SUDs facility;*
- v) Soil information to be provided if infiltration SUDs are proposed."*

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

9.1.1. The details in pursuant to this condition have been supplied with necessary design details and engineering calculations. The Council's Flood Risk Advisor has reviewed the submissions and has advised that he considers they meet required technical standards. The submitted details are therefore considered acceptable and the condition can therefore be discharged.

9.2. Regarding maintenance, the Flood Risk Advisor confirms that the proposed maintenance regime and responsibilities as outlined within the supporting information are acceptable.

10. Condition No.13

10.1. Condition No.13 states:

"Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;*
- ii) Existing landscaping features and vegetation to be retained;*
- iii) Location, design and materials of proposed walls, fences, and gates. This shall include details of a secure boundary between the application site and the disused quarry on the south west corner of the site;*
- iv) Proposed soft and hard landscaping works including the location, species, and size of every tree/ shrub to be planted;*
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;*

- vi) *The proposed landscape plan shall take account of the Design Recommendations (para 4.8) contained within the applicant's supporting Landscape Report dated June 2015, undertaken by Ann Nevett.*

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority. Any trees/ shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing the Planning Authority.

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

10.2. Detailed landscaping and planting plans have been submitted. These show that a large number of new trees are proposed to be planted on the site. Following the contractor's period for maintenance the supporting landscape information notes that a management company will be set up to take care of the long term maintenance.

10.3. The landscaping scheme and overall strategy is also a vital component in providing biodiversity opportunities associated with the development. The initial landscaping scheme was considered acceptable by the biodiversity Officer, however officers considered that as part of the redesign of the Barr's Road frontage, that there were opportunities for further enhancement associated with the redesign of the eastern boundary to meet the objectives of the updated Biodiversity Strategy which clarified that the landscaping proposals were designed to facilitate the

- Creation, maintenance, and enhancement of indigenous hedgerows for biodiversity;
- Creation and maintenance of amenity hedgerows for biodiversity;
- Creation, maintenance and enhancement of woodland, scattered trees, and shrubs for biodiversity;
- Creation and maintenance of wildflower meadows for biodiversity;
- Creating early and continuing sources of nectar for pollinators through planting;
- Providing and maintaining hibernacula for a wide range of species;
- Installation of hedgehog highways for biodiversity;
- Creation and maintenance of SuDS ponds for biodiversity;
- Creation of wildlife kerbs adjacent to gully pots; and
- Use of wildlife friendly lighting.

10.4. The submitted details are considered to meet these objectives. Members will note that an instructional condition requiring that the future maintenance of the landscaping and wildlife areas continues in accordance with the terms set out in the Biodiversity Strategy has been proposed to ensure the longer term maintenance of these landscape features in accordance with biodiversity objectives.

11. Condition No.15

11.1. Condition No.15 states:

- 11.1.1. *"Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play areas(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:*

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

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

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

11.2. The submitted site plan identifies three dedicated communal open space areas and one equipped play area, located centrally within the development. The locations of the communal areas and play area benefit from passive surveillance by fronting properties and provides a total of 2,140sqm of communal open space and 730sqm of equipped play space which exceed policy requirements. Officers were however of the opinion that the original play equipment proposed did not reflect the more natural equipment currently being used which promotes play to a wider range of children and allows older children more play opportunities. The applicant has amended the submitted play area details to accord with these views. This is considered by officers to now reflect modern design objectives and is considered to be acceptable.

11.3. The submitted Landscape Maintenance Information establishes the provision for the on-going retention and maintenance of communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for dealing with defects. The applicant has advised that this will be undertaken through a Factor or Management Agent appointed by the developer prior to completion of the development in accordance with normal practice for such developments. Taking account of the above, it is considered that condition no. 15 can be discharged

12. Condition No.16

12.1. Condition No.16 states:

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

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

12.2. The details in pursuant to this condition identify in curtilage and communal waste storage and safe collection points for refuse vehicles. A swept path analysis for refuse vehicles confirms are able to safely manoeuvre within the site to the collection points. Details have been submitted and the Area Roads Engineer has advised that these are acceptable. There for the condition can be discharged.

13. Condition No.17

13.1. Condition No.17 states:

“Pursuant to Condition 1 – no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

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

13.2. A Site Waste Management Plan has been submitted in pursuant to Condition No.17 which aims to: *minimise the creation of waste, appropriately manage any waste created to achieve legal compliance and a reduction in waste going to landfill, identify waste for re-use or recycling and set targets for improvement, and continual review of waste practices. The site waste management plan is to be adhered to throughout the construction period of the development.*

13.3. The procedures set out in this plan are considered by officers to be in accordance with best practice and will minimise waste and both the export and import of materials to the site. The submitted Waste Management plan is therefore considered to be acceptable and the condition has been satisfied.

Appendix B
Representations in relation to 23/00144/AMSC

Objection

Alec Major 41 Hillside Road Cardross G82 5LU
Alexandra Easton 10 Napier Avenue Cardross Argyll And Bute G82 5LY
Anthony Amato-Watkins The Stables Barrs Road Cardross Dumbarton Argyll
And Bute
Avril Williams Kirkton Farm Cottage Darleith Road Cardross Dumbarton
Brian Craven 1 Kilmahew Grove Cardross Dumbarton Argyll And Bute
Candy Lee The Stables Barrs Road Cardross Dumbarton
Carol Murray No Address Provided.
Carol Murray (Borrowfield) No Address Provided
Caroline Forbes Barrs Road Cardross
Charles Morrish 7 Kilmahew Avenue Cardross Dumbarton Argyll And Bute
Charlotte Francoz Hillview Darleith Road Cardross Dumbarton
Chris Moore 17 Napier Avenue Cardross Dumbarton Argyll And Bute
Christine A Nevin 32 Hillside Road Cardross Dumbarton Argyll And Bute
Claire Blackwood Kirkton Cottage Darleith Road Cardross Dumbarton
Claire McGonagle Address Not Provided.
Colin Clarke Barbain Church Avenue Cardross Dumbarton
Corrie Smith 8 Riverview Crescent Cardross G82 5LT
David Galloway No Address Given
Dawn Brown 11 Mill Road Cardross Dumbarton Argyll And Bute
Donald John Mac Innes 1 Barrs Court Cardross Dumbarton Argyll And Bute
Duncan Gregory Middle Lodge Drumhead Darleith Road Cardross Dumbarton
Argyll And Bute
Edmund Wardle Drumhead Darleith Rd Cardross
Eileen Murray 6 Napier Avenue Cardross Dumbarton Argyll And Bute
Elaine Lafferty No Address Provided
Elizabeth Gregory Middle Lodge Drumhead Darleith Road Cardross
Dumbarton Argyll And Bute
Elspeth Gibb No Address Provided
Emily Howell No Address Provided
Emma Mcpherson 32 Barrs Road Cardross Dumbarton Argyll And Bute
Eric Duncan 11A Muirend Road Cardross Argyll And Bute G82 5LQ
Erin Gregory Middle Lodge Drumhead Darleith Road Cardross Dumbarton
Argyll And Bute
Fiona Allyson Preston Darleith Lodge Darleith Road Cardross Dumbarton
Argyll And Bute
Forbes Hart Barrs Road Cardross
Gary Davidson Inverawe Station Road Cardross Dumbarton Argyll And Bute
Gillian Macdonald No Address Provided.
Grace Morrish 7 Kilmahew Avenue Cardross Dumbarton Argyll And Bute
H Munro 12 Borrowfield Cardross Dumbarton Argyll And Bute
Henry Boswell Darleith House Darleith Road Cardross Dumbarton Argyll And
Bute
Henry Sweeney Upper Grayfriars Darleith Road Cardross Dumbarton Argyll
And Bute

Ian Fleming 1 Kilmahew Avenue Cardross Dumbarton Argyll And Bute
Isabel S Cullen No1 Cottage Brooks Road Cardross G82 5HD
Jackie Baillie 11 Castle Street Dumbarton G82 1QS
Jay Thundercliffe No Address Provided
Jean Senior 107 East Princes Street Helensburgh Argyll And Bute G84 7DN
Jean Veitch 3 Barrs Court Cardross Dumbarton Argyll And Bute
Jennifer Mansley Kirkton Granary Darleith Road Cardross Dumbarton Argyll
And Bute
Joanna Boswell Darleith House Darleith Road Cardross Dumbarton Argyll
And Bute
John Hamilton 7A East Argyle Street Helensburgh Argyll And Bute G84 7RS
John Watkins Darleith Stables House Darleith Road Cardross Dumbarton
Argyll And Bute
John Young
John Young 5 Kilmahew Avenue Cardross Dumbarton Argyll And Bute
Julie Lang Ellismhor Darleith Road Cardross Dumbarton
Juliet Lunn Geilston Cottage Main Road Cardross Dumbarton Argyll And Bute
Karen Moriarty Milnholm Darleith Road Cardross Dumbarton Argyll And Bute
Karen Veitch Thomson 5 Burnfoot Cardross Dumbarton Argyll And Bute
Katie Mitchell 5 Kilmahew Drive Cardross Dumbarton Argyll And Bute
Kirstie Dubowski Tigh Na Mara Peel Street Cardross Dumbarton Argyll And
Bute
Linda Scott Laigh Barrs Main Road Cardross Dumbarton Argyll And Bute
Madeleine Badger Green Cottage Darleith Road Cardross Dumbarton Argyll
And Bute
Mark McGhee 32 Muirend Road Cardross Dumbarton Argyll And Bute
Martha Hart Full Address Not Provided
Matthew Scott Laigh Barrs Main Road Cardross Dumbarton Argyll And Bute
Mavourneen Watkins Darleith Stables House Darleith Road Cardross
Dumbarton Argyll And Bute
Melanie Thomson Burnside Cottage Main Road Cardross Dumbarton
Mhairi Cooper 13 Napier Avenue Cardross Dumbarton Argyll And Bute
Mhairi Terrace Westlade North Darleith Road Cardross Dumbarton Argyll And
Bute
Michael Hutcheson 30 Barrs Road Cardross Dumbarton Argyll And Bute
Mr Michael Veitch 3 Barrs Court Cardross Dumbarton Argyll And Bute
Michael Veitch 3 Barrs Court Cardross Dumbarton Argyll And Bute
Michael Veitch 3 Barrs Court Cardross Dumbarton Argyll And Bute
Moirra Craven 1 Kilmahew Grove Cardross Dumbarton Argyll And Bute
Morag Elliott East Lodge Drumhead Darleith Road Cardross Dumbarton Argyll
And Bute
Nicola Craise Glen Cottage Carman Road Cardross Dumbarton Argyll And
Bute
Paul Robb 11 Napier Avenue Cardross Dumbarton Argyll And Bute
Paula Grafton 27 Kilmahew Avenue Cardross Dumbarton Argyll And Bute
Peter McPherson 32 Barrs Road Cardross Dumbarton Argyll And Bute
Philip Barlow Kirkton Cottage Darleith Road Cardross G82 5EZ
R Gerard Lindsay Address Not Provided.
Rob Irving Creran Church Avenue Cardross Dumbarton
Robert Harvey Barrachan Darleith Road Cardross Dumbarton Argyll And Bute

Robert Murray 6 Napier Avenue Cardross Argyll And Bute G82 5LY
Rosemary Wilson High Auchensail Farm Cardross Dumbartonshire G82 5HN
Scott Elliott No Address Provided
Sharon Creasey Quarry Cottage Darleith Road Cardross Dumbarton Argyll
And Bute
Stella Kinloch Craigend Cardross Dumbarton Argyll And Bute
Stephen Allcroft 15 Barrs Road Cardross Dumbarton Argyll And Bute
Stewart Macdonald Kirkton House Darleith Road Cardross Dumbarton Argyll
And Bute
Stewart McKenna Maxwell 2 Kilmahew Court Cardross Dumbarton Argyll And
Bute
Susan Gregory Beacons, Victoria Road Kingsdown Deal CT14 8DY
Tom McNally 16 Robertson Street Glasgow G2 8DS
William Major 41 Hillside Road Cardross Dumbarton Argyll And Bute

Representation

Amanda Murray Drumhead Darleith Rd Cardross Argyll
Andrea Miller Cameron Lodges The Stable Block Cameron House On Loch
Lomond, Dunbartonshire G83 8QZ
Christine Hendry No Address Provided
David Sargent No Address Provided.
Francine Ewen 8 Ritchie Avenue Cardross G82 5LN
Gordon Hendry No Address Provided.
Jackie Baillie Constituency Office 11 Castle Street Dumbarton G82 1QS
Janet Smith 3A Bainfield Road, Cardross, G82 5JQ
Michael Veitch No Address Provided.
Ruth Lightbody 43 Barrs Road Cardross G82 5PR



Location Plan Relative to Planning Application: 23/00144/AMSC



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:	23/01007/PP
Planning hierarchy:	Local
Applicant:	Mr Harvey Lee
Development:	Alterations (Including Removal of UPVC Windows and Installation of New Timber Sash and Case Windows) and Change of Use of Former Hotel to Create Three Studios and Six Apartments for Use as Short-Term Holiday Letting Units
Site Address:	Former Bute House Hotel/Guest House, 4 West Princes Street, Rothesay, Isle of 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

- Change of use of former hotel to create three studios and six apartments for use as short-term holiday letting
- Removal of existing timber sliding sash and case windows and UPVC tilt and turn windows and installation of new timber sliding sash and case windows
- Removal of roof light on north-facing roof slope
- Remedial works to the facades, flashings and guttering

(ii) Other specified operations

- Internal alterations
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be **granted as a minor departure** to Local Development Plan 2 subject to the conditions, reasons and informative notes set out below.

(C) CONSULTATIONS:

Area Roads Engineer (report dated 21st August 2023)

Recommendation of refusal on the following grounds:

- The application does not meet the parking standards set out within the policy of the Council's Local Development Plan. The proposed development requires at least 9 parking bays to be provided, which is unlikely to be achievable.
- It is considered that neither the nearest local public car park nor the streets surrounding the application property are able to accommodate the increase in demand for parking that would result from the proposed development.

Environmental Health Service

No comments received.

(D) HISTORY:

Planning Permission (ref: 12/02183/PP) and Listed Building Consent (ref: 12/02184/LIB) were refused on 19th November 2012 for the replacement of white timber double hung sliding sash and case windows at the subject property with white uPVC vertical sliding sash and case windows.

Planning Permission (ref: 13/01687/PP) and Listed Building Consent (ref: 13/01690/LIB) were refused on 26th September 2013 for the replacement of white timber double hung sliding sash and case windows at the subject property with white uPVC double glazed vertical sliding sash and case windows.

Appeals against the refusals mentioned in the preceding paragraph were dismissed by a Scottish Government Reporter on 13th January 2014.

Part retrospective applications for Planning Permission (ref: 14/02744/PP) and Listed Building Consent (ref: 14/02746/LIB) were refused on 18th December 2015 for the replacement of the white timber double hung sliding sash and case windows at the subject property with white uPVC tilt and turn windows.

An application for Listed Building Consent (ref: 23/01008/LIB) is currently under consideration for the proposed works at the subject property.

(E) PUBLICITY:

Subject of Neighbour Notification (closing date 22nd August 2023) and advertised as development in a Conservation Area (closing date: 1st September 2023).

(F) REPRESENTATIONS:

No representations have been received.

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.

(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

Prepared by the agent, DAS Design Ltd and summarised in the assessment contained in Appendix A below. The document identifies five key design conditions associated with the property and it provides a detailed examination of the strategies and solutions deployed to address each of these conditions.

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

(iv) **A Sustainability Checklist (with reference to the requirements of LDP2 Policy 04):** Yes No

(v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

(H) PLANNING OBLIGATIONS

Is a Section 75 obligation required: Yes No

(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

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

Productive Places

NPF4 Policy 29 – Rural Development

NPF4 Policy 30 – Tourism

NPF4 Annex C

Clyde Mission

Argyll and Bute Local Development Plan 2 (Adopted 2024)

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 10 – Design – All Development

Policy 11 – Design – Conversions and Change of Use

Policy 15 – Supporting the Protection, Conservation and Enhancement of our Historic Built Environment

Policy 17 – Conservation Areas

Diverse and Sustainable Economy

Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities

Policy 24 – Existing Tourism Uses

Policy 25 – Tourism Development Opportunities

Connected Places

Policy 33 – Public Transport Infrastructure

Policy 40 – Vehicle Parking Provision

High Quality Environment

Policy 71 – Development Impact on Local Landscape Area (LLA)

Policy 73 – Development Impact on Habitats, Species and Biodiversity

- (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.**

Consultation Response
Planning History
LDP2 Technical Notes
Argyll and Bute Sustainable Design Guidance 2006
Historic Environment Policy Statement 2019
Historic Environment Scotland – *'Managing Change in the Historic Environment'*
Publications
Technical Working Note – Rothesay Windows (December 2015)

(K) Is the development 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: Yes No

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

Local Landscape Area
Conservation Area
Category C Listed Building

(ii) Soils

Agricultural Land Classification: Built-up Area/Unclassified Land

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

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

(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes No

Does the proposal include any replacement or compensatory planting? Yes No – details to be secured by condition Not applicable

(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield Brownfield Reclaimed by Nature Greenfield

ABC LDP2 Settlement Strategy

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

ABC LDP2 Allocations/PDAs/AFAs etc:

Area for Action (ref: A1001) relating to Rothesay Town Centre/Waterfront with strategic aims for town centre, harbour development and management

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

Planning Permission is sought for the change of use of the former Bute House Hotel/Guest House located at 4 West Princes Street, Rothesay, Isle of Bute into three studios and six apartments for use as short-term holiday letting units. Bute House is currently vacant hotel/guest house (a brownfield site) that is within the main town of Rothesay on the Isle of Bute. This would reinstate the tourist use by adjusting the building to suit recent changes in the hospitality market on the one hand and the limitations of the historic premises on the other.

The building has unauthorised upvc windows that were installed in 2014 and these are to be replaced with high-quality timber, double-glazed, sliding sash and case windows; remedial works are to be carried out to the facades, flashings and guttering of the building; and the roof light on the north-facing roof slope is to be removed and the opening slated over. The proposal would also address the structural issues present in the building.

As such, the key issues are the impact on the principle of development, the impact on the built environment, and access and parking. All other minor issues are considered in the detailed assessment within the Appendix and below is a summary of these key issues.

Principle of Development

The application site is within the settlement area as defined by the Local Development Plan. Both NPF4 and LDP policies presume a favour to redevelopment of empty and vacant buildings. NPF4 Tourism Policy 30 and LDP Tourism Policies 23, 24, and 25 are also relevant in determining the principle of development.

The agent's Design Statement contains a number of points that are applicable to the tourism benefits of the proposal in the context of these policies and can be summarised as follows:

- The application seeks to retain and make efficient use of the historic (but currently vacant) Bute House Hotel/Guest House in a form that is appropriate to the changing needs of the market (i.e. the rise in demand for independent holiday accommodation) and the local economy (i.e. the shortage of modern serviced apartments in Rothesay).
- The application concerns a building that is located in the town centre of Rothesay, in close proximity to the harbour (100 metres) and the frequent ferry links to the mainland. The proposal would, therefore, utilise public transport corridors and further enhance active travel networks i.e. the train line to Wemyss Bay and the ferry connection such that visitors would not need to arrive at the premises by car.
- By proposing the re-use of a hotel/guest house, the scheme would contribute to the local economy either directly by increasing workforce demand in the hospitality sector (e.g. property management; cleaning; laundry services; etc.) or indirectly through visitors using local services and amenities.
- The proposal proposes the reinstatement of a tourism facility that has been vacant for approximately three years and is within a part of the town where there is already an established mix of residential and commercial uses and does not result in the loss of local houses (that would be contrary to NPF4).

Overall the proposal is considered to accord with the tourism policies and would provide high quality visitor accommodation in an accessible, sustainable location.

Impact on the Built Environment

The subject property, which dates from the mid to later part of the 19th century, is a Category C Listed Building that occupies a prominent position in the Rothesay Conservation Area close to the main island ferry terminal and Guildford Square.

The agent has advised that, in the years prior to the acquisition of the property by the current owner, the Bute House Hotel/Guest House had seen a gradual decline and diminishing interest with eventual closure during the Covid pandemic lockdowns.

The proposal involves the removal of all of the existing windows at the property, twenty one of which are white, uPVC, double-glazed tilt and turn windows that were installed in 2014 without the benefit of Planning Permission and Listed Building Consent. These, and the remaining timber fenestration, are to be replaced with high quality, white, two-paned, timber, double-glazed, sliding sash and case windows. Subject to ensuring that there are horns on the new windows (a feature that is present in the existing timber fenestration), this aspect of the application is warmly welcomed.

In line with guidance from Historic Environment Scotland, the works seek to avoid affecting the most significant features of interest on the building and it is considered that the Design Statement provides a cogent justification for the proposal. In addition, the implementation of the development will result in the rectification of a breach of Planning and Listed Building Control.

Having regard to all of the above, the proposal is considered to be acceptable and to preserve the character and appearance of the site in question and this part of the Rothesay Conservation Area.

Impact on Parking and the Local Road Network

Policy 40 of LDP2 states that off-street car and vehicle parking shall be provided for development in accordance with prescribed car parking standards.

There are relatively few properties in this part of Rothesay that have off-street parking so either the public car park in Guildford Square or on-street spaces are utilised. The current application is not proposing the creation of dedicated off-street parking spaces in association with the holiday letting units.

The Area Roads Engineer has recommended refusal on the grounds that the application does not meet the parking standards set out within Policy 40 of LDP2. He states that the proposed development requires at least 9 parking bays to be provided, which is unlikely to be achievable.

Furthermore, he considers that neither the nearest local public car park at Guildford Square nor the streets surrounding the application property are able to accommodate the increase in demand for parking that would result from the proposed development.

There are a number of factors to consider in this part of the assessment:

- In using the standards advocated for a hotel and dwellings that are referred to in Policy 40, there would notionally be nineteen parking spaces associated with the former and eighteen parking spaces catering for the latter. As such, the change of use from a hotel to short-term letting units would result in a notional reduction in demand for parking by one space.
- The premises is accessible by a range of modes of transport: by boat (it is located within 100 metres of Rothesay Harbour and the ferry terminal); by bus (the nearest bus stops are at Guildford Square, approximately 20 metres from the entrance); on foot; by bicycle; and by car.
- The agent has advised that, given that the target market for the serviced accommodation would be pedestrian visitors from the mainland (and further abroad), dedicated car parking provision should be deemed unnecessary in this instance. Those tourists arriving by car could be accommodated by on-street parking as well as public parking provision.
- It is understood that, due to there being no vacant land in the applicant's ownership, there are no options for providing off-street parking in relation to the proposed development.
- The aspirations that are inherent in NPF4 Policy 13 and Policy 33 of LDP2 highlight the importance of walking, cycling and proximity to public transport

links. The agent has advised that storage space for four bicycles together with e-bike charging could be accommodated in part of the ground floor of the building and this can be achieved by condition.

Whilst it is recognised that the proposal does not fully meet the provisions of Policy 40 of LDP2 in terms of off-street parking, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

Conclusion

The proposal has been considered against all the relevant policies and it is considered that significant material weight should be afforded in bringing this hotel back into active use to benefit the Town Centre. The use as self-catering is a diversification of an existing hotel use, which is supported by the tourism policies. Once it is brought back into use, with the windows having been re-instated, it will enhance the Rothesay Conservation Area and having the building in use will also contribute to the economy. It is preferable to have off-street parking but, given that the hotel operated with no dedicated parking and in view of the expected future modal shift towards cycling and walking, it is not considered that lack of off-street parking is a reason for refusal. In conclusion, the proposal, if approved, will successfully contribute to the sense of place and vitality of the Town Centre.

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

(R) Reasons why Planning Permission should be granted

See Section (S) below.

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

Policy 40 of LDP2 states that off-street car and vehicle parking shall be provided for development in accordance with the car parking standards set out in Table 5 on Pages 67 and 68 of the plan.

There are relatively few properties in this part of Rothesay that have off-street parking so either the public car park in Guildford Square or on-street spaces are utilised. The current application is not proposing the creation of dedicated off-street parking spaces in association with the holiday letting units.

The Area Roads Engineer has recommended refusal on the grounds that the application does not meet the parking standards set out within Policy 40 of LDP2. He states that the proposed development requires at least 9 parking bays to be provided, which is unlikely to be achievable.

Furthermore, he considers that neither the nearest local public car park at Guildford Square nor the streets surrounding the application property are able to accommodate the increase in demand for parking that would result from the proposed development.

In the narrative associated with Policy 40, Paragraph 6.24 states that, *“in the Main Towns, there is an acceptance that zero parking provision can be appropriate for certain categories of developments. This is justified on the basis that some types of development are able to function effectively within these central areas without requiring on-site parking, relying instead on central area public car parking provision and the availability of public transport services.”*

As a follow-on from the above, LDP2 refers to the limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones and these include small scale (i.e. up to five) flatted units. This zero parking provision does not apply in this case as the number of proposed units exceeds five and the site is just outwith the identified town centre, although it is considered edge of town centre.

In terms of justifying the proposal as a minor departure from Policy 40, the following material considerations are noteworthy:

- One of the minimum requirements in the car parking standards set out in Policy 40 is that, in association with a hotel, one parking space should be provided for every three members of staff in addition to 1.2 parking spaces for every room within the establishment. In this particular case, as the hotel has fifteen rooms and up to three members of staff, there would notionally be nineteen parking spaces associated with it.

In using the parking standards associated with dwellings that are referred to in Policy 40, the proposed nine units should notionally each have two parking spaces associated with them, which would amount to a total of 18 parking spaces. As such, the change of use from a hotel to short-term letting units would result in a notional reduction in demand for parking by one space.

- The premises is accessible by a range of modes of transport: by boat (it is located within 100 metres of Rothesay Harbour and the ferry terminal); by bus (the nearest bus stops are at Guildford Square, approximately 20 metres from the entrance); on foot; by bicycle; and by car.
- The agent has advised that, given that the target market for the serviced accommodation would be pedestrian visitors from the mainland (and further abroad), dedicated car parking provision should be deemed unnecessary in this instance. He states that occasional visits from tourists with vehicles could be accommodated by on-street parking at West Princes Street as well as the public parking provision at Albert Pier (60 metres to the north-east, it currently has 17 spaces that are free of charge) and Guildford Square (10 metres to the west, it currently has 34 spaces that are chargeable between 9 a.m. and 6 p.m.).
- It is understood that, due to there being no vacant land in the applicant's ownership, there are no options for providing off-street parking in relation to the proposed development.
- The aspirations that are inherent in NPF4 Policy 13 and Policy 33 of LDP2 highlight the importance of walking, cycling and proximity to public transport links. The agent has advised that storage space for four bicycles together with

e-bike charging could be accommodated in part of the ground floor of the building and this can be achieved by condition.

Whilst it is recognised that the proposal does not fully meet the provisions of Policy 40 of LDP2 in terms of off-street parking, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

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

Author of Report: Steven Gove

Date: 4th March 2024

Reviewing Officer: Kirsty Sweeney

Date: 4th March 2024

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01007/PP**Standard Time Limit Condition for Planning Permission (as defined by Regulation)****Standard Condition on Soil Management During Construction****Additional Conditions**

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 22nd May 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 Plan (1:1,000)	Plan 1 of 1	-	23.05.2023
Plans as Existing	Drawing No. 001	-	23.05.2023
Sections & Elevations as Existing	Drawing No. 002	-	23.05.2023
Plans as Proposed	Drawing No. 101	-	24.07.2023
Sections & Elevations as Proposed	Drawing No. 102	-	23.05.2023
Window Schedule	Drawing No. 310	-	24.07.2023
Window Details as Proposed Plan, Elevation and Section	Drawing No. 311	-	24.07.2023

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

2. Unless otherwise agreed in writing with the Planning Authority, prior to the first use of any part of the premises for short-term holiday letting purposes, all of the white uPVC windows identified in red on Drawing No. 002 'Sections & Elevations as Existing' shall be removed and replaced with the timber windows shown in Drawing No. 310 'Window Schedule' and Drawing No. 311 'Window Details as Proposed Plan, Elevation and Section' (as amended by Condition 3 below).

Reason: In order to re-introduce traditional timber fenestration into the building in a timeous manner and to successfully integrate the development with the existing Listed Building and the wider Conservation Area.

3. Notwithstanding the approved plans, and unless otherwise agreed in writing with the Planning Authority, all of the replacement windows hereby approved shall incorporate horn detailing on the exterior of the central meeting rail to match this feature that is present in the existing timber fenestration at the property.

Reason: In order to successfully integrate the development with the existing Listed Building and the wider Conservation Area and for the avoidance of doubt.

4. Prior to the commencement of any works to the exterior of the building, full details of the remedial works that are proposed to the external façade; the flashings; and the rainwater goods shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the works shall be undertaken in accordance with the approved details.

Reason: In order to successfully integrate the development with the existing Listed Building and the wider Conservation Area and for the avoidance of doubt.

5. A facility for the storage of cycles and the provision of e-bike charging, the details of which shall have been previously submitted to and agreed in writing with the Planning Authority, shall be provided within the application site prior to the first use of any part of the premises for short-term holiday letting purposes. Unless otherwise agreed in writing with the Planning Authority, the approved cycle storage and charging point(s) shall be retained in perpetuity for these dedicated purposes.

Reason: In the interests of facilitating the use of cycles by the occupants of the short-term holiday letting units hereby approved in accordance with the provisions of National Planning Framework 4 Policy 13 'Sustainable Transport'.

6. The short-term let accommodation hereby approved shall not be used as a main (permanent/principle) residences and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

Reason: For avoidance of doubt because the development is unsuited to full time residential occupation and due to it being assessed as tourism use having regard to the relevant provisions of the Development Plan.

Note to Applicant: Specifically the occupation of the premises as a residential use (Class 9) shall require the benefit of a separate planning permission.

INFORMATIVE NOTE

The attention of the applicant/developer is drawn to Argyll and Bute Council's Approved Policy Statement 'Short-term Lets Licensing', which provides information and guidance on the requirements for obtaining a licence for short-term holiday letting units. This can be found by using the following link: https://www.argyll-bute.gov.uk/sites/default/files/2023-09/ABC_Short_Term_Let_Policy_V2_Sep_2023_0.pdf

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/01007/PP

PLANNING LAND USE AND POLICY ASSESSMENT

Planning Permission is sought for the change of use of the former Bute House Hotel/Guest House located at 4 West Princes Street, Rothesay, Isle of Bute into three studios and six apartments for use as short-term holiday letting units.

Externally, the existing timber sash and case windows and the upvc windows that were installed in 2014 without the necessary approvals are to be replaced with high-quality timber, double-glazed, sliding sash and case windows; remedial works are to be carried out to the facades, flashings and guttering of the building; and the roof light on the north-facing roof slope is to be removed and the opening slated over.

National Planning Framework 4

The assessment of the issues in this section of the report pays due regard to the overarching **NPF4 Policy 1**, which seeks to prioritise the climate and nature crises in all decisions. 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 for or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

The key issues for consideration are:

- Principle of Development
- Impact on the Built Environment
- Impact on the Natural Environment
- Tourism Benefits
- Impact on Parking and the Local Road Network

A. Principle of Development

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.

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.

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.

Policy 29(a) supports those proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy, including the reuse of a redundant or unused building.

Policy 29(b) requires that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

Policy 29(c) supports proposals in remote rural areas (such as the Isle of Bute), where new development would support local employment; would support and sustain existing communities; and would be suitable in terms of location, access, siting, design and environmental impact.

Assessment

In terms of the Settlement Strategy set out in the adopted Argyll and Bute Local Development Plan 2 (LDP2) 2024, the application site is identified as being within a 'Settlement Area' where Policy 01 presumes 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 LDP2 policies.

The application relates to the change of use of a currently vacant hotel/guest house (a brownfield site) that is within the main settlement on the Isle of Bute. The proposal would address the structural issues present in the building; would rectify previous unauthorised alterations; and would reinstate the tourist use by adjusting the programme to suit recent changes in the hospitality market on the one hand (i.e. a trend towards independent lettings), and the limitations of the historic premises on the other (i.e. the lack of space for extensive hotel facilities).

As will be explored in more detail later in this report, the proposed external alterations to the building would be appropriate in terms of their effect on the character of the Rothesay Conservation Area and the intended use would have no materially detrimental impact on parking and the local road network in this part of the Rothesay town centre.

On the basis of the foregoing, **the principle of the proposed development is considered to accord with those Policies that are referred to in the paragraphs above.**

B. Impact on the Built Environment

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.

Policy 7(d) only supports development proposals in or affecting Conservation Areas where they would preserve or enhance the character and appearance of the designated area and its setting. Relevant considerations include the architectural and historic character of the area; the existing density, built form and layout; and the context and siting, quality of design and suitable materials.

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.*"

Policies 14(a) and 14(b) seek to improve the quality of an area irrespective of location and advocate the adoption of the six qualities of successful places in the formulation of developments. Three of these qualities are '*pleasantness*' (attractive natural and built spaces); '*distinctiveness*' (supporting attention to detail of local architectural styles to be interpreted into

designs to reinforce identity); and 'sustainability' (the efficient use of resources that will allow people to live, play, work and stay in their area).

The above NPF4 Policies are underpinned in the adopted Argyll and Bute Local Development Plan 2 (LDP2) 2024 by Policy 04; Policy 05; Policy 08; Policy 10; Policy 11; Policy 15; and Policy 17.

Assessment

The application site is part of 2, 4, 6 and 8 West Princes Street, which is a Category C Listed Building that occupies a prominent position in the Rothesay Conservation Area close to the main island ferry terminal and Guildford Square. In the listing description provided by Historic Environment Scotland at the time of the designation in November 1997, it is stated that the building was constructed in the mid to later part of the 19th century and was refurbished towards the end of the 20th century.

It is described as a "classically-detailed 4-storey tenement forming an end of terrace with shops at ground" floor level and the architectural detailing on the elevations facing onto Watergate and West Princes Street are also highlighted.

The 'Statement of Special Interest' incorporates the following:

"This is a good example of a classically detailed tenement, with commercial premises at ground floor. The building is set prominently within the heart of Rothesay and is well-detailed, with pedimented windows, deep cornicing, and an arcaded ground floor shop front.

The building is comparatively richly detailed for its location within a relatively small town and this is characteristic of the high quality later 19th century developments in Rothesay, which was an important holiday destination during this period. The town displays a number of well-detailed buildings, including commercial residential buildings, particularly in close proximity to the pier and seafront promenade."

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that "In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The assessment of the proposal in relation to its designation as a Listed Building will principally be undertaken in the report on the application for Listed Building Consent (ref: 23/01008/LIB). However, it is considered appropriate to refer to the qualities of the building in determining the impact of the proposal on the character of the wider Conservation Area.

In this regard, the following statements are made in Historic Environment Scotland's document titled 'Guidance on the Principles of Listed Building Consent':

- The majority of Listed Buildings are adaptable and have met the needs of successive generations while retaining their character. Change should, therefore, be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but, in general terms, listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.
- Listed Buildings will, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and

adaptation is unduly constrained. In most cases, such change, if approached carefully, can be managed without adversely affecting the special interest of the building.

- Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted.

The agent, DAS Design Ltd, has submitted a Design Statement in support of the application and the key points can be summarised as follows:

- In the years prior to acquisition of the property by the current owner, the Bute House Hotel saw gradual decline and diminishing interest. Improvements and alterations throughout the 2000s were largely cosmetic and, despite the provision of en-suite shower rooms to most bedrooms, the hotel's structural limitations and relatively small footprint meant that satisfying contemporary expectations with regards to access, size of rooms, services and facilities normally provided by hotels was impossible. The hotel eventually closed due to the 2020-21 pandemic lockdowns.
- The application seeks to preserve the building and any features of special architectural or historic interest that it possesses. Proposals for the exterior include the replacement of unauthorised uPVC windows with high-quality timber sash and case windows and remedial works to the facades, flashings and guttering.
- A survey of the interior has identified a relatively small number of preserved historic features, such as: the main entrance door; decorative floor elements in the storm-door vestibule; cornicing in the main entrance hallway and the former dining area; two fireplaces in bedrooms; balustrades in the main staircase area and to the main access stairs (leading from the main hallway); and a historic door-closer in the hotel kitchen.

The proposed design entails preserving these historic details wherever possible or replacing them on a '*like-for-like*' basis.

As mentioned in the '*History*' of the property in Section (D) of this report and also in the agent's Design Statement, the building was the subject of unauthorised alterations in 2014 when twenty-one of the white, timber, single-glazed, sliding sash and case windows were replaced by white, uPVC, double-glazed tilt and turn windows without the benefit of Planning Permission and Listed Building Consent.

The applications that were submitted to regularise the breach and to replace the remainder of the timber windows were refused and notices were served that required the twenty one uPVC windows to be removed and traditional timber windows reinstated. In the interim period, the property has changed hands on at least two occasions and approaches have been made to the different owners with a view to securing compliance with the notices.

This is the first occasion where an owner has demonstrated a commitment to replacing the unauthorised uPVC windows and the proposed windows are to be high quality, white, two-paned, timber, double-glazed, sliding sash and case windows. Subject to ensuring that there are horns on the new windows (a feature that is present in the existing timber fenestration), this aspect of the application is warmly welcomed.

There are thirty-one timber sash and case windows in the property that were not replaced in 2014 and the present application incorporates their removal and replacement with high quality timber double-glazed equivalents.

The Council adopted a Technical Working Note (TWN) in December 2015 in order to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and in the Rothesay Conservation Area. Notwithstanding the introduction on an unauthorised basis of the uPVC windows on parts of 4 West Princes Street, the Bute House Hotel/Guest House was identified in the TWN as within the '*Town Core Prime Townscape Block*'.

In '*Prime Townscape Blocks*', the TWN expresses encouragement for the refurbishment or repair of windows; the installation of '*like-for-like*' replacements; or the installation of double-glazed units that are identical to the original windows in all other respects (providing that it can be demonstrated that the existing windows are beyond economic repair).

Based upon an external visual inspection of the existing timber windows in the application property, the timber frames are showing signs of decay and it is accepted that their replacement is justifiable. As already mentioned, the proposed windows are to be high quality, white, two-paned, timber, double-glazed, sliding sash and case windows and, whilst the submitted drawings do not show the use of horn detailing, this is a feature that is present in the existing timber fenestration and its incorporation into the new units will be required via a suitably worded condition.

Conclusion

In line with guidance from Historic Environment Scotland, the works seek to avoid affecting the most significant features of interest on the building and it is considered that the Design Statement provides a cogent justification for the proposal. In addition, the implementation of the development will result in the rectification of a breach of Planning and Listed Building Control.

Having regard to all of the above, the proposal is considered to be acceptable and to enhance the character and appearance of the site in question and this part of the Rothesay Conservation Area.

On the basis of the foregoing, and subject to suitably-worded conditions, **the proposed development is considered to accord with those Policies that are referred to in the paragraphs above.**

C. Impact on the Natural Environment

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

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

The above NPF4 Policies are underpinned in the adopted Argyll and Bute Local Development Plan 2 (LDP2) 2024 by Policy 04; Policy 71; and Policy 73.

Assessment

No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and, in the particular circumstances of the proposal, no conditions relating to specific measures for biodiversity enhancement and protection are considered to be necessary.

The site for the proposed development is not within any of the following: a designated European site of natural environment conservation or protection; a National Scenic Area; a SSSI or RAMSAR site; a National Nature Reserve; or a Local Nature Conservation Site.

The site is, however, located in a Local Landscape Area (LLA) and this designation is a recognition of a locally important physical landform that is of scenic value. Policy 71 of LDP2 seeks to resist development in, or affecting, an LLA where its scale, location or design would have a significant adverse impact on the character of the landscape and one of the requirements is that an application for development within this type of area should be supported by a landscape and visual impact assessment.

No formal landscape and visual impact assessment has been submitted with the current application; however, it is considered that the submitted plans and drawings provide sufficient information to allow an appropriate form of assessment to be carried out. Given the relatively localised impact that the proposed works to the exterior of the building would have, it is considered that the proposal would have a '*neutral*' effect upon the visual qualities of the wider LLA.

On the basis of the foregoing, **the proposed development is considered to accord with those Policies that are referred to in the paragraphs above.**

D. Tourism Benefits

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people; is consistent with Scotland's net zero and nature commitments; and inspires people to visit the country. Its stated outcome is that communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

NPF4 Policy 30(b) requires that proposals for tourism related development should take into account a range of factors, including: the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; and opportunities for sustainable travel and appropriate management of parking and traffic generation.

NPF4 Policy 30(e) does not support proposals for the re-use of existing buildings for short term holiday letting where the proposal would result in either an unacceptable impact on local amenity or the character of a neighbourhood or area or the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

NPF4 Annex C concerns '*Spatial Planning Priorities*', which forms guidance for the preparation of Regional Spatial Strategies and Local Development Plans. Rothesay is specifically mentioned in the section on the '*Central*' area, where NPF4 refers to "*strategic sites*" and initiatives that include the '*Clyde Mission*'. In relation to the wider Clyde area, the Framework notes that:

*"[m]any business and investment sites are located along key transport corridors and new approaches may be required as investment transitions away from locations that can only be reached by car towards **more accessible areas that are connected by low carbon and active travel options.**"*

And further:

"The wider Clyde Coast, an iconic area rich in cultural heritage and natural assets, can be reimaged through collective efforts on regeneration in nearby coastal communities, such as

Dunoon and Rothesay. The area's accessibility by train and water means that it is an ideal location for low carbon tourism and leisure."

The above NPF4 Policies and Annex are underpinned in the adopted Argyll and Bute Local Development Plan 2 (LDP2) 2024 by Policy 23; Policy 24; and Policy 25.

Assessment

The agent's Design Statement contains a number of points that are applicable to the tourism benefits of the proposal in the context of NPF4 and LDP2 and these can be summarised as follows:

- The application seeks to retain and make efficient use of the historic (but currently vacant) Bute House Hotel/Guest House in a form that is appropriate to the changing needs of the market (i.e. the rise in demand for independent holiday accommodation) and the local economy (i.e. the shortage of modern serviced apartments in Rothesay)
- The application concerns a building that is located in the town centre of Rothesay, in close proximity to the harbour (100 metres) and the frequent ferry links to the mainland. The proposal would, therefore, utilise public transport corridors and further enhance active travel networks i.e. the train line to Wemyss Bay and the ferry connection such that visitors would not need to arrive at the premises by car
- By proposing the re-use of a hotel/guest house, the scheme would contribute to the local economy either directly by increasing workforce demand in the hospitality sector (e.g. property management; cleaning; laundry services; etc.) or indirectly through visitors using local services and amenities

The proposal would not be contrary to NPF4 Policy 30(e) in that it proposes the reinstatement of a tourism facility that has been vacant for approximately three years and is within a part of the town where there is already an established mix of residential and commercial uses.

On the basis of the foregoing, **the proposed development is considered to accord with those Policies and Annexes that are referred to in the paragraphs above.**

E. Impact on Parking and the Local Road Network

NPF4 Policy 13 generally 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"*.

More specifically, **NPF4 Policy 13(b)** supports developments where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they, *inter alia*:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation.
- Will be accessible by public transport, ideally supporting the use of existing services.

NPF4 Policy 15 seeks to *"encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options."*

More specifically, **NPF4 Policy 15(a)** supports developments that would contribute to local living. To establish this, consideration will be given to existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to, *inter alia*, sustainable modes of transport such as local public transport and safe, high quality walking, wheeling and cycling networks.

The above NPF4 Policies are underpinned in the adopted Argyll and Bute Local Development Plan 2 (LDP2) 2024 by Policy 33 and Policy 40.

Assessment

Policy 40 of LDP2 states that off-street car and vehicle parking shall be provided for development in accordance with the car parking standards set out in Table 5 on Pages 67 and 68 of the plan.

There are relatively few properties in this part of Rothesay that have off-street parking so either the public car park in Guildford Square or on-street spaces are utilised. The current application is not proposing the creation of dedicated off-street parking spaces in association with the holiday letting units.

The Area Roads Engineer has recommended refusal on the grounds that the application does not meet the parking standards set out within Policy 40 of LDP2. He states that the proposed development requires at least 9 parking bays to be provided, which is unlikely to be achievable.

Furthermore, he considers that neither the nearest local public car park at Guildford Square nor the streets surrounding the application property are able to accommodate the increase in demand for parking that would result from the proposed development.

In the narrative associated with Policy 40, Paragraph 6.24 states that, *“in the Main Towns, there is an acceptance that zero parking provision can be appropriate for certain categories of developments. This is justified on the basis that some types of development are able to function effectively within these central areas without requiring on-site parking, relying instead on central area public car parking provision and the availability of public transport services.”*

As a follow-on from the above, LDP2 refers to the limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones and these include small scale (i.e. up to five) flatted units. This zero parking provision does not apply in this case as the number of proposed units exceeds five and the site is just outwith the identified town centre, although it is considered edge of town centre.

In terms of justifying the proposal as a minor departure from Policy 40, the following material considerations are noteworthy:

- One of the minimum requirements in the car parking standards set out in Policy 40 is that, in association with a hotel, one parking space should be provided for every three members of staff in addition to 1.2 parking spaces for every room within the establishment. In this particular case, as the hotel has fifteen rooms and up to three members of staff, there would notionally be nineteen parking spaces associated with it.

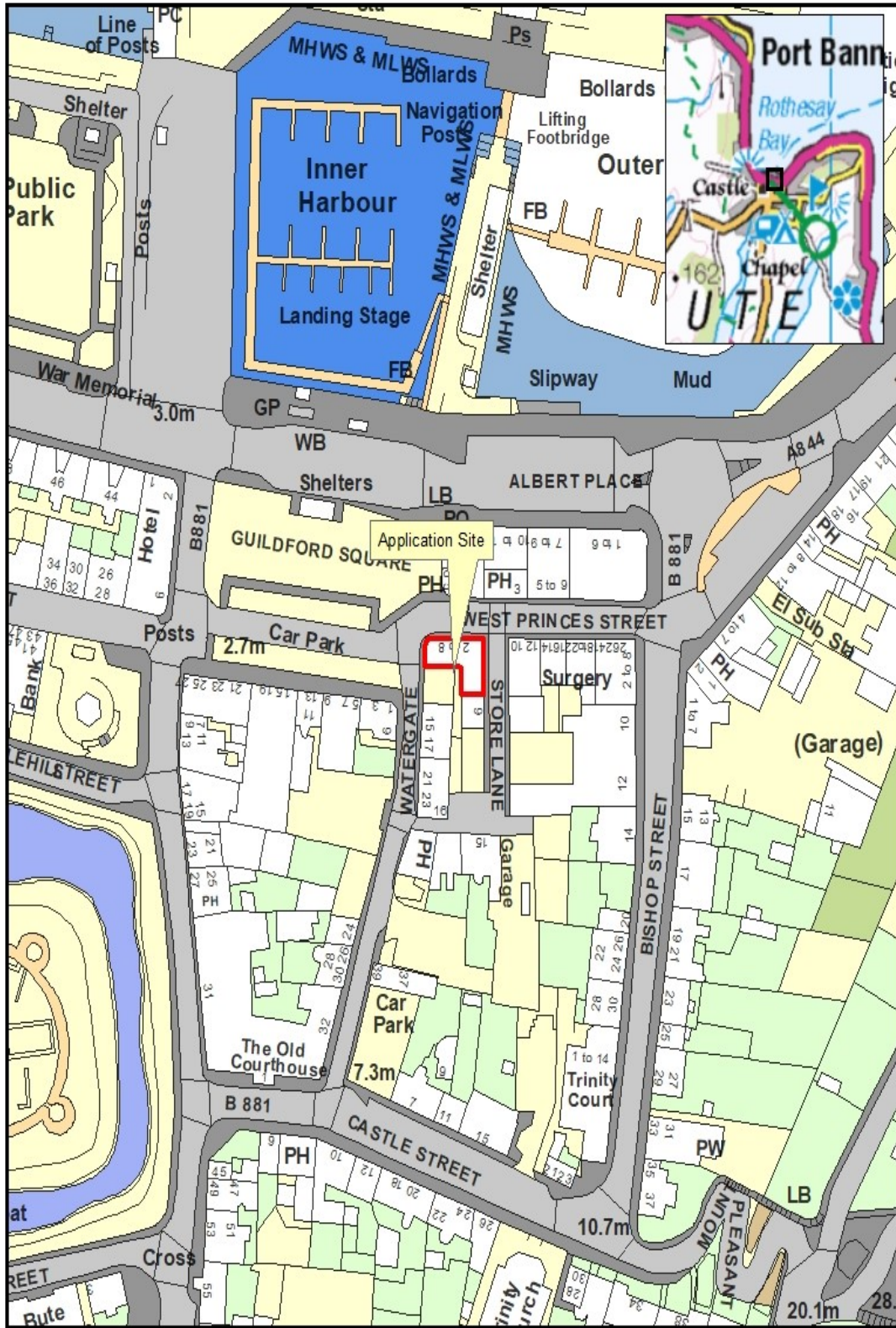
In using the parking standards associated with dwellings that are referred to in Policy 40, the proposed nine units should notionally each have two parking spaces associated with them, which would amount to a total of 18 parking spaces. As such, the change

of use from a hotel to short-term letting units would result in a notional reduction in demand for parking by one space.

- The premises is accessible by a range of modes of transport: by boat (it is located within 100 metres of Rothesay Harbour and the ferry terminal); by bus (the nearest bus stops are at Guildford Square, approximately 20 metres from the entrance); on foot; by bicycle; and by car.
- The agent considers that, given that the target market for the serviced accommodation would be pedestrian visitors from the mainland (and further abroad), dedicated car parking provision should be deemed unnecessary in this instance. He states that occasional visits from tourists with vehicles could be accommodated by on-street parking at West Princes Street as well as the public parking provision at Albert Pier (60 metres to the north-east, it currently has 17 spaces that are free of charge) and Guildford Square (10 metres to the west, it currently has 34 spaces that are chargeable between 9 a.m. and 6 p.m.).
- It is understood that, due to there being no areas of vacant land in the applicant's ownership, there are no options for providing off-street parking in relation to the proposed development.
- The aspirations that are inherent in NPF4 Policy 13 and Policy 33 of LDP2 highlight the importance of walking, cycling and proximity to public transport links. The agent has advised that storage space for four bicycles together with e-bike charging could be accommodated in part of the ground floor of the building and this can be achieved by condition.

Whilst it is recognised that the proposal does not fully meet the provisions of Policy 40 of LDP2 in terms of off-street parking, the mitigating factors detailed in the paragraphs above are of sufficient materiality for **the application to be approved as a minor departure to the Development Plan.**

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 **Location Plan Relative to Planning Application: 23/01007/PP** 

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

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 24/00287/PAN

Applicant: Pegasus Group

Proposal: Proposal of application notice for proposed 49.9Mw battery energy storage system and associated infrastructure

Site Address: Ichrachan Farm , Taynuilt (Land T West of existing SSEN Substation)

1.0 INTRODUCTION

This report informs the Planning Committee of the submission of a Proposal of Application Notice (PAN). The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006. The development which is subject to the PAN is of a scale which will be an application to The Planning Authority as the capacity of the battery storage facility at 49.9Mw, will not exceed 50Mw in total capacity. (Above 50Mw would require a Section 36 Application under the Electricity Act to The Scottish Ministers)

The submitted information includes:

- Proposal of Application Notice
- Location Plan
- Copy of newspaper adverts

The applicant has set out in detail their proposals to ensure sufficient opportunity is provided for the community to view and comment on the proposals in advance of the submission of a formal application. The applicants have confirmed in the PAN form that the following consultation steps will be undertaken:

- Consultation event with Taynuilt Community Council (event took place on 19.2.24)
- Undertaking two further community consultation events at Taynuilt Village Hall (6.3.24 and 3.4.24)
- Advertising events within the Oban Times in advance.(22.2.24 and 21.3.24 respectively)

Officers consider that the steps set out in the PAN are acceptable and in accordance with the requirements of the Regulations to ensure appropriate community consultation is undertaken prior to the submission of a planning application given the nature and scale of the proposals.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicants propose to submit a planning application for the construction of Battery Energy Storage System (BESS) of some 49.9Mw together with new access and associated infrastructure, plant and machinery.

2.0 SITE DESCRIPTION

The proposals will be located immediately to the west of the existing SSEN substation at Taynuilt on adjoining land. The site is bounded on its northern and western edges by the A85 Trunk Road and therefore discussions with Transport Scotland will be required in respect of any proposed access off the Trunk Road.

The application site currently comprises part of a large field used for grazing and is of low agricultural value. An almost continual band of trees is located along the northern and western boundary of the site. Immediately to the east is an existing SSEN substation of similar scale and appearance to the likely development. To the south the land rises approximately 20-30m on a gentle slope.

The nearest residential property is Fairy Hill Croft and beyond this to the south west Tugh Ruach and Burnside. Other residential properties are more distant and to the North East including Dalnhor, Alt-Na-Dubh and Inverawe Barn. It is estimated that the nearest residential property, situated on higher ground to the south, is approximately 200m from the site.

The proposal is located outside a settlement boundary on land identified as a countryside location. It is noted that no statutory designations will be directly impacted by the proposed site and that the site is outside the North Argyll APQ which starts on land across the A85 to the north of the site. There are no known constraints which affect the site.

3.0 DEVELOPMENT PLAN POLICY

In considering the merits of this PAN, a number of Development Plan Policy considerations are relevant. The policies to be considered include:

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

Part 2 – National Planning Policy

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 11 - Energy
NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety
NPF4 Policy 25 – Community Wealth Building

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 – Supporting the Sustainable Growth of Renewables
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable - Sustainable Siting and Design Principles
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

These appear to be the most relevant policies. However this cannot be finalised until such time as a formal application has been submitted and the details of the proposals finalised.

Other Relevant Policy Considerations:

Emerging Local Development Plan (LDP2)

The emerging Local Development Plan (LDP2) will replace the current Local Development Plan 2015, once adopted. The LDP 2015 at time of writing remains the adopted Local Development Plan, however, the Examination Report of the Draft LDP2 is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 adoption process. (It is likely that this will form the statutory plan on 29 Feb 2024,

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 05 – Design and Placemaking
Policy 06 – Green Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design: All Development
Policy 14 – Bad Neighbour Development
Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
Policy 18 – Enabling Development

- Policy 19 – Schedule Monuments
- Policy 22 – Economic Development
- Policy 30 – The Sustainable Growth of Renewables
- Policy 35 – Design of New and Existing, Public Roads and Private Access
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Road
- Policy 39 – Construction Standards for Private Access
- Policy 48 – Developer Contributions
- Policy 55 – Flooding
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 59 – Water Quality and the Environment
- Policy 63 – Waste Related Development and Waste Management
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 77 – Forestry, Woodland and Trees
- Policy 78 – Woodland Removal
- Policy 79 – Protection of Soil and Peat Resources
- Policy 80 – Geodiversity

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- UK Government’s Ten Point Plan for a Green Industrial Revolution (2020),
- Energy White Paper (2020),
- Carbon Plan (2011),
- The UK Renewable Energy Roadmap (2011) (updated 2012 and 2013) and the
- British Energy Security Strategy
- Scotland’s Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23)
- The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

5.0 POTENTIAL MATERIAL CONSIDERATIONS

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

- a) LDP 2
- b) National Energy Policy Objectives;
- c) Community and Socio Economic Benefits;
- d) Roads, Transport and Access;
- e) Flood Risk, Water Quality and Drainage;
- f) Fire Management Plan
- g) Access from Trunk Road
- h) Natural Heritage and Biodiversity enhancement
- i) Built and Cultural Heritage;(Ancient Monument)
- j) Design and Layout;
- k) Landscape integration and Visual Impact
- l) Noise (During charging and discharging and associated with cooling fans)
- m) Any other material considerations raised within representations.

6.0 CONCLUSION

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

7.0 RECOMMENDATION

That Members' note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicant's in finalising any future application submission.

Author of Report: David Moore

Date: 23.02.2024

Reviewing Officer: Sandra Davies

Date: 8.03.24

Fergus Murray

Head of Development and Economic Growth

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Location Plan Relative to Planning Application: 24/00287/PAN



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PPSL**ARGYLL AND BUTE COUNCIL****Development & Infrastructure****8th March 2024**

Development Management Performance Update – FQ3 2023/24

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on the performance of the Development Management Service for the reporting period FQ3 2023/24.
- 1.2 The attached document Appendix 1 provides an overview of the current demands upon the Development Management Service, its output during this period, the handling of the current backlog of casework, and the average time taken to determine planning applications.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that PPSL:
- (a) Note the content of the report.**

3.0 DETAIL & BACKGROUND

- 3.1 The performance of the Council's Development Management Service continues to be significantly impacted by the legacy effect of the Covid Pandemic upon interruption to workflow and a subsequent increase in demand for regulatory activity relating to new development. This situation has been exacerbated by the Service having previously been down-sized in response to the longer-term wider financial pressures facing the Council combined with a number of long-term vacancies that proved extremely difficult to fill as a result of a national shortage of planning professionals. The determination of planning applications has also been impacted by the uncertainty created by a changing planning policy backdrop with the Scottish Government's adoption of National Planning Framework 4 (NPF4) in February 2023 with minimal transition arrangements having had a noticeable adverse impact on FQ4 2022/23 output as a result of a significant volume of casework requiring to be reassessed prior to its determination. The cumulative effect of these extraordinary pressures has given rise to a significant backlog of planning casework that continues to impact upon the ability of the Council to deliver the Development Management Service in an efficient and effective manner at this time, and impacts upon customer service. At FQ4 2022/23 the backlog of applications amounted to approximately 375 formal applications and 175 pre-application enquiries.

- 3.2 The Development Management Service receive approximately 2000 planning and related application case work items on an annual basis. The Development Management Service is resourced with the expectation that demand will be relatively constant and steady throughout the year. Whilst the volume of new submissions decreased by approximately 10% during 2020/21 they had returned to and exceeded pre-pandemic levels during 2021/22. Submission rates have subsequently been maintained at a high level and during 2022/23 were 5% up on pre-pandemic levels. Appendix 1, Sheet 1 shows that whilst submission rates have reduced slightly in 2023/24 the volume of new applications received during remains within the expected range.
- 3.3 The resource constraints and performance of the Development Management Service have been highlighted at a senior level within the Council and continue to be subject to regular reporting to Policy Leads/ELT. An improving financial position following the reform of statutory planning fees by the Scottish Government in April 2022 has supported the creation of 3 new professional officer posts that will provide additional capacity within the Service once these posts have been filled. During FQ3 2023-24 the DM Service has largely operated with a full staff compliment (with the exception of two new posts created within the Major Applications team) however unplanned absence and the impact of work related stress upon staff who remain at work continues to impact significantly on resource availability and productivity across all area based teams. In an effort to make further inroads in the backlog of casework, an additional two agency staff have been employed within the MAKI and BCHL teams for the duration of FQ4 2023/24 to support existing staff and improve productivity.
- 3.3 The positive impact of the increased availability of professional officer resource within the DM Service has however been evident with the continued delivery of above average output demonstrated in FQ3 2023/24 (Appendix 1, Sheet 2) and significant inroads being made in the casework backlog (Appendix 1, Sheet 3). At the end of FQ3 2023/24 the backlog of formal casework had reduced to approximately 225 applications from 330 the previous period. The increasing proportion of older applications being determined from FQ3 2022/23 onwards is also demonstrated in the bar graphs that provide a breakdown of application age within the average time measures (Appendix 1, Sheet 5 and Sheet 6) and demonstrate that 'legacy' applications are being actively targeted for determination. Demand for pre-application advice remains higher than average and whilst the backlog of submissions remains around 200 items output during FQ3 kept pace with the receipt of new submissions during this period; the volume of enquiries which remain undetermined at the end of FQ3 (Appendix 1, Sheet 1 and Sheet 3).
- 3.4 The ongoing focus on 'legacy' applications continues to have significant consequence for average time performance measures as the determination of a relatively small number of older applications significantly impacts upon these KPIs. This is particularly evident within the 'householder' average time measure (Appendix 1, Sheet 5) where despite 84% of all householder determinations being determined in an average time of 11.8 weeks this measure is significantly

impacted by the determination of 12 older applications that have cumulatively added 5 weeks to the average time period for determination of this KPI. It is further noted that during F3 the overall average time period improved from 18.1 weeks to 16.8 weeks.

- 3.6 The determination of 'legacy' applications had a similar impact upon the average time taken measure applied to all other 'local' planning applications (Appendix 1, Sheet 6) where the determination of 28 older 'legacy' applications cumulatively add 11.4 weeks to an average time measure that reports on the determination of 155 applications in total. During FQ3 2023/24 82% of all other 'local' applications determined were less than 1 year old at the time of their determination and were determined in an average of 18.8 weeks. (61% of the total were less than 6 months old and determined in 12.7 weeks on average). The average time taken to determine 'all other local applications' has deteriorated during FQ3 from 27.4 weeks to 30.2 weeks. It is however highlighted that this position relates to 'raw' data and does not factor in delays which have arisen as a result of matters outwith the control of the Council. During FQ3 the Council determined a number of legacy applications which have impacted on the raw data relating to the average time period, including a marine fish farm submission that took in excess of 3 years to determine largely due to matters outwith the control of the Council.
- 3.7 The backlog of planning casework (Appendix 1, Sheet 3) at the end of FQ3 has reduced by 113 formal applications (reduced from 330 to 225 applications) however nearly 200 pre-application enquiries remain outstanding. Whilst this is an improving position it is highlighted that the additional burden of the backlog volume upon existing staff resource will continue to impact upon performance over an extended period and into 2024/25. The effect of the determination of 'legacy' applications will continue to skew average time measures for the remainder of 2023/24 although these should start to improve after the oldest cases are dealt with and the volume of legacy determinations starts to decline; it is currently expected that an improving trend is expected by the end of 2023/24 and a commitment to work toward that aim has been set out in the recent PPF 12 which was submitted to the Scottish Government in July 2023.
- 3.8 In addition to resolving capacity issues through the creation of new and filling vacant posts work is also ongoing to review current working practices and procedures with a view to maximising the use of professional officer time for determination of applications and improving output. This workstream will include a review and implementation of new workflow and performance reporting systems in the backoffice, and has seen the introduction in the use of existing technical staff resource within the validation team to assist in the assessment stage of less complex statutory notification processes. The use of additional short-term professional resource has been implemented as means of resolving issues with individual caseloads that have been unsustainably high for an extended period of time with consequent impact on the health and wellbeing of the team and their output. Three additional Agency planning officers have subsequently commenced work with the Council and have provided additional capacity from late FQ3 through to the end of 2023/24 with the aim of making significant inroads in the casework backlog, and is currently planned to be extended into 2024/25 to

continue this progress.

4.0 IMPLICATIONS

4.1 Policy	None
4.2 Financial	None
4.3 Legal	None
4.4 HR	None
4.5 Fairer Scotland Duty	
4.5.1 Equalities Protected Characteristics	None
4.5.2 Socio-Economic Duty	None
4.5.3 Islands	None
4.6 Climate Change	None
4.7 Risk	Failure to determine planning and related applications in efficient and effective manner would have potential to adversely impact upon the local economy, delivery of housing, and health and wellbeing of individuals.
4.8 Customer Service	Requirement to manage customer expectations in the determination planning and related applications
4.9 The Rights of the Child (UNCRC)	None

Executive Director of Development & Infrastructure

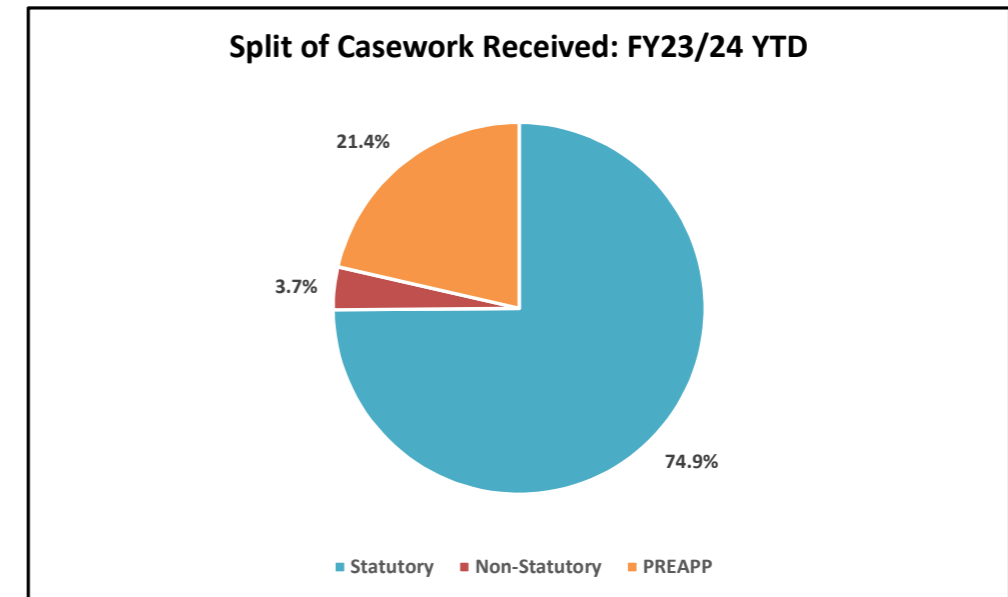
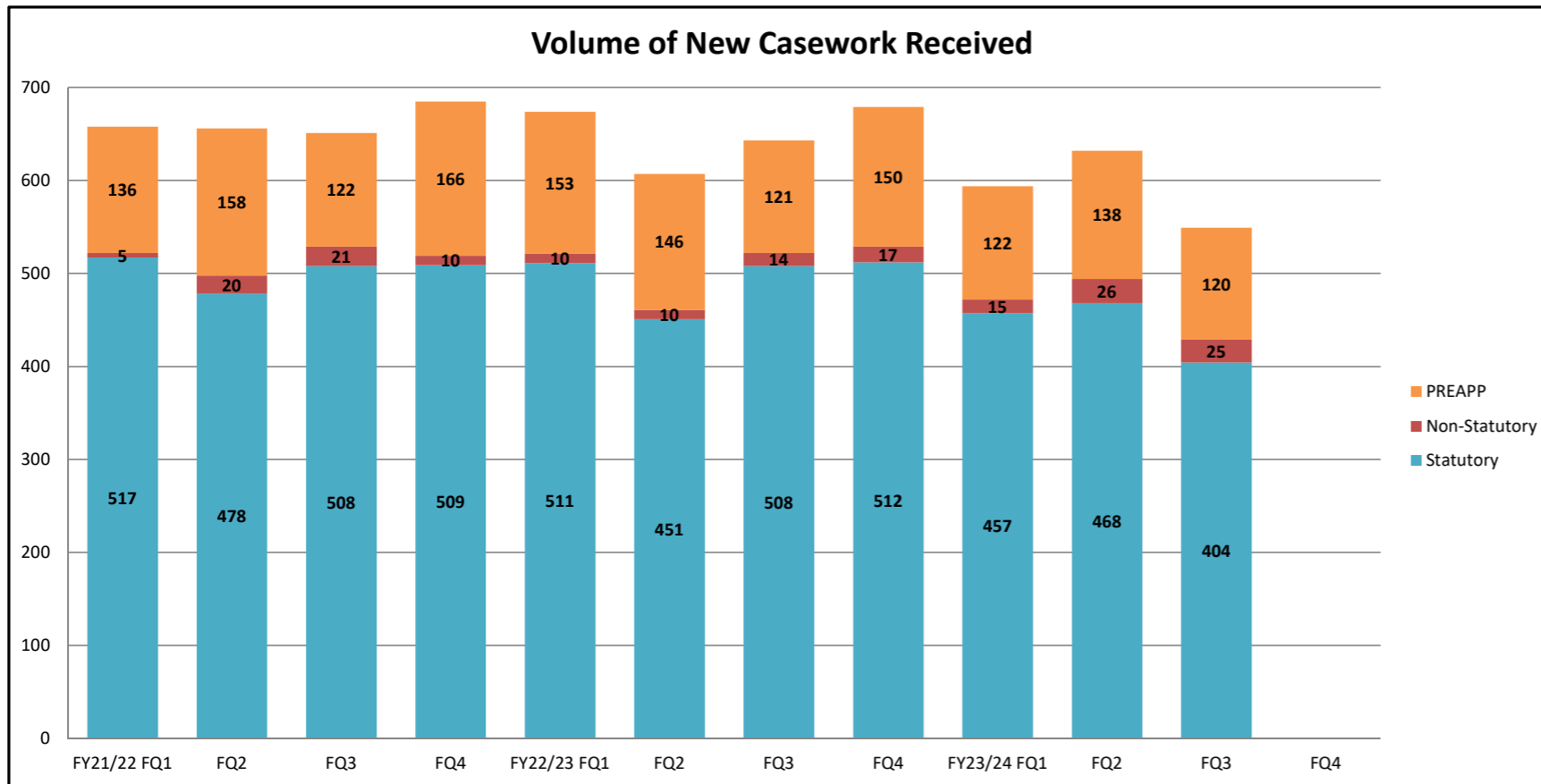
Policy Lead: Cllr Kieron Green

8th March 2024

For further information contact: Peter Bain – 01546 604204

APPENDICES

Appendix 1 – FQ3 2023/24 DM report to ELT



Commentary:
 The data set covers the last 11 financial quarters and confirms that demand for the determination of planning applications and other statutory activity of the Council as the Planning Authority remains high and relatively constant in its volume. The volume of new submissions for 2022/23 were up 5% on pre-pandemic levels and appear likely to be sustained moving forward. **End FQ3 2023/24:** Receipts during FQ3 have dipped from the previous period. Pre-app demand remains particularly high with applicants interested in the potential implications of the impending LDP2.

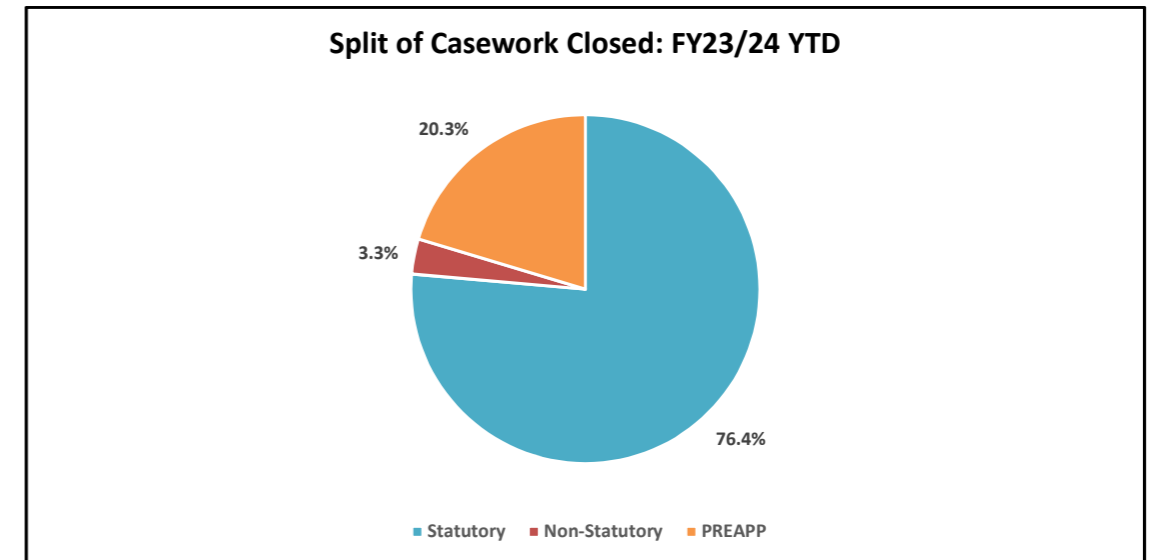
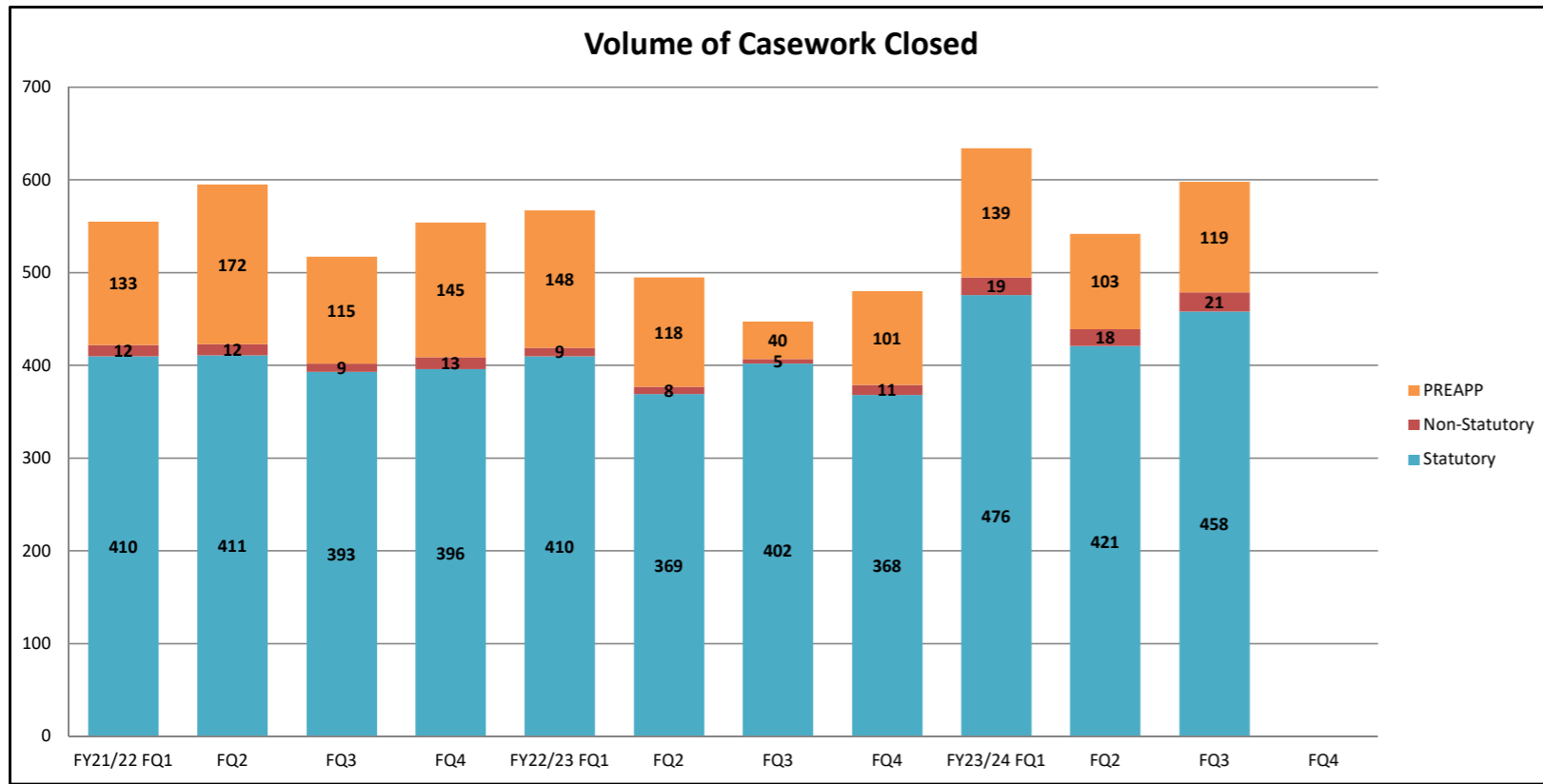
This tab provides information on the volume of DM case work received by financial quarter and includes a breakdown between statutory items (planning and related applications), non-statutory items (consultations from other regulatory bodies), and pre-application enquiries.

New Casework Received												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Statutory	517	478	508	509	511	451	508	512	457	468	404	
Non-Statutory	5	20	21	10	10	10	14	17	15	26	25	
PREAPP	136	158	122	166	153	146	121	150	122	138	120	
Totals	658	656	651	685	674	607	643	679	594	632	549	0

Split of Casework Received					
FY21/22		FY22/23		FY23/24 (YTD)	
Statutory	2012	1982	1329	75.9%	74.9%
Non-Statutory	56	51	66	2.1%	3.7%
PREAPP	582	570	380	22.0%	21.4%
Totals	2650	2603	1775		

This data is unfiltered - it shows all casework received.
 data source = UNiform (Access queries)

YTD = as at 31st December 2023



Commentary:
 The data set covers the last 11 financial quarters and demonstrates that regardless of performance issues in respect of timeliness output remains high. Output during both 2021/22 and 2022/23 output has however been down between 20-25% as a result of interruption of workflow during Covid coupled with the constant stream of new casework and reduced availability of officer resource which was in part a result of increased absence but also more significantly as a result of difficulty in recruiting to vacant posts attributable to a national shortage of planning professionals. FQ1 2023/24 has shown a notable rise in output from previous quarters which is indicative of the increasing availability of officer resource and a more settled position following the initial introduction of NPF4. **End FQ3 2023/24:** Productivity during FQ3 has been very good and reflects the more settled period in terms of staff availability notwithstanding a significant absence within the OLI team (ATL).

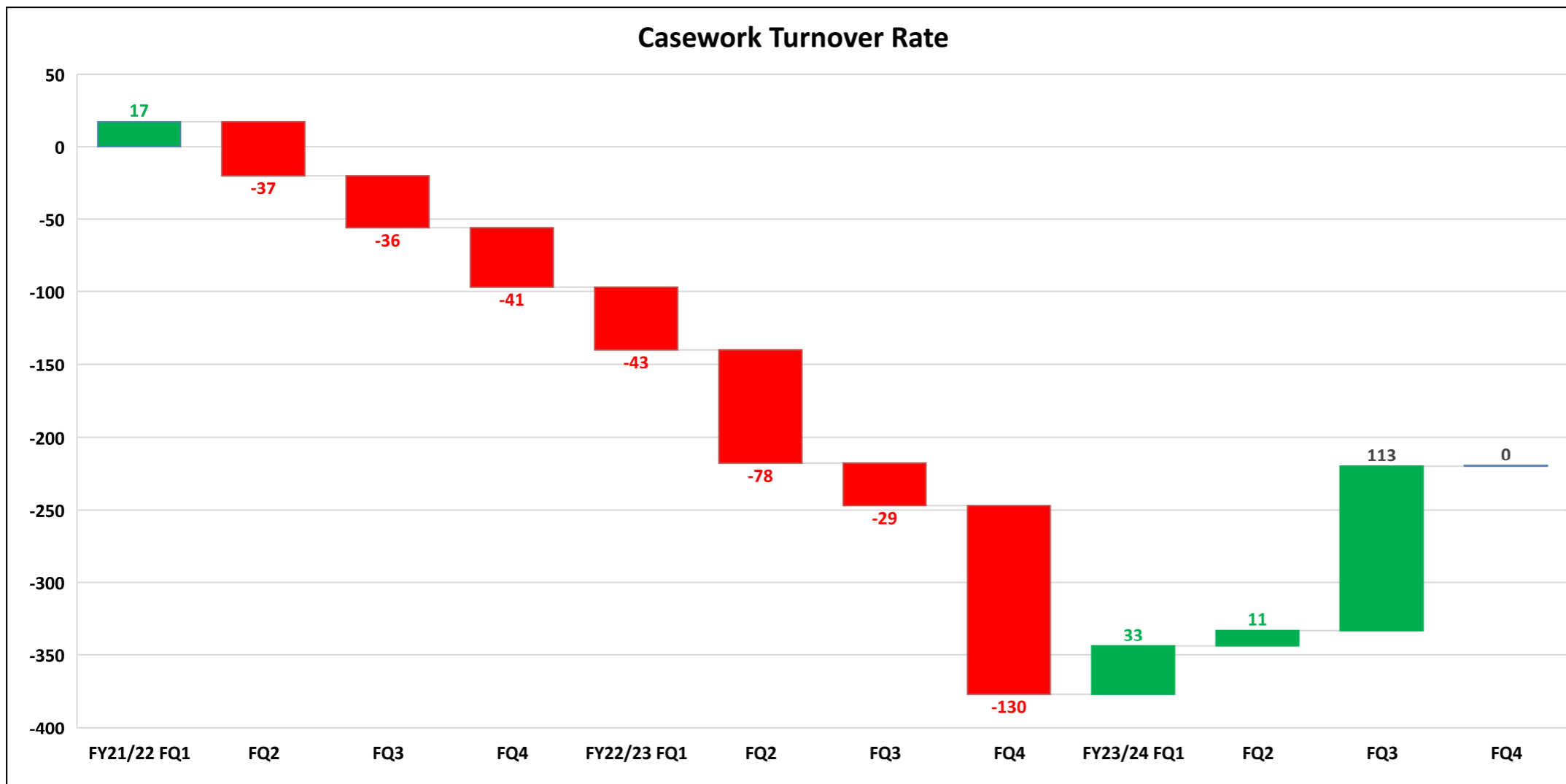
This tab provides detail on the volume of DM casework that has been closed and includes a breakdown between statutory items (planning and related applications), non-statutory items (consultations from other regulatory bodies), and pre-application enquiries.

Casework Closed												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Statutory	410	411	393	396	410	369	402	368	476	421	458	
Non-Statutory	12	12	9	13	9	8	5	11	19	18	21	
PREAPP	133	172	115	145	148	118	40	101	139	103	119	

Split of Casework Closed					
	FY21/22		FY22/23		FY23/24 (YTD)
Statutory	1610	72.5%	1549	77.9%	1355
Non-Statutory	46	2.1%	33	1.7%	58
PREAPP	565	25.4%	407	20.5%	361
Total	2221		1989		1774

This data is unfiltered - it shows all casework closed.
 data source = UNiform (Access queries)

YTD = as at 31st December 2023

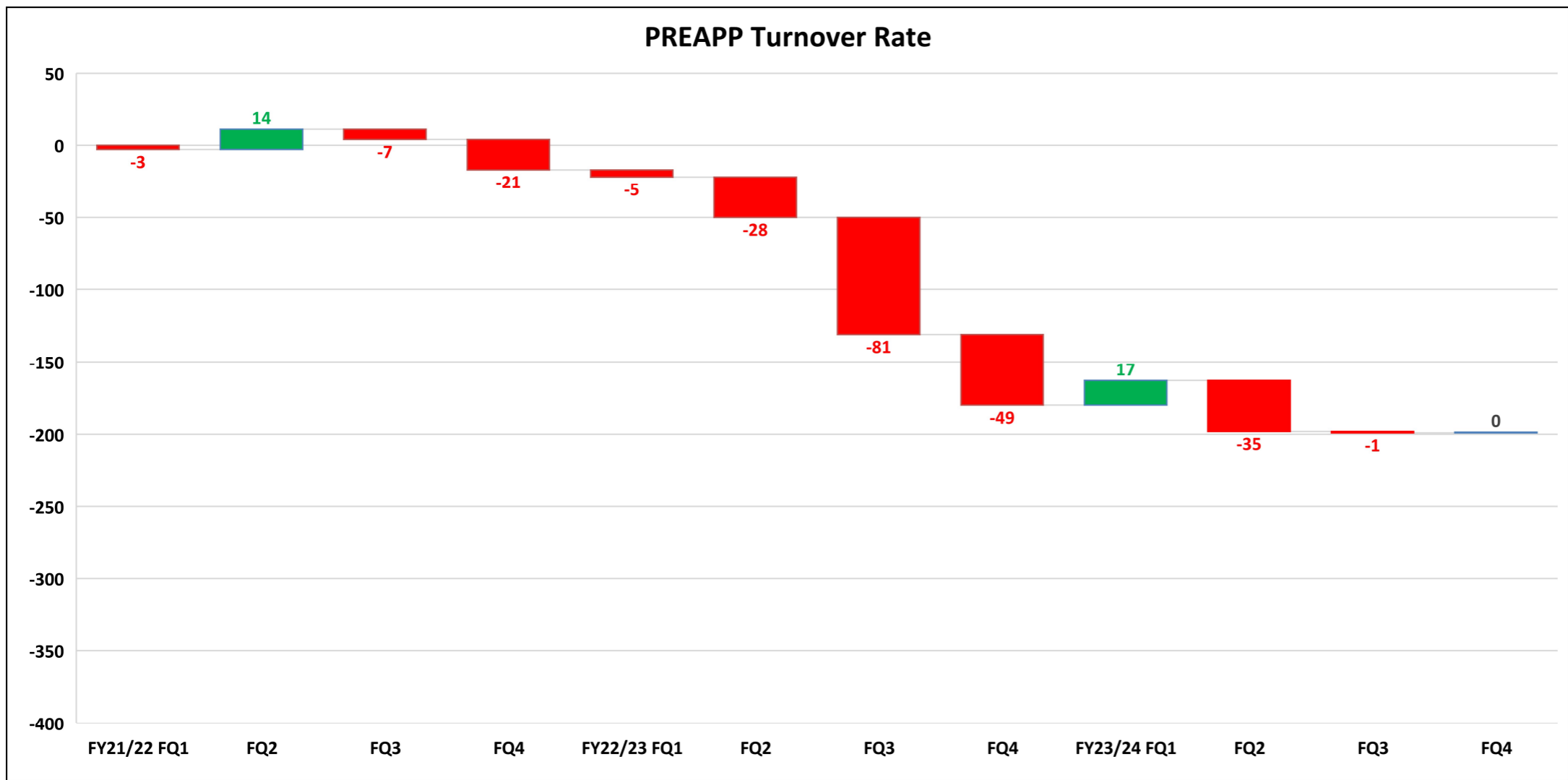


Commentary:
 The graph shows that after 7 financial quarters where output has been lower than input a backlog of 375 casework items had been amassed since the start of FY21/22. A strong performance during FQ1 2023/24 has reduced the backlog at the end of June 2023 to 344 applications. End FQ3 2023/24: The backlog of casework has been reduced to 218 items. The FQ3 has seen a period of good productivity and slightly reduced demand in respect of new casework. These circumstances combined with the improving staff resource have allowed significant inroads in the casework backlog to be made. The scale of the task in addressing the remaining backlog does however highlight that current staff resource is adequate to meet 'normal' demand however additional planning officer resource is required on a short-term basis if any meaningful impact on the backlog is to be delivered.

This tab shows a comparison between the volume of new statutory and non-statutory casework and output per financial quarter. The Y axis has been formatted to track the cumulative backlog of applications that have accrued since FQ1 2021/22.

Casework Turnover - Volume												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Closed	422	423	402	409	419	377	407	379	495	439	479	0
Validated	405	460	438	450	462	455	436	509	462	428	366	0
Difference (no)	17	-37	-36	-41	-43	-78	-29	-130	33	11	113	0

This data is unfiltered - it shows the number of cases closed vs number of cases validated.
 data source = UNiform (Access queries)



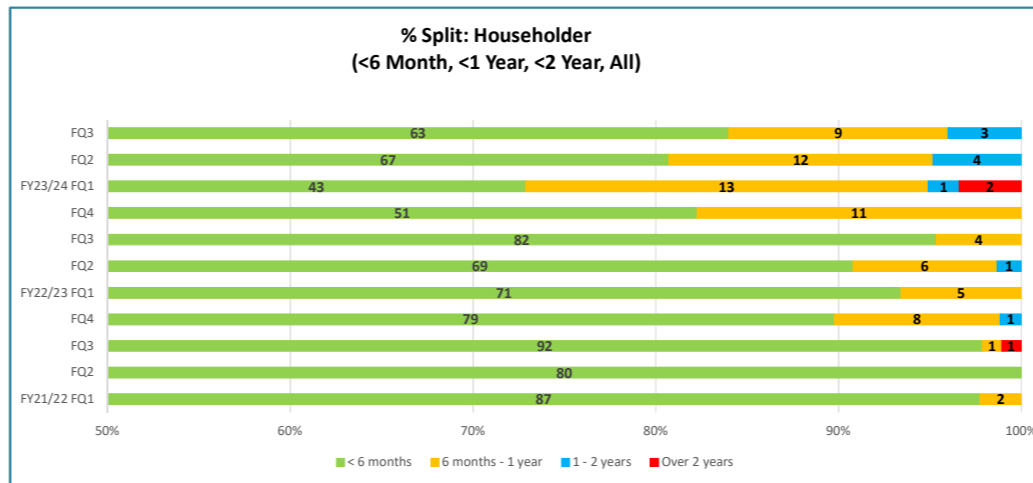
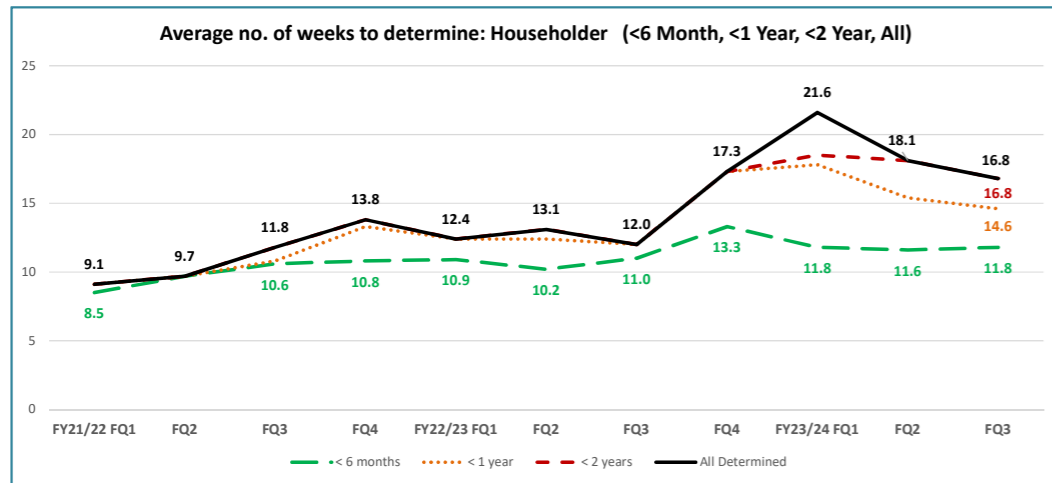
Commentary:
 The graph shows that after 6 financial quarters where output has been lower than input a backlog of 180 pre-app casework items had been amassed since the start of FY21/22. Improving performance during FQ1 2023/24 has reduced the backlog at the end of June 2023 to 163 pre-app enquiries. **End FQ3 2023/24:** FQ3 has not seen any reduction in the backlog of pre-apps. It is however noted that demand for pre-app advice remains high and it is positive that FQ3 has been a period where output has match new demand.

This tab shows a comparison between the volume of new pre-application casework and output per financial quarter. The Y axis has been formatted to track the cumulative backlog of pre-application enquiries that have accrued since FQ1 2021/22.

PREAPP Turnover - Volume												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Closed	133	172	115	145	148	118	40	101	139	103	119	0
Received	136	158	122	166	153	146	121	150	122	138	120	0
Difference (no)	-3	14	-7	-21	-5	-28	-81	-49	17	-35	-1	0

Number of PREAPP's closed vs number of PREAPP's validated.
 data source = UNiform (Access queries)

The Average Time Taken to Determine Householder Planning Applications



Commentary:
 The line graph shows performance over time; the 'All Determined' average can be readily impacted by the determination of a small number of 'legacy' applications. The improving resource availability has allowed the focus of the DM Service to move from addressing the most urgent applications to also addressing the wider backlog of application casework. Increasing output does however mean that a higher volume of 'legacy' applications will be determined with significant detriment to average time measures as is seen with the deterioration of performance during FQ4 2022/23 and FQ1 2023/24. In order to provide some context additional information is provided that demonstrates the effect of removing older applications from reporting to provide a truer picture of the time taken to deliver the larger proportion of casework. The bar graph provides this breakdown in a format which shows the increasing volume of older applications currently being determined but also confirms that a significant proportion of output is still undertaken in a timely manner. **End FQ3 2023/24:** 3 householder legacy applications have been determined in FQ3 to date with a consequent negative impact of 2.4 weeks upon overall determination time periods; this is reflective of previous reports highlighting that an increasing proportion of newer applications are being determined. Householder applications were determined in an average of 16.8 weeks during FQ3, (improvement from 18.1 weeks in FQ2). It is also highlighted that 84% of all household applications were newer items determined in an average time of 11.8 weeks

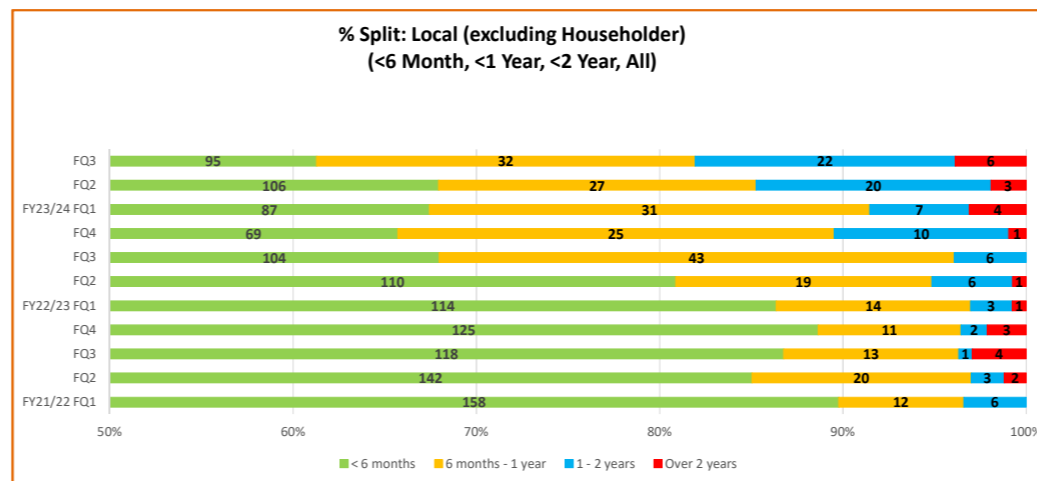
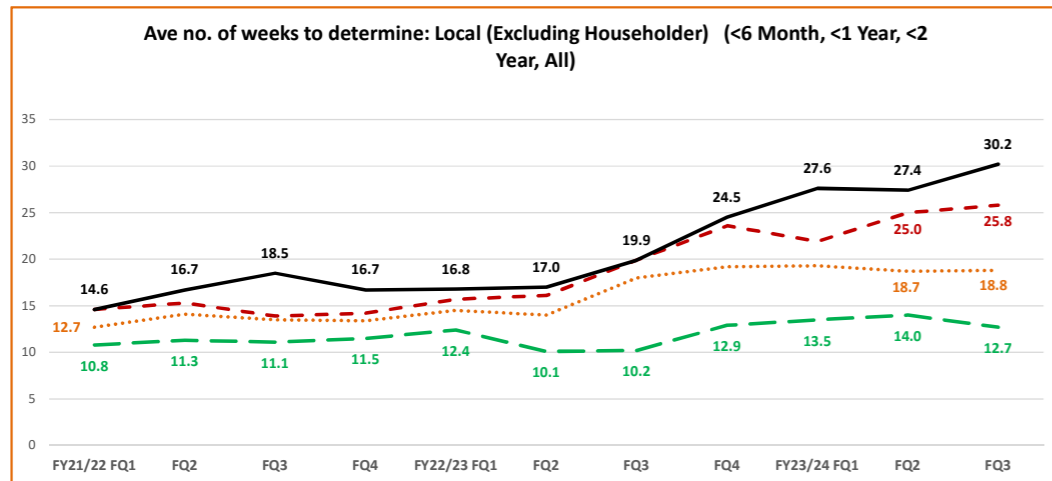
This tab provides detail on the average time taken to determine 'householder' planning applications, this is based on raw data which does not take into account any delays that might arise from matters outwith the control of the planning authority.

Average Time to Determine Applications: Householder (<6 Month, <1 Year, <2 Year, All)												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	8.5	9.7	10.6	10.8	10.9	10.2	11.0	13.3	11.8	11.6	11.8	
< 1 year	9.1	9.7	10.8	13.3	12.4	12.4	12.0	17.3	17.8	15.4	14.6	
< 2 years	9.1	9.7	11.8	13.8	12.4	13.1	12.0	17.3	18.5	18.1	16.8	
All Determined	9.1	9.7	11.8	13.8	12.4	13.1	12.0	17.3	21.6	18.1	16.8	

Volume of Applications Determined: Householder - Time Taken												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	87	80	92	79	71	69	82	51	43	67	63	
6 months - 1 year	2	0	1	8	5	6	4	11	13	12	9	
1 - 2 years	0	0	0	1	0	1	0	0	1	4	3	
Over 2 years	0	0	1	0	0	0	0	0	2	0	0	
Total	89	80	94	88	76	76	86	62	59	83	75	0

This data is filtered - as per Scottish Government statistical returns - to allow benchmarking. "Householder" = Development Type N01.
 data source = UNiform (Access queries)

The Average Time Taken to Determine Local (excluding Householder) Planning Applications



Commentary:
The line graph shows performance over time; the 'All Determined' average can be readily impacted by the determination of a small number of 'legacy' applications. The improving resource availability has allowed the focus of the DM Service is to move from addressing the most urgent applications to also addressing the wider backlog of application casework. Increasing output does however mean that a higher volume of 'legacy' applications will be determined with significant detriment to average time measures as is seen with the deterioration of performance during FQ3 & FQ4 2022/23 and FQ1 2023/24. In order to provide some context additional information is provided that demonstrates the effect of removing older applications from considerations to provide a truer picture of the time taken to deliver a larger proportion of casework. The bar graph provides this breakdown in a format which shows the increasing volume of older applications currently being determined but also confirms that a significant proportion of output is still undertaken in a timely manner. End FQ3 2023/24: FQ3 has seen 28 legacy applications cleared with the effect of adding 11.4 weeks to the overall average time measure which now sits at 30.2 weeks (increased from 27.4 weeks in FQ2) although it is noted that much if this impact is attributed to delays to determination which were outwith the control of the planning authority and which will be adjusted in statutory reporting by the Scottish Government. During FQ3 a large volume of newer applications were determined as well; excluding 'legacy' items local applications were determined in an average of 18.8 weeks; 61% of all local applications were newer items that were determined in an average time of 12.7 weeks.

This tab provides detail on the average time taken to determine 'local' planning applications, this is based on raw data which does not take into account any delays that might arise from matters outwith the control of the planning authority.

	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	10.8	11.3	11.1	11.5	12.4	10.1	10.2	12.9	13.5	14.0	12.7	
< 1 year	12.7	14.1	13.5	13.4	14.5	14.0	18.0	19.2	19.3	18.7	18.8	
< 2 years	14.6	15.3	13.9	14.2	15.7	16.1	19.9	23.6	21.9	25.0	25.8	
All Determined	14.6	16.7	18.5	16.7	16.8	17.0	19.9	24.5	27.6	27.4	30.2	

	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	158	142	118	125	114	110	104	69	87	106	95	
6 months - 1 year	12	20	13	11	14	19	43	25	31	27	32	
1 - 2 years	6	3	1	2	3	6	6	10	7	20	22	
Over 2 years	0	2	4	3	1	1	0	1	4	3	6	
Total	176	167	136	141	132	136	153	105	129	156	155	0

This data is filtered - as per Scottish Government statistical returns - to allow benchmarking. "Local (excluding Householder)" = Development Types N02B/C, N03B/C, N04B/C, N05B/C, N06B/C, N07B/C, N08B/C, N09B/C, N10B/C.
data source = UNiform (Access queries)

ARGYLL & BUTE COUNCIL

Planning, Protective Services and Licensing
CommitteeDEVELOPMENT AND ECONOMIC
GROWTH20th March 2024

PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

1. INTRODUCTION

Over the past 11 years a series of short training sessions or occasionally workshops/site visits have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues. The training has usually taken place in the hour before the Planning, Protective Services and Licencing Committee (PPSLC), although in the past workshops and site visits have also been organised.

This report seeks endorsement of the training programme from April 2024 to March 2025. Further suggestions on any additional topics from Members would also be most welcome. With this in mind slots been left vacant in order to accommodate any additional training requirements identified through the course of the year.

It is intended to continue to deliver the majority of the training by way of virtual sessions associated with the PPSL calendar of meetings unless workshops are proposed which would need to be on a separate date.

As before, it would not be intended to restrict the availability of training to the PPSL Committee membership and there would be an open invitation to all Council Members to attend any of the sessions.

2. SUGGESTED PROGRAMME FOR 2024/25

Date	Training Proposed
April 2024	Competent Motions – Peter Bain (may require 1.5 hours)- Committee Day Training
May 2024	Landscape and Visual Impact Assessment - Kim de Buiteleir - Committee Day Training
June 2024	Local Roads Development Guide tbc – Committee Day Training
August 2024	Aquaculture - Half Day Workshop or full day with site visit
September 2024	SEPA – Flooding tbc – Committee Day Training
October 2024	Forestry Forestry Land Scotland Role and Remit and Planning - Committee Day Training

November 2024	Natura Sites and Appropriate Assessments tbc - Committee Day Training
December 2024	Economic Dev team Audrey Martin CARS scheme current and upcoming projects tbc - Committee Day Training
January 2025	Enforcement – Peter Bain – Committee Day Training
February 2025	To be advised by Members
March 2025	To be advised by Members

3. RECOMMENDATION

It is recommended that Members:

- i) Agree to continuing an ongoing programme of planning related training for Members of the PPSL Committee, which should also be open to any other Members not currently involved in planning decision-making;
- ii) Endorse the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by officers as a consequence of matters emerging during the course of the year.

3. IMPLICATIONS

3.1 Policy: none

3.2 Financial: It is considered that the level of training required can be delivered internally from existing resources without recourse to having to buy in training from external providers.

3.3 Legal: none

3.4 HR: none

3.5 Fairer Scotland Duty: none

3.5.1 Equalities - protected characteristics: none

3.5.2 Socio-economic Duty: none

3.5.3 Islands: none

3.6 Climate Change: none

3.7 Risk: none

3.8 Customer Service: none

3.9 The Rights of the Child (UNCRC): none

Author of Report: Sandra Davies

Date: 28/2/24

Fergus Murray
Head of Development and Economic Growth

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